



# City of Gahanna

Office of the Clerk of Council  
200 South Hamilton Road  
Gahanna, Ohio 43230

## Meeting Minutes Committee of the Whole

*Stephen A. Renner, Chair, Karen J. Angelou, Ryan P. Jolley, Thomas R. Kneeland  
Brian D. Larick, Jamie Leeseberg, Michael Schnetzer*

*Kimberly McWilliams, CMC, Clerk of Council*

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Monday, June 22, 2015

7:00 PM

Council Committee Rooms

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### CALL TO ORDER

ADDITIONAL ATTENDEES: Dottie Franey, Rob Priestas, Mayor Stinchcomb, Shane Ewald, Jennifer Teal, Anthony Jones, Troy Euton, Niel Jurist, Press, Chief Dennis Murphy, Jeannie Hoffman, Diana Redman, Chris Schuett, Sue Wadley, Maggie Koerner, Melissa Soderberg, Doug Bennett, Marc Kamer.

Chair Renner opened the meeting at 7:00 p.m.

**Present** 6 - Thomas R. Kneeland, Brian D. Larick, Jamie Leeseberg, Michael Schnetzer, Stephen A. Renner, and Ryan P. Jolley

**Absent** 1 - Karen J. Angelou

### ITEMS FROM THE DIRECTOR OF DEVELOPMENT -

[2015-0125](#) Planning & Development Report

#### 1. Columbus Academy Bond Issuance Presentation

Jones introduced staff from the Columbus Academy; said we are presenting information that was brought to Council last week; wanted the staff to share their vision for the project.

Marc Kamer, attorney with Dinsmore, said we are Bond Counsel for the transaction between PNC Bank and Columbus Academy; will fund improvement of what is shown on the presentation board; ask for consideration of an Ordinance; Ordinance authorizes up to 15 million dollars in tax exempt bonds; these bonds are special revenue bonds of the City; City credit and tax empowerment is not pledged; City acts as a conduit; PNC Bank will not pay federal income tax on this investment and they are able to pass along the savings in the form of a lower interest rate; Columbus Academy could not get a tax except loan without the help of the City of Gahanna which is within in the jurisdiction; the bond is not a liability of the City; PNC Bank is

purchasing the bonds based solely on the credit of Columbus Academy; looking only toward assist and credit of Columbus Academy; asking for emergency legislation to proceed with closing with a second reading on July 6th; Schnetzer asked who the registration of the bond will show; Kamer said City of Gahanna; Schnetzer asked if PNC Bank will remarket these; Kamer said no, that PNC Bank will hold the placement until maturity; Larick asked if there is anything more they need from the Community Improvement Corporation (CIC); Jones said there is nothing more for the CIC to do; they have done their part to support the project; Kneeland confirmed the Ordinance will have emergency language.

Melissa Soderberg with Columbus Academy said the school has grown rapidly over the last twenty years; began as an all boys school; the rapid growth has made the organization of the school not seem to make sense; the improvements will allow for the addition of a visual arts building; will also be expanding the dining hall; will be able to hold events in the future in the dining hall with the improvement; the improvement is mostly organizing the campus; hope to serve the schedule better; Larick asked what the growth expectation is; Soderberg said they are not growing at all; not planning to grow at all; are a thirteen grade school; bizarre enrollment as it is; have reached their expectations and have no plans currently to grow.

**RECOMMENDATION: Regular Agenda with Public Hearing.**

## 2. Cell Tower Code Change Strategy Presentation

Jones introduced Chris Miller from Ice Miller and associate Matthew Zig; goal tonight is to provide a brief update on strategy to update code in reference to cell towers; hopes to follow Council expectations with moving forward with code changes.

Miller said attempted to put this into place in 2008; several things have occurred in those years; one is a shift in technology; since the Ordinance was written the global data has significantly increased; greater need for infrastructure; legal framework changes; want to account for the changes from here forward; Gahanna specific issues; discussed what the changes should be; goal tonight is to get a sense of what Council wants to see; hopes to do this by the end of summer; Ordinance does not address temporary facilities; someone could alternatively put something up that is not defined in the code and call it temporary; question is how long does it stay; will also be reviewing and addressing definitional updates and clean ups; one topic is the antenna system but we are ahead of the game; right now to add one in the right-of-way you just need administrative approval; want the service to be available for residents; want to make sure the application is done right; in regards to heights, language for different districts and

different heights will be cleaned up; will be looking at what we have in Gahanna and what is to come in Gahanna; recommending we lower the height restriction in general but some areas will allow for a higher height restriction; recommending we go down to 75' height limit in certain districts; some districts request to go to 199'; tall towers will not go away; each district will vary and depend on the location; residential versus industrial will make a difference; keep in mind the FAA will always have a final say with Gahanna being so close to the airport; the placement and structure of cell towers on certain properties will be negotiated with the landlord; in each district the standard setback will remain the same; will be modifying the registration requirements; we currently require annual registration and each year we are not getting one or asking for one; want to request we receive one each time there is a modification and upon request; modification may occur 2-3 times a year and a registration will be required; will also be able to request one at any time; will help keep better account; there is currently a mount inspection requirement in the code and we do not have anyone qualified to do that inspection; the FCC deals with mount inspection so it is redundant for us to also inspect this and we will have to hire someone to do it; this will be removed from the code; FAA has rules we can enforce and if rules are violated we can pull their application; there will also be an addition of two tiers; applications such as right-of-way or anything on City property will be considered tier one; everything else will be second tier and there will be a longer more intense process and it will go before Planning Commission; we can only do so much under federal authority and state law; if we are the landlord we can ask for various requirements as long as they follow federal law; upside is that they will be paying someone to be in the district; today we have a screening and landscaping that is static and does not make sense; the circumstances will change with each application and we will determine with them and tell them what we are looking for; Larick asked about when we specify a request it turns into punitive and shows that we cannot ask for that and ends up weakening our strength; Miller said never had a circumstance when the jurisdiction is unreasonable; had companies not want to do something but when they sit down and talk about it they are almost always willing to fix the issue or issues; cannot remember anyone being a problem in his experience; to answer the question, has never seen that; Leeseberg said one-time thing to get approval and people are willing to do what it takes and we have to remember we can ask; want and need to make sure it is applied in that way; Miller said residential district there is a need to fix the definitional issues; Mayor Stinchcomb said residents have said there should be no new towers in the residential areas; asked if we could legally restrict them; Miller said we cannot legally say as it presents a "barrier to entry"; in Gahanna we are so heavily residential we cannot say that there cannot be any applications; cannot keep someone from doing their business in

