

SAFETY COMMITTEE MEETING MINUTES

December 1, 2008

Members of Safety Committee present: Doug Joseph, Ron Stake, Leslie Kelly, Fred Deskins, Jr.

Other members of Council present: Mel Clemens, Council President William L. Hills.
Councilwomen Antoinette Newman and Donna Shirey were absent.

Mr. Joseph: I'll call the Safety Committee meeting to order at 7:30 p.m. The second item on the agenda is the approval of the agenda. Are there any changes, additions or deletions to the Safety Committee agenda tonight? Seeing none, the agenda will stand approved.

Item 3 is the approval of the minutes of the November 17, 2008 Safety Committee Meeting. Are there any additions, deletions or changes to those minutes? Seeing none, those minutes will stand approved.

Item 4 Discussion: Liquor Permit Request - New - Main Brands LLC dba Brick House Lounge, 1371 S. Hentz Dr, Reynoldsburg, OH 43068. Lieutenant, do you have that for us this evening?

Lieutenant O'Neill: We had our Officer Bock conduct the investigation on this liquor permit. Initially we thought it was a transfer, but it's actually the owner of the building's wife who is taking over the bar and requesting a new permit. The existing co-owners are I guess dissolving their partnership and so the bar is going to be transferred to the owner of the building. We don't anticipate any appreciable impact on the area. It's most likely going to continue the operation just as it has and there was nothing in the investigation that indicated anything that we would contest.

Mr. Joseph: Very good. Any questions or comments on this, this evening by members of Committee or Council? Okay, seeing none, we'll return this to the Clerk with no action.

Item 5 ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDMENT OF VARIOUS SECTIONS OF CHAPTER 1305 PERMITS AND FEES - -first rdg 10-27-08; held 11-3-08; *held 11-17-08*. The Mayor's requested that we move this to Other Legislation while they continue to work and tweak this legislation. We'll be bringing this back early next year so I'll make a motion we send it to Other Legislation. Seconded by Mr. Stake. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you. That was our last item for Safety Committee and I'll adjourn at 7:33 p.m.

Safety Committee

- - Nancy C. Frazier, Clerk of Council

December 1, 2008

(Transcribed/S. Cochran, Ass't. Clerk of Council)

SERVICE COMMITTEE MEETING MINUTES

December 1, 2008

Members of Service Committee present: Mel Clemens, Leslie Kelly, Fred Deskins, Jr. Councilwoman Donna Shirey was absent.

Other members of Council present: Doug Joseph, Ron Stake, Council President William L. Hills. Councilwoman Antoinette Newman was absent.

Mr. Clemens: I'd like to call the Service Committee Meeting to order at 7:34 p.m. The first item on the agenda is approval of agenda. Are there any additions or deletions? If not, it'll stand approved.

Item 3a Approval of the minutes of November 3, 2008 Service Committee Meeting. Are there any additions or deletions? If not, they'll stand approved.

Item 3b Approval of the minutes of November 17, 2008 Service Committee Meeting. Are there any additions or deletions? If not, they'll stand approved.

Item 4 Discussion: Dysar Ditch - listed at request of Councilwoman Kelly, and direction of Chairman Clemens. This is listed at the request of Councilwoman Kelly, and at this time, I'll turn it over to Councilwoman Kelly.

Mrs. Kelly: Thank you. I wanted to bring this back to Committee. We had talked about it a couple of committee meetings back after Mr. Lynch had come and spoke to us and shared quite a bit of information. I went back further into our Storm Water Management Policy with original date of March 4, 1982 proposed revisions September 5, 2008 as well as our Storm Water Design Manual and both of these documents are on our website. Specifically, when I looked through our Storm Water Design Manual and under letter "B", "Storm Water Runoff Control Criteria", it talks about the peak rate runoff from an area after development shall not exceed the peak rate runoff from the same area before development and when you look at all the development that has happened north of Broad and the amount of water that obviously has increased and I say obviously because when you look at the amount of water that was in prior through the observations of Mr. Lynch as well as Councilman Stake, that has obviously increased and when I did inquire about what was Dysar's permissible peak rate, do we know what the rate was prior to those developments, as of right now, we have not been able to secure that information.

If you look further down on there, it also talks about that without those controls, it creates longer flow periods of large runoff quantities that place a highly erosive stress on natural channels. The stress can be minimized by reducing the rate of discharge the permissible peak rate and it talks about how you can determine that. And when you also, in our Design Manual it also gives a definition of what a ditch is and the definition of a ditch is an open channel constructed for the purpose of drainage or irrigation with intermittent flow. Dysar Ditch flows continuously so with all of that being said, at this time, I would like to make a motion to correct the erosion problem with Dysar Ditch along Fallriver, moving forward with the Oxbow River and Stream Bid, and appropriating \$65,000

from the Storm Water Fund. Do I have a second. Seconded by Mr. Deskins. All those in favor say "Aye". (Mrs. Kelly and Mr. Deskins voted "Aye"). Opposed. Mr. Clemens voted "Nay". Motion carries. Thank you.

Mr. Clemens: It has to go to the Finance Committee.

Mrs. Kelly: Moves forward to the Finance Committee. Thank you.

Mr. Clemens: Thank you Councilwoman Kelly.

Item 5. ORDINANCE ACCEPTING THREE UNRECORDED DEEDS OF EASEMENT 1) sidewalk .012 ac; 2) sanitary sewer .375 ac; 3) sanitary sewer .064 ac. TR/Taylor Development, LLC- -first reading 11-10-08; *held at time of approval of agenda on 11-17-08*. This I would like to move to Other Legislation and I've discussed this with the Service Director; she discussed it with me and we'd rather have it in Other Legislation until some things are worked out as far as the project's concerned; and then we'll bring it back on the agenda. So I would like to make a motion to move Item 5 to Other Legislation. Seconded by Mrs. Kelly. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you.

