

SAFETY COMMITTEE MEETING MINUTES

December 3, 2007

Members of Safety Committee present: Doug Joseph, Ron Stake, Antoinette Newman, Donna Shirey.

Other members of Council present: Preston Stearns, Brett Baxter, Mel Clemens, Council President William L. Hills.

Mr. Joseph: I'm going to call the Safety Committee to order at 7:32.

The second thing on the agenda is approval of the agenda. Are there any changes, or additions, or deletions to the agenda tonight? (No response). Seeing none, the agenda will stand approved.

Item 3, Approval of the minutes of the November 19, 2007 Safety Committee meeting. Are there any changes to those minutes? (No response). Seeing none, those minutes will stand approved.

Number 4, Discussion, Final Resolution (2008 ODOT) Resurfacing US 40 from 350 feet west of Taylor Road to city's east corporation line and appropriation of funds. Mr. DeBolt.

Mr. DeBolt: Mr. Chairman, members of Council, as you know, in our last session, we went ahead and approved the Preliminary Legislation with ODOT to participate in the program, and now we'd like to move forward with the actual appropriation to participate in the program. And ODOT's provided the actual dollar amounts. Again, they said they are official estimated amounts and they tried to make it clear to us that those could go up slightly or down slightly according to the bid price. But at the same time, we'd like to move forward with the appropriation of the \$10,700 to pave the area in what's considered the gap out between the two projects between ODOT District 6 and District 5 that's going to occur in the spring. If you have any questions, I'll be happy to answer them. We did provide a brief memo that we would like to have it on an emergency so we can get it done next week and provide ODOT with a check the next day. And they'll be able to go forth and bid the project on December 19 if we can do that.

Mr. Joseph: Mr. DeBolt, I've got one question regarding the span of the paving. I know it's going to be roughly 350 feet west of Taylor and eastward it's the corporation line. Where exactly does that fall?

Mr. DeBolt: Basically, it's approximately, I have an exact distance, but it's, one side of the street it's closer. On the west bound lane it's closer to Taylor Road. And on the east bound lane it's farther down Taylor Road.

Mr. Joseph: As far as the Agricultural Center? Does it go that far?

Mr. DeBolt: Ball park, I=d say.

Mr. Joseph: Okay. Yes, Mr. Clemens.

Mr. Clemens: Are we going to the city limits? That=s my point. On the south side that=s in Reynoldsburg?

Mr. DeBolt: Yeah. The project will pave all the way through the south side and the north side. All the way to where the other project left off.

Mr. Joseph: Other questions or comments from members of committee? (No response). Council? Mr. Baxter.

Mr. Baxter: Thank you, Chairman Joseph. Mr. DeBolt, one of things we=ve run into in the past with these types of projects is when they=re ready to go, we go take a look at them and we find out there=s severe damage to the road and we hit with these deep dives and these types of things. Have you looked at the road? And is that any type of expectation on your part that we might run into some of those and have additional costs?

Mr. DeBolt: Yeah. Based on our experience with Main Street here in town recently, actually, I talked to the project manager again today about that same concern. Because if that was the case, and when it=s their project, they had looked at the road, and I wanted to make sure that if we needed to add additional dollars, let=s do it now rather than coming back to Council. And based on their review of the road, they felt that that wouldn=t be necessary in this case. Again, this road is not nearly in the bad condition as the prior part of the road that we did have to come back to Council for. I noticed some rutting that was out there on the east side of the intersection. I thought that was the closest thing that would require what we needed. But again, they had looked at it and I think they decided that it=s going to be like a three inch mill and fill and that should take care of it. So I don=t anticipate that happening in this section.

Mr. Baxter: Great. Finally some good news. Thanks.

Mr. Joseph: Are there any other questions or comments? Mr. Stake.

Mr. Stake: Thank you, Chairman. Steve, the money=s going to come out of the Highway Fund, correct?

Mr. DeBolt: Yes, sir.

Mr. Stake: And we have a balance of approximately \$271,000 currently?

Mr. DeBolt: Yes.

Mr. Stake: What account are we going to appropriate this money to? Maybe Mr. Harris can help you.

Mr. Harris: The money needs to stay in the State Highway Fund. We will have an account number and charge it back to the State Highway Fund. The state is not big when you do these projects and move a lot of money around. They would like to see the charge go directly into the account where it belongs. So we're not going to be transferring it between funds.

Mr. Stake: Okay. So all we need to do is just authorize the appropriation and the money will stay in the Highway Fund.

Mr. Harris: Yep.

Mr. Stake: Okay. Thank you.

Mr. Joseph: Other questions, comments? (No response). Okay. Seeing none, I'll make a motion that we, now you do want this as an emergency?

Mr. DeBolt: Please. Yes.

