

COMMUNITY DEVELOPMENT MEETING MINUTES

December 16, 2002

Members of Community Development Committee present: Sarah Cannella, Jim Wade, Ron Stake, Lane Beougher.

Other members of Council present: William Hills, Eric Gilbert, Mel Clemens. Council President Bradley L. McCloud was absent.

Mrs. Cannella called the meeting to order at 7:30 p.m.

Mrs. Cannella: The second thing on the agenda is the approval of the minutes of November 4, 2002. Do I have any deletions, additions? If not they'll stand as read. Approval of the agenda. Any additions or deletions on that?

Item 4 is a discussion on deed of easement. This is to authorize and direct the Mayor to execute deeds for the Reynoldsburg Major Commercial Streetscape and Development Project. This is to assure our citizens that anything we do to their property will be put back in place. Now, Mr. Underwood, did you check this all out?

Mr. Underwood: I drafted it.

Mrs. Cannella: Good. I guess that it will work.

Mr. Underwood: Various people have been meeting with business owners up and down Main Street on Phase 1 and this is kind of an accumulation of trying to deal with their concerns and finding a way to address them. They'll say, well what if this happens? What if you leave construction debris? Now we all know that you're supposed to clean up after yourself and do that and it's all in the contracts. What if we use parking spaces and we want to do something else? So these are all drafted to address various property owners concerns and we'd like to make the, instead of doing different, we'd like to treat everybody the same. Give them all the same wording in their deeds. And the thought was instead of having a lot of separate agreements, we would authorize these provisions by ordinance. The Mayor could execute the deeds after the property owner has executed the deeds to us. We'll attach a copy of the ordinance and then everything gets recorded at the County Recorder's office. We'll not only have the original deeds here, it will also be in the County Recorder's office containing the instruments so that the business owners will know and they will get a copy also. Then it will be for all the world to see and know.

Mrs. Cannella: Thank you Mr. Underwood. Do we have any questions for Mr. Underwood? Mr. Wade.

Mr. Wade: Bill, does this apply then to the first phase?

Mr. Underwood: It will probably apply to every phase because I imagine the business owners are all going to have the same questions.

Mr. Wade: Are we going to have to adopt this for each phase is what I'm asking.

Mr. Underwood: Right now, yes. This is a first phase. It's experimental. Maybe we'll do the second phase and there's nothing more if we can do it for the rest of the, everything. For right now we're just kind of feeling our way through it.

Mr. Wade: Okay.

Mrs. Cannella: Any other questions from anyone? If not I would like to send this to Council for it's first reading with an emergency. Do I have a second? Oh no. Does this one need an emergency Bill?

Mr. Underwood: I think a rule suspension would be fine.

Mrs. Cannella: Okay. With a rule suspension. Do I have a second? Second by Mr. Beougher. All in favor say aye. (All voted "Aye"). Thank you very much.

We will adjourn the meeting at 7:34.

Community Development Committee
- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
December 16, 2002

SAFETY COMMITTEE MEETING MINUTES December 16, 2002

Members of Safety Committee present: Mel Clemens, Jim Wade, Ron Stake, Lane Beougher.
Other members of Council present: Sarah Cannella, William Hills, Eric Gilbert. Council
President Bradley L. McCloud was absent.

Mr. Clemens: I'd like to call the Safety Committee meeting to order at 7:35. The first item on the agenda, the approval of the minutes of December 2, 2002 Safety Committee meeting. Do I have any additions or deletions? If not, they'll stand approved. The next item is approval of agenda. Are there any questions concerning the agenda? If not, they'll stand approved.

Item number 4, Ordinance to amend the Code of Ordinances of the City of Reynoldsburg, Ohio, Chapter 1339 Ohio Building Code. It had it's first reading December 9, 2002. Tonight we have the new ordinance that's been put together by Mr. Beougher with the help of Mr. Underwood and Stephen Moore our Chief Building Officer. This is being sponsored by Mr. Beougher and I'll turn it over to you now Lane.

Mr. Beougher: Thank you Mr. Clemens. As you said this was put together with myself, Mr. Underwood had a lot of input into it and also Stephen had a lot of comments. We also worked with Steven Regoli of the Board of Building Standards and Mike Asebrook who is our plans examiner. And I think we've got a draft here before us dated 12-14 that everybody is comfortable with and if there are no questions I'd like to move that we send this forward to tonight's Special Council Meeting with a recommendation for adoption as an emergency.

Mr. Clemens: Are there any questions from any members of the committee or any members of Council? If not, I'll second the motion. All in favor say aye. (All voted "Aye"). Opposed? (No response). So this will be sent to the meeting following this meeting for passage as an emergency.

And with that, I'll adjourn the Safety Committee meeting at 7:37.