Gahanna; there are ways to do what makes sense in the jurisdiction and make more people happy; must remember we have a partnering relationship with these companies; finds that dialogue with issues ahead of time is important for the City, companies, and the residents; in most cases the cell tower companies will lay out a year or two plans that they have set; in reality the need for the towers will only increase; the technology data is the reason for the heavy need, not the telephone; Kneeland asked about the 199 feet and asked how the FAA judged that; Miller said there are possibly two ways they measure this; is not measured at sea-level; Kneeland asked if the area that allows the taller towers would then put pressure on the City to have that higher level by default elsewhere; Miller said they could but it will be on the FAA at that point but we hope not; Jolley asked about the health concerns folks have with the towers and what role the City has to play in the health effects in terms of allowing an alternative use; is there liability on the City; Miller said federal law when it comes to the environmental impacts says we cannot judge that or control that; our liability will fall on the fact that we cannot control that at a City level; to his knowledge no one has ever challenged that; the liability is off the table for the City; Leeseberg asked about the mount inspection required by the FCC; Miller said if we required them will have to hire someone to inspect the mount; FCC requires the inspection and the applicant must follow the rules; we would not want to require this and rely on the fact that the FCC requires the inspection; if we find out that the tower owner is in violation of the requirements we can pull their ticket; Leeseberg would like to see that language be stronger and ask that we require the proof that these requirements have been met; Schnetzer asked if these revisions were drafted with the secondary objective of doing away with towers; possibly channeling the technology to something smaller like fibers; Miller is not sure if there is a secondary goal; technology has changed and will likely continue to change; do not anticipate seeing a reduction in the size of towers; will see a continual need for less tall towers; antenna systems will be distributed; Gahanna has a fiber component in the ground; may be able to use this in the future; will see more people coming onto the towers; will see more smaller towers with the large towers; fiber will be an asset to the system; will have to apply for the pole in the right-of-way; Schnetzer asked if we can write the code so we are implementing measures but they may not be the most cost effective; Miller said we cannot dictate this but we can draft a new model; keep in mind we would be the only one in Ohio doing that; will then become the opportunity and the test bed; Schnetzer said we cannot create the perception to being a financial burden; Larick said would it be possible to put in language that distributed network path that there is a requirement for a propelling financial impact; Miller said easier today as it is tier one; that will be step one; in the future we consider drafting language that says it is proffered; can write preferred into the code;

question is what happens if you do not comply; said the technology analysis is a lot easier; people will ask why they can do it in another City but not Gahanna; Jolley asked if residents are concerned with the towers going in, asked what the limits are and what we can and cannot restrict as we bring in businesses; Miller asked as a user versus a resident; Jolley said the end user that resides in the City asking if the City is preventing them from receiving a service; Miller said we want the best service for our residents; there are economic development issues present; his advice is to generally give the best service to residents and be able to manage it within; Kneeland asked about administration of final document; should we have mechanics in this that will allow us to force us to review this in a more timely fashion to allow us to embrace newer technology; Miller said he has never seen that but it is a possibility; reluctant to write a review period in the legislation; could present a problem if we do not implement a review period; Ewald said we can look into a review period and is okay with it; Kneeland said with the rapid growth we will need a refresh period to look at the new stuff as technology refreshes so often today; Larick asked if we put in a more general or technology regulation review that follows along with other items and have a periodic general review; Miller said with right-of-way issue currently there are several holes; Schnetzer said the bond procedures are reviewed each year and asked if that was in the Ordinance; Teal said it is; Mayor Stinchcomb said need the language with the changing technology and may change with the change.

#### **ITEM FROM THE CITY ATTORNEY -**

[2015-0127](#) Supporting Documents from the City Attorney

**1. Motion Resolution for Funds Transfer - Part Time Salary Fund to Contract Services Fund**

Ewald said request Motion Resolution to transfer funds from Part Time Salary to Contract Services; had an approved position for part-time paralegal; found that it is beneficial to contract with a service outside; going well at this point; using Robert Half Legal.

**RECOMMENDATION: Consent Agenda.**

#### **ITEMS FROM THE CLERK OF COUNCIL -**

[2015-0124](#) Supporting Documents from the Clerk of Council

**1. Records Management Update**

McWilliams said the Police Department is about a quarter of their way through backfiling; everything is moving smoothly; Human Resources is still on deck but it is their busy season and will be waiting to move forward with them; coordinating with Planning Commission; moving along quickly.

**2. Liquor Permit: Donatos 1391 E Johnstown Road**

McWilliams introduced the D2 Liquor Permit that Donatos is requesting to sell wine, mixed beverages, and cocktails; Police Department has no objections; request Motion Resolution.

**RECOMMENDATION: Consent Agenda.**

**ADJOURNMENT: 8:07 p.m.**

**Kayla Holbrook, Reporting**