Item 6 AN ORDINANCE ADDING CHAPTER 1190 STREAM CORRIDOR PROTECTION ZONE TO THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG- -second reading 11-10-08; *held 11-17-08*. Luke, are you here to speak on this?

Development Director Haire: Thank you Chairman Clemens, members of Council. I believe this was held at the last meeting, because there was some new information that the Council members received in their packets - a memorandum from Jim Miller regarding the Storm Water Policy that the city approved on March 10, 2003. In that policy, Reynoldsburg had agreed, I guess as part of our NPDES permit that was issued, the city agreed that they would provide this storm corridor, stream corridor protection zone. So it's my understanding that, that agreement has already been in place and that would be the authority for the EPA to mandate that. It's an agreement that we've already previously made with the EPA that we would do this. I don't know if there are any other questions, I believe that we've adequately, we went over what the ordinance entails. If there are other questions, I'd be happy to attempt to answer those.

Mr. Clemens: Are there any questions for our Development Director from members of Committee?
Mr. Hills.

Mr. Hills: Councilman Clemens, I think I was the one that requested a legal evaluation as to EPA's ability. I thought it was interesting to note that the memorandum that we received from a, I don't know, it doesn't really say who it's from, but I think it's from the City Engineer. We received a copy of it at Council on 11-17-08, the memo was dated 10-20-08 and it does talk about there is a policy, which always scares me, policy. Those are not codified type situations but there certainly, the

EPA has some plans and things. The question I had is, where is their authority to do those from a legal basis, where's their authority to establish these different things? We signed into agreement, I don't debate that, but agreeing with someone as to the terms of that agreement, where was the authority to now dictate that we back up on private property. I have some real concerns and that still hasn't been clarified in my mind and I don't know if the City Attorney's had an opportunity to take a look at that or whether this memo dated 10-20-08 and received by Council 11-17-08 - the memo didn't come to Council by the way, it went to, it copied everybody in the world I think, but Council. Dated 10-20-08 to Planning and Zoning Administrator, copies to Economic Development Director, City Attorney Jed Hood, Brad McCloud, Safety Service Director. So Council wasn't aware of this and we got it on 11-17-08. We don't have to be aware of everything Administration's doing, but it did tie in. I just, I didn't realize that it didn't even have an author, upper left is Jim Miller, but the City Attorney's at the mike. Jed could you give us your feeling on some of this?

Mr. Hood: Yes, President Hills, as you're aware and for members of Council, they may be less aware, the EPA does maintain most of the regulations through permitting processes that the city has become familiar and participated in voluntarily. My review of Mr. Miller's memo and the extensive research that he's done to compile that, indicates to me that the city undertook, whether voluntarily or involuntarily, to adopt the Storm Water Policy and as part of that, in applying for the permit through the EPA, agreed to implement this thing that we're going forward, this thing that Luke is going forward with today. Now why that hasn't been done for some years since that was implemented, I can't answer that question, but as far as independent authority, I haven't found any as of yet, but these permits are issued and then reissued and reapplied for and reissued. And I think by agreeing to implement this and then failing to do so, would definitely put our permit in jeopardy and probably peril. So, as far as independent authority, I haven't researched that specific issue. I'd be happy to, if you would like me to.

Mr. Hills: I still would like to, and I do know, and I think some of these people that have been around here for awhile remember the septic systems and the EPA says if your property touches land where there is a sewer line, you must connect to the sewer line. I don't think there's any authority anywhere that gives the EPA the right to say, you as a private property owner, must go to the sewer line that went down in front of your house. Now, there's great advantages to going there when your septic system's not working and we've done a number of things to encourage that, but we have never been mandatorily directing that that be done and yes, I would like you to look that up a little bit. I have some concerns and I've heard it from other people that these are 25 foot setbacks that stretch to 250, I have some real concerns that if we have to adopt something and I, please, 'if' is the biggest word in that section, if we have to, where does it have to be as restrictive as this is? I've read the minutes of the Planning Commission whomever it was for and it was saying 'John Smith can own that property and he sells it to Sam Jones, oops, you've got to treat that 25 feet differently'. We're messing with people's individual property rights here and I have some concerns with that. You know, the person who owns the property is responsible for the property. It may differ with other people's feelings up here, but it is your property and you certainly should be able to do things. Why

are we going to dictate, why are we going to dictate to the commercial person that, oh by the way, that 250 feet you had to grow on, you can't grow anymore. I'm saying, I guess, if we're going to, if we have to write something, does it have to be this stringent, and is it to the advantage of the city and the advantage of the citizens who live in this city to be that way. I don't know where all this stuff came from, but I, I think we ought to take a hard, hard look before we just matter-of-factly say, yeh, let's go ahead and put this in place because I, I would encourage some of the people being effected by this as citizens I would sue the city and say why are you doing this to me and then I think we're going to look back and say "gee, I wish we hadn't done it that way" so, I just think this thing maybe is not mature enough, some wine's not ready to drink yet, and I don't think this one's drinkable.

Mr. Haire: Mr. Hills, that's why we...

Mr. Hills: Mr. Clemens, those are just my comments.

Mr. Haire:that's why we did put this in the Zoning Code for special circumstances, they would have an appeals process and a variance procedure in place, but I understand some of your concerns with the legislation as it's written.

Mr. Clemens: As I voiced my opinion about the stream and the 25 foot on each side and have to be letting it grow in weeds or whatever you want to call it, if it goes through a person's yard, that's taking away 50 feet of their yard that they can't even get across with a bridge or anything like that and I don't think, I don't know what the EPA wants, but I'm not sure that citizens who buy their homes here in Reynoldsburg or sell their home and a person comes in and buys it, I know that we've said, well they could come in and get a variance and speak to you or Aaron and you could, you know, make decisions on it and that's not a good situation. I don't like, I don't like decisions being made by Department Heads on situations such as that, because it gets a little out of hand, but I don't care for the ordinance myself and I know that it was passed and I was part of it probably when it was passed, because I was here in 2003 so I have to slap myself up side the head on something like that, but I agree with Bill, I think there's no hurry, I think we ought to look into it. Is there a hurry? I don't understand. Is there a hurry to pass it right now or is there time to look into some more things on it?