Safety Committee
- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
December 16, 2002

SERVICE COMMITTEE MEETING MINUTES December 16, 2002

Members of Service Committee present: Eric Gilbert, Lane Beougher, William Hills, Ron Stake. Other members of Council present: Sarah Cannella, Jim Wade, Mel Clemens. Council President Bradley L. McCloud was absent.

Mr. Gilbert: I'll call the Service Committee Meeting to order at 7:37. The second item on the agenda is the approval of the minutes of the December 2 meeting. Are there any additions or deletions? None being heard, they will stand as read. Item number 3 is the approval of the agenda. Are there any additions or deletions to the agenda? None being heard, the agenda will stand.

Item number 4 is a discussion, Resolution of services available to property proposed for annexation. This is 1.181 acres in Truro Township, Franklin County. The attorney Dennis J. Fennessey for Dorothy J. Emswiler. Due to the nature of the annexation law this item needs to be approved by Council 20 days prior to the date set by Franklin County for the hearing. Are there any questions or comments or concerns of this item from members of Service? None being heard, and with that deadline in mind I would like to make a motion that we forward this to the Special Council Meeting this evening with a recommendation for adoption as an emergency. Do I have a second? Mr. Stake with a second. All those in favor please signify by saying aye. (All voted "Aye"). Opposed? (No response). The motion passes.

Item number 5 is an Ordinance to accept an application for annexation of 6.1+/- acres. This is from Richard C. Brahm, agent for Petitioners Robert and Susan Stapleton. This item did have its first reading on December 9. Are there any questions or concerns at this point of this annexation from members of Service? Other members of Council? None being heard, I would make a motion that we forward this to the Special Council Meeting this evening with a recommendation for adoption with a rule suspension. Do I have a second on that? Mr. Beougher with the second. All those in favor please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And with that I will adjourn Service at 7:40 p.m.

Service Committee
- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
December 16, 2002

FINANCE COMMITTEE MEETING MINUTES December 16, 2002

Members of Finance Committee present: William Hills, Mel Clemens, Eric Gilbert, Sarah Cannella.

Other members of Council present: Jim Wade, Lane Beougher, Ron Stake. Council President Bradley L. McCloud was absent.

Mr. Hills: I'll call Finance to order at approximately 7:40 and mine won't be 2 or 3 minutes I don't

think. I'm asking for approval of the minutes of the December 2, Finance Committee meeting. Any additions or deletions to those minutes? Seeing and hearing none, they will stand as submitted. Approval of tonight's agenda. I would like to add one item and that would be item 3a. Ordinance authorizing pay increase to all employees covered by Chapters 164 and 165. Any other additions or deletions to tonight's agenda from members of Finance? Seeing and hearing none, I would move to amend by adding item 3a. Is there a second? Second by Mr. Gilbert. All in favor state aye. (All voted "Aye"). The agenda is amended.

And we will start with item 3a. Again, an ordinance authorizing pay increase to all employees covered by Chapters 164 and 165 and authorizing the City Auditor to pay the monies and salaries beyond the ranges provided in 164 and 165 as a result of a raise given by the city in the year 2003 and declaring an emergency. Mayor, I believe this comes from you. Any comments?

Mayor McPherson: Thank you Mr. Hills. I think you pretty well summed it up. That's our request and we appreciate you adding it to the agenda and moving it forward.

Mr. Hills: Any comments from anyone on Finance? Anyone on Council in general? If not, I'd recommend we send this ordinance forward for recommendation for adoption as an emergency at tonight's special meeting. Second by Mr. Clemens. All in favor state aye. (All voted "Aye"). Opposed? (No response). It will go forward.

Moving on to item number 4 is a discussion, Liability Insurance for an extension. Mayor, will you help us with that one?

Mayor McPherson: Yeah, as you'll see in front of you, we just received today, the confirmation of renewal on our insurance. You will notice in the letter that the Berwanger/Overmeyer Associates, Joe Erkhart did indicate in the letter that they were very unhappy with the expected increase in the insurance and that they were going to continue to try and get a better rate for us. However, the letter indicates that the renewal premium for the coming year is not to exceed \$184,555. And again we're hoping for it to be less than that but that's the renewal premium.

Mr. Hills: Are there any questions? Mrs. Cannella.

Mrs. Cannella: Yes, Mayor how long will the policy that we have now be good for?

Mayor McPherson: Until December 31. If you'll recall this is part, kind of a three year commitment we made back when. This will be the last year of that three year commitment and then 2003 we'll go out and be shopping then again for competitive bids.

Mrs. Cannella: Well if we don't have anything in place January 1?

