

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
DECEMBER 13, 2004

President Pro Tempore of Council Lane J. Beougher called the meeting to order at 7:30 p.m.

Members of Council present: Mel Clemens, Antoinette Newman, Ron Stake, Preston Stearns, Brett Baxter, Eric Gilbert. Council President William L. Hills was absent.

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

Minutes of the regular Council meeting held November 22, 2004 were approved without objection.

Minutes of the special Council meeting held December 6, 2004 were approved without objection.

Mr. Stake made a motion to hold items 14 (ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR PROFESSIONAL BACKUP CONSULTING AND STRUCTURAL ENGINEERING SERVICES AND DECLARING AN EMERGENCY), 15 (ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR PROFESSIONAL ARCHITECTURAL AND PLAN REVIEW SERVICES AND DECLARING AN EMERGENCY), 16 (ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR PROFESSIONAL BACKUP ARCHITECTURAL AND PLAN REVIEW SERVICES AND DECLARING AN EMERGENCY), and 19 (ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR PROFESSIONAL CONSULTING AND STRUCTURAL ENGINEERING SERVICES), and returned them to committee. Mr. Clemens seconded. The amended agenda was approved with all voting "Aye".

Community Comments and Requests- -Pastor Diyanni was present.

Pastor Diyanni: Members of Reynoldsburg City Council, I'm requesting that the City of Reynoldsburg grant us permission to display a nativity set as part of the Christmas display that the city sets up each year. This will be our fifth year being a part of this display. My purpose for requesting this is to recognize the historical significance that Christmas has its origin and the birth of Jesus Christ. It is the season we recognize the birth of a man who changed history. We even date our calendars according to this holiday. Recognizing the birth of Jesus and his contributions to mankind is not any different than recognizing the birth of Martin Luther King, or George Washington, or Christopher Columbus. This is history, not religion. I'm not asking that the city endorse Christianity, but rather recognize it instead of censoring it. Recognition according to the supreme court is not the same as endorsement. I realize that either way can be controversial, but I believe this is worth it and it's the right thing to do. We have secured two legal opinions from two different law firms on the legality of doing this. Both of these firms specialize in first amendment rights. They agree that this is completely legal to do since this is a private owned nativity set. All the city is being asked to do is to allow private organization, in this case, Faith Chapel, to have access to public property for this display. We would like to set up the display on Saturday, December 18, 2004. To forbid us from displaying this nativity is nothing short of censorship. If other organizations wish to participate in this display by making positive contributions, I believe it

would show Reynoldsburg to be an open and accepting community. These are very expensive statues produced by Fontadini and are valued at over \$3,000. We would like to continue to add new pieces to this three piece set over the years until this set is complete with three wise men, the Shepard's, but we are concerned for their protection. We would like to request that we be able to place them inside a small lighted creche. I'm certain this would be a good thing for our city and that people would enjoy it. If this does not seem like a good idea, I can make one other suggestion. As you can see from the legal briefs that each of you have in front of you, the supreme court of the United States has upheld that it is legal for cities to own their own nativity set and to display them so long as they are part of a diverse Christmas display. Faith Chapel would be happy to donate our nativity set to the city to be a part of this Christmas display. We are asking that the City Council please do not allow the censorship of this Christian theme from the Christmas display. It's just not right that the city would set up a religious display of St. Nicholas, otherwise called Santa Clause, and selectively censor a nativity display. I thank you for your consideration of this matter. Merry Christmas and Happy Holidays.

Mr. Beougher: Thank you. And I believe the Mayor would like to respond.

Mayor McPherson: Thank you, Pastor Diyanni. Thursday, we met with Pastor Diyanni, the City Attorney and myself. And again, I've talked to Pastor Diyanni on more than one occasion since then. We are in the process of trying to resolve the issue and hope by some time this week to be able to meet with the City Attorney again. We talked earlier today as a matter of fact, but Bill's had some eye problems that everybody's aware of and was really unable to read the document that we were talking about. So we hope to resolve the issue favorably. Dave and I have worked many years on this. We've put this display up the last four years I believe, or five years, four years? This will be our fifth year. And there are some other things that have entered into it this year. Other people that want to put some things up and we're trying to sort it out. And again, I would hope that we have everything sorted out yet this week. And hopefully it will be favorable toward the creche being put up. Thank you.

Mr. Beougher: Thank you. Any other comments from Council? Mrs. Newman.

Mrs. Newman: Thank you, Mr. Beougher. I would just like to say that I am in favor of this creche. It commemorates the birth of a person who was very, very influential in this world. And I see no harm, and many benefits in having this display.

Mr. Beougher: Thank you, Mrs. Newman. Mr. Stake.

Mr. Stake: Thank you, Mr. Beougher. I echo the words of Mrs. Newman. I also Mayor, as I said, I'm in favor of this display. And I'm in favor of other displays that are in keeping with the holiday spirit that we're showing around the building. I don't think anything should be displayed that's disrespectful. But I certainly don't see a nativity scene as being disrespectful. And that's my recommendation, Mayor.

Mr. Beougher: Thank you, Mr. Stake. Anyone else? Mr. Stearns.

Mr. Stearns: Thank you, Mr. Beougher. I also agree with this display too. And as a Christian, I think that it is important that we do have that kind of display in the city. To see all these

wonderful lights around here and like Pastor Diyanni said, not any sign of Jesus Christ in _____. So I'm in agreement with it also.

Mr. Beougher: Mr. Baxter. We'll go right down the line.