Mr. Haire: As far as I'm concerned there's not a hurry on it. We've agreed that we would provide this and be in place by early 2005....

Mr. Clemens: I know Bill had some questions on the legality of it.

Mr. Haire:we've obviously passed that deadline, so I don't believe that there's any hurry at this point.

Mr. Clemens: I mean if it hasn't been done since 2003, I...

Mr. Haire: Correct.

Mr. Clemens: ..I mean, there's a lot of things that's been done that were acceptable to this I mean, you know, that now that we're not allowing, it has been done by residents and so forth. Are there any questions for Mr. Haire pertaining to this? Yes, Mr. Stake.

Mr. Stake: Chairman Clemens, thank you. I don't have any questions. I just have a couple of comments. I mean, I have a serious concern with the Federal Government telling us that we have to tell our citizens that they can't mow their grass by their stream. I mean, I think that's what we're here for, to protect our citizens from that kind of stuff, so I definitely am not in favor of this ordinance.

The other thing, I guess I'm wondering, and maybe this is a question, is, I don't like to pass something, and I guess we've passed something already that now we got to come back and say 'okay, here's how we're going to take your property'. I mean, I want to know up front if we're passing something we're going to be taking somebody's property and I look at this ordinance as taking people's property. I'm certainly not in favor of that either, so, thank you Chairman Clemens.

Mr. Clemens: Thank you Mr. Stake. Are there any other questions for Luke from members of Committee, members of Council. If not, since there are questions pertaining to this and since there is no hurry and there hasn't been any hurry for the last five years then I'd like to put this in Other Legislation so we can have more time to discuss and answer some more questions and then we can bring it back up and send it back for it's third reading. If that's okay with the members of Committee, or if I have a second on this. Second by Mrs. Kelly. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. We'll put that in Other Legislation, Luke and get a chance to answer some of these questions and it'll be there and we can bring it back up any time, to go on with it. Thank you.

Item 7 AN ORDINANCE ADDING CHAPTER 1194 HISTORIC COMMERCIAL OVERLAY and CHAPTER 1195 COMMUNITY COMMERCIAL OVERLAY TO THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG-- -second reading 11-10-08; held 11-17-08. Luke, would you want to explain a little bit of this. I know that we've discussed this. I think there's been very few questions pertaining to this. I think Mr. Hills had a question. I don't know whether it was answered. President Hills.

Mr. Hills: Same question I had earlier is 1195.07 accessibility which it says "a minimum 6, a minimum 6 foot public sidewalk shall be provided along all streets fronting a property excluding alleys and extend the breadth of the lot and connect to the sidewalks on adjacent properties with the interior edge of the sidewalk along a primary street being located at least 8 feet from the curb". Can you tell me how many sidewalks that we currently have in Reynoldsburg that are currently 6 feet wide?

Mr. Haire: The intention of that as it's written, is to follow the Reynoldsburg major commercial corridors overlay that was put in place for the Streetscape Project. Those are all 8 foot sidewalks. What we've done is, we've taken out the requirement for a 2 foot brick section and we've just

required a 6 foot wide sidewalk and left room to put a 2 foot wide tree lawn in those areas. Olde Reynoldsburg has typically anywhere from 6 to 10 feet wide sidewalks in some locations so we've tried to match up kind of more width to allow more pedestrian friendly environment.

Mr. Hills: Is the answer then, Main Street has 6-or-more-foot sidewalks?

Mr. Haire: Main Street, yes. I don't believe there are any other locations in the city that have wider than 6, wider than 4 foot sidewalks.

Mr. Hills: But now if we develop one of those areas, Brice Road, somebody tears down a house and wants to rebuild, develop something, they have to come in and do a 6 foot sidewalk?

Mr. Haire: That's the intention of this regulation, yes.

Mr. Hills: Does it make good sense to have a 4 foot sidewalk and then a 6 foot sidewalk for one or two lots and then back to a 4 foot sidewalk?

Mr. Haire: They would have to taper in. Eventually, the hope would be that all those properties adjacent, would redevelop, and we would have a 6 foot sidewalk throughout.

Mr. Hills: You and I won't be here then. Nor will anybody else in this room when all that happens, but we're saying that now to come in and develop in Reynoldsburg, we're going to put the standard out, we want you to look like the sidewalk is on Main Street although you're, none of the sidewalks anywhere within half mile of you in any direction, you've got to put in a 6 foot. Is there a reason to make....

Mr. Haire: It's the same policy that we've been following internally since March, 2001 when this booklet was passed by Council. The guidelines, we've followed these standards on redevelopment and we....

Mr. Hills: Oh we've passed, I mean it's, and where it's been done is on Main Street, and if you go look, that was fairly a major renovation on Main Street. I mean, people didn't have many choices. It was, oh by the way, we're going to do this part and this part and this part, and we're giving you a sign because of it and that's why it all looks alike now but....

Mr. Haire: These regulations....

Mr Hills: ...I would say let's expand this to the rest of the city, but yet we're holding them to not a full redevelopment standard. We're holding them to a full redevelopment standard, but yet it only may be a small portion of development in that situation and I guess where, and I bet you're going to say gee, we could vary that if they come in and ask for a variance from BZBA, is that it?

Mr. Haire: I would hope not. My intent would be to save taxpayer dollars in the future with the city not having to replace all the infrastructure, like we did down Main Street; and to have the private developers do that ahead of time. These regulations that were passed in 2001 apply to Main Street, Brice Road and parts of Livingston Avenue. A very similar area to what the Commercial Corridor Overlay applies to. Now, we've never really....

Mr. Hills: I appreciate, I appreciate having the answer. I guess I'm back where I am with the 'can't cut your grass'. I just, I, sometimes I think we ought to be cautious about passing regulations that we can actually enforce and have a value to the overall part of the city. I'm not sure this does in that situation. I'm not saying, it's always good, I like to see everybody, I wish everyone who did a redevelopment would make it look like it does on East Main Street. The reality of that is, it doesn't happen that way.