Mr. Joseph: I will make a motion we pass this as an emergency on to both Finance and Council. Is there a second? Second by Mrs. Newman. All in favor, please say aye. (All voted Aye@). Opposed? (No response). Motion carries.

And item 5 tonight, Discussion, Priestley Drive issues. At 2-20-07 Special Safety Committee meeting, item held two weeks; to be listed on regular agenda; on 3-5-07 item moved to Other Legislation. This item was at the request of Councilman Baxter. I agreed to put this on tonight. He has some things he would like to say on this. I'll let him go ahead and make his comments at this time.

Mr. Baxter: Thank you, Chairman Joseph. And as you are aware, we had lengthy discussions on the Priestley issue. And the goal here tonight is not to go through each and every one of those again, and again, and again, and redraft each one of those. But rather bring to Council and Administration up to speed where we were and where we are today. One of the things that had been identified was the team of people who had been working on this issue in the Priestley Drive area has been identification of the fact that Priestley Drive is out of code. Priestley Drive is 23 feet in width. And in our code, 1127.01, which each of the Council members have received a copy of in their packet you will see listed under 1127.01, Section (b), the definitions of primary, secondary, collector, and minor, and each of the widths that we must meet. Priestley Drive, according to the thoroughfare plan, is a collector which means it should be 32 feet wide. Being that Priestley Drive is 23 feet wide, it doesn't even qualify as a minor. Many of the traffic studies that have happened over this long period of time, identified and looked at the traffic count based upon a collector street and what would be acceptable and the number of vehicles for that

type of street. And therefore, looking at that, it appeared to be, the street was fine. But if you look at the fact that the street is less than a minor street and the number of vehicles that can pass through that street as a minor street, you now can see where the issue is. It's 10 gallons of milk trying to get into a 5 gallon container. And it's overflowing. So I wanted to make sure that this Administration, and that this Council's aware, that the city is out of code in this particular street. And it's a dangerous safety issue for the people who live in that area. That was some of the new information. Back in March, what we did ask to happen, was to make sure that that street width was verified. Our team has done that. We have verified it. And we just want to make sure that that type of thing has happened if the Administration hasn't done so. So Councilman Joseph, I just wanted to make sure we put that on the record and be aware that that was the situation. And thank you for your time.

Mr. Joseph: Councilman Baxter, you say it's 23 feet?

Mr. Baxter: That's correct.

Mr. Joseph: Is that curb to curb?

Mr. Baxter: No, sir. That is 23 feet of pavement as the code suggests.

Mr. Joseph: Okay.

Mr. Baxter: It's 26 feet curb to curb.

Mr. Joseph: Okay. I also have two witness slips this evening. I'm going to go ahead and let these individuals also to make a few comments before opening up for Council. First is Belinda Guard. Please give your name and address for the record please.

Mrs. Guard: Hello. I'm Belinda Guard, 7861 Priestley Drive. I am here speaking on behalf of our citizens and our association of Quarry Park Subdivision. I know that there has been much discussion in regards to the Priestley Drive issue. However, we come to you tonight with new information that will substantiate our position that has been previously brought before this Council. I would like to reference Reynoldsburg City Code number 1127.01. This code is in regards to street standards titled under Planning and Zoning Subdivision Regulations which was passed by Council on September 11, 1961. Code 1127.01 states the following: minimum pavement widths shall be as follows: collector street, 32 feet; minor street, 26 feet. Minor residential streets shall be so designed as to discourage use by non-local traffic. I previously presented to Council, a Reynoldsburg city document which officially states that Priestley Drive within Quarry Park is 23 feet with pavement. Also, please note that the Administration informed this body that Priestley Drive is defined as a collector street within the thoroughfare plan. This presents several dilemmas. First of which is that Priestley Drive within Quarry Park is 9 feet negative to meet the minimum pavement width for a collector street, and 3 feet negative to meet the minimum for a minor street. This dilemma has put all residents of Quarry Park in an unsafe

environment due to the above mentioned. Resolution: the residents of Quarry Park Subdivision request the following as minimum recommendations to put Priestley Drive within Quarry Park into compliance to meet code 1127.01. One, close all entrances into Quarry Park Subdivision except Waggoner Road to limit the volume so that Quarry Park residents, their guests, and need of service vehicles. Two, permanently close both entrances at the east end of Quarry Park Subdivision with emergency only allowable devices. Now that these facts have been presented, we are confident that this Administration and Council will take immediate action to resolve the long standing dangerous safety issue at Priestley Drive and implement our suggested resolutions. I thank you for your time.

Mr. Joseph: Okay. Next is Joan Curnutte. Please give your name and address for the record.

