



# City of Gahanna

200 South Hamilton Road  
Gahanna, Ohio 43230

## Meeting Minutes Committee of the Whole

*Brian D. Larick, Chair*  
*Stephen A. Renner, Brian Metzbower*  
*Nancy R. McGregor, Karen J. Angelou*  
*Michael Schnetzer, Jamie Leeseberg*

*Kimberly Banning, CMC, Clerk of Council*

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Monday, August 8, 2016

7:00 PM

Council Committee Rooms

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### CALL TO ORDER

Chair Larick called meeting to order at 7:00 p.m.

ADDITIONAL ATTENDEES: Abby Cochran, Troy Euton, Rob Priestas, Dottie Franey, Jennifer Teal, Mayor Tom Kneeland, Chief Dennis Murphy, Mark Thomas, Donna Perry, Kimberly Banning, Anthony Jones, Michael Blackford, Shane Ewald, Residents, Press.

**Present** 6 - Stephen A. Renner, Brian Metzbower, Brian D. Larick, Nancy R. McGregor, Karen J. Angelou, and Jamie Leeseberg

**Absent** 1 - Michael Schnetzer

### PENDING LEGISLATION

#### City Attorney

1. [ORD-0068-2016](#) TO AMEND CHAPTER 1181, PERSONAL WIRELESS SERVICE FACILITIES, OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Larick mentioned he spoke with an engineer about the tower size; Not clear on way this is written, is the code referring to 300 ft circle or 300 ft from property line? Ewald said 300 ft including property line and height; Ewald said if went 300 ft from parcel, probably wouldn't have any parcels available. Larick said number he was given was set and never been varied. Ewald said without looking at data he would not know how exclusive it would be per parcel. Larick asked about legislation wording, if one line could be changed; Ewald said it would have to go back to Planning Commission for recommendation. Ewald said recommendation for modification through Planning Commission. Larick said that would be another delay; Ewald said it is a significant adjustment and so it would have to go back to Planning Commission. Angelou said we want to get this right so we don't have same issues as in the past; If this is a better path to make cell towers palpable, then

maybe we should do that; Review single value for distance from property line and distance from construction; Angelou confirmed that it could be 3x the height; Larick confirmed; Ewald asked if this is for entire zoning classification; Larick said do it as a percentage as opposed to "so much from property line, so much from a building."

**RECOMMENDATION: Regular Agenda for Adoption; Recommend back to Planning Commission for amendments to be recommended to Council at a later date.**

### Director of Human Resources

1. [ORD-0074-2016](#) TO AMEND THE CIVIL SERVICE COMMISSION RULES AND REGULATIONS AS RECOMMENDED TO CITY COUNCIL ON JULY 19, 2016.

Cochran brought along flow chart to show process; This was introduced in last meeting; Meet last on July 15; A few minor changes; These are sections that relate to Chief and Deputy Chief hiring process; The other process did not include input from the Chief; Want to start process mid-September. McGregor asked if this is for internal only; Cochran said not intending to go through Civil Service Commission first for this position; McGregor said would be 2 panels now; Cochran said this is because of what they saw from last process; Council now has 2 picks, can choose someone from the community; Ewald said he supported this because he does not believe City Attorney should have a pick; More important to have input from someone like a business owner or pastor from the community.

**RECOMMENDATION: Regular Agenda.**

### Director of Development

1. [ORD-0065-2016](#) TO AUTHORIZE THE MAYOR TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH M/I HOMES OF CENTRAL OHIO, LLC FOR THE FUTURE DEVELOPMENT OF A 62.3+/- ACRE PARCEL LOCATED ON DARLING ROAD SOUTH OF HANNAH FARMS SUBDIVISION.

**RECOMMENDATION: Regular Agenda.**

2. [ORD-0066-2016](#) TO ENACT CODE CHAPTER 914, TREE PRESERVATION, PLANTING AND REPLACEMENT, OF PART NINE, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Jones said added in reference to Arbor Culture; 914.03 change