Mayor McPherson: Well we will. That's why this is here tonight and it will be on the agenda for authorization for renewal in the Council meeting coming up.

Mr. Hills: Other questions from anyone on Finance? Mayor, just if you'd like the opportunity, was there some reason that, and apparently it's not BOA as much, but the package that they

received from the insurance carrier that it came so late? Because I...

Mayor McPherson: Well that's what they're indicating. They also indicated to me that this was not anything like the conversations they had with St. Paul. And it took them totally by surprise that the increase was this much. Thus, the reason that they're back, not only talking to St. Paul about it but they're looking at some other markets that may save the city some additional money. So, but again, according to Joe who's the agent that handles it for Berwanger/Overmeyer, they were totally surprised by the amount of the renewal premium.

Mr. Hills: If you're talking with him tomorrow you can let him know that we're totally surprised.

Mayor McPherson: Well, I think I've already expressed that I was totally surprised when I got the number.

Mr. Hills: Certainly, and what we, we're almost to the point of the year that even, I remember one year a few years back we got an extension just to do some shopping. But we're sort of, I'm not even sure we're in that position this year because we're in the third year.

Mayor McPherson: I don't think this year we're in the position to extend it and shop around. We've got some issues on the table that we probably don't want to do that this year.

Mr. Hills: Well certainly I think, I know if this goes forward we want to certainly encourage you and BOA to work very hard between now and when you sign this contract prior to December 31 to reduce it and certainly I think the amount that we would do would be just not to exceed a given amount and certainly encourage that BOA work very hard to find a little bit more of a competitive rate between now and the 31st.

Mayor McPherson: Exactly.

Mr. Hills: Mr. Wade.

Mr. Wade: Thank you Mr. Hills. Most often times these liability policies work off of experience ratings and they typically don't work off of your dollar loss but your number of incidents reported. Do we control that in house and check with Berwanger before we submit claims? Because most of the increases...

Mayor McPherson: Yeah, we control that and yes that is a part of it but I think, and Ron you'll probably know better than me but I think a part of the rate increase is also the experience nation wide in addition to just what our experience is and I was told that the nation wide experience is just now catching up with some of the September 11 incidents and fall out from that and that's why we're seeing such a huge increase right now.

Mr. Wade: Yeah, it's not just the City of Reynoldsburg, I can tell you that.

Mayor McPherson: It's not just the City of Reynoldsburg. That's what I'm talking about. Some

of the issues that are on the table at this point.

Mr. Wade: These are typical of what we're seeing in the commercial sectors as well.

Mr. Hills: I think it's up everywhere.

Mayor McPherson: It's still a shock.

Mr. Hills: The indication you had had from BOA, it wasn't going to be up as much as it did and then it came in, I think you will note this letter's dated today. So, I think it was the time...

Mayor McPherson: I got it about 2:00 today so you can imagine my surprise when I read the number.

Mr. Hills: But I think we are in a position where we have to certainly rely on the city to have some insurance coverage between now and the first of the year, so I'd recommend we do send it forward authorizing the Mayor to enter into the contract with BOA in an amount not to exceed the 184,550 and hopefully that some reductions and/or new carrier will fall in place in the contract between now and the end of the month. Is there a second on that? I'm sorry with recommendation for adoption as an emergency. Second by Mr. Gilbert. All in favor state aye. (All voted "Aye"). Opposed? (No response). It will go forward for reading tonight.

Moving on to item number 5, discussion, Board of Zoning and Building Appeals appointment, President McCloud recommends Humberto Gonzalez. And with his recommendation, I know he is not feeling well and I'm not sure when and if he'll be here this evening but it does come opening for reappointment and his recommendation is Humberto Gonzalez and I'd be happy to make that recommendation of appointment on his behalf. Is there a second? Second by Mrs. Cannella. All in favor state aye. (All voted "Aye"). So it will go forward for reading tonight as appointment of Humberto Gonzalez.

Moving on to item number 6, Planning Commission appointment. President McCloud recommends Marlene Wirth and with that recommendation I'd certainly recommend Marlene Wirth be reappointed to Planning Commission. Is there a second on that? Second by Mr. Clemens. All in favor state aye. (All voted "Aye"). Opposed? (No response). If not it will go forward recommending for Marlene Wirth to be reappointed to Planning Commission.

Discussion, West Licking Joint Fire District Board representative. President McCloud does recommend Lane Beougher. And with that I would certainly support the President's recommendation of Mr. Beougher and move that he be reappointed to the West Licking Joint Fire District Board. Is there a second? Second by Mr. Clemens. All in favor state aye. (All voted "Aye"). Opposed? (No response). Then it will go forward. Mr. Beougher will be reappointed, or will go to vote by Council to be reappointed to West Licking Fire District Board.