Mr. Haire: Sure.

Mr. Hills: But we certainly, because of Main Street, have encouraged redevelopment of individual places to higher standard just because it's already here. Can we, I also don't want to chase out those people that may want to do something and bring a business into Reynoldsburg. I think we need to encourage that coming in. I'm not sure a 6 foot sidewalk does but, so, okay.
Thank you Mr. Clemens. I got my answer. I guess I can always not be crazy about it.

Mr. Clemens: Are there any other questions for Luke pertaining to this subject here? I, you know, I've been here for ages, I suppose. I don't know anything historical about Livingston Avenue, I'm sorry to say that, or Brice Road; now I do Olde Reynoldsburg but I mean the only thing historical about it was probably me driving up and down it. I've been here 57 years and, I mean, that's all right if you want to call that historical because someday it may be, but that just, I don't know...

Mr. Haire: That's why there's two overlays. There's the Historic Commercial Overlay that applies to Olde Reynoldsburg, and then there's the Community Commercial that would apply to Brice, Livingston and parts of Main Street.

Mr. Clemens: Right. Anything to improve the City. That's the way I look at it.

Mr. Haire: I have spoken with Ms. Frazier, there are a few minor changes that will need to be made prior to next week's meeting, if this is passed on, some small grammatical changes, numbering, things like that, that we would like to address and get you a final copy by, hopefully by the end of the week.

Mr. Clemens: She had mentioned that. If we have to amend it, we'll amend it then Monday night. Are there any other questions for our Development Director pertaining to this? If not, I'd like to make a motion that we send this to Council for it's third reading for adoption. Seconded by Mrs.

Kelly. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you Luke.

Item 8 ORDINANCE AUTHORIZING MAYOR TO EXECUTE LETTER AGREEMENT WITH TARGET CORPORATION REGARDING GABION RETAINING WALL PROTECTING REYNOLDSBURG MUNICIPAL SEWER LINE, BLACKLICK CREEK CONSERVATION EASEMENT AREA AT TARGET STORE PROJECT; AND APPROPRIATING FUNDS THEREFOR- -second reading 11-24-08. Are there any questions for our Service Director, or Mayor McCloud, pertaining to this from members of Service Committee, members of Council? If not I'd like to make a motion that we send this to Council for it's third reading for adoption. Seconded by Mrs. Kelly. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. That ends the Service Committee Meeting at 7:55 p.m.

Mr. Hills: And if I could before Finance starts, Chairman Stake, I would like to recognize that we do have a birthday in the crowd tomorrow - Chairman Clemens is one year older tomorrow as he's driving up and down the street. I'd like to wish that from all of Council, and our present to you is, we will *not* sing "Happy Birthday", how's that?

Mr. Clemens: You'd have to sing it seventy-seven times.

Mr. Stake: Please don't.

Mr. Hills: Happy Birthday to you, Mel.

Mr. Clemens: Thank you.

Service Committee

- - -Nancy C. Frazier, Clerk of Council

December 1, 2008

(Transcribed/S. Cochran, Ass't. Clerk of Council)

FINANCE COMMITTEE MEETING MINUTES

December 1, 2008

Members of Finance Committee present: Ron Stake, Mel Clemens, Doug Joseph.
Councilwoman Antoinette Newman was absent.

Other members of Council present: Fred Deskins, Jr., Leslie Kelly, Council President William L. Hills. Councilwoman Donna Shirey was absent.

Mr. Stake: I'll call to order the Finance Committee Meeting at 7:56 p.m.

Item #2 is approval of the agenda. Are there any changes to the agenda? I have two additions to the agenda. One is the health insurance renewal as 3a; and 3b would be the Dysar Ditch funding. All those in favor say "Aye". (All voted "Aye") Opposed. (No response)
Motion carries.

Item #3 approval of minutes of Finance Committee meeting held November 17, 2008. Are there any changes to those minutes? None being heard, those minutes will stand as submitted.

Item 3a is the Health Insurance Renewal. Mayor, do you want to add anything here other than what you gave us?

Mayor McCloud: No, actually, Chairman Stake, the short answer is, no. My recommendation is renewal of UHC. I know that the representatives from, those folks are here with us this evening for

any of you who may have questions.

Mr. Stake: Thank you Mayor. I know recently, we got a lot of information here real quick, a couple of spreadsheets, some emails, I think it all happened today, but I did agree to put this on the agenda, because I do know that this is something we need to do by the end of the month. Probably the sooner the better, I guess. One of the questions I have is, I'm having trouble understanding what the actual increase in the renewal premium is. I've seen several different numbers.

Sue Conner: Yes.

Mr. Stake: Hi Sue.

Ms. Conner: Hi. Let me give you a little bit of background briefly. We started out with a 42% rate increase from United Health Care.

Mr. Stake: Forty-two?

Ms. Conner: Forty-two.

Mr. Stake: Wow.

Ms. Conner: We negotiated that down to, it was 31.9%. The change you saw today was an additional percent reduction that we got due to a change in the underlying certificate. So the renewal as it stands right now is 30.9%. We also did go out to bid to all the Primary carriers in the marketplace and the spreadsheet that you got came back showing that Medical Mutual had a match to your current plan at 31.7%. Anthem came back with a bid but it was not a match to your current plan. It was close and that was at 27.5%.

Mr. Stake: Could you tell us which, I have several documents in front of me here. Can you...

Ms. Conner: I have....(handouts)

Mr. Stake: That would probably be better. Thank you.

Mr. Hills: Would you be sure that Ms. Frazier gets one also?

Ms. Conner: What I just, the spreadsheet I just gave you should match what was sent over to you this afternoon. Does anybody have any questions on....

Mr. Stake: I have a lot of questions. I'm not sure we want to deal with those all tonight.

Ms. Conner: Okay.

