

City of Gahanna Meeting Minutes City Council

200 South Hamilton Road Gahanna, Ohio 43230

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

Kimberly Banning, Clerk of Council Council may caucus at 6:30 p.m.

Monday, August 15, 2016 7:00 PM City Hall

A. CALL TO ORDER - Invocation, Pledge of Allegiance, Roll Call

Gahanna City Council met in Regular Session on Monday, August 15, 2016, in Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio. President of Council, Stephen Renner, called the meeting to order at 7:00 p.m. Vice President of Council, Brian Larick, delivered an Invocation followed by the Pledge of Allegiance. Agenda for this meeting was published on August 12, 2016.

Present 7 - Karen J. Angelou, Jamie Leeseberg, Stephen A. Renner, Michael Schnetzer, Brian D. Larick, Brian Metzbower, and Nancy R. McGregor

B. ADDITIONS OR CORRECTIONS TO THE AGENDA -

None.

C. HEARING OF VISITORS -

SPEAKERS:

Jeannie Hoffman, 708 Waybaugh Dr. - discussed her view on keeping backyard hens. She stated while it may not be a formal time for public comment, she is and excited about the topic. Stated that she has been asking for such an ability for years because she is illegally keeping chickens right now. She plans to move them or get a permit to keep them. She invited Council to come see her chickens and stated that she would like to see legislation on such farming based on square footage and not acreage. Additionally, she stated that she had sent information earlier regarding research that she did on this matter. The findings from her research indicate that most people are in favor of this legislation and people who weren't in favor opposed because of

the smell. She ended by explaining to Council the benefits of chickens.

Rick Duff, 312 Dunbarton Rd. - Stated that he is in support of legislation allowing backyard chickens. He then thanked Council for their service and attention to this matter.

Karen Bailey, 476 Coronation Ave - Stated that she owns chickens and when they stopped being legal in Franklin County, she called Gahanna to find out what the City code said. She said she had been informed there was no legislation on backyard chickens and feels that nobody knows how to address chickens. She pointed out the benefits of owning chickens, such as not knowing how old an egg from the store may be, the owned chickens can be kept clean by cleaning the coop monthly outside and weekly inside. She went on to say that her neighbors love her chickens and that she gives her eggs to her community. She pointed out that back in the '50s and '60s, it was a common practice to keep your own chickens in the yard, that's why people had picket fences. She ended by stating that she believes it's a good thing in the community.

Megan Rogers, 400 Finstock Ct. - She stated that she is in support of having chickens in your own yard. She went on to state that she wanted to come in support of such legislation despite not being a part in any way with keeping chickens. However, she called the City and inquired about the topic because she is interested in being able to keep her own chickens, but was told that you must have 2.5 acres. Upon hearing this requirement, she felt that others would also have had the same thought, that backyard chickens should be allowed. She also stated that she is now excited and the issue and that she feels chickens are good for the environment by being a great way for people to support their own food source.

Lauren Doland, 1720 Riverhill Rd., Columbus - discussed Franklin County Judicial Elections. She is a candidate for judge. She said that people don't take advantage of opportunities to make themselves known despite people are actually going out to voting booths and voting with — no party identifier during the judicial elections. She wanted to introduce herself to put a face with a name. She has been an attorney for over 10 years, has two children, and has been representing working people. Currently does civil litigation but wanted to get back to public service and decided running this year. She stated that this been an exciting last few months and her goal is to do justice for Franklin County. She stated that when egos are involved, that's not justice. A major issue she feels needs addressing is opiates and heroine addictions. She said that her babysitter said anyone in that girl's high school can get it if wanted and that is a huge problem. She

asked everyone to take time to vote and remember her during elections. She ended by thanking Council for their time.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE: None.

E. CONSENT AGENDA:

Minutes - To Approve:

2016-0262 8-8-2016 Special Meeting & 8-1-2016 Regular Meeting Minutes

Ordinance: Introduce, Waive Second Reading, Adopt as Emergency:

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.

This Ordinance was Adopted as an Emergency on the Consent Agenda.

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.

This Ordinance was Adopted as an Emergency on the Consent Agenda.

Ordinances on Second Reading (cont'd Consent Agenda):

ORD-0075-2016

TO AUTHORIZE THE MAYOR TO ENTER INTO A BARGAINING UNIT AGREEMENT FOR THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC (FOP-OLC) FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2018 FOR THE POLICE RADIO DISPATCHERS.

This Ordinance was Adopted on the Consent Agenda.

