



## Legislation Details (With Text)

**File #:** RES-0022-2022      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Passed  
**File created:** 7/22/2022      **In control:** City Council  
**On agenda:**      **Final action:** 8/1/2022  
**Title:** A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH THE BOARD OF EDUCATION OF GAHANNA-JEFFERSON PUBLIC SCHOOLS TEMPORARILY SUSPENDING CITY ORDINANCES IN CHAPTERS 1108 AND 1197 REGARDING DUTIES OF THE PLANNING COMMISSION FOR THE NEW HIGH SCHOOL PROJECT

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. RES-0022-2022 EXHIBIT A - Memorandum of Agreement- Gahanna changes 7.22.22 Bricker edits 7.21.22 CLEAN(17848010.3), 2. MOA Exhibit A - FDP Staff Comments 2022-07-08, 3. RES-0022-2022 SIGNED - MOA with Board of Education GJPS Temporarily Suspending Chapters 1108 and 1197 duties of Planning Commission for High School Project

| Date      | Ver. | Action By              | Action                   | Result |
|-----------|------|------------------------|--------------------------|--------|
| 8/1/2022  | 1    | City Council           | Adopted                  | Pass   |
| 7/25/2022 | 1    | Committee of the Whole | Recommended for Adoption |        |

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH THE BOARD OF EDUCATION OF GAHANNA-JEFFERSON PUBLIC SCHOOLS TEMPORARILY SUSPENDING CITY ORDINANCES IN CHAPTERS 1108 AND 1197 REGARDING DUTIES OF THE PLANNING COMMISSION FOR THE NEW HIGH SCHOOL PROJECT

**WHEREAS**, The voters living in the Gahanna-Jefferson Public School District passed a levy approving the construction of a new high school (hereafter “New High School”);

**WHEREAS**, the Gahanna-Jefferson Public School District Board of Education ("Board"), and the City of Gahanna (“City”) have been working cooperatively regarding design and construction of the New High School; and

**WHEREAS**, the Board is in the process of designing and constructing its New High School and appurtenances (hereafter the “Project”) at the existing Lincoln High School site, Franklin County Auditor Parcel Numbers; 025-004254, 025-004255, 025-004256, 025-004257, 025-004260, and 025-004265 (hereafter the “Site”); and

**WHEREAS**, if the Project does not proceed immediately, project costs will increase significantly due

to winter weather conditions, inflation, material supply chain issues, and labor shortages; and

**WHEREAS**, if the Project is not able to commence immediately, it will disrupt the Board's spending forecast for Phase 2 of the Master Facilities Project, which will have negative ramifications under IRS guidelines related to the tax-exempt status of the bonds sold for Phase 2 of the Master Facilities Project. If the Board loses tax exempt status of the bonds, the result will be a significant increase in cost to the Board projected to be multiple million dollars; and

**WHEREAS**, because of the abbreviated timeline being presented, the City must adjust their normal procedures in an effort to accommodate this schedule; and

**WHEREAS**, Ohio law through *Brownfield v. State of Ohio*, 63 Ohio St.2d 282 (1980) and its progeny of cases, recognizes limitations upon one political subdivision controlling land use by another and requires cooperation amongst political subdivisions in resolving land use issues.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:**

**Section 1.** Gahanna Ordinances in Chapters 1108 and 1197, with regard to duties of the Planning Commission for the School Project are hereby temporarily suspended, including but not limited to review of a Final Development Plan. The Planning Commission shall hold a public hearing and upon receiving proof that the final necessary approvals of the School Project, by the City Engineer and the Chief Building Official or their designee, Director of Planning and upon proof of compliance with the construction requirements in completing the School Project shall recommend approval of the School Project to Council.

**Section 2.** The Memorandum of Agreement with the Board attached hereto as EXHIBIT A is approved and the Mayor is directed to execute this Agreement on behalf of the City of Gahanna.