

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
DECEMBER 27, 2004

President of Council William L. Hills called the meeting to order at 7:31 p.m.

Members of Council present: Antoinette Newman, Lane J. Beougher, Ron Stake, Preston Stearns, Brett Baxter, Eric Gilbert, Mel Clemens.

The Invocation was given by Mr. Beougher. Mr. Hills led the Pledge of Allegiance.

Minutes of the regular Council meeting held December 13, 2004 were approved without objection.

The agenda was approved.

Community Comments and Requests- -Ms. Tammy Miller, 58 Kingsmeadow Lane, Blacklick, Ohio addressed Council:

Ms. Miller: Thank you Council members, Mayor, and Reynoldsburg citizens for letting me speak. As announced, I am Tammy Miller, the Reynoldsburg citizen who has challenged the nativity scene. First, much coverage has been made by my request for the Solstice poem. However, an important fact has gotten very lost over the last couple of weeks. My request is a _____ a Solstice poem denying the existence of a God, but only if the nativity scene were put in place. I actually did not want to display the Solstice poem, but it was my hard line approach to have the creche removed. It is just as wrong to have the Solstice poem in place as the creche. My true goal was only to remove the nativity scene off the city property to a private location. My goal was to prevent non-Christians, citizens of Reynoldsburg, even ones that believe in another God, not need to feel like second class citizens. My bold approach is probably not the best solution. I should have made this speech to the City Council back in October and given you the Council, the Mayor, the opportunity to decide then to do the right thing. However, I figured you would say, 'thank you for coming', and then accepted the traditional creche any ways. I remember the unkind card I received from one City Council member after I sent a letter to the editor of the same issue a few years back. I was also aware of the close ties between Mr. DiYanni and Mayor McPherson. It just did not look very promising and I just didn't think being nice would work. For the record, it was one of you, the Mayor or Mr. DiYanni that provided the Solstice poem to the newspapers. The goal the entire time for me, was to only have the creche removed, not to divide this community. Perhaps I had the wrong approach and I am sorry for those that I've hurt. I will gladly take criticism and advice on how I could have constructively convinced you to removed the creche, but I took the bold approach that I did so that I would not be ignored. Instead, I just got out-maneuvered. It worked, but it doesn't make it right.

Secondly, I want to specifically address comments made by two persons inferring that non-religious persons who speak out are the equivalent of a hate group. Let me change the words of the Solstice poem for you: "In this season of Christmas may faith prevail. There is a God. There is a devil. There is a heaven. There is a hell. There is a world of God beyond ours here on earth." That is what the nativity scene says to me. Those words are no more hateful than the

words I submitted. I included the word “not” in the poem, in referring to the Solstice instead of Christmas. I have stated my belief just as others state theirs by displaying the creche. There is no ill will, malice, or threat in those words. Since some of you have inferred that outspoken non-religious person or persons are a hate group, I please ask you to reconsider your words. Again, the reason I’m here today is to stand up for the rights of all minorities in Reynoldsburg. Especially the non-religious and non-Christian. I’m here to stand up for the important first amendment that says our government cannot endorse or advance religion. There’s something very wrong about a country when the President states, “I don’t know that atheists should be considered as citizens. Nor should they be considered patriots.” There is something very wrong about a country when the Senators recite the pledge shouting the words “under God” in defiance of a court ruling protecting the separation of church and state. And I think all of you know which God the Senators refer to. Not Allah, not Buddha, and certainly not the god of the pagan religion. This pervasive problem of religious bigotry and prejudice in America, starts not in the U. S. Capitol, but here and across the nation in little towns like Reynoldsburg. America’s a special place. Our founding fathers said it _____ matter that you’re not royalty, nor the church of England. This is a democracy. You can have a place in this government. You’re an equal here. It does not matter your religion, your skin color, your heritage. You have equal rights and opportunities. By placing that creche on the lawn of Reynoldsburg City Hall, you destroy that promise of America. I don’t want to hear the _____ about Christian majority. Just as African Americans fought against blatant prejudice and human rights’ abuses, I’m here to demand and to change state sanction _____ against non-Christians, starting here in Reynoldsburg. Jesus Christ is not a person that’s historically significant in a major way to the United States as you state. Hundreds of others top that list. Including probably Joseph Smith, the Mormon leader who helped settle Utah. Jesus Christ never set foot in America. And the creche is definitely not a secular display. No matter what disclaimer you place on it, it is a religious display through and through. Reverend DiYanni and other religious leaders have abundant means by which to share their message - church services, TV, radio, internet, newspapers. Their message of faith should be protected by the first amendment as well, but in the public forum, it cannot and should not demand government support. The conduct of the Mayor and the City Council so far has had the soul purpose to favor and endorse this Christian symbol. I urge you to consider other conduct that unites all the members of this community regardless of their religious belief, beginning with removing all religious displays from city property, from the lawn. Thank you.