defines "impervious surface"; This is in line with engineer; Angelou asked if Black Walnut tree species is now out; Larick confirmed; McGregor said this has more trees than she would have thought; Pawpaw, Hackberry, Blue Spruce should not be given extra credit; Mayor said he thought the Pawpaw was THE Ohio tree; McGregor said it is not that large of a tree; Larick said this is a highly prized fruit; said wants walnut to stay on list but take the other two out (hackberry and blue spruce); said have large parts of land in industrial section that have heavy truck access: Mcgraw Hill, Niagra water; Those properties are developed with essentially no trees.; Mostly covered by asphalt; Those are moderately priced properties anyway; Would like Council's input from zoning standpoint, that industrial classification be 5,000 to 1 instead of 1,000 to 1; If he had 10 acres and clear cut half of it, no penalty because the ground is still impervious; If then he puts a concrete pad on the surface, the tree code comes into effect since he no longer has impervious surface; Renner asked if the variance process allows this; Jones said the area of code this is under is in 914, which can only be varied by Council; Leeseberg said there are only a few parcels in this industrial zone. Angelou said we are trying to attract business; will be a large source of income; There was an example from VRG and it would cost thousands of dollars. Leeseberg said Delaware County is fastest growing in the state, and they have a very strict tree code and that has not stopped development; said Dublin also has a strict tree code, no business lost there; said this is mostly for OCT district; asked if this is for PID too, Jones confirmed. Jones said "industrial" is a loose term. McGregor said then she would not be in favor for all those properties to be included; Renner agreed. Blackford said VRG quote for lot 5, that math is incorrect because the calculation method was wrong; They accounted for amount of trees removed and so the impact would be significantly different; Based on analysis that staff did on that area, we can estimate that there would be 360 tree inches per acre; would be required to plant 360 tree inches; More trees would be left on site than would require, so would be a zero dollar impact; Instead of \$200,000 it would be more around \$8,000 per acre. Leeseberg said trees could be logged and would offset some of that cost; Larick asked how an owner evaluates the net in pricing the property? How can a seller and buyer determine what is fair that begins with the deal? Jones said an environmental analysis would take place before purchase; A tree survey would be done on the property, should provide clarity; Should be done early on in the process. Larick asked who would do the survey; Jones said the buyer or the seller; Only required on areas not going to be developed. Leeseberg said if you can save some trees, then you save your developer money; like other problems a developer comes across; things done in development here are just another cost associated with

development. Euton said if a developer goes wall to wall, they can easily identify what the cost would be; if they preserve some trees then they can calculate how much they can get back in credit; easily calculated. Larick said this is a cost borne by property owner; impacting commodity; we are stagnant community. McGregor said if you drive in other areas of development there are setbacks and lawns. Larick said in the industrial zone that is not the case. Angelou said if we take this code which looks reasonable, and compare to other communities, how do we fit in; Jones said every tree code is unique to area, but ours is based on post development plans; how will it look once development is complete; Preservation was our unique code, the unwooded lots have the most cost; Renner said he likes the proposed code and would like to move forward.

**RECOMMENDATION: Amend by Substitution; Regular Agenda.**

**ITEM FROM THE DIRECTOR OF DEVELOPMENT****1. Amend Chapter 148; Adoption of the Business & Incentive Fee Schedule-Emergency/Waiver**

[ORD-0083-2016](#) TO AMEND CHAPTER 148, DEPARTMENT OF PLANNING AND DEVELOPMENT, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA; AND TO IMPLEMENT A DEVELOPMENT FEE SCHEDULE; AND TO DECLARE AN EMERGENCY.

Jones said part of cleanup process since Building and Zoning has moved to Service Department; Wants to ensure that fees on the books represents time it takes to process; Wants these reinstated; Knows applications are coming in for incentives and wants this in place by end of month.

**RECOMMENDATION: Consent Agenda; Waiver/Emergency.**

**ITEM FROM COUNCIL PRESIDENT RENNER****1. Housing of Animals - Discussion Item**

[ORD-0085-2016](#) DRAFT ONLY - 505.08 - HOUSING OF ANIMALS.

Renner wants to remind everyone that it is our job to respond to citizen requests and he has been approached about chickens; Said Donna Perry taught him about backyard chickens; Wants to thank Bonnie Gard for spending the time to provide input, and Ewald as well for reviewing this; The language is about providing families with the freedom and opportunity to provide food to their families; This is due in part by the rise of the urban farming and self-reliance movement; Many questions about other animals, but these are smaller than other animals and easier to care for; Provide food in a clean way, and include many benefits; They eat insects, provide fertilizer; Code has two parts: Chapter 5 causes confusion, so want to do cleanup; This is about self-reliance, and witnessing farm to table meals; Wants annual permit; if going to take the step to have chickens, then going to take care of the animals. Chapter 11 provides zoning requirements and defines at a deeper level what a shelter is; Defines limit on number of chickens allowed. At County, part of larger conversation about chickens, ducks, and other animals, some of this language comes from there, but wants to focus now on chickens; Coop cannot be in

street view; also talk of ways to dispose of manure. Wants to remind everyone that this is not about butchering or commercialization. Leeseberg asked about the butchering of chickens and Renner invited Donna Perry to respond; Perry said there are places that adopt retired chickens. Ewald said parts need to be amended; Larick wants to ban roosters; Ewald said that is more restrictive than what we have currently. Angelou wants to clarify that we don't allow farm animals; Needs to be added in this section; McGregor asked about the number of chickens allowed, because if there are other adult animals, such as a dog, would that count towards the 5 adult animals; can we clarify this; Ewald said currently can have 5 adult animals; would have to change language to include "excluding chickens." Larick asked about regulating commerce of selling chickens under this code; Renner said Chapter 11 portion must go to Planning Commission for review. Ewald suggested holding from Planning Commission until Council decides; Larick asked how enforcement works; Ewald said same as other code violations; McGregor asked if a photo can be provided with permit application; Angelou asked if there will be standards for the language "kept clean" and "in good repair"; Renner said in Chapter 11 language, there is language about smells etc.; Larick asked if other municipalities other than Bexley and Columbus, allow for chickens; Renner said currently no; Metzbower asked about HOA rules; Renner said the HOA rules would trump the City code, that if City allows for chickens but HOA does not, then homeowner must follow deed restrictions.