Mr. Baxter: Well thank you, Councilman Beougher. I would just like to say that I'm also in favor of this. As a Knight of Columbus, one of our themes is to keep Christ in Christmas. Where would it be Christmas without Christ? So I certainly would support this. In addition to that, I would also recognize that the intention here is not a hate group. It's a group that is out there for their community. And my only caveat would be is that we don't want hate groups within the city. We want groups that want to be community based. And I see these types of activities. They're great activities. I would support them all the way. Thank you.

Mr. Beougher: Anyone else?

Mr. Gilbert: Mr. Beougher, I would just echo the sentiments of my colleagues. I think it is important for us to maintain the city's commitment to seeing that this display is put on city property. And would just offer my support and urge the Mayor to reconsider his initial decision to prevent the display from being placed out on city property. Thank you.

Mr. Beougher: Mr. Clemens.

Mr. Clemens: Well, I think I can say I support whatever Mayor McPherson's decision is. He's the leader of the city and a fair minded person. And I'm sure he's doing everything he can to work the situation out. I do know Pastor, and we've worked together. This is an administrative matter and whatever the Mayor decides to do and Mr. Underwood, I'm sure it would be for the benefit for the city. And I'd back the Mayor on this decision.

Mr. Beougher: Thank you, Mr. Clemens. Pastor Diyanni and I traded e-mails about four years ago over this same topic. And my concern at that point was, once we allow one display, then we have to allow every display. And that's where we're at. We have other groups requesting space and by tradition, we should probably honor their request. With that, any further comments? (No response).

Councilman Preston Stearns stated that when he received his packet last Friday, he was amazed at the number of legislation's that required an emergency. He said that he understands these are clean-up items for the end of the year. He said his message to the administration is that at a time when we see legislation that has to be done, it needs to be submitted to Council on a timely manner. He said he would like to know as much as possible about a piece of legislation. He said getting it in one or two sessions is not enough time for him. He said the normal time for a legislation is three readings. He said he doesn't like to see our government short cycle by running the majority of the emergency items through. He said he likes to see them done in a timely manner and the way that they're supposed to. He suggested to the administration that at the time of the return from the August recess, clean-up items should be sent to Council so they can start looking at them and getting them completed in a timely manner.

Communications- -Clerk read report from Clerk of Courts: total monies collected from courts held during November 2004, \$17,021. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- -\$1,030 for the Computerization Needs Fund and \$100 for the Enforcement and Education Fund.

Reports- -Mrs. Reichard, Safety/Service Director, made a presentation on Phase I of the Streetscape Program (See Attached).

Regular Agenda Items

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 one required reading. Item referred to Safety Committee.

ORDINANCE AUTHORIZING THE REYNOLDSBURG DIVISION OF POLICE TO CONTINUE TO ACCEPT "GANG RESISTANCE EDUCATION AND TRAINING" GRANT; APPROPRIATING FUNDS; AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea". Motion passed; Ordinance No. 119-04 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 second. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Nay"; Mr. Baxter "Yea"; Mr. Gilbert "Yea". Motion passed; Ordinance No. 120-04 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 one required reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR HEALTH SERVICES AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens second. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea". Motion passed; Ordinance No. 121-04 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR POLICE DEPARTMENT FOR SALARY ACCOUNTS 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"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea". Motion passed; Ordinance No. 122-04 adopted.

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

ORDINANCE AUTHORIZING AMOUNT OF MERIT INCREASE (2.5%) FOR THE YEAR 2005, FOR WHICH EMPLOYEES COVERED BY CHAPTER 160 ARE ELIGIBLE- -Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE SETTING FORTH A UNIFORM PROCEDURE FOR THE SALE OF PERSONAL PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES- -Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

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 second reading. Item referred to Finance Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 909 SIDEWALKS, SECTION 909.01 "Sidewalk Construction Permit And Fee" Subsection (d); CHAPTER 1301 DEPARTMENT OF BUILDING INSPECTION, SECTION 1301.01 "DEPARTMENT ESTABLISHED; DUTIES OF INSPECTOR", Subsection (b); VARIOUS SECTIONS AND SUBSECTIONS OF CHAPTER 1305 PERMITS AND FEES; CHAPTER 1325 1999 OHIO RESIDENTIAL CODE FOR 1, 2, AND 3 FAMILY DWELLINGS, SECTION 1325.03 "Definitions"; AND CHAPTER 1363 SWIMMING POOLS, SECTION 1363.06 "Permits: Fees"- -Clerk read ordinance by title for the third reading. Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Nay"; Mr. Baxter "Nay"; Mr. Gilbert "Nay". Motion passed; Ordinance No. 123-04 adopted.

ORDINANCE AUTHORIZING ENGINEERING SERVICES INCLUDING THE PREPARATION OF PLANS, SPECIFICATIONS, COST ESTIMATES, AND ADVERTISING FOR BIDS FOR THE BARTLETT ROAD RELIEF STORM SEWER AND CHANGES TO PREVIOUSLY PREPARED PLANS FOR THE BROADWYN DRIVE RELIEF STORM SEWER **AND APPROPRIATING FUNDS THEREFORE (CIP #100)**- -Clerk read ordinance by title for the third reading. Mr. Gilbert moved to amend the ordinance as redrafted 11-16-04.

Mr. Stearns seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Gilbert moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea". Motion passed; Ordinance No. 124-04 adopted.

Meeting adjourned at 8:06 p.m.

Lane J. Beougher, President Pro Tempore
of Council

Susie Smith, Assistant Clerk of Council

(Transcribed/S.Smith, Ass't. Clk. of Council)