Moving on to item number 8, Various supplemental appropriations from the City Auditor. Mr. Whitney. This is a total I believe of \$4,450, Howard?

Mr. Whitney: That is correct.

Mr. Hills: And Mr. Whitney did attach for, to the last page was certainly some 5100 accounts which is the pay roll and benefit account sections which were a little bit off short by 2,000 in the Clerk of Courts' and 250 in the Computer System due for different reasons and in addition to that please note that there is an excess that will be going back to the fund that far exceeds the amount that they're asking from the fund. So it nets out as another, and Howard, can you give us any information on the Tax Department? We do have a memo here from Brenda, but do you have anything to add to that?

Mr. Whitney: Not really. That pretty much explains things. The funds just have not flowed in as quickly. The collections have not been as quick. We cannot determine what other people are going to pay. We have to pay our bills.

Mr. Hills: And this is for us to pay? The collection attorney's, the people who are obtaining the judgement? Is that who is receiving the monies for this?

Mr. Whitney: That is correct.

Mr. Hills: Attorney's do have that tendency. They do like to get paid.

Mr. Whitney: Why?

Mr. Hills: I don't know. We can debate that one for a long time. Does this raise any questions from anybody on Finance? Anybody on Council at all? For those that are relatively new, sometimes around the end of the year we see that we often do have to do some supplemental appropriations to be sure there's enough money in the line item accounts to finish the year, so with that I would recommend we send the following appropriations forward with recommendation for adoption as an emergency. Is there a second? Second by Mrs. Cannella. All in favor state aye. (All voted "Aye"). Opposed? (No response). Seeing and hearing none, it will go forward.

Item number 9, Franklin County General Health District Contract. Mayor, do you want to provide us with some extra input on this?

Mayor McPherson: Sure. Last week you'll recall that I brought the contract forward, and I think we discussed that it's not normally brought to us this early but in this case it was. I was asked to give a break down of some of the work that Franklin County does for the City of Reynoldsburg. And rather than just do an over view, I thought it would be very interesting just once to go through and find out everything they do. So I did request from them a copy of everything they've done to date for the City of Reynoldsburg from January thru, I think it was about the 5th of the month of December. So what you see in front of you that you were given by Mrs. Frazier is a list of everything that they've done and everything that they do for us during the year. And as you can see, it's quite extensive. The one area that you need to understand in there, the plumbing residential is the one area that by contract, as you read through the contract, 60% goes to them.

They allow us to keep 40% of that. So we use that 40% to pay back to the General Fund. So, we're requesting that we be given the authorization to enter into the contract for the 2003 calendar year and I'm more than happy to answer any questions. I did highlight any differences, and I think we covered those a couple of weeks ago from last years contract to this years contract. And again, if you want to just quickly go over Section 4 was the rate. It went from 4.55 to 4.66. Up in Section 1, the last paragraph, the last sentence was removed. That sentence previously said "the prosecuting attorney of Franklin County may upon request of the Franklin County Board of Health litigate any violations of such health regulations". Joe Durham did those for the prosecuting attorney's office. He is now employed with the Health Department and will do them for the Health Department. Section 5 is the total amount. 149,813.30 was the 2002 amount. 153,435.16 is the new amount. And those were all the changes, the only changes they had in the contract.

Mr. Hills: Okay. Any questions from anyone on Finance and anyone on Council in general? Mr. Underwood, I know you had a comment, and I believe you have approved this as to form. Is that correct? But you commented as to...

Mr. Underwood: As to form, yes.

Mr. Hills: And did you have the opportunity to see this list of services provided?

Mr. Underwood: I've not received a list.

Mr. Hills: I think it, so you'll know, it's 69 pages worth of detail of where addresses they have visited. What isn't here is the amount that we're charged but I'm assuming that, I don't know. Mayor McPherson: It's just a flat annual amount and then they do any necessary work during that year. So they don't break it down by how much they charge per job other than the plumbing residential.

Mr. Hills: I gather from your conversation or concern it may be whether we needed to look at this to see if we ought to be doing some of this ourselves. Was that your concern or your comment raised?

Mr. Underwood: Well my only concern was there's a contract with a lot of money and I've never seen anything they've done other than a few things and I know they do things. But what's the extent of what they do? If that's been supplied to you and you're happy with it I don't have any problem.

Mayor McPherson: Mr. Hills I will see that Mr. Underwood gets a copy of that too. I thought it was sent to him so I apologize Bill.

Mr. Hills: Okay. Any questions or comments? Any feelings one way or another on renewing the contract with Franklin County Board of Health? I know that they are here. In fact I know your food establishments in town will tell you that they're here. Mr. Clemens.