ORD-0078-2016 TO AUTHORIZE THE MAYOR TO ENTER INTO LEASE AGREEMENT WITH POINT PLUS PERSONNEL FOR THE USE OF 79 S. HAMILTON ROAD.

This Ordinance was Adopted on the Consent Agenda.

ORD-0079-2016 TO AUTHORIZE THE MAYOR TO ENTER INTO A SERVICE AGREEMENT WITH MUNI-LINK.

This Ordinance was Adopted on the Consent Agenda.

ORD-0080-2016 **VARIANCE SECTION** SF-3 TO **GRANT** Α FROM 1143.04, RESIDENTIAL THE CODIFIED DISTRICTS. OF ORDINANCES OF THE CITY OF GAHANNA; TO ALLOW A NON-RESIDENTIAL USE (SF-3) WITHIN SINGLE-FAMILY RESIDENTIAL Α ZONING DISTRICT FOR PROPERTY LOCATED AT 79 S. HAMILTON ROAD.

This Ordinance was Adopted on the Consent Agenda.

ORD-0081-2016 TO AUTHORIZE THE CREATION OF A CAPITAL PROJECTS FUND FOR THE STATE'S COMMUNITY RECREATION PROGRAM GRANT AND IF AWARDED, THE CLEAN OHIO TRAILS FUND GRANT, RECREATIONAL TRAIL PROGRAM GRANT AND NATUREWORKS GRANT.

This Ordinance was Adopted on the Consent Agenda.

To be postponed to the September 5, 2016, Council meeting; assigned to Committee of the Whole on August 22, 2016:

ORD-0082-2016 SUPPLEMENTAL APPROPRIATION - Counsel-Special and Counsel-Labor

This Ordinance was Postponed to Date Certain on the Consent Agenda to City Council due back on 9/6/2016.

Resolutions to Adopt on First Reading:

RES-0023-2016 TO AUTHORIZE THE CITY OF GAHANNA TO FORMALLY SUBMIT **GRANT APPLICATION FOR** THE **2016 ROUND** 31 OPWC APPLICATION SECURE TO **GRANT FUNDS FOR CAPITAL** IMPROVEMENTS.

This Resolution was Adopted on the Consent Agenda.

RES-0025-2016 TO AUTHORIZE THE CITY OF GAHANNA TO FORMALLY SUBMIT **APPLICATION GRANT** FOR THE MID-OHIO REGIONAL **PLANNING TRANSPORTATION** COMMISSION (MORPC) **SURFACE PROGRAM** TO **SECURE GRANT FUNDS FOR CAPITAL** IMPROVEMENTS.

This Resolution was Adopted on the Consent Agenda.

Motion Resolutions:

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.

This Motion Resolution was Approved on the Consent Agenda.

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.

This Motion Resolution was Approved on the Consent Agenda.

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.

This Motion Resolution was Approved on the Consent Agenda.

Approval of the Consent Agenda

A motion was made by Leeseberg, seconded by Metzbower, to approve the Consent Agenda. The motion carried by the following vote:

Yes: 7 - Angelou, Leeseberg, Renner, Schnetzer, Larick, Metzbower and McGregor

End of the Consent Agenda

F. PUBLIC HEARINGS: None.

G. STANDING COMMITTEES:

<u>2016-0261</u> Committee Minutes - August 8, 2016

Committee of the Whole - Larick

No report.

Finance - Schnetzer

No report.

Service & Safety - Leeseberg

No report.

Development & Parks - McGregor

No report.

H. CORRESPONDENCE AND ACTIONS:

Clerk

None.

Council

None.

I. SECOND READING OF ORDINANCES:

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.

A motion was made by Larick, seconded by Schnetzer, that this Ordinance be Adopted. The motion carried by the following vote:

Yes: 7 - Angelou, Leeseberg, Renner, Schnetzer, Larick, Metzbower and McGregor

ORD-0074-2016 TO AMEND THE CIVIL SERVICE COMMISSION RULES AND REGULATIONS AS RECOMMENDED TO CITY COUNCIL ON JULY 19, 2016.

A motion was made by Metzbower, seconded by Angelou, that this Ordinance be Adopted. The motion carried by the following vote:

Yes: 7 - Angelou, Leeseberg, Renner, Schnetzer, Larick, Metzbower and McGregor

ORD-0076-2016 SUPPLEMENTAL APPROPRIATIONS - McCutcheon Park Concept Plan

A motion was made by Schnetzer, seconded by Metzbower, that this Ordinance be Adopted. The motion carried by the following vote:

City of Gahanna Page 6

Yes: 4 - Renner, Schnetzer, Metzbower and McGregor

No: 3 - Angelou, Leeseberg and Larick

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.

