

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
DECEMBER 10, 2007

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

Members of Council present: Ron Stake, Preston Stearns, Brett Baxter, Doug Joseph, Mel Clemens, Antoinette Newman, Donna Shirey.

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

Minutes of the regular Council meeting held November 26, 2007 were approved without objection.

Minutes of the special Council meeting held December 3, 2007 were approved without objection.

Mr. Stake moved to amend the agenda by adding a Motion to change the regular Council meeting for December 24 to December 17. Mr. Hills stated that motion would be 9a. Mr. Clemens also moved to amend the agenda by adding two Special Exception Use Permits. Mr. Hills stated that the Special Exception Use Permit for >The Spot= would be 14a, and 14b would be the Special Exception Use Permit for the storage units. The amended agenda was approved without objection.

Communications- - Clerk read report from Clerk of Courts: total monies collected from courts held during November 2007, \$47,988. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- - \$2,658 for the Computerization Needs Fund and \$175 for the Enforcement and Education Fund.

Reports- - -

Mr. Hills: Just a couple of announcements. Number one is, we have a meeting, our first meeting in January normally would be January 7, 2008. There will be a Motion coming in next week at committee going forward for a vote to move that January 7 to January 8, Tuesday. So we=ll have one extra day of vacation. I think that=s probably appropriate with Ohio State=s second try at a national championship.

And then also I want to add and make a comment about some comments that were made last week. I never enjoy doing these things, but I think some times they need to be done - especially when I read the paper and see what=s been said.

We had a speaker last week that was speaking on Priestley Drive and decided to talk about Rosehill, and the speaker slip was strictly Priestley Drive. That=s not my biggest part that bothers me, but some of the comments that were made. We=re talking about, we have an individual citizen who said we=re liable for this and liable for that. All Council members, I do think they received a memo from Jed Hood on January 7 (December 7). There is a dispute going on on Rosehill Road between two private land owners. And they are where they should be, which is in the civil action in the court of law. And there=s been some temporary injunction. We have been very cooperative as a city. And as the City Attorney and the Mayor are providing information to both parties to resolve this issue, once it is resolved, then it won=t be the issue any more. And I find it a little inappropriate for people to come in and tell the city how to do their business when they=re not here on a day to day basis. If the city was out of line on this, I=m sure that somebody would have said that. There are certainly some misunderstandings. But when

water is on a landowner=s piece of property, and it moves that water to another piece of property, Reynoldsburg didn=t do that. Okay? That=s an action of that person on the property on how it affects another. So certainly, it always frustrates me. And Ms. Curnutte doesn=t care for me and I don=t deal real well with her, because I have a real problem dealing with people who don=t deal in the facts. Because a lot of people can sit up here and look at me and not care for what I do or how I do it, but I try my best to be sure that we=re all treated the same when we=re up here.

And it=s just unfortunate. I=m not going to get in the battle with Ms. Curnutte and the press. And I=m not going to get in a battle with her personally. All I=m going to ask, is as you come forward in the next four years to Council, please inform us what it is you want to do and you=ll find it=ll be much more cooperative in how it can get done. And when you come up, let=s don=t, let=s try to start off 2008 without taking cheap shots on other people when they don=t need to be done. Have your facts in a row. And if Ms. Curnutte had asked the City Attorney, if she=d asked the Mayor, if she asked some Council people - - now I would hope, and I=m going to encourage Mr. Hood and the new Administration that we get more memos as to what the status of things are, because sometimes we don=t know; and that=s something I think we, as a Council, need to be sure that we are more informed. But again, I don=t like doing these things, but I want the press to understand, we=re not involved in the issue with the two homeowners on Rosehill Road. They both are citizens. They=re both taxpayers, and the court will resolve that civil dispute. Unless there=s any comments, that=s about all I=ve got to say on that. Does anybody have a comment from Council? (No response). I just think it=s appropriate that we try to get as many of the facts out, when we=re reading what=s in the papers, as we can. And I think that needed to be said. That=s all - I think I better, I=ll stop there. Mayor, did you have something you wanted to say?

Mayor McPherson: Thank you. I passed out for you this evening, one sheet of paper. As you start looking back over things that you=ve done over the years and different statistics and all, I thought this one was worthy of sharing with you. And in the future, I=ll share a whole lot of stuff, but you=ll get it in written form and I >m not going to stand up here and talk for hours. But what I=ve given you tonight is a case volume by month for 2000 through 2007 of our Mayor=s Court. This is traffic, criminal, and parking. And you need to understand, this is not tickets written by the Police Department. This is strictly cases that have come into our Mayor=s Court. This doesn=t count any of the cases that we transferred downtown. This is strictly case volume by month for these years for our Mayor=s Court. And you can look on there and see, our Mayor=s Court is very, very busy. As a matter of fact, it=s probably the second or third busiest court in all of the suburban communities. And with that of course, comes an awesome responsibility of the Clerk of Courts. And I think everyone=s aware, we have lost one Clerk of Courts. We have just recently hired a new Clerk of Courts. And the one that left was phenomenal. The one=s that=s there now is phenomenal. But I just thought you really should look at the case volume. Because that=s what they deal with every court day. And every day leading up to court day. But these are just the cases that they actually deal with every week and every month in our Mayor=s Court. So I guess I bring this to you because I just think that=s kind of a division that=s kind of misplaced and people kind of forget about them unless they=re here on Thursdays. So if you have any questions, I=m sure that Sharon will be glad to answer them for you. But I just wanted to point out how proud I am of both the previous Barb Nofziger and of the new, Sharon Michael Clerk of Courts. They just do a phenomenal job. And given these numbers, you can see what I=m talking about. So thank you very much for looking at these.