Mr. Clemens: I would think that Mr. Moore would have more to say on that. If he would want to

answer them. I mean he deals with them through the Building Department on any issues that come up. Am I not correct?

Mr. Hills: Stephen, do you have anything you'd like to just enlighten us on a little bit about what and how they do?

Mr. Moore: Well, for us basically what we do is administer the permits. They do all the plan reviews for commercial work. For any commercial, as you've seen we've had a lot of commercial work. They actually do the review on that part of the plan and approve that before we issue permits. They come in on all the complaints that we go out on. The problems with trash litter. Bruce does, if it gets into a sanitary problem they come in and do reviews and look at that. They take those cases to court if that needs to be done to get the houses cleaned up. You have approved money for some of the clean up and stuff that they've had ordered torn down, houses cleaned up. They do all the plumbing for all the single family and the commercial. They do those inspections. The sanitary food licensing and all that type of thing so they actually do quite a bit for 60% of the fee. To me, it's a real good deal for us because I don't know that we could do all that and have the staff to be able to do all that for what we pay them to do it for. It seems like a real bargain to get that done.

Mr. Hills: Okay, Mr. Clemens.

Mr. Clemens: I do know of one issue that I worked on, I worked through the Building Department on a home on Stouder that they were able to have the people removed and so forth because of sanitary problems and drainage problems and water problems within their house where everything was leaking and so forth and the house is still vacant and they still have it stickered. It can't be sold or nobody to move into it until it is brought up to code. We have used them quite a bit when I was Service Director and we used them on a bat situation at one time. I know that very well. But they are helpful on that if you do need to have somebody removed from the piece of property you have to work through them to get it done which we've done this year.

Mr. Moore: They're really good to work with too. They have a great staff and actually they will actually also look for money to help people who have problems and stuff like that. They don't just go in and get people out. They do work with the citizens too to help them find funds or grants and things like that also, so it's a good service that they provide for us for the money that we pay them.

Mr. Clemens: On this piece of property I was speaking of, they did go out and find funds for these people to improve their house and improve the situation, but the people would not do it. So that's what enabled them to evacuate them from the house but they did go out and secure funds for them and so forth but the homeowner's wouldn't follow through with it.

Mr. Hills: And that, the Stouder woman has not cost us as a city any additional money. That has been done all entirely to their fee because I know there are times when a house has to be eliminated for lack of a better word, we end up reimbursing the County for some of those...

Mr. Moore: Yeah, they have to go out to contract someone else to come in and do the work for them.

Mr. Hills: It's when they have to have someone else. Alright.

Mr. Moore: That's correct.

Mrs. Cannella: Mr. Hills I've had a similar situation in my area and we work very well with the department.

Mr. Hills: Good. Mr. Wade.

Mr. Wade: What's the contract amount on this?

Mr. Hills: The contract amount is 153,813.30.

Mr. Wade: Wouldn't it be 918.30?

Mr. Hills: 153,813.30 I believe. Let me double check that. No wait a minute, 153,435.16 I guess is the one in the contract.

Mr. Wade: I'm wondering what the amount _____.

Mr. Hills: That was last years amount. The 149,813? Yeah. It's 153,435, excuse me, 153...

Mayor McPherson: 153,435.16.

Mr. Wade: Just for the quick math, I did quick math and it looks like they do about 2,240 calls a year at \$50 a call is \$112,000 so I doubt seriously that we could probably do it much cheaper than what we're getting for it.

Mayor McPherson: It's pretty reasonable.

Mr. Hills: Okay. Any questions or comments? Anybody on Council? If not, I'd recommend we send an ordinance forward authorizing the Mayor to enter into contract with Franklin County General Health District in the amount of 153,435.16, recommend adoption as an emergency. Is there a second? Second by Mrs. Cannella. All in favor state aye. (All voted "Aye"). Opposed? (No response). Seeing none, it will go forward for tonight's meeting.

Moving on to item number 10 a transfer of funds from various funds to the General Fund. I did have a discussion with Mr. Whitney, and please Mr. Whitney correct me if I'm wrong but after discussion with both Mr. Whitney and the Mayor today the 400,000 of this transfer from Capital Improvements Fund, Fund #410, I think we've decided that that is not necessary and therefore wouldn't be included here and that will keep the balance in the Capital Improvement Fund and the CIP Fund at a higher level. Therefore, the transfer would consist of \$92,240 from the Debt Retirement Fund to the General Fund. \$74,480 from the Capital Equipment Fund to the General

Fund. \$148,960 from the Sewer Capacity Fund to the General Fund. And I did, the fund balances were attached as an appendix and the report that the Auditor's office did provide us and you'll notice that most of these funds are reasonably close at the end of '02 as they were at the beginning of '02 with the exception of the CIP Fund and certainly I could see where, it is certainly not inappropriate to transfer these back to the General Fund. So if I could Mr. Whitney, I would like to modify your request to eliminate that \$400,000, that's with your agreement. Is that, and the Mayor's concurring with that and I recommend that we send this authorization forward to transfer those funds in the amount stated back to the General Funds from the other three accounts. Are there any questions or comments from anyone on Finance or anyone in Council about that? I would make that recommendation. Is there a second? Excuse me, and recommend transfer as adoption as an emergency. Is there a second? Second by Mr. Gilbert. All in favor state aye. (All voted "Aye"). Opposed? (No response). Hearing none, it will go forward tonight reading as an emergency.