Ms. Curnutte: My name is Joan Curnutte, 6739 Bartlett Road. I am co-chair of the Reynoldsburg Concerned Citizens Association. I am speaking in support of the Quarry Park Homeowners Association regarding its request to bring Priestley Drive into compliance with the code of the City of Reynoldsburg. Earlier this year, I reviewed, researched the situation with them and verified that Priestley does not meet the code requirements established by the city in 1961. Considerably before Priestley Drive was opened in Quarry Park. Earlier, I spoke before Council regarding the city=s failure to enforce its own code against the diversion of water onto another persons property. This information has been presented and documented to the city and to Council numerous times within remedial action. This Administration has refused in writing to address the problem and told the homeowner not to contact the city again. Substantial damage has been done to the property by continued drainage, and the homeowner has sustained thousands of dollars in legal and engineering costs because of the city=s position. By failing to enforce its own codes, the city also has made itself liable for damages. It is critical that every citizen can rely on government by law rather than by political interpretation. It is my hope that this Administration and this Council will take actions to make that reliance possible in Reynoldsburg. Thank you.

Mr. Joseph: Thank you very much. I=d like to open it up to committee for either comment or questions. Any members that may have questions or comments. Council? (No response). Does the Administration have any response or comment tonight on this information? (No response). Okay. Yes, Mrs. Newman.

Mrs. Newman: I=d just like to say with regard to the drainage problem from one house to another, I think that=s terrible that we haven=t been able to do anything about that and I don=t understand why not. Because this man clearly is in the wrong in discharging his drain water onto the other persons property. And why can=t we do something about that? Why can=t we enforce our codes and make him reverse his action when he deliberately directed his storm water from his roof, down spout is the way I understand it, onto this lady=s property? That is really terrible that we=ve tolerated that and almost encouraged it.

Mr. Joseph: Yes, Mr. Clemens.

Mr. Clemens: Yes. And Mrs. Newman=s correct. This issue was looked into by the city and nothing was done on it. It is an infraction. That is illegal. Drainage is draining on the other people=s property and intentionally draining on it. It=s not because of the grading of the yard or anything like that. It=s because of down spouts are underneath the concrete directly into the neighbor=s yard. The city has failed to take issue on it. They=ve looked at it. The engineers have looked at it. The Building Department has looked at it. The former Service Director has looked at it. I don=t know how much further you can go without getting anything done. But this issue hasn=t been corrected and it=s something that I think should be looked into again by the Administration. I don=t think our new Service Director has had the opportunity to look into it. If not, maybe the incoming Administration can look at it. But it is directly something that is illegal. It is something that=s not a drainage problem from the yard such as that. It=s strictly done by intentionally draining a drain directly off the property onto somebody else=s property. And it should be corrected. And I don=t understand why it hasn=t been. It=s been a long issue. I think it should be looked into by the city again. Maybe the Mayor can have the Service Director look into it, meet with the homeowner, and see what they can come up with. But I think it=s an issue that=s important. I agree with Mrs. Newman on this issue.

Mr. Joseph: Thank you, Mr. Clemens. Mr. Baxter.

Mr. Baxter: And I also would like to weigh in on the code enforcement side of this. Our laws need to be enforced equally across the board. And sometimes decisions are hard to make and they=re hard to fix. And sometimes they=re expensive to do the same thing. Sometimes the city has to take action to make it happen and other times residents need to do so. If we don=t step up and enforce the laws, where is our community heading? We=re going to have things on the agenda tonight that we=re going to be talking about about enforcement. And if we don=t enforce these laws, we=re never going to improve. We=re not going to be the city that I think we are able to be. I personally would like to see us move forward with this Priestley issue. I=d like a commitment from the Administration this evening if we could to reopen the discussions with Administration and come to a final resolution before the end of the year. And I would ask the Administration to make that commitment tonight to say that we can work together as a team to come to that solution.

Mr. Joseph: Thank you, Mr. Baxter. Members of Council or committee, any further comment on this tonight? Mrs. Newman.

Mrs. Newman: Yes. I=d just like to say one more thing. I don=t want the Administration just to look into the matter of the drainage. I want it fixed. That=s wrong. And I don=t want to be a party to anything that=s wrong and I feel like I am.

Mr. Joseph: Thank you, Mrs. Newman. My assessment on this current situation is that it=s not going to be something that we=re going to be able to do quickly regardless of whether it=s just a draining issue or the streets. And I think that this is something that would be much more better to be handled by the next Administration. That=s my assessment. That we should probably

allow the next Administration to take a look at it, see if there=s, what they want to do regarding this issue that both the streets and the drainage and let them have an opportunity to make a proposal on this. Because this is an issue that=s been ongoing for a while. And it=s not going to be something we=re going to be able to slap together in a couple of weeks. That=s my feeling on it. But I=d like to get the assessment of the committee on putting this on hold until January, and then at that time, let the new Administration have an opportunity to weigh in on it. Anyone?

Mr. Stake: I=ll second that motion.

Mr. Joseph: Okay. Yes, Mr. Baxter.