A motion was made by Angelou, seconded by Leeseberg, that this Ordinance be Adopted.

Discussion on the Motion: A motion was made by Angelou, seconded by Leeseberg, that this Ordinance be Postponed Indefinitely. The motion carried by the following vote:

Yes: 7 - Angelou, Leeseberg, Renner, Schnetzer, Larick, Metzbower and McGregor

Ordinances To Amend by Substitution:

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.

A motion was made by Larick, seconded by Schnetzer, that this Ordinance be Adopted.

Discussion on the Motion: A motion was made by Leeseberg, seconded by Metzbower, that this Ordinance be Postponed Indefinitely. The motion carried by the following vote:

Yes: 7 - Angelou, Leeseberg, Renner, Schnetzer, Larick, Metzbower and McGregor

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.

Mayor said this was a request by Council from last meeting to have this change in language. Mayor asked Jones to discuss the changes in the document. Jones stated that the City of Gahanna currently has four properties that have the zone classification of Planned Industrial District. Those four properties are completely developed so that there is no vacant land with that zoning classification within the City. What is anticipated is that anyone in the City who would wait to have the Planned Industrial District zoning classification, (which would allow for

this impervious surface credit to be 5,000 instead of 1,000) would have to go before Planning Commission, seek a zoning change, and if approved by Planning Commission would come before Council. Council would then consider the zoning change at the request of the applicant. So, from that stand point, it is an opportunity but does require different mechanisms to secure this credit/getting a rezoning change approved by Planning Commission and City Council."

Schnetzer apologized for being out last week and slower to get up to speed, but asked the Mayor if administration could clarify how this particular clause differs if materially from the normal variance process. The Mayor stated that he would have to defer to the City Attorney. The Mayor then went on to state that variances such as, this one, if these were not included in the language here the property owner would have to come to City Council and request a variance to allow for whatever considerations they were seeking. An applicant would merely have to seek a zoning change through the Planning Commission process, then City Council, and Council would be voting on these zoning change requests rather than any specific ordinance within that zoning category. Larick said a variance is a pass from whatever rule or regulation we have in place because you are asking for it to be waived whereas this provides a legislative means to accomplish with a defined set of rules. McGregor said as it is now, there must be 1 tree inch per each 1,000 square feet of impervious surface which she does not think is too much to be required. She went on to say that if someone would want more than that, she would rather that they go through the whole re-zoning process, just come to Council to present their case since they are making the tree code. Angelou said it appears the discussion from last week now seems different due to some now not being for what this was brought forward to and perhaps we need to postpone again despite collectively not wanting to have to postpone anymore. She went on to say that the numbers of those who would come forward for this change would be miniscule and sees no difference with them coming to Council either directly or after Planning Commission. Schnetzer said if the applicant's desire is to reduce the number of trees required to be planted, a full blown re-zoning is kind of overkill in order to accomplish that goal; therefore, he concurs with McGregor that we should follow the normal variance process. Renner said he has been struggling with this because he thought they were down a path to a good solid tree code. He went on to say that he likes to be innovative and some aspects to this proposed process for the PID rezoning he likes, but feels some are made specifically to go around the City tree code. He doesn't see any other utility for this type of process. The tree code is putting Gahanna on trajectory to be innovative and make a stand saying these are important to us, so he is not in favor of this amendment.

City of Gahanna Page 8

Larick said purpose for the PID adjustment is for providing an accommodation for an area which is intended and has been built to be heavy industry, heavy semitraffic, etc. Those lots, even seen by satellite images, have been developed edge to edge with minimal landscape or any other greenery because of the developments of that type of development. That being said, an additional aspect of a heavy industrial site is that it is a commodity and would cost a commodity price. It is not a rare form of property that a class A, high quality, very visible and manicured type development would occur. Such property would levy significant price per acre impact to the value. If we are entertaining in this area heavy industry to be developed, which is how it has been done and was intended to be, this particular case with this particular request community economic development would be best served if this accommodation were made. Renner said Larick made excellent points but that they have been operating in the absence of a tree code and a process is already established. City Attorney Ewald was asked what the requirements were to having a variance passed. Ewald said the requirements are in Chapter 11. Ewald said the only requirement in the current legislation would have to be suspended and changed; Larick said the fundamental of that is that we would have a legislative free pass by going through a variance. There are circumstances in which it could happen, but with a known circumstance in a known area with a known limitation, why would we have a work-around be our standard operating procedure. Schnetzer echoed some of Renner's earlier points, such as points within the legislation appearing to only be present as a means of side-stepping the tree code. His concern is that all the other provisions pertaining to PID zoning may carry unintended consequences which are difficult to project such as demand for a rezoning request. He would prefer requests be made directly to Council without attempting to create a whole new zoning for hypothetical future applicants.

