

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
December 14, 2009

President of Council William L. Hills called the meeting to order at 7:30 p.m.

Members of Council present: Mel Clemens, Barth R. Cotner, Ron Stake, Fred Deskins, Jr., Leslie Kelly, Doug Joseph. Councilwoman Donna Shirey was absent.

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

Minutes of the regular Council meeting held November 23, 2009 were approved without objection.

President Hills: That moves us to, and prior to No. 6, let me just note a couple of things. The Mayor, those who were here earlier saw that he was here; he is ill; his family is ill; and I guess he has the same thing, and rather than have the forty people in here have the same thing, he has departed the premises. I would also like to let you know Councilperson Shirey had some minor surgery this week. We will not see her back until probably the 28th. Is that correct?

Mrs. Frazier: That's correct.

Mr. Hills: And everything went well, so we're pleased to hear that. Moving to Item No. 6 - approval of the agenda. I do have a memo from the Mayor asking that we hold No. 32 until the plans and things are laid out. Any other changes or additions, deletions to the agenda? Is there a motion to hold No. 32 and send it back to committee? So moved by Mr. Deskins. Seconded by Mrs. Kelly. Thank you. All those in favor say "Aye". (All voted "Aye") Opposed. (No response). The agenda is amended.

Community Comments and Requests

Mr. Hills: This is the opportunity for people to address Council on things that are not on the agenda. I do have one witness slip. Mr. Ken Wright, if you want to come forward and give us your name and address for the record.

Mr. Wright: My name's Ken Wright and I live on Roselawn Avenue. Last month, on November 5th, the BZBA once again voted its approval of a storefront church in the Century City Shopping Center, possibly driven by some pathetic liberal agenda. This unelected Board completely ignored evidence laid before it as to the improper behavior of Pastor Robinson and his group. The natural remedy for the antics of the BZBA is a more sober consideration of the matter by City Council, but that was not to be. The Chairman of the Service Committee refused to put the matter on Council's agenda. It seems the Chairman was also in favor of having the storefront church at Century City. He did not dare to put it on to a vote by Council, because it might lose. For me, the storefront church is the very emblem of urban decay. Seeing the neighborhood I've lived in for 38 years, become a slum, is heartbreaking, but to see democracy itself undermined is scary as

hell. Each of the times when a storefront church wanted to locate in the Century City Shopping Center, democracy was thwarted here in Reynoldsburg. In the case of the Big Bear Store, it was the community's referendum that was denied. The community was denied its right to vote on the matter. In this recent case, it was City Council, the people's elected representatives who were denied a vote. In both cases, these tragic, undemocratic results were brought about by individuals who believed they must win, at any cost. In other words, for them, the end does justify the means. Thank you for letting me speak.

Mr. Hills: Councilman Clemens, do you have a comment?

Mr. Clemens: Yeah, you know, I hate to say this, you know, everybody's got a right to their thoughts. In the first place, you don't understand what you're talking about. To start with, anybody on City Council could have brought that before City Council, not the Service Chairman, anybody on City Council that wanted to have that heard, all they had to do was put it on Council's agenda and they would have heard it. To start with, there's no win or lose, I don't even know what you're talking about when you're talking about these people want to win or lose. So I think the next time when you speak on something, you ought to understand what the rules are before you make a statement accusing somebody of something you don't know anything about. You understand?

Mr. Wright: Yeah, I see what you're saying, but....

Mr. Hills: Mr. Wright, Mr. Wright, I'd be very cautious, okay. If you want to respond, respond. We will not get into a debate. You have dealt with this same issue a number of times and I've been patient, this Council's been patient. If you want to respond to Mr. Clemens comments, respond to them and then you can sit down.

Mr. Wright: Okay, he asked me a question. He said did I understand. He asked me....

Mr. Hills: No he didn't ask you a question. He made a statement. You did not understand. He didn't ask you a question, he made a statement.

Mr. Wright: I think he.....

Mr. Hills: Now if you want to respond, respond. I listen too Sir and now I've heard you for a lot, we've talked. You get upset when I say it's time to sit down but this isn't something that's going to be debated again. You've had your opportunity to make your statement. Mr. Clemens made a response. If you want to respond, respond and then it's over Sir.

Mr. Wright: I just have one sentence. I talked to some Council members and they thought that the church Special Exception Use Permit had been denied. They thought it was over. They thought the church was out and gone and could not operate there.