Mr. Stake: I mean this, I'm seeing another set of numbers, does anybody see, we got four sets of numbers here.

Mr. Hills: This was attached to the back of the set we received, but the percentages that were presented to us were 22%, now you're saying 30.9%, so I think we got eggs and apples and oranges somewhere.

Mr. Stake: I saw 23%, 22%, I heard it was 19% and then we got 30.9%...

Ms. Conner: Okay, I think what you may be looking at is the contribution spreadsheet. The spreadsheet that shows the rate, the true increase to the city as opposed to what the rate increase is and, what you're looking at is the, what we also did was to put together a spreadsheet showing what the employees contributions are and then also factored in the HSA contributions.

Mr. Stake: Well....

Ms. Conner: ..to show the true bottom line cost is going to be.

Mr. Stake: I appreciate all the work you did here tonight, or for tonight, but I think we need to take some time with some people to sit down and analyze what we have here and understand it. I'm in the business, and just getting this tonight, I'm blown away.

Ms. Conner: Well, we have been having, we have been meeting with the city and a....

Mr. Stake: I mean I, I don't understand. I thought, and I know your advice to us in the past was to go with the high deductible health plan, our renewal rates would be lower. This is higher than I've seen - ever.

Ms. Conner: I don't think we ever implied that your renewal increases would be less than they are, because as you know, Ron, the rate increases on groups of 100 lives and more are based largely on their claims experience and we had a very significant increase in claims last year.

Mr. Stake: We did? Okay.

Ms. Conner: Yes.

Mr. Stake: Would you please get me our claims experience?

Ms. Conner: Absolutely.

Mr. Stake: And the rest of Council, our claims experience?

Ms. Conner: Sure.

Mr. Stake: And I think we need to, I'm not ready to vote, or even send this forward to renew this tonight. I think we need to do some, everybody needs to do some hard thinking here and also the Administration needs to do some looking around, see what else we can do, because I just don't know how we can do this. I mean, this is the highest renewal I've ever seen for the City of Reynoldsburg. I think it's the highest renewal I've ever seen since I've been in the business.

Ms. Conner: Um, I can.....

Mr. Stake: I know, you do a lot more business than I do, but I'm just saying, it's, it's unbelievable. I don't know, you know, well, I won't say anything else, but I would be happy to meet with everybody later on, someday maybe next week if you would like to discuss this a little further. Any other Council people like to join me as long as we don't violate the Sunshine Law, be happy to have you join me on that, Councilman Clemens.

Mr. Hills: And I will be, and I will arrange to be there if I can. I want to be sure that we're not violating any of the Public Notice. I think, there's just some questions and issues that need to be discussed that I'm not sure we, getting this information at 6:45 p.m. or 6:30 p.m. whenever we got it here makes it a little difficult. Mayor, you don't have any objections to sitting down and having another meeting?

Mr. Stake: The first thing is, normally we get these things at least two months ahead of time, usually three.

Ms. Conner: Yes.

Mr. Stake: And I don't know why we're faced with this tonight when we're in the last month of the year and we have to renew this by the first. So, I would have been, I would have been happy to discuss this a couple of months ago and see what we could do about it. Anyways, we'll just go from there so I'm going to recommend that we hold this for....Councilman Clemens, do you have a question?

Mr. Clemens: When is the renewal? When do we have to have the renewal done?

Ms. Conner: It's a January 1 renewal so ah...

Mr. Stake: End of the month?

Ms. Conner: Yes.

Mr. Hills: We'll need to pass something by the 22nd.

Mr. Stake: Okay. Any other questions or comments from members of Finance Committee, members of Council? Then I'll make a motion that we hold this item for two weeks. Seconded by Mr. Joseph. Any further discussion? (No response) All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you.

Item 3b Dysar Ditch Funding. This did come from Vice Chairperson Kelly with the Service Committee I believe. A couple things, I think Vice Chairman Kelly, I just want to maybe clean this up a little bit. I think that we did have an intention of sending this on with recommendation for adoption as an emergency. I think that something's probably got to get done fairly quickly, correct?

Mrs. Kelly: Correct.

Mr. Stake: Okay, and I know, I sense there may be two "No" votes down there on the Finance Committee, but I would just appeal to those members to at least let it go to the full Council for a vote. And the other thing I'd like to say in regards to this is, I understand that we don't want to set a precedent and that's what we've been trying not to do. We've already done that. We've already fixed the creek across from Mr. Lynch's house. It's directed the water towards his house. We've already fixed a water problem on Haft Drive that we could have made, we could have taken a house away and put a retention pond in there. I see Councilman Clemens waving at me. We also did a lot, we're doing Rosehill Road to alleviate water problems on homes around there. This is \$65,000, we have about \$1,000,000 in the Storm Water Budget and the bottom line to me is, and I'm just appealing to the rest of the members of Council, the bottom line to me is that if we don't do this, we're going to be faced with a house in the creek. Mr. Lynch isn't going to remove that house. He's going to abandon that house. The city's going to be faced with removing that house. What will that cost us then? That's why I said previously when we discussed this, to me, this was a business decision. We need to do it now. We need to spend the \$65,000 to shore up the creek. We have water coming in from that creek that's destroying property of Mr. Lynch and will eventually destroy the property of Mr. Schwarz. So, with that said, do I have any other questions or comments from members of Finance Committee? Councilman Clemens.

Mr. Clemens: Just to correct one thing, you know how I stand on it, so I'm not going back through that, because I've voiced my opinion in Committee and that's... Bartlett Road was not done because of the house being washed away or going to be washed away. It was done because of the city infrastructure that couldn't handle what it was handling. There's nothing done on private property period. Houses flooded down there and so be it, they had to take care of themselves. What we did, there was a turn in the Storm Sewer line that wasn't big enough that blew the manhole covers off and kids swam in it. We had to go down and barricade it every time it rained so nobody would drown, because people let their kids swim in the street where the manhole covers were off. It was strictly a safety issue and it was an issue with our infrastructure. We did nothing, we did not clean up, we didn't pay to have houses cleaned, we did nothing on

private property, period. Now, other than that, that's what the Storm Water was used for on that project. Like I said, I've stated my position as far as, you know, the concern about Dysar Ditch and how I feel about it. I'm not going to go into that again.