Mr. Baxter: If we=d have some discussion on that?

Mr. Joseph: Sure.

Mr. Baxter: I would like to ask the Chairman, what other laws the City of Reynoldsburg you would like to put on hold until January? Is it okay to speed? Because that=s what=s going to happen in my neighborhood. And I ask, which child in my neighborhood has to die between now and January before we do something as simple as put a barrier up at the end of the road to solve this problem? I am not willing to let that happen. If you remember, I got on Council for one reason. Because my child was hit on a bicycle in my front yard because a car was doing 70 miles an hour and lost control. I came here committed for one reason and one reason only. To insure that the laws of the City of Reynoldsburg were enforced. And not to wait until another Administration to determine what=s right and wrong. We need to act. We=ve waited since March to see something happen in the time frame when we were told, we=re tired of hearing about this. Our citizens have a right and an expectation of this Administration and of this Council and this committee to act. Not to keep putting things off. I appreciate your position and I understand why you give it. So don=t take that as a direct assault upon you. It=s not Mr. Chairman. I don=t intend to mean that. Just that the fact, delay is risk and liability to the city. If somebody dies on my street knowing that we=re out of code and that we could fix it simply by putting a barrier in, at least cost path, at least resistance path, we should do so. Thank you.

Mr. Joseph: We do have speed limit ordinances on the books that would penalize any person who travels in excess of those speeds. And I personally have traveled that road to get a feeling on, since we=ve had some changes done with the parking down on one side. And all indications that I=ve been able to see is there=s been some improvement there. And again, this is not something that we=re going to be able to solve in one or two weeks. I don=t really see the Administration making this a front burner issue at this point. And I think this is something of the magnitude we should definitely get a position from the next Administration. It=s not going to be something we=re going to solve tonight. It=s not going to be something we=re going to solve next week. I=ve never been one to move toward, you know, throwing things together and then hoping it works. I think it=s going to require some additional evaluation by the staff of the next Mayor. And frankly, I don=t think there=s a feeling of this committee or Council really to move quickly

on something of this magnitude as well. So there=s been a motion to put this into Other Legislation until January. Second by Mr. Stake. All in favor? (All voted AAye@). Opposed? (No response). Motion carries. Thank you.

And that will conclude the Safety Committee at 7:54.

Safety Committee
December 3, 2007
- - -Susie Lyday, Assistant Clerk of Council
(Transcribed - Susie Lyday)

SERVICE COMMITTEE MEETING MINUTES

December 3, 2007

Members of Service Committee present: Mel Clemens, Antoinette Newman, Brett Baxter, Donna Shirey.

Other members of Council present: Ron Stake, Preston Stearns, Doug Joseph, Council President William L. Hills.

Mr. Clemens: I=d like to call the Service Committee meeting to order at 7:55.

The first item on the agenda is approval of the agenda. I=d like to add as item number 3a, Annexation petition, 7720 East Main Street. Do I have any other items to be added or withdrawn? I would like to also withdraw item number 4 (Discussion: Appropriation for resident blue recycle containers). I=ve met with our Service Director on that. It is my request and I=d like to remove it, period. Do I have a second on that?

Mrs. Lyday: Mr. Clemens, are you going to mention the Special Exception Use Permits?

Mr. Clemens: That comes up the first regular Council meeting.

Mrs. Lyday: Okay.

Mr. Clemens: If I=m not mistaken. Am I correct on that, Bill?

Mr. Hills: I believe that=s correct. Isn=t it the first Council meeting?

Mr. Clemens: First regular Council meeting after we receive the minutes?

Mr. Hills: You can certainly, if you want something that wants to review them and send them for an ordinance next week, we could. I don=t remember off of the top of my head whether it=s the first meeting or first Council meeting. Do you remember?

Mrs. Lyday: It=s the first regular Council meeting I=m sure. But I didn=t know if you wanted to discuss it.

Mr. Hills: Well, then our first regular Council meeting is the 10th. If it=s the first regular Council.

Mr. Clemens: That=s my understanding.

Mr. Hills: Right.

Mr. Clemens: Tonight was a special Council meeting so that doesn't count.

Mr. Hills: No. You did not bring those up at the special.

Mr. Clemens: Okay. Do I have a second on the adding of the annexation and removing item number 4? Second by Mrs. Newman. All in favor, say aye. (All voted "Aye"). Opposed? (No response).

Next item on the agenda is ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: ADDITION OF SECTION 1385.03 Minimum Space And Use Requirements TO CHAPTER 1385 GENERAL PROVISIONS. It had its second reading 11-26-07. This is an item we've discussed for probably the last 4 months.

Mr. Baxter: Did you want to do 3a first? You added it.