Mr. Hills: Please do sit down because that was incorrect information, and I would see where Mr. Clemens would have _____ that. Is there anyone else that would like to address Council on an

issue not on the agenda. If not, we will move on to Communications.

Clerk read report from Clerk of Court: total monies collected from courts held during November 2009 - \$41,341; monies also collected during that period pursuant to Ordinance Numbers 146-94 and 104-02- - \$3,333 for the Computerization Needs Fund; and \$170 for the Enforcement and Education Fund.

Reports:

Director of Engineering Miller: Two things - on January 6th at 9:00 a.m., there is a ribbon cutting for Rosehill Road and the ribbon cutting is for both phases, Phase I and II, north and south of Main Street. It will be held in the UDF parking lot. I've spoken with UDF and Tan Pro and there's temporary parking available there at those businesses if you wish to attend. Electronic invitations for the ribbon cutting are going to be sent out this week once they're finalized.

And the second thing on my report was to let you know that as of this past Friday, the Summit Road OPWC Grant Application was funded. The Friday before, the preliminary list of projects was released and Summit Road was on that as well. So that is a successful funding endeavor for the City of Reynoldsburg and repairing and upgrading streets.

Mr. Hills said that unfortunately, the Etna Township and Licking County part was not going to be paved? Mr. Miller replied it was not. Mr. Hills said the city did try to get that accomplished; and thanked Mr. Miller for the report.

Motion(s):

Clerk read motion: That the Council of the City of Reynoldsburg does hereby confirm the Mayor's appointments of James E. Hood, Reynoldsburg City Attorney, and Lucas Haire, Reynoldsburg Development Director, to the Licking County Tax Incentive Review Council; terms to be for two years and will begin on January 1, 2010 and expire on December 31, 2011. Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed.

Clerk read motion: That Councilman Doug Joseph be appointed the City of Reynoldsburg representative to the West Licking Joint Fire District Board. Mr. Stake moved adoption. Mr. Cotner seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed.

Clerk read motion: That the Council of the City of Reynoldsburg does hereby appoint Patrick M. Thompson to serve on the Design Review Board; term to be for three years, and will begin January 1, 2010. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed.

ORDINANCE AUTHORIZING ENGINEERING SERVICES FOR THE 2010 STREET PROGRAM; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Deskins moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 81-09 adopted.

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED MUNICIPAL INCOME TAX CREDIT AGREEMENT FOR THE PURPOSE OF EXTENDING THE PROVISION OF A NON-REFUNDABLE MUNICIPAL INCOME TAX CREDIT HERETOFORE GRANTED TO DYNALAB, INC. 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: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 82-09 adopted.

AN ORDINANCE AUTHORIZING THE PROVISION OF CERTAIN INCENTIVES TO ASSOCIATES IN CENTRAL OHIO OBSTETRICS & GYNECOLOGY, INC. TO INDUCE IT TO PURCHASE A FACILITY WITHIN THE CITY AND LOCATE ITS OPERATIONS AND WORKFORCE WITHIN THE CITY, AND AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Cotner seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 83-09 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 121.02 "COMPENSATION" OF CHAPTER 121 COUNCIL AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Deskins seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 84-09 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 143.01 "COMPENSATION" OF CHAPTER 143 DEPARTMENT OF CITY AUDITOR AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 85-09 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. Mr. Clemens seconded. With the roll called,

members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 86-09 adopted.

ORDINANCE AUTHORIZING CITY AUDITOR TO FUND HEALTH SAVINGS ACCOUNTS AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mrs. Kelly seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 87-09 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR CITY INSURANCE 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: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 88-09 adopted.

ORDINANCE MAKING APPROPRIATION TO REPAY THE STATE OF OHIO FOR D.A.R.E. MONIES NOT USED AT WAGGONER ROAD MIDDLE SCHOOL AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mrs. Kelly seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 89-09 adopted.