Reports- -Mr. Hills spoke regarding the ice storm and electrical outage, saying there were a lot of mixed feelings about AEP. He said a lot of people had to wait a number of hours to have a little bit of service but they are continuing to work. He said he is hearing reports that he doesn’t think there’s been an area that has been as devastated as we were in the last few days; that it can’t be perfect and we can’t afford to have everyone there to put us right back in service. Mr. Hills said he knows it’s been frustrating.

Mayor McPherson said that 4:00 today was when he last talked to AEP and they indicated that there were approximately 4,000 people still out in the Reynoldsburg area which also included part of the east side of Columbus and toward the Etna Township area. He said they had 12 crews still working right in Reynoldsburg; that they had been here for several days. The Mayor said they had been working long shifts, and are doing everything they can to get everybody’s power back on.

Mr. Baxter asked about clean up for the residents. Mayor McPherson said if it's on the property, it's the individual property owner's responsibility. He said he talked to Rumpke today and they were going to put some extra trucks out for Thursday and if they didn't get them on Thursday, they will keep trying to get them. He said beginning at 8:00 in the morning the city would have a dumpster at the Street Department where people could put things. Mr. Clemens thanked the Street Department for being the first in Franklin County to get the main arteries cleaned. He said we always do, and that's one thing we never have to worry about.

Mr. Baxter asked what preparations we were taking for the thaw that was coming. He asked if there were any concerns for flooding. Mayor McPherson said he was hoping that we wouldn't have any flooding; that if it became an issue, we would be able to handle everything. He said he felt that because the street crews did such a great job at the beginning of this, we didn't have all the issues with streets that a lot of cities do. The Mayor said he met with Dick Ross Friday morning and the school system agreed to open the high school; that the shelter had been open since Friday, and was open again tonight; there were a lot of volunteers that had worked; the American Red Cross had been working every night. He thanked all of the volunteers that had been over there, and said Days Inn opened up their banquet facilities so people could go in and get warm. He thanked them also. Mrs. Newman thanked the Mayor, saying he had shown exemplary leadership in all of this and seemed to be very well-informed. She said it made her proud to be a citizen here.

Regular Agenda Items

Clerk read motion: That the Council of the City of Reynoldsburg does hereby appoint Brad Wilson to serve on the Reynoldsburg Planning Commission; term to be for four years. Mr. Stake moved adoption. Mr. Stearns seconded. All voted "Aye". Motion passed.

Clerk read motion: That the Council of the City of Reynoldsburg does hereby appoint Norm Brusk to serve on the Reynoldsburg Board of Zoning and Building Appeals; term to be for four years. Mr. Stake moved adoption. Mr. Clemens seconded. All voted "Aye". Motion passed.

Clerk read motion: That the Council of the City of Reynoldsburg does hereby appoint Al Smith to serve on the Design Review Board; term to be for three years. Mr. Stake moved adoption. Mr. Beougher seconded. All voted "Aye" except Mrs. Newman, who voted "Nay". Motion passed.

ORDINANCE ACCEPTING SUBGRANT AWARD; RATIFYING SIGNING OF SUBGRANT AWARD AGREEMENT BY MAYOR; MAKING APPROPRIATION OF FUNDS FOR COMPUTER SERVER, WORKSTATION, SOFTWARE, AND SERVER HARDWARE RELATED TO IN-CAR CAMERAS FOR THE REYNOLDSBURG POLICE DEPARTMENT AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the one required reading. Mr. Clemens moved to amend the ordinance by amending Section 6 by adding "Dell Computer; CDWG; and Kustom Signals, Inc." at the end of the section. Mr. Stake seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Baxter asked if there were two computers and if these would be rack mounts? Mayor McPherson stated that they do have the ability to rack mount and it was two computers.

Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr.

Baxter “Yea”; Mr. Gilbert “Yea”; Mr. Clemens “Yea”. Motion passed; Ordinance No. 125-04 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Section 191.19 “Allocation of Funds” OF CHAPTER 191 INCOME TAX AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mrs. Newman “Yea”; Mr. Beougher “Yea”; Mr. Stake “Yea”; Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Yea”; Mr. Clemens “Yea”. Motion passed; Ordinance No. 126-04 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR PROFESSIONAL CONSULTING AND STRUCTURAL ENGINEERING SERVICES AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mrs. Newman “Nay”; Mr. Beougher “Abstain”; Mr. Stake “Yea”; Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Nay”; Mr. Clemens “Yea”. Motion passed; Ordinance No. 127-04 adopted, but not as an emergency.

Mr. Hills asked the Mayor if he could contact EMH&T to see if they could extend the current contracts. Mayor McPherson said that was what they would have to do because this would put us without a City Engineer for the next month and that would stop all projects. He said if not, it depends on how the backup goes whether we have a City Engineer or not.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR PROFESSIONAL BACKUP CONSULTING AND STRUCTURAL ENGINEERING SERVICES AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mrs. Newman “Nay”; Mr. Beougher “Yea”; Mr. Stake “Yea”; Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Yea”; Mr. Clemens “Yea”. Motion passed; Ordinance No. 128-04 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR PROFESSIONAL ARCHITECTURAL AND PLAN REVIEW SERVICES AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mrs. Newman “Nay”; Mr. Beougher “Abstain”; Mr. Stake “Yea”; Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Yea”; Mr. Clemens “Yea”. Motion passed; Ordinance No. 129-04 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR PROFESSIONAL BACKUP ARCHITECTURAL AND PLAN REVIEW SERVICES AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mrs. Newman “Nay”; Mr. Beougher “Yea”; Mr. Stake “Yea”; Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Yea”; Mr. Clemens “Yea”. Motion passed; Ordinance No. 130-04 adopted.