Mr. Clemens: Oh, I'm sorry. 3a. Excuse me. 3a is the annexation petition, 7720 East Main Street. On this, I would like to ask the Service Director for services available, if you could have them for us at the next committee meeting, December 17. So what I'd like to do is add this item to the committee meeting on December 17. Do I have a second on that? Second by Mr. Baxter. All in favor, say aye. (All voted "Aye").

Now we'll get back to what I was going to do. Number 5. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: ADDITION OF SECTION 1385.03 Minimum Space And Use Requirements TO CHAPTER 1385 GENERAL PROVISIONS. It had its second reading 11-26-07. Like I said, this is an item we've been discussing now for probably 3 or 4 months. We've had questions asked and questions answered. I've met with Mr. Hood and he's answered some questions that Mr. Baxter had asked and I think that they were acceptable. If there are any other questions on this or any other discussion from the committee, now's the time for the discussion. Yes.

Mrs. Shirey: Thank you, Chairman Clemens. I still feel that we're in violating of privacy rights here. Several weeks ago I brought up the fact of family members coming and having to live with you or when you have an adult child that's going to college and staying at home, I would be in violation of the code. Then I had the support of Mr. Joseph who kind of agreed with the parents coming and living with you. I for one, would be in violation. I mean, when you've got adult children going to college, it's expensive to send your kids to school now a days with room and board and everything. And I know there's a lot of parents out there that have more than just one child that are going. So I can't support this. I think we're in violating the privacy rights on the individuals.

Mr. Clemens: Okay. What does this have to do with somebody going to college?

Mrs. Shirey: Because you're limited to how many spaces you can have in the home. I mean how many people you can have living in the home in a certain space.

Mr. Clemens: That's correct.

Mrs. Shirey: And when they're going to college, if they're 18 years of age or older, they're considered an adult. So you said that you can only have two adults in a home. And as long as they're under 18 years of age....

Mr. Clemens: I don't think anybody here has said you can only have two adults in a home. It gives a square footage on what you have to have. What it says is, that for every 70 square feet. So that's 13 x 7 at 70 square feet. You can have an adult. If you've got three bedrooms, 10 x, you can have three adults in each bedroom. If you've got one that's 140 square feet, you can have two of them in there. So it doesn't limit how many you can have. It's the square footage. In other words, if you have a room that's 70 square feet you can't have two adults in it. It would be hard to have two adults in a room that's 7 x 10. And that's what it says. You could have four bedrooms that's 70 square feet and how four adults, three adults, you could have five adults. And that's all it says. It doesn't say that you can only have one or two. It's on the square footage on what you have. _____ you could only have one. I understand that. But it's all on the square footage. It's not on how many adults you can have, period. It's on the square footage of your living space is what it's based on. This ordinance, let me make it plain, this ordinance is softer than the one that the City of Columbus has. It's _____ from the City of Columbus. City of Columbus says that over one year old. _____ over 18 years old. City of Columbus says over one year old. So I raised it to 18 because I know the family has a lot more children under 18 that you have in a house. And also, City of Columbus says 170 square feet for two adults. And I changed that last week to 140 to make it easier on everything as far as that's concerned. So this is a lot softer ordinance than the City of Columbus has had for many, many years. That's why I made the changes. Yes, Mr. Stearns.

Mr. Stearns: Thank you, Chairman Clemens. I just want to say this, that I think that the concessions, the minor concession that you made about the square footage is a little weak as far as the whole audience is concerned. I truly believe that even the Columbus ordinance is not the best ordinance for being fair and right to the citizens of Columbus, and for the City of Reynoldsburg to adopt something similar to that. For one thing, I think it infringes upon our civil rights and our housing rights. It also sits back, it moves back the improvements that were made in civil rights and housing rights over the last 40 to 50 years. I think this is one issue that is moving in the wrong direction. So I too, I also find that it would be difficult to enforce using an honor system. I don't think that it's enforceable. So why do we want to put something on the books that actually says that we're going to have an ordinance and we can't really enforce it. So I too would not be in favor of this ordinance.

Mr. Clemens: I think it's enforceable. Our City Attorney thinks it's enforceable. Columbus must think it's enforceable. Like I said, theirs is much more powerful than ours. I think you

should maybe go to Columbus Council and address their civil rights as far as this one=s concerned. But we can poke all the holes in the _____. We can make any ordinance softer than what you want. But it doesn=t accomplish anything. This is out to accomplish something and I think it=s drafted in that way. It=s an ordinance that the City Attorney feels that he can handle, that we can correct the situations that we do have, and that will come. And I appreciate you, don=t get me wrong, I appreciate your thoughts on it. And also Mrs. Shirey=s on it. Mr. Baxter.