Angelou stated she does not see this as side-stepping the tree code because it has become part of the tree code explaining that the requirement is having a 1 inch per 1,000 square feet, unless you're in a PID which cause it to be per 5,000. She said this is simply going to a different part of the code, but not an actual side-step, which she feels clarifies the language. She also said that there seems to be a lack of understanding based upon responses she has heard of through email, etc. You may be able to take half the trees out of a development and still maintain a limited amount of trees on the property. She wanted to point out that Council is not trying to make people plant things, which seems to be a cost concern for many, but it appears that people were misunderstanding the credits which would be provided to trees already in existence. She went on to say that if we make people go through a rezoning process, which is lengthy, their

business will be hurt by having to either add trees to comply or pay fees to get rezoning. She seems to think of the two options, a business would rather just comply with the tree requirement. McGregor said a real estate attorney once said that he works for people who will be spending a lot of money on properties, investing a lot of money into a business, big plant/factory, office building, etc., and they are willing to spend extra money to make it look nice if they know the adjacent properties are held to the same standard. If you have a tree code with differing tree requirements for different businesses due to rezoning, it sends a message which is not what Council wants to do. Also, if a business has to come to Council, it is currently one caliber inch per 1,000 sq ft or one per 5,000 sq ft, Council would have more discretion over the new amount required of the business whereas a rezoning could be any ratio. Schnetzer said per Angelou's comments perhaps sidestepping isn't the correct phrase; however, he still views this as a way to reduce the requirements or burden of planting trees. He thinks the simpler process would be for people to come forward requesting variances because also allows for better middle ground of the requirement and what the business ultimately is required in terms of tree ratio. Larick asked if there are two motions on the floor. Renner stated he thought they had two motions, one to adopt and a second to amend by substitution. Renner stated that this whole discussion has been for the second motion of amending by substitution. Leeseberg said he's been asking for a tree code for many years and he is now happy that there is now such a code. It was brought up that our industrial area has parcels which would be ideal for large warehouse type facilities, but would be problematic to have trees. The idea was to provide a way for that type of a user to move forward with that type of a project. As far as educing/negotiating the tree requirements, we can't be less stringent than the code for a rezoning hearing, so an adjusted tree ratio would be more restrictive. This was the cleanest way to address the potential big box users that don't have use for trees which would damage their land price. He would like this tree code to pass tonight regardless of whether or not variances are to be allowed for making changes because we need a tree code. He pointed out that many other cities around Columbus have tree code and have not had stunted growth, so won't stunt Gahanna. The one per 5,000 had been drafted for a specific instance, future potential reduction in the tree ratio would never be allowed to be under what is provided by the code, and the rezoning process was drafted to allow Council to be a second pair of eyes anyway. Again, this was the cleanest way to alter the current legislation while keeping with this intent and only providing an exception for one exceptional project.

A motion was made by Larick, seconded by Leeseberg, that this Ordinance be Amended by Substitution (August 15, 2016 version). The motion carried by the

following vote:

Yes: 4 - Angelou, Leeseberg, Larick and Metzbower

No: 3 - Renner, Schnetzer and McGregor

A motion was made by Leeseberg, seconded by Larick, that this Ordinance be Adopted as Amended (August 15, 2016 version). The motion carried by the following vote:

Yes: 7 - Angelou, Leeseberg, Renner, Schnetzer, Larick, Metzbower and McGregor

- J. FIRST READING OF ORDINANCES: None.
- K. MOTIONS/RESOLUTIONS: None.
- L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Renner/Larick

Larick said they meet tomorrow at 7:30 a.m. at City Hall.

Mid-Ohio Regional Planning Commission (MORPC) - Angelou

Angelou reported the next meeting is September 8.

Bd. of Education, Gahanna-Jefferson Public Schools - Larick/Renner

Renner attended last week's meeting on Thursday. It was the new superintendent's first meeting and he gave a presentation on new committees being introduced within the school board (student achievement, finance, and one on policy). The superintendent, Steve Barrett, is excellent. He gave a long talk on what he wants to do with students' achievement. The school board also passed a resolution regarding charter schools, asking for greater accountability.