## ITEMS FROM THE CLERK OF COUNCIL

### 1. **Community Reinvestment Area Housing Council (CRAHC) Board Appointment - Tom Weber**

[MR-0037-2016](#) TO RE-APPOINT TOM WEBER TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL (CRAHC) BOARD FOR THE REMAINDER OF A THREE-YEAR TERM EXPIRING JUNE 30, 2018.

Banning said Weber needs reappointed because he could not serve on two boards.

**RECOMMENDATION: Consent Agenda.**

### 2. **Gahanna Community Urban Redevelopment Corporation (CURC) Board Appointment - John Hicks**

[MR-0038-2016](#) TO APPOINT JOHN HICKS TO THE COMMUNITY URBAN

REDEVELOPMENT CORPORATION (CURC) BOARD FOR THE REMAINDER OF A THREE-YEAR TERM EXPIRING DECEMBER 31, 2018.

Banning said Hicks has graciously decided to serve.

**RECOMMENDATION: Consent Agenda.**

### 3. MOD Pizza Liquor Permit - D5

[MR-0039-2016](#) MOTION RESOLUTION THAT THIS COUNCIL HAS NO OBJECTION TO THE NEW D5 LIQUOR PERMIT FOR PACELINE PARTERS LLC DBA MOD PIZZA, 333 SOUTH HAMILTON ROAD, GAHANNA, OHIO 43230.

Banning said Chief Murphy has no objection.

**RECOMMENDATION: Consent Agenda.**

### 4. Codification Process - Code Change Chapter 101

[ORD-0084-2016](#) TO AMEND CHAPTER 101, CODIFIED ORDINANCES, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY.

Banning said requesting code change so that Council does not have to come back each time; Everything would be up-to-date online with codification; Larick asked if all items ratified have been passed by Council; Banning confirmed; Larick asked why the change; Banning said this is more clear and efficient, no cost; Other municipalities are doing this now. Angelou asked about how the new codifier is working out; Banning said they are great. Renner added that there will be checks with City Attorney's review; Larick asked if something has been missed, how does it get resolved; Banning said it would be updated online and in the books, this is just administrative change; but if error from our end then it would have to go back to Council.

**RECOMMENDATION: Consent Agenda; Waiver/Emergency.**

### 5. Records Update - Discussion Item

Banning said Jennifer Teal put together a spreadsheet that documents our transition of records into digital; This is just an update; Larick said we had talked about a 2 year window, how far along are we; Banning said about 75% done with Council.

## 6. Opt-Out Notification

Banning said this was a placeholder in case Council or City Attorney wanted to discuss the Tax Lawsuit; Ewald said residents have been asking questions, and concerned that people have not received the opt-out information; Said people can pick up the form here at City Hall; Another question was how this legislation began; Original code was passed in 1989 and have been applying it since then; Newspaper clipping explains tax change; code wasn't clear and wanted this to be consistent city-wide; Said if any questions, please contact him; The money would stay in general fund if residents opt-out and be used for original intended purpose; Residents will receive the money in 2-4 years if at all, not soon; said plaintiffs would receive more than other members, maybe 50% would go to firm; 30-40% would go to class members; there's a court hearing in January, and once complete expects to move forward in litigation for another 1-2 years minimum; Council members agreed that they would opt-out.

[2016-0259](#) 8-8-2016 - Report to Council

### REPORTS - for reference

[2016-0255](#) Parks & Recreation Report

Angelou asked if ORD-0076-2016 and ORD-0077-2016 could go back to regular agenda; said looking over discussion from McGregor last week; maybe needs new eyes on this; Potentially helpful. Renner said shares Angelou's position; doesn't know why we can't get a contractor to go and fix problems; doesn't know why we need OHM. Mayor said the intent was to address some of the bigger maintenance issues based on forensics already done; Would cost less because wouldn't need a new study; this is more cosmetic now but bigger issues need addressed for the future; almost 10 years have gone by and OHM has original contract. Angelou said we purchased product; Mayor said we could take the plans and provide them to another contractor; doesn't matter who this goes to but based on recommendation brought to him, this may be a cost savings and time savings.

**RECOMMENDATION: ORD-0076-2016 and ORD-0077-2016, Regular Agenda.**

[ORD-0076-2016](#) SUPPLEMENTAL APPROPRIATIONS - McCutcheon Park Concept Plan



[ORD-0077-2016](#) TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH OHM FOR A CREEKSIDE RESTORATION AND USE PLANNING STUDY; AND TO TRANSFER FUNDS.

**ADJOURNMENT**

8:38 p.m.

**Krystal Gonchar, Reporting**