Mr. Baxter: Thank you, Chairman Clemens. This ordinance, as you know, I, like the other Council members, had some real concerns about it originally. And after spending some time talking with you and having some of my concerns addressed and you took care of those concerns, I wanted a piece of legislation that would allow us to deal with the abuses that we are having within our cities, but yet at the same time, not step on the rights of our citizens. I have an appeal process into the ordinance. It allows our residents to have a form to be able to address any concerns that have been spoken of already with my parents, or my son going to college, or those type of issues. There are those types of appeal options. Again, this is for abuse. We=re going after homes that are being abused and used as boarding homes that are unsafe living conditions for those people that are being forced to live in those homes. It=s not just for the homeowner who=s doing this. This is for those people who are trapped in a situation who are being held and forced to work in the United States as documented workers in a home, 8 at once, in an unsafe living condition. We have to step up and do something. I think this is the best opportunity we have to make that type of change and affect change in our city. So I do support this legislation now and I thank you for going through that hard effort you have. And also the City Attorney who has worked very diligently to try to make this a piece of legislation with enough teeth to address the abuses and not so stringent that we=re stepping on the rights of those people who live in our city. So thank you.

Mr. Clemens: Thank you, Mr. Baxter. Mrs. Newman.

Mrs. Newman: I=d just like to say Mr. Clemens, that I appreciate the good work that you and Jed have done on this ordinance, and I=m in favor of it too. Because I think it=s something that we need to enact for the good of our city and for all of our citizens. Not just a few exceptions perhaps.

Mr. Clemens: Are there any other questions from members of the committee? (No response). Members of Council? (No response). Mayor McPherson.

Mayor McPherson: I just had one question. Mr. Baxter just indicated that there was an appeal process. I don=t see an appeal process in the ordinance that I=ve got. Is there something that I=m not aware of?

Mr. Clemens: The appeal process is like any appeal process. This is handled by the City Attorney=s Office. Then it goes to the magistrate if he feels the necessity of going to court. If the magistrate rules on it, then you have the court of appeals. It=s like any appeals that you have.

Mayor McPherson: So there=s no appeal in here?

Mr. Clemens: No. No.

Mayor McPherson: It=s just.....

Mr. Baxter: Not like if the Mayor has some type of a _____ type of thing. Correct.

Mayor McPherson: The normal legal process?

Mr. Clemens: Right. The normal legal process. Mr. Joseph.

Mr. Joseph: Yes. A couple of questions. One, you cite that Columbus has had this. How long have they had this ordinance on the books? Do you know?

Mr. Clemens: I can=t say.

Mr. Joseph: Do you happen to know if they=ve ever had it really challenged in the courts there?

Mr. Clemens: They enforced it, I think about two weeks after I brought it up the first time. I don=t know how it came out.

Mr. Joseph: Okay.

Mr. Clemens: Because they have enforced it. Their main reasoning on it was, it had to do with the situation around campus. They were trying to clean up over crowding of homes and apartments. And that=s basically what they used it for. The same situation that we are.

Mr. Joseph: Do you know if Columbus was sued on the grounds of.....

Mr. Clemens: I have no idea.

Mr. Joseph: No ideal. Okay.

Mr. Clemens: No idea. I=m sorry.

Mr. Joseph: I know Councilman Baxter mentioned the appeals process. One idea I had suggested was perhaps a family hardship exception. Is that something that is a possibility? Or is that something you would not be supportive of?

Mr. Clemens: I think that that=s something that would be handled by the Administration and by the City Attorney. I think if you, I don=t think it=s a situation that should be handled by Council.

But I do feel that the, handled through the Administration and through City Council, that would be taken into consideration. I have no doubts on that. And if it wasn't, it certainly would come back to Council and it would come before the table. The problem is, you start putting too many situations like that, then it becomes a Councilmatic matter and it won't work. It's strictly an administrative function. Are there any other questions? (No response). If not, I'd like to move this on to Council for its third reading. Do I have a second? Second by Mrs. Newman. All in favor, say aye. (Three members voted Aye). Opposed? (One member voted ANay). Thank you.

That ends the Service Committee meeting at 8:07.

Service Committee

December 3, 2007

--Susie Lyday, Assistant Clerk of Council

(Transcribed - Susie Lyday)
FINANCE COMMITTEE MEETING MINUTES
December 3, 2007

Members of Finance Committee present: Ron Stake, Mel Clemens, Doug Joseph, Preston Stearns.

Other members of Council present: Brett Baxter, Antoinette Newman, Donna Shirey, Council President William L. Hills.

Mr. Stake: And I'll call to order, the Finance Committee at 8:08.

The second item on the agenda is approval of the agenda. I have one change I believe, came from the Safety Committee to add the 2008 additional Main Street, US 40 resurfacing appropriation. I'd like to make that 3c. All in favor, please state aye. (All voted Aye). Opposed? (No response). Thank you.

Item number 3 is approval of minutes of November 19, 2007 Finance Committee meeting. Are there any changes to those minutes? (No response). None being heard, they'll stand as submitted.

