



City of Gahanna

Meeting Minutes

Property Appeals Board

200 South Hamilton Road
Gahanna, Ohio 43230

William Sweeney, Chair
Sarah Pollyea, Vice Chair
Matthew Pugh
Jason Ruark
Elizabeth Smith

Jeremy A. VanMeter, Clerk of Council

Tuesday, February 22, 2022

6:30 PM

City Hall, Council Chambers

A. CALL MEETING OR ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Gahanna Property Appeals Board met in regular session on February 22, 2022. The agenda for this meeting was published on February 18, 2022. Chair Sweeney called the meeting to order at 6:29 p.m. with the Pledge of Allegiance led by Pollyea.

Present 5 - William Sweeney, Sarah Pollyea, Matthew Pugh, Jason Ruark, and Elizabeth Smith

B. ADDITIONS OR CORRECTIONS TO THE AGENDA - NONE

C. APPROVAL OF MINUTES

[2022-0018](#)

Property Appeals Board minutes 1-5-2022

Motion was made by Smith, seconded by Pollyea, that the Minutes be approved. Motion carried with the following vote:

Yes: 5 - Sweeney, Pollyea, Pugh, Ruark and Smith

D. UNFINISHED BUSINESS

1. RULES OF PROCEDURE

[2022-0055](#)

REVISED DRAFT RULES OF PROCEDURE - PROPERTY APPEALS BOARD

City Attorney Mularski said that the Rules of Procedure, Article V ORDER AND CONDUCT OF BOARD BUSINESS, section 5.3 Order of

Business; minutes need included on the agenda. Per Sunshine Laws the Board needs to approve their minutes. Unfinished Business needs to come before New Business on the agenda. The Board has been provided a redline version of the updates. Redline draft is attached.

Mularski shared that at the previous meeting several questions were raised. City Code Chapter 770 does not list what appeals will be coming before the board. Chapter 770 just established the Board. Other code sections allows for appeals to this Board. Another question raised is that in the Rules of Procedure 3.5 Clerk of the Board does not say Clerk of Council. Mularski said that in Chapter 770 it stated that the Clerk of Council or designee shall serve as secretary of the board. If it is added to the Rules of Procedure and changed in Code it would also have to be changed in the Rules of Procedure.

Smith asked if 3.5 Clerk of the Board; should say Clerk of Council instead. Mularski said that in 770.01 (c) says the Clerk of Council shall serve as secretary of the board. In the Rules of Procedure 3.5 should reflect that and say Secretary of the Board shall. Also 3.6 is blank and is a typo. The Clerk will remove.

Motion was made by Pollyea, seconded by Smith, that the Property Appeals Board Rules of Procedure be approved. Motion carried with the following vote:

Yes: 5 - Sweeney, Pollyea, Pugh, Ruark and Smith

2. REVIEW APPEALS PROCEDURES

Mularski reviewed the appeals process with the board. The appeals will come before the board in the same manner as the Board of Zoning and Appeals. If a person decides to appeal for example the Rental Registration they would do so pursuant the rules in code. In Chapter 770.02 Appeals to the Board, the appeals shall be in writing and filed with the Clerk of Council within 30 days from the date of the action being appealed. The Clerk of Council will put together the documents that the appellant files. A concise statement for the reason or legal basis for the appeal, along with a citation of the applicable Code sections signed by the appellant or agent. A listing of proposed exhibits not already contained in the record and all the evidence from the record will be provided to the board. The city employee whose decision is under appeal is deemed to be the appellee and is party to the appeal. Within seven days of the notification of the appeal the appellee shall transmit to the Clerk of Council the records pertaining to the matter which will include in writing their reasoning. The appellant and the appellee will both attend the appeal hearing. The information will be provided to the Board ahead

of time to allow time for review and questions or to request additional information. After looking at the material the board has the right to ask for additional information if necessary. It is the cities obligation to provide the information if it is available. If the information is needed from the appellant they have to provide it. At an appeal the appellant and the city will both present their cases. The board will have the opportunity to ask questions and to deliberate and then vote on the appeal. The meetings will recorded but if the appellant wants a stenographer they have that right; they have to pay of it. The appellant has the burden of proof by a preponderance of the evidence. The board shall consider all relevant evidence provided. If someone tries to introduce something that is not provided ahead of time there are procedures in which it could be allowed if the board doesn't think it going to prejudice someone. It will also be given to the other party. The board also has the right to not accept any new evidence. The board will be voting on if you are going to uphold the appeal or deny the appeal.

Sweeney asked if the scope of appeals coming before the board could be expanded. Mularski said currently appeals can come from decisions from rental registration, nuisance abatement, and sidewalk violations and yes additional items could be brought forward.

Ruark said that the City is having Town Hall meetings regarding the Sidewalk Maintenance Program and they would be very informative for the board to attend one. Mularski said there is a video of one of the meetings available on gahanna.gov. Mularski believes it would help the board to understand the program if appeals come forward.

E. ADJOURNMENT

There being no further business the meeting adjourned at 6:57 p.m.

Pam Ripley
Deputy Clerk of Council

*APPROVED by the Property Appeals Board, this
day of 2022.*

William Sweeney