Mr. Hills: Any questions or comments from Council? (No response).

Clerk read motion: That the regular meeting of Reynoldsburg City Council scheduled for Monday, December 24, 2007 is hereby temporarily changed to Monday, December 17, 2007 immediately following committee meetings. Meeting to be held in Council Chambers. Mr. Stake moved adoption. Mr. Stearns seconded. All voted AYe@. Motion passed.

A FINAL EMERGENCY RESOLUTION ENACTED BY THE CITY OF REYNOLDSBURG, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR ALPA@ IN THE MATTER OF THE STATED DESCRIBED PROJECT- -Clerk read resolution by title for the one required reading. Mr. Joseph moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@. Motion passed; Resolution No. 97-07 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. Mrs. Newman seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@. Motion passed; Ordinance No. 98-07 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS (City Hall Parking Lot; City Attorney=s Office; City Council Office; Clerk of Court Department)- -Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE MAKING TRANSFER OF FUNDS TO CLOSE PROJECT KNOWN AS APLEASANT VIEW SANITARY SEWER PROJECT@- -Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING FUNDING AMOUNTS FOR EMPLOYEE HEALTH SAVINGS ACCOUNTS FOR 2008- -Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT (1756 and 1762 Brice Road); PROPOSED USE OF LAND/STRUCTURE, THE SPOT FAMILY FUN AND BILLIARDS CLUB, APPLICANT PAT MANLEY- -Clerk read ordinance by title for the first reading. Item referred to Service Committee.

Mr. Hills stated that he had two speaker slips, but that the item would be better addressed at the next committee meeting December 17, 2007.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT (6300 East Livingston Avenue); PROPOSED USE OF LAND/STRUCTURE, INDOOR STORAGE FACILITY - RETAIL, APPLICANT RED RAIDER CAPITAL LLC BY DAVID L. HODGE- -Clerk read ordinance by title for the first reading. Item referred to Service Committee.

ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF REYNOLDSBURG ADOPTED BY ORDINANCE NO. 131-95 ON NOVEMBER 27, 1995 AND AS SUBSEQUENTLY AMENDED - 0.648 acre of a 1.69 acre parcel; from R-3 to CC;

applicant, James L. Bates- -Clerk read ordinance by title for the second reading.

Mr. Hills stated that Mr. Bates talked to him at length on this item. He said Mr. Bates had provided Council with a packet and is concerned that when the Planning Commission heard this, that they may not have had the opportunity to consider all the information they provided. Mr. Hills stated that he explained to Mr. Bates that this wasn't the time for comments. He said Mr. Bates had asked if he could read it into the record. Mr. Hills stated that due to the indication that Mr. Bates thinks maybe the city wasn't aware of something, he could address Council but not read the packet into the record and they will talk about it December 17, 2007.

Mr. Bates: I've given you several, I think three letters, and some other, traffic study, a couple of traffic studies. And I'd like to point out to you that we're going to need it. If we're going to pass this, it has to have 6 votes out of 7 votes. If there's 6 people here, we still have to have 6 votes. So I think everybody will be here next week, but I wanted to stress that this is not only important to me, but it's important to the city. In order to get this piece of commercial property which exists there developed properly, we need that extra ground. And as I said, it's important to the city to see that development go forward, and I hope that you will all do your best to give it the attention that it needs, the material that you have on hand, so that next week we can get a valid and represented vote of how it should be. So having said that, I thank you for the time.

Item referred to Service Committee.

ORDINANCE AUTHORIZING ESTABLISHMENT OF HEALTH SAVINGS ACCOUNTS FOR CITY EMPLOYEES AND ELECTED OFFICIALS; and AUTHORIZING CITY AUDITOR TO FUND HEALTH SAVINGS ACCOUNTS- -Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

RESOLUTION ADOPTING THE REVISED CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF REYNOLDSBURG, OHIO FOR THE YEARS 2008 THROUGH 2012- -Clerk read resolution by title for the second reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING 3.5% SALARY INCREASE FOR THE YEAR 2008 FOR ELIGIBLE EMPLOYEES COVERED BY CHAPTER 160- -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: ADDITION OF SECTION 1385.03 AMinimum Space And Use Requirements@ TO CHAPTER 1385 GENERAL PROVISIONS- -Clerk read ordinance by title for the third reading. Mr. Clemens moved to amend the ordinance as redrafted 11-21-07. Mr. Stake seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@. Motion passed; ordinance amended.

Mr. Clemens moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns ANay@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey ANay@. Motion passed; Ordinance No. 99-07 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (a) of Section 953.01 AWater 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 include emergency language. Mr. Joseph seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@. Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@. Motion passed; Ordinance No. 100-07 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR REFUSE PRIVATE HAULER CONTRACT AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance to include emergency language. Mrs. Shirey seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@. Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Stearns seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@. Motion passed; Ordinance No. 101-07 adopted

ORDINANCE TO MAKE AN INTERIM APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF REYNOLDSBURG, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2008 AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance to include emergency language. Mrs. Shirey seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@. Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@. Motion passed; Ordinance No. 102-07 adopted.

Meeting was adjourned at 7:57 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

(Minutes compiled/S. Lyday, Ass=t. Clk. of Council)