Item 3a is Discussion: Supplemental Appropriation, various accounts (City Hall Parking Lot, Liability Insurance Deductible, Group Insurance, and Salary - Court Clerk). Mr. Harris.

Mr. Harris: Thank you, Chairman Stake, members of Council. As Mr. Turner and I have been going through some of the accounts in the city, we normally do it this time of year, we do have a few accounts where we have some need for appropriations. The first one, the City Hall Parking Lot that was passed by Council under ordinance number 5-07, that was passed as a Then and Now. However, the monies for that have never been appropriated. I will need that money appropriated.

The second one is appropriate \$15,000 from the unappropriated General Fund to account 110.554.5351 to pay additional expenses to Scottsdale Insurance for 2007 claims.

And last, this was generated by the need to raise the insurance premiums for December. \$5,000 for 110.571.5161 which is Group Insurance for Council.

And \$18,000 to 110.593.5101 the Clerk of Courts. This one for their December health care premiums. It was also two pay out=s in the Clerk of Courts office over the last few months.

And we will need the money appropriated to pay those pay out=s. I'll certainly be glad to answer any questions.

Mr. Stake: Are there any questions for Mr. Harris from the Finance Committee? (No response). Members of Council? (No response). Okay. Thank you, Mr. Harris. And you'd like an emergency on this, correct?

Mr. Harris: You can wait until the, in fact, I=d probably prefer that you wait until the 17th to do it. That way, if anything happens to pop up here in the next week or so, we could add it on as an amendment.

Mr. Stake: Okay. Thank you. Okay then, I=ll make a motion that we send this ordinance on for its first reading. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted AAye@). Opposed? (No response). Thank you.

Item 3b is Discussion: Contract for City Insurance. And this is the liability type of insurance. Correct, Mayor? This comes from you? Property and casualty insurance.

Mayor McPherson: Yes. This is the annual renewal. Beginning January 1, 2008 and ending December 3, 2008. It=s with Hilb, Rogal and Hobbs and related companies. This is in fact for our property/casualty insurance. And we have a break down. Each of you got a packet as to what all was covered. And we=re requesting appropriation of \$170,810 that will pay for the premiums all of next year.

Mr. Stake: Okay. Any questions from members of Council or members of Finance Committee? (No response).

Mayor McPherson: I would like to add that we did ask for emergency on this so it can be in effect on January 1.

Mr. Stake: And we have this money appropriated in our 2008 interim budget?

Mayor McPherson: Correct.

Mr. Stake: Or listed in there. Okay. Then I=ll make a motion that we send this on to Council with recommendation for adoption as an emergency. Do I have a second? Second by Councilman Joseph. Any further discussion? (No response). All in favor, please state aye. (All voted AAye@). Opposed? (No response). Motion passes. Thank you.

Item 3c is the 2008 additional Main Street/US 40 resurfacing appropriation. Councilman Joseph, this comes from the Safety Committee.

Mr. Joseph: Yes. Safety Committee recommended that the city pay for 20% share of \$10,728 to resurface that section of road from city limits to about 350 feet west of Taylor Road.

Mr. Stake: Okay. Thank you. Any questions or comments from the Finance Committee? Councilman Clemens.

Mr. Clemens: I=ve still got the question, is this going to go to the city limits?

Mayor McPherson: Yeah. City limits. It goes to where the old pavement left off. Hopefully on out to State Route 310.

Mr. Stake: Okay. Any other questions or comments from members of the Finance Committee or members of Council? (No response). Then I'll make a motion that we send this on to Council with recommendation for adoption as an emergency. Do I have a second? Second by Councilman Joseph. Any further discussion? (No response). All in favor, please state aye. (All voted AYe@). Opposed? (No response). Motion passes.

Item 4 is Discussion: Return funds to Sewer Capacity Fund (Pleasantview Sanitary Sewer Project). Mr. Harris.

Mr. Harris: Thank you Chairman Stake, members of Council. Back in 2004, there was a sanitary sewer project in the Pleasant View area up off of Broad Street. There was some problems with grass in a few yards up there and this has been left open for some time. The purchase orders have now been closed up. This money was moved from the Fund 250, the Sewer Capacity Fund over to 410. And by state law, we have to return those funds back to the Sewer Capacity Fund. This ordinance would return that. We'll have to appropriate the money in 410.000.5501 and then transfer them back to the unappropriated Sewer Capacity Fund 250.

Mr. Stake: Okay. Any questions or comments for Mr. Harris from the Finance Committee? (No response). Members of Council? (No response). Hearing none, then I'll make a motion that, you just want this to go the regular route, right? Three reading route?

Mr. Harris: I'd like to have it done so I could get it off of the books before the end of the year so you could have it twice and then pass it as an emergency so I can get it off the books at the end of the year.