Convention & Visitors Bureau (CVB) - Leeseberg

Leeseberg reported they had their quarterly meeting and will report final numbers from Creekside Jazz & Blues later when they come in.

M. OFFICIAL REPORTS:

Mayor

Mayor filled out his opt-out sheet regarding the tax lawsuit and is

keeping money in Gahanna and stated that he hope everyone else does too. He said that this is important because such funds will stay here to be available for such things as road and water/sewer improvement. The area commission the Mayor has been working with has completed the framework for being the group to review such things as rezoning, annexations, and conditional use applications prior to any applications being submitted. This allows for more discussion up front within the public realm and to bring such discussions before Council, etc. to have more information based on public input. More information will be available on this as we get closer to making this happen. Currently, we're working on 26 projects which could allow for growth of 750 jobs. Capital investments are now at about 66 million dollars and constantly seeing things grow and seem to be hitting all industries discussed in the past, such as education, health care, and the like. So far this year, we have made 89 visits to our local businesses, but the Mayor wants to breaks the 100 mark before September which may not be possible because still have about 1,600 more businesses to go. We were notified last Friday that there is a zoning change request in front of the Franklin County Planning Board for a 72 unit multi-story building development on 3.9 acres on Taylor Station Rd. in Jefferson Township. Mayor is recommending that people keep an eye on this because that could have some potential impact or issues to our schools from a density perspective. Based on the documents seen, it appears that this will be another residential hotel type of arrangement. It went to hearing this past Wednesday, August 10, and is scheduled for another upcoming hearing. Mayor stated that he does not know the date of this next hearing, nor does he know the outcome of the first hearing. Angelou asked the Mayor about another development on Wagner and the Mayor said yes, there is another development being discussed out east but he does not have the details on that development since it is not on our boundaries like the other development. Renner thanked the Mayor for bringing up the opt-out on tax and said he too opted out; however, he learned that there are two places needing this to be sent to rather than just one which is unclear on the form.

City Attorney

Ewald said the opt-out form has been updated; notified counsel that list isn't accurate and asked for extension of the form; project that Mayor is talking about is set to go for zoning in the next week or two; he will keep an eye on it.

N. COUNCIL COMMENT

Angelou said she loves the Olympics. She thinks that it is wonderful to see the countries come together and the various gifted people within

each of their fields.

Metzbower said it was exciting to see groundbreaking for the Columbia Gas training facility. He said it was his first groundbreaking, and with being relatively new to Council, it was exciting for him. There was a great representation from elected officials and the Mayor did a good job shoveling dirt. He too will complete an opt-out on tax case and thinks it is important to remember the role of judges in our lives. This case is a good example of judges affecting our lives in great ways and appreciates the speaker today who came to a suburban council to speak and remind all of this.

McGregor last Thursday took her three oldest grandkids to see Tecumseh and it is still a great show. The show gets loud and runs late, she only recommends ages eight and up to see it, but they had a great time.

Leeseberg said he is sorry he missed the groundbreaking Columbia Gas, but that he had been speaking at Wright Patterson that day. He also filled out his opt-out form and is waiting for one more signature in his house before sending it in. He tanked Council for voting to adopt the tree code.

Renner thanked Ms. Doland for coming to speak to Council. He is going to be out first two weeks of September, therefore missing two Council meetings and one committee meeting. He will be busy backpacking through Yosemite and going into the back-country, with no cell phone use.

O. EXECUTIVE SESSION - to go into Executive Session under authority of Section 5.40(d) of the Council Rules of Procedure to prepare for, conduct or review negotiations or bargaining sessions with public employees concerning compensation or other terms and conditions of employment.

A motion was made by Leeseberg, seconded by Schnetzer, to go into Executive Session under authority of Section 5.40(d) of the Council Rules of Procedure to prepare for, conduct or review negotiations or bargaining sessions with public employees concerning compensation or other terms and conditions of employment. The motion carried by the following vote:

President Renner requested Abby Cochran, Jennifer Teal, Mayor Tom Kneeland, attend the Executive Session. Executive Session will be held in the Law Library.

Council rose to Executive Session at 7:57 p.m.

Council rose to report from Executive Session at 8:20 p.m. with no action taken.

Yes: 7 - Angelou, Leeseberg, Renner, Schnetzer, Larick, Metzbower and McGregor

P. ADJOURNMENT

8:20 p.m. by Renner

City of Gahanna Page 14