Mr. Stake: Any other questions or comments from members of Finance Committee?
Councilman Joseph.

Mr. Joseph: Chairman Stake, thank you. One idea that has been mentioned in the past that I think is being overlooked and would be an acceptable compromise, is rather than just using city dollars to take care of this problem and probably additional problems that are going to come down the road, with the precedence being set, is possibly an assessment program where the homeowner could repay the cost over time, over years. I think that is a better plan, a better idea that won't bankrupt the city and at the same time, would solve the problem for the homeowner. The way the proposal stands tonight, I cannot support it, but if we want to modify it to an assessment program, that I would support. Thank you.

Mr. Stake: Well, this is Councilman Kelly's deal. Do you want to modify that? I'm not sure Mr. Lynch does, but.....

Mrs. Kelly: No, at this point, I don't want to modify it, but I do have something I'd like to add if I could. Mr. Clemens, Councilman Clemens had mentioned infrastructure of the city and I think that's one of the things when I was looking through the Storm Water Design Manual, that I am referring to. Controls are to be put into place so that your rate runoff from your developed area does not increase once, your pre-development rate runoff does not increase once it's developed. I don't think that, that, those controls have been in place. I know we're talking about a large part of the development north of Broad is Columbus City development, but I still think we have a responsibility to controlling that runoff so what has happened is a ditch, and it's not a creek, but we all call it a creek because it acts as a creek, a ditch which was supposed to be intermittent flow and for drainage only purposes, is now flowing and pretty much has standing water most of the time, if not all of the time, as well as has a huge increase in it's flow when we met, when we fixed the Instone project that also increased the erosion. So I think that there are things that have happened within our own infrastructure that make it more of a public cause and so that's where I think it is something that I don't want to modify at this time.

Ms. Frazier: Mr. Stake, in Mrs. Kelly's motion, you wanted to correct the erosion, move forward with the bid, appropriate the money, is that correct?

Mrs. Kelly: Yes.

Ms. Frazier: Since you haven't seen this bid, and before you go forward, do you want to waive the bidding, which would hint that there's nobody else that would do this for that certain amount of money.

Mr. Hills: This isn't even a bid I don't think. It's a proposal

Ms. Frazier: Or would you have to start out by going forward with authorizing bidding, because the way she's made it, it really isn't a possibility at this stage.

Mr. Stake: Thank you. You're right. We would need to include language to waive competitive bidding, correct?

Ms Frazier: If that's what you want to do.

Mr. Stake: That's what we want to do. And here's, here's from what I understand in talking with the City Engineer, we do have a company that feels that they can correct this problem. It's going to cost \$65,000. If we do send this out to bid, it's going to be next year some time, it's going to be more erosion, it's going to cost more money and we don't know what we're going to come back with, just wanted to add that. President Hills.

Mr. Hills: I'd just like to note, I, I, this has been an issue that's been talked about a lot in the peripherals for awhile and there's been some discussions and it was talked about a couple of weeks ago and now here it is and we're sending it through on one, one motion. I would like to comment on the precedent-setting property that had been done before. I was here when that was done. I'm not sure who else was. Let me assure you, that one came with the recommendation of Administration, with the recommendation of the City Attorney, that it needed to be done for a number of different reasons, none of which I think really need to be gone into right now, but it was with the recommendation. This issue before us today, in that is not a single-type issue; this issue, you've heard me talk about my house; you've heard Mrs. Shirey talk about her house, and then you hear the city coming up saying 'but I don't want you to let your grass grow'. You can't go cut your grass out back. See I'm not sure where the balancing is here. We're on a teeter totter here in what we're doing, but bottom line - this does not come with recommendation from Administration; it does not come with a recommendation from the City Attorney; it does not come with recommendation of the Auditor - all of which the others did for certain specific reasons and you know, I, I just, I'm not in support. I think there are, have been some issues discussed. I thank Councilman Joseph for certainly bringing up a viable issue that should be looked at, discussed and talked and you don't look at this and discuss it just in one meeting. I, I certainly agree with those people that this, I'm back to my wine example, this isn't quite right yet. Possibly, it can be made into a workable situation and maybe it can't, but I'm not sitting, I'm, I'm not President of Council to sit up here and say well, we've got three full-time elected officials saying this isn't the way to go and we're up here saying, oh by the way, you all are wrong, you don't know what you're doing, we're going to go do it. I don't think I, my preference is not to govern that way. Now, if we ever think they're wrong and the majority does and you certainly overrule them, you have that opportunity; but I think that all of that's been clearly said, why we shouldn't be in private property matters in this specific thing, because of a number of different reasons, but Chairman Stake, I thank you for the time to make comments.

Mr. Stake: Thank you President Hills and I'll just add that, you know, I think this situation really needs drastic measures. I mean I think we know that without fixing this situation that house is going to fall into the creek. When it falls into the creek, it's going to plug the creek up. When Mr. Lynch abandons the house, we're going to have to remove it. I mean, it's just common sense to me. Any other questions or comments from members of Council? Councilman Deskins.

Mr. Deskins: Councilman Stake I'd like to ask a few questions. I'm definitely in favor of getting this problem fixed, but President Hills is saying now that the original problem wasn't, the President don't want to go into the details of why it wasn't. I'd like to know because that's one of the reasons it's makes me feel the way I do. Why did we do one, we don't do the other. We've asked for the flow rate a number of times, we don't know what that is. There's a lot of questions that we keep asking that we're not getting any answers and as far as the things that I can find, I'm in favor of fixing the problem or we're going to be buying a house that's what I'm....

Mr. Stake: Bottom line.

Mr. Hills: I think if you're not getting answers to your flow, excuse me...

Mr. Stake: Yeh, go ahead President Hills.