Mrs. Newman stated that the reason she voted Nay on the ordinances was that we were not able to attach the addendum that was suggested, or even have time to consider the addendum to be

attached to the contracts. She said that she didn't think anyone took the time to ask all of the professional contractors involved what their feelings were about signing such an addendum. She said she feels that the signing of these contracts, with the addendum would provide protection for the people of Reynoldsburg. She said we have been advised that if we have to have one entity sign the contract with the addendum, then they all would have to.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTIONS 1339.01; 1339.04 Subsections (a) and (c); and 1339.05 Subsections (a) and (b) of CHAPTER 1339 OHIO BUILDING CODE- - Clerk read ordinance by title for the first reading. Item referred to Safety Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 160 EMPLOYEE COMPENSATION, SECTION 160.02 "AUTHORIZED POSITIONS, PERSONNEL, CLASSIFICATION AND PAY GRADE" SUBSECTION (a) "ADMINISTRATIVE", TO ADD THE POSITION OF ASSISTANT CITY ATTORNEY AND ELIMINATE TWO PART TIME LEGAL INTERN POSITIONS- - Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING ENGINEERING SERVICES FOR THE 2005 STREET PROGRAM and APPROPRIATING FUNDS THEREFOR (CIP #99) AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the second reading. Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 131-04 adopted.

ORDINANCE APPROVING AN ENTERPRISE ZONE AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO; AND VICTORIA'S SECRET DIRECT, LLC; DISTRIBUTION LAND CORP.; LIMITED LOGISTICS SERVICES, INC.; AND LIMITED TECHNOLOGY SERVICES, INC.; AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the second time. Item referred to Finance Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 160.03 "SALARY SCHEDULE" Subsections (a) and (b) of CHAPTER 160 EMPLOYEE COMPENSATION **AND DECLARING AN EMERGENCY**- - Clerk read ordinance by title for the second reading. Mr. Stake moved to amend the ordinance as redrafted 12-21-04. Mrs. Newman seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 132-04 adopted.

ORDINANCE AUTHORIZING AMOUNT OF MERIT INCREASE (2.5%) FOR THE YEAR 2005, FOR WHICH EMPLOYEES COVERED BY CHAPTER 160 ARE ELIGIBLE **AND DECLARING AN EMERGENCY**- - Clerk read ordinance by title for the second reading. Mr. Stake moved to amend the ordinance as redrafted 12-21-04. Mr. Clemens seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 133-04 adopted.

ORDINANCE SETTING FORTH A UNIFORM PROCEDURE FOR THE SALE OF PERSONAL PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES- - Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 134-04 adopted.

ORDINANCE TO MAKE A FINAL APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF REYNOLDSBURG, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2005 AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance to include new numbers received 12-14-04. Mr. Baxter seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Baxter seconded.

Mr. Gilbert stated that he had made some comments last week in regards to these changes. He said he supported the amendment because he worked with other members to see that additional funding for the cruisers was provided in the budget. He said he also commented on his opposition to the addition of the conference accounts in lieu of other priorities that he feels are necessary with the budget and that should be incorporated into the budget. He said that is why he will not be voting for the budget.

Mr. Stake said that he respects Mr. Gilbert's comments. He said out of an eleven and a half million dollar budget, the conference accounts are about \$8,000. He said Fortune 500 Companies send their people to conferences and that is why they are very successful. He said he doesn't look at these conferences as some place to go on vacation. He said he has utilized conference money to go to Municipal League training classes and several of those classes. He said there is benefit out of these conferences and that is why he supports the conferences.

Mr. Gilbert said that he doesn't dispute the benefit of it but he disputes the prioritization of those conference accounts, with limited resources, over what needs have been established in the budget in other departments.

Mr. Hills stated that an excellent job has been done this year. He said one thing that needs to be noted is that there are commitments to look at this hard, quarterly. He said Mr. Stake has worked with the administration on that. He said when we look at these things, it's not just to give more. It may be to take more depending on what the economic condition is then. He said it is up to all of us here to continue to work with the Auditor's Office and Administration and be sure that we are looking at where we are in early April and making the necessary adjustments quarterly as we go through the year. He said this process has set that up and has shown that it has worked well getting to this point. He said it is the responsibility of all of us to make sure that we continue to follow that through so we don't create too much of an excess or too much of a deficiency.

With the roll called, members voted: Mrs. Newman "Nay"; Mr. Beougher "Yea"; Mr.

Stake “Yea”; Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Nay”; Mr. Clemens “Yea”.
Motion passed; Ordinance No. 135-04 adopted.

Meeting adjourned at 8:10 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

(Compiled by Susie Smith, Ass't. Clerk of Council)