Discussion is the 2002 appropriation. The appropriation before us is the one as amended by the Mayor on 11-26-02 and I've got so many of these laying around I'm not sure which one that is but maybe the Mayor could tell me. I believe the General Fund revenue is \$10,810,839. Is that correct?

Mayor McPherson: Okay. Let me see here. General Fund, let me get to the right one here also.

Mr. Hills: If it's different than that we've all got problems.

Mayor McPherson: I show the latest being the one dated 12-9 of '02. Is that the correct one that you show? The yellow sheet.

Mr. Hills: No. Not the 12-9. I think yours is the 11-27 one and it is in the amount of \$10,810,839 for the budget request and an estimated revenue of \$10,849,614. That is the request that's pending before us. Does that match your numbers?

Mayor McPherson: Yes.

Mr. Hills: Okay. Any questions or comments from anyone on Council? Hearing and seeing none, I recommend we send that budget forward to Council for recommendation for adoption as an emergency. Second? Second by Mr. Clemens. All in favor state aye. (All voted "Aye"). It will move forward.

Moving on to item number 12, Ordinance to adopt the City of Reynoldsburg, Ohio Personnel Policy and Procedure Manual and repealing Chapters 164 and 165 except for those portions that will be contained in a new Chapter 160. Mayor do you have comments you want to make on this?

Mayor McPherson: Well you have the latest and best that we have. We sent it down Friday. There are still things that we're looking at within the various areas of it. Now it's in your hands and some of the employees are looking at it. We're hoping that if there is any blatant errors or anything that just jumps out that somebody will catch it. We would like to see it put back on the agenda for your first committee meeting in January at which time we're hoping that all changes or

any changes that need to be made will be made prior to that and we can move it forward for it's third and final reading and adopt it. So, again we're still working with everyone on it. Please, if you see anything that you consider to be something that jumps out that's an error, let us know. We have noticed just today that some of the headings ran from page to page to page that shouldn't be there but we did go back in and make all the changes that Council had talked about. They are on the yellow sheets that you have and again any questions or concerns, please let us know. It is still work in progress. And we hope to have it finished completely with everyone's comments addressed by the first committee meeting in January.

Mr. Hills: Questions or comments from anyone on Finance? Anyone on Council? If not, I'd just recommend that we send this forward for second reading on tonight's agenda. Is there a second? Second by Mr. Clemens. All in favor state aye. (All voted "Aye"). Opposed? (No response). It will go forward for second reading.

Moving on to item number 13, Ordinance to adopt the Report and Compensation recommendations for the City of Reynoldsburg, Ohio and establishing a new Chapter 160 in the Code of Ordinances of the City of Reynoldsburg, Ohio and appropriation of funds. Mayor.

Mayor McPherson: Same basic comments. This is going to be the section where we merged all of 164 and 165 into Chapter 160. Again, please review it. We would like to be in a position to have the final draft ready for you at the first meeting in January.

Mr. Hills: Questions or comments from anybody on Finance? Anyone on Council? If not, I'd recommend we send this forward for second reading. Is there a second? Second by Mr. Clemens. All in favor state aye. (All voted "Aye"). Opposed? (No response). It will go forward for second reading.

Item number 14, Ordinance returning funds to Storm Water Utility Fund, funds originally appropriated for engineering fees for detention basin improvements project, Taylor Ridge East Sections 1 and 3, Leighton Village Section 4 and Godfrey Circle. This was returning the amount of...

Mayor McPherson: \$13,000.

Mr. Hills: And I think we returned \$12,647 but we can do the whole _____. \$12,647 and discussed earlier, I would recommend that unless there are any further comments we would want to consider doing this as an emergency in order to get the transfer made prior to the end of the year.

Mrs. Frazier: On the amount there, is that the only bill? \$353, was there more? My understanding was 353 was the only bill but was there other monies that was paid out of there and it should be a lower figure?

Mayor McPherson: Not that I'm aware of.

Mrs. Frazier: Okay.