Mr. Hills: If you're not getting answers to your flow rate then you certainly should get answers. I'm a big believer in a Councilperson asking questions, and I've said it to all new Council people. If you've got questions and you're not getting answers, let's just stop things until we get your answers. You're saying you're not getting answers. I would go as far as to say and I'm not even sure who was here. Mel, you may have been here at that time. The Mayor at the time, which is not the Mayor we have now, the City Attorney at the time, which is not the City Attorney we have now, and the Auditor at the time, which is not the Auditor we have now, came to us and said that a commitment had been made by the city to this homeowner that they would do this. Now that person who made that commitment, was no longer an employee of the city at that time. So, in essence, there were a lot of questions raised about precedent-setting that was, oh no, that wouldn't happen. Well, we're here because someone saying it's precedent-setting, but I guess what I'm saying, you had Administration, the City Attorney and the Auditor said for the good of the city this had to be done. I don't know that's being said at this time and in fact, I know it's not being said at this time, so Mr. Deskins if you wondered why it was done, that's why it was done, is the leaders of this city came to us and said you need to do this.

Mr. Stake: Thank you President Hills. Councilman Deskins, anything else.

Mr. Deskins: No, that's good.

Mr. Stake: Any other questions or comments? Looking around the table, I'm not sure I see four

votes for this later on. I know I don't see five, so I'm going to withdraw the emergency deal on this and I guess I'll make a motion that we send this forward for it's first reading. Do I have a second? (No response) Hearing no second on the Finance Committee, this will go away I guess.

Item 4 Discussion: Appointment to West Licking Joint Fire District Board. This is something we do, I believe Councilman Joseph is the only person eligible to serve on that Board. You have been serving on that Board correct?

Mr. Joseph: Three years.

Mr. Stake: What's going on, on that Board? Can you give us a little update or anything on that?

Mr. Joseph: I serve with five other representatives on the Board providing fire service for the communities that make up that jurisdiction including a portion of Reynoldsburg that's in Licking County, Pataskala, Kirkersville, Etna Township, Harrison Township and Jersey Township and in the process of hiring a new Fire Chief in the Spring. The current Chief is going to be retiring after some 25 years. So we'll be looking at some new leadership there in the Spring.

Mr. Stake: Are we looking for any more fire protection on the east side of Reynoldsburg from the West Licking Fire District?

Mr. Joseph: There's been, there's been some talk about looking into some property out that way that they would like to, the Chief and leadership believes that we should be looking at a new facility there in the future to service Etna and Reynoldsburg in a better way. The station that's on Main Street primarily services through EMS and major fire runs come from a little further away from the main station, but the feedback I've gotten from my constituents in that area is that they've been pretty happy with the service, have not been in favor of making any changes to the Fire service that they have.

Mr. Stake: And your referencing conforming boundaries.

Mr. Joseph: That's been brought up recently a few times and I've never heard any support for that. I do not support that. I think that the current fire breakout services the city well with the four departments that service the City. I've never heard anyone ask for a unified department service the city so my assessment has been that it is a very good arrangement for the city the way the breakout has occurred.

Mr. Stake: Thank you Councilman Joseph and I, I'll agree. I have not heard any complaints from anybody serviced by any other Fire Districts. Councilman Clemens.

Mr. Clemens: On the piece of property that is across from the school, that school is going to buy and move across the street where they were going to build the homes and so forth, is still there. At that time, there was a discussion made and I know it was in the Service Committee and also through the Safety Committee that they would help facilitate a section for the Fire Department in building deal with Mr. Dugger and the owner of that property. It was discussed at that time so I didn't know whether they were interested, still interested in something like that if it transpires, you know, just for one fire truck or a squad or something like that. That still may be something that,

you know can be worked into that.

Mr. Joseph: I'm sure that would be looked at seriously should that be proposed and brought forward at some point, yes.

Mr. Stake: Thank you. President Hills.

Mr. Hills: If I could, Mr. Clemens, I do remember the commitment and that was, that annexation was best, based on some commercial, residential and safety force areas but then we had our school system decide to come in and take a substantial portion of that land so I would hope that obviously we're, by the school system taking over a portion of that land, some of that development's not going to happen but I would encourage West Licking to, as all of our service providers have been doing, to certainly continue to work with that. One of the nicest things, and people don't even realize this is that, Violet, who does have a working arrangement with West Licking. You have someone who lives in the Licking County part of Slate Ridge, you'll get both Licking County and Violet. Violet has an EMS Center that is located right at the edge of H H Gregg which they have moved up and they service their Reynoldsburg portion and it is both Licking and Fairfield. There's a, Truro doesn't always play nice or share or whatever. I don't care what you want to call it. I guess, if I'm having a problem, I don't care who drives up, I just want somebody to drive up and that's one of the things with conforming boundaries, there's a thousand other reasons you are either for them or against them, but certainly I think that West Licking doing something similar to what Violet did is a, has done, is a very good benefit to all of the citizens within Reynoldsburg. Thank you.

Mr. Stake: Thank you President Hills. Any other questions or comments in regards to this? Councilman Joseph, I just would ask that in the future, obviously you're going to get reappointed because you're the only one they can appoint, but in the future, if you would just provide us with the minutes of those meetings, I think that'd be helpful in the future for us to know what's going on over there. Appreciate that. I'll make a motion that we appoint Councilman Doug Joseph to the West Licking Joint Fire District Board. Seconded by Councilman Clemens. Any further discussion. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you.

Item 5 Discussion: Letters of Interest for upcoming board/commission vacancies. Council has two appointments next year and one is to the Board of Zoning and Building Appeals currently held by Norm Brusk and this term will end on January 14, 2009; so if anybody's interested in serving on that Board, Mr. Brusk if you're interested in continuing to serve on that Board, please submit a letter of interest to us and we will go from there. Thank you. The other one is the Design Review Board. We have a little time on this. This term will end on 3-10-09. This seat is held by Stephanie McCloud and this also is Council's appointment, so if anybody is interested in serving on that board, or if Ms. McCloud is interested in continuing to serve, please let us know. Thank you.