ORDINANCE AMENDING ORDINANCE NO. 55-02 PASSED JUNE 24, 2002 TO REFLECT PHASE VI OF THE SIDEWALK PROGRAM TO INCLUDE TWO SECTIONS- - Clerk read ordinance by title for the first reading. Item referred to Safety Committee.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6529 E. Livingston Avenue; proposed use - eating and drinking establishment); applicant, Laura De la Torre- - Clerk read ordinance by title for the first reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING SERVICES ASSOCIATED WITH THE SANITARY SEWER EVALUATION SURVEY (SSES) AND CAPACITY, MANAGEMENT, OPERATION AND MAINTENANCE (CMOM) EFFORTS REQUIRED UNDER THE OHIO EPA'S DIRECTOR'S FINAL FINDINGS AND ORDERS (DFFOs); and APPROPRIATING FUNDS THEREFORE- - Clerk read ordinance by title for the first reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING RENEWAL OF CITY'S HEALTH INSURANCE COVERAGE WITH UNITED HEALTH CARE FOR THE PERIOD FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2010 AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the second reading. Mr. Stake moved to amend the ordinance to the redraft date of 12-10-09 to include emergency language. Mr. Cotner seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; ordinance amended. Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed;

Ordinance No. 90-09 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Section 192.02 "Imposition of Tax" of Chapter 192 Hotel Tax - - Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

ORDINANCE MAKING TRANSFER OF FUNDS WITHIN THE TAX ADMINISTRATOR'S DEPARTMENT IN ORDER TO HAVE SUFFICIENT FUNDS FOR REPLACEMENT OF FURNITURE **AND DECLARING AN EMERGENCY**- - Clerk read ordinance by title for the second reading. Mr. Stake moved to amend the ordinance to the redraft date of 12-10-09 to include emergency language. Mr. Clemens seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; ordinance amended. Mr. Stake moved adoption. Mr. Cotner seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 91-09 adopted.

ORDINANCE MAKING TRANSFER OF FUNDS FROM VARIOUS DEPARTMENTS (Police, Auditor's Office, Building, Human Resources, Computer, Clerk of Courts, General Administration) to THE GENERAL FUND, AND APPROPRIATING FUNDS TO VARIOUS GENERAL FUND DEPARTMENTS (Police, Clerk of Courts, Senior Citizens Center, Vehicle Maintenance); MAKING TRANSFER OF FUNDS WITHIN THE WATER DEPARTMENT, AND MAKING TRANSFER OF FUNDS WITHIN THE STREET DEPARTMENT IN ORDER TO HAVE SUFFICIENT FUNDS FOR THE REMAINDER OF THE YEAR **AND DECLARING AN EMERGENCY**- - Clerk read ordinance by title for the second reading. Mr. Stake moved to amend the ordinance to the redraft date of 12-10-09 to include emergency language. Mr. Clemens seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; ordinance amended. Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 92-09 adopted.

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"- - Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (c) of Section 945.02 "Rate Schedule" OF CHAPTER 945 SEWER CHARGES **AND DECLARING AN EMERGENCY**- - Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance to the redraft date of 12-10-09 to include emergency language. Mr. Deskins seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; ordinance amended. Mr. Stake moved

adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 93-09 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (a) of Section 953.01 "Water Rate Schedule" OF CHAPTER 953 WATER CHARGES AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance to the redraft date of 12-10-09 to include emergency language. Mr. Cotner seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; ordinance amended. Mr. Stake moved adoption. Mrs. Kelly seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 94-09 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 971.08 "Program and Facility Fees And Charges" OF CHAPTER 971 MUNICIPAL PARKS- - Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance to the redraft date of 12-11-09 to include new Exhibit "A" revised 11-23-09 and received by Council on 11-25-09. Mrs. Kelly seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; ordinance amended. Mr. Stake moved adoption. Mr. Cotner seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 95-09 adopted.

RESOLUTION ADOPTING THE REVISED CAPITAL IMPROVEMENTS PROGRAM OF THE CITY OF REYNOLDSBURG, OHIO FOR THE YEARS 2010 THROUGH 2014- - Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed; Resolution No. 96-09 adopted.

Request by President of Council for Executive Session to discuss imminent, and pending court actions; to consider compensation of public officials, and public employees; and to review collective bargaining strategy.- - Mr. Hills said those attending the Executive Session would be the Clerk of Council and elected officials. Mr. Deskins moved to recess for the Executive Session; Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea". Motion passed. Mr. Hills said Council would reconvene only to call the roll and adjourn. Council recessed at 8:00 p.m.

Council reconvened at 8:40 p.m. With the roll called, members responding were: Mr. Clemens "Present"; Mr. Cotner "Present"; Mr. Stake "Present"; Mr. Deskins "Present"; Mrs. Kelly "Present"; Mr. Joseph "Present".

Meeting adjourned at 8:40 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council