Mr. Hills: So with the discussion, in order to try to get these transferred before the end of the year it probably should be an emergency. Are there any other comments from anybody on Finance? Anyone on Council? Mr. Beougher.

Mr. Beougher: Yes. Thank you Mr. Hills. I have a question for Mr. Mussi I believe. Who is doing the inspection services in-house?

Mr. Mussi: It'll be our Storm Water Superintendent Don Turley.

Mr. Beougher: And is he a registered engineer?

Mr. Mussi: No he's not. He's been handling that every since the program has been in place. He's done concrete work. He's rebuilt the manholes and stuff and we felt he's capable of just doing a basic...

Mr. Beougher: And the contract amount with the contractor is 79,000? Is that correct?

Mr. Mussi: I don't have that figure in front of me right now.

Mr. Beougher: I have too much paper up here. I can't find it but it seems like it's about 79,000. Mr. Gilbert, does that sound about right?

Mr. Mussi: That's pretty close to it but I don't have that figure in front of me either.

Mr. Beougher: Okay. I have a question for Mr. Underwood. Isn't that a violation of Revised Code 4733.17c which requires a professional engineer to inspect any project over \$5,000?

Mr. Underwood: It's also contrary to my opinion a couple of years ago that inspections should be done by engineers. That's part of the engineering work. That particular code section, I can't quote you off of the top of my head but there is, the general title of engineering also includes inspections of projects and the opinion was about two years ago.

Mr. Beougher: Yeah. I recall that from June and you're saying that your opinion said that we needed a registered engineer to perform those inspections as I recall.

Mr. Underwood: The opinion said that engineering includes inspections.

Mr. Beougher: I have it here. "Inspection of projects require interpretation of plans, specifications, and designs prepared by the design professional. Therefore, inspection services is an intrical part of completing project". And going on, "it is my opinion that inspection services should be included in the professional design service contracts". Does that sound...

Mr. Underwood: That's correct.

Mr. Beougher: Okay. Thank you.

Mr. Hills: I guess that may raise a question in my mind. I just listened cites to the code and some comments but where did the comments, and I don't have them in front of me and I didn't know this was coming up so I'm saying it off the top of my head, but where in what I just heard and you all read did it say that inspections must be done by engineers?

Mayor McPherson: I think even in the opinion it said, it didn't say "must be". It gave an opinion that it should be.

Mr. Beougher: Well the Ohio Revised Code states it perfectly clearly in my view that it must be.

Mr. Hills: Let's just read it and see if we can, ORC 4733.17c, assuming it's current and get this language in. I'm not saying it's not. "Neither this state or any of its political subdivisions or any municipal corporation shall engage in the construction of any public work involving the practice of professional engineering or professional surveying for which plans, specifications, and estimates have not been made by, and the construction thereof, inspected by a licensed engineer or professional surveyor provided this section shall not apply to design, construction, improvement, or maintenance of any public work or any contemplated expenditure for the completed project does not exceed \$5,000. Any contract for engineering surveying services executed in violation of this contract shall be void and any monies advanced for payment of such contract by the state or any of its political subdivision or any municipal corporation shall be funded forthwith". Okay? That says it that way. I just didn't pick it up what you were saying. Mayor, comments?

Mayor McPherson: Yeah. My only comment is I also wasn't prepared for this. It would be nice if we were going to bring this up in a public forum that we'd at least have some advance notice so we too could read the particular section. I believe the section's referring to, and again I don't have in front of me, I believe it's referring to engineering for plans and specifications, etc. You know, I want to make it perfectly clear, this is nothing but slabs of concrete poured over gravel. It's a concrete trough that in absolutely no way requires an engineer to tell you that you've got the concrete there. It's framed the same way a sidewalk is, and you know, our purpose is try to save money for the City of Reynoldsburg. You know, I don't want to violate any laws but it's something, if you want to table it I will look at that. But you know, it would appear to me that the architects and the engineers put this stuff in to perpetuate themselves and I've got to look at it from the savings standpoint of the City of Reynoldsburg and when it's not needed, that's my recommendation folks. And to have to pay an engineer \$13,000 to do what we can do in-house seems to me to be ludicrous.

Mr. Hills: I guess the only comment...

Mayor McPherson: But I will read the Ohio Revised Code.

Mr. Hills: I do believe in the sidewalk program even though it's just pouring into forms, I do believe that that does require an engineer.

Mayor McPherson: And we did bid that out to an engineer and again, saved the city, what, \$100,000 on the inspections.

Mr. Hills: I'm not sure what it was. Mr. Clemens.

Mr. Clemens: I didn't know this was going to be brought up either.

Mayor McPherson: Nor did I.