Mr. Stake: Okay. Then I'll make a motion that we send this item on for its first reading. Item on to Council for its first reading. Do I have a second? Second by Councilman Stearns. Any further discussion? (No response). All in favor, please state aye. (All voted AYea@). Opposed? (No response). Motion passes.

Item number 5 is Discussion: Authorize funding amounts for employee Health Savings Accounts for 2008. Mr. Harris.

Mr. Harris: Thank you, Mr. Stake. This is kind of the companion to the next one on there about the establishment of the health savings accounts. This is the health savings account the Administration has brought forward. They are also included, these numbers are also included in both the FOP Contract and the FOP OLC Contract. I will need authorization to go ahead and fund these at these rates. The money to do these is in the 2008 budget. But we do need a piece of legislation that authorizes me to fund them up to these amounts.

Mr. Stake: And you need that by the end of this year?

Mr. Harris: I need it by the end of the year because the police contract is like January, the first part of January. The first few days of January.

Mr. Stake: Okay. And we could go two readings, pass as an emergency on the second reading.

Mr. Harris: Right.

Mr. Stake: Alright. Any questions or comments from members of the Finance Committee for Mr. Harris? (No response). Members of Council? (No response). Hearing none, then I=ll make a motion that we send this item on for its first reading. Do I have a second? Second by Councilman Stearns. Any further discussion? (No response). All in favor, please state aye. (All voted AAYe@). Opposed? (No response). Motion passes. Thank you.

And item number 6 is an ORDINANCE AUTHORIZING ESTABLISHMENT OF HEALTH SAVINGS ACCOUNTS FOR CITY EMPLOYEES AND ELECTED OFFICIALS; and AUTHORIZING CITY AUDITOR TO FUND HEALTH SAVINGS ACCOUNTS. It had its first reading on 11-26-07. Mr. Harris, anything else to add to this?

Mr. Harris: No. This is just the piece of legislation that allows me to go ahead and set up the accounts with the, for each employee and be able to put money in the accounts. And then the legislation for this would say what amounts it=s supposed to be.

Mr. Stake: Okay. We want to make sure we have this effective for 1-1-08. Correct?

Mr. Harris: That=s correct. We=ll need it so I can put those in.

Mr. Stake: So that will be part of the language of the ordinance. I guess we can send this on for a second. Any questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). I=ll make a motion that we send this item on for its second reading. Do I have a second? Second by Councilman Joseph. Any further discussion? (No response). All in favor, please state aye. (All voted AAYe@). Opposed? (No response). Motion passes.

Mr. Harris: Thank you.

Mr. Stake: Thank you. Item number 7 is a RESOLUTION ADOPTING THE REVISED CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF REYNOLDSBURG, OHIO FOR THE YEARS 2008 THROUGH 2012. It had its first reading on 11-26-07. And I believe this comes from the Mayor. Mayor, do you have anything else to add on this?

Mayor McPherson: There=s been no changes since we had it in the first week of committee. We=d just like to move forward.

Mr. Stake: Okay. Any questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). Then hearing none, I=ll make a motion that we send this on for its second reading. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted AAYe@). Opposed? (No response). Motion passes.

Item number 8 is an ORDINANCE AUTHORIZING 3.5% SALARY INCREASE FOR THE YEAR 2008 FOR ELIGIBLE EMPLOYEES COVERED BY CHAPTER 160. It had its first reading on 11-26-07. Any questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). Hearing none, I=ll make a motion that we send this on for its second reading. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted AAYe@). Opposed? (No response). Motion passes.

Item number 9 is an 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. It had its second reading on 11-26-07. And no one here to, like to be passed as an emergency on the third reading. Are there any questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). Then I=ll make a motion that we send this forward with a recommendation for adoption as an emergency. Do I have a second? Second by Councilman Joseph. Any further discussion? (No response). All in favor, please state aye. (All voted AAYe@). Opposed? (No response). Motion passes.

Item number 10 is an ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR REFUSE PRIVATE HAULER CONTRACT. It had its second reading on 11-26-07. Emergency is also requested on this as well. Any questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). I=ll make a motion that we send this item on for passage, recommendation for adoption as an emergency. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted AAYe@). Opposed? (No response). Motion passes.

Item number 11 is an (Tape Change) 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. This had its second reading also on 11-26-07. And we would need to pass this as an emergency, have it in effect for the first of the year. Are there any questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). I=ll make a motion that we send this item on with a recommendation for adoption as an emergency. Do I have a second? Second by Councilman Stearns. Any further discussion? (No response). All in favor, please state aye. (All voted AAYe@). Opposed? (No response). Motion passes.

And I=ll adjourn Finance Committee at 8:20.

Finance Committee
December 3, 2007

- - -Susie Lyday, Assistant Clerk of Council
(Transcribed - Susie Lyday)