Mr. Clemens: My only thought is since we did have architectural drawings on it, plans, specifications, that we bid on, and that means there must be elevations to be shot and so forth like that, I have no problem who does it as long as I know our people can do it. Because if proper elevations aren't put in and we're putting in the drainage system to handle these basins and you know, we'll have to shoot proper elevations and make sure that it is done right. So that as long as we can be guaranteed that it is done that way because if it's done wrong we have no recourse other than ourselves. That's the only thing my only thought is. If I can be shown that we can do it maybe there's no problem.

Mr. Hills: Well if anyone doesn't mind I'm going to back up and say, let's don't do this as an emergency. Let's just send this forward for second reading and certainly take another look at it but if these statements are correct, and Mr. Underwood I'd appreciate it if you'd look at it and try to give us some input at the first committee meeting in January as to whether it should or shouldn't have been done. I know that it was included originally in the contract and then it was decided not to be done. If we can do that, fine. I don't think anyone in here is going to intentionally try to violate any sections of the code or the Charter. But certainly I'd recommend that we only send this forward for second reading. If there's a second? Second by Mr. Clemens, and we'll deal with the issue in January. Mr. Wade, did you have a question?

Mr. Wade: No, just a comment, and I'm not sure if it's appropriate but I'm going to say it anyway. I've never known engineering firms or architectural firms to be accountable for what they do and I think that our in-house people are accountable for what they do. I've work with engineers and architects every day that don't even take the accountability for their blue prints that they draw ____ . So I'm in favor of keeping it in-house if we can do that at all possible.

Mr. Hills: Mr. Clemens.

Mr. Clemens: The only place I disagree with you is if you approve something for the contractor he's no longer responsible. I have no problem doing it in-house if these people are qualified to do it. If we're putting in a drainage system for these detention basins because we've had a problem, that means we haven't had proper, they're not properly built to start with, didn't have the proper concrete or drainage system put in when they should have been, and if we're going to spend this money to get it done, I want it done right.

Mr. Wade: And I absolutely agree with you Mel. I just think the accountability is no different than...

Mr. Clemens: If we can handle it, I have no problem but I don't want to come back later and say, we didn't handle it right.

Mr. Gilbert: Those detention ponds are the ones that were inspected originally.....

Mayor McPherson: Exactly. I was just going to just comment. Thank you.

Mr. Gilbert: And I would just add...

Mayor McPherson: The same engineering company designed them.

Mr. Wade: Exactly.

Mr. Gilbert: Knowing Don Turley, I don't think he would put himself in that position to inspect . I think those comments from this side of the table were inappropriate to our Storm Water Department and I'm going to take my guidance from the City Attorney. Not from a Councilman who reads the Revised Code and tries to advise me on the Revised Code. Mr. Underwood is capable enough of that.

Mr. Clemens: Could I ask one question though?

Mayor McPherson: If I could, we will review it Mr. Hills. Our intent is not to violate the Ohio Revised Code.

Mr. Hills: I don't think anybody's intent is to violate the code and certainly a new light has come to this. We do need to address those issues.

Mayor McPherson: Right.

Mr. Hills: We can talk about, I wonder why ten years ago there wasn't concrete in the bottom of these dirt ditches any way. I mean, hindsight is always better than 20/20. So now we have some things we need to look at, let's get some clarification. I don't think, not trying to, and I'd like to make this statement then we'll just move this thing forward and vote on that second, but I'm not sure that Mr. Beougher and Mr. Underwood have sat here and said anything different. I think each have said sort of the same thing and I think we shall have the opportunity to let this issue work itself out, because certainly, again I will repeat, no one in this room is going to sit here and intentionally try to do something that's inappropriate or with any violation of Code or Charter. I don't see anyone from EMH&T (Tape Change)

I'm sorry and so I don't know if they want to address this or you'd rather, it may be more appropriate to address this after, in a meeting between yourselves and the City Attorney and the Mayor I would think. I'm sorry. There is somebody from EMH&T and I apologize.

Mrs. Keefer: Inaudible.

Mr. Hills: Now you have a report to send back. Right? Okay. Well there is a motion, there is a

second by Mr. Clemens to send this forward for second reading. All in favor state aye. (All voted "Aye"). Opposed? (No response). It will go forward for second reading.

Item number 15. 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. This is the modification we talked about on several different occasions. It's the 83% of the 17% going to the General Fund and the Debt Retirement Fund. This will take effect 1-1-03. Any comments from anyone on Finance? Anyone on Council? If not I would recommend we send this forward for third reading with recommendation for adoption as an emergency. Is there a second? Second by Mr. Gilbert. All in favor state aye. (All voted "Aye"). Opposed? (No response). It will go forward.

I thank you very much and we'll adjourn Finance at 8:20.

Finance Committee
- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
December 16, 2002