Mr. Hills: Mr. Stake, could I suggest, on just letting us know, is it appropriate to say please address your letters to the Clerk of Council, so that we have all letters going to one person?

Mr. Stake: I think that's completely appropriate; so please address your letters to Clerk of Council. Thank you. Thank you for reminding me.

Mr. Hills: Yes Sir.

Mr. Stake: Item 6 Discussion: Transfer of funds necessary for various supplemental appropriations. This is an annual thing we do.

Mr. Harris: Thank you Chairman Stake, members of Council. As Mr. Stake kind of alluded to, this is something we get to this time of year, we start looking at the spending for the city versus what the Budget is. We have a couple areas where we're very close and one in which we're going to talk about after this one for the prisoner care and if you look, there's really two things that we have to do. I need \$4,400 appropriated from the Unappropriated Solid Waste Fund to Account 750.738.5391 "Postage". This was extra postage from the Community Cleanup Day. I need that replaced so I can charge a salary into that department, also which has to be done by ordinance. Also, there are a couple things that we're asking for transfers rather than appropriation, because I would much rather do the transfers than the appropriations. I don't see any reason at this point in the year to appropriate additional funds into departments that have funds. We just need to move them around a little bit. As you can see from the list, the biggest one is for prisoner care, and the prisoner care bills this year are coming in much heavier than last year. It looks like they're going to be about \$25,000 short and that's why we're asking to move these funds out. There's also a few dollars for photo copy supplies, Central Purchasing and office supplies. So if there's any questions on that, I'll be glad to answer them as best I can.

Mr. Stake: Any questions for Mr. Harris from members of Finance Committee, members of Council? Okay. Thank you Mr. Harris. None being heard then I'll make motion that we appropriate \$4,400 from the unappropriated Solid Waste Fund 750 to Account 750.738.5391 "Postage" to cover the extra postage from the Community Cleanup Day and as an emergency, as well as the other items.

Mr. Harris: Yeh, I'd like, go ahead and read this twice and then pass it the last of the year.

Mr. Stake: Two readings?

Mr. Harris: Yeh.

Mr. Stake: Okay. Then I'll make a motion that we send this on for it's first reading. Seconded by Councilman Joseph. Any further discussion. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you.

Item 7 Discussion: Then and Now (Police Department - Prisoner Care). This is what the Auditor alluded to previously.

Mr. Harris: Yes, that's correct. The Police Department, the bills have obviously been coming in. You can see from this one. This one was over \$20,000 for one month. We had only budgeted \$150,000 for the whole year so this was a pretty substantial bill. The Police Department only had a Purchase Order open for a little over \$13,000 which created a Then and Now for the other \$6,900, which they did not have a Purchase Order open for at the time. There's no money appropriation here, but it does have to be approved by Council because the services were provided

prior to having an encumbrance in place.

Mr. Stake: Would you like an emergency?

Mr. Harris: Yeh, I have to have an emergency because it has to be paid within 30 days.

Mr. Stake: So, one reading.

Mr. Harris: Yeh, that's fine.

Mr. Stake: Okay. Any questions or comments from members of Finance Committee, members of Council? I would just recommend that in our final budget which will be in '09 that we have what we think prisoner care's going to be.

Mr. Harris: Yeh, this is considerably higher than last year and I don't know if their rates were raised down there or we've just had more usage, but there, there considerably, there's going to be about \$25,000 higher than last year.

Mr. Stake: Must be arresting sick people.

Mr. Harris: That, that's where you get the big one is those little trips to the hospital.

Mr. Stake: Okay. Then I'll make a motion that we send this on to Council with recommendation for adoption as an emergency. Seconded by Councilman Clemens. Any further discussion. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you.

Mr. Harris: Thank you.

Mr. Stake: Item 8 Discussion: Acceptance of "Secure Our Schools" Grant and authorize City Auditor to establish fund. Mrs. Boratyn.

Mrs. Boratyn: Thank you Chairman Stake, members of Committee and Council. This legislation will do a couple of things. It will allow us to accept a grant in the amount of \$15,614 from the US Department of Justice on behalf of the Reynoldsburg City Schools. It will establish a fund and an account for the deposit for the disbursement of these funds for grant-related expenditures for an agreement between the City Police Department, the schools and the Department of Justice. There's no financial participation by the city under the grant. We are facilitating payment of these Federal dollars to the schools. By way of background, in June, the Police Department and the Schools became aware of some possible money in the Secure Our Schools Grant but they had a very short window to apply, and they did apply. The Reynoldsburg City Schools provides the local matching funds and our Police Department will maintain and coordinate the grant. These funds are used to purchase security equipment, to train staff, to train school staff and for other measures to deter crime and improve public safety. You have a summary of the program that's being funded in your packets. We've provided this so you could see the items in which they were looking to purchase and the purposes that they were for. Grant

funds are available for reimbursement and we requested the ordinance be effective upon the Mayor's signature. So, if you want to do three readings, that's fine, but we'd like for it to then become effective so we can go ahead and get the money into the fund and disburse it to the schools as they make their purchases. That's what I have. I'll be happy to answer any questions.

Mr. Stake: Okay. Thank you. And is there any obligation from the city financially for this?

Mrs. Boratyn: No. There's no financial participation. It's the total matching by the school.

Mr. Stake: I see the Auditor jumping up.

Mr. Harris: Yeh, we're strictly a fiduciary on the account. The money, because the Federal Government evidently doesn't have a way to give it to the schools, they give it to the city. They will, the schools will do whatever they are going to buy and they will present us that, they will show that they've been paid and then we will reimburse half of what, whatever their buying costs. So, we're strictly a fiduciary just like we are in the other agency funds.

Mr. Stake: Are we audited on this too like we're audited on everything else?

Mr. Harris: Uh huh.

Mr. Stake: So we let them spend money and then we get, if there's something wrong, we get the blame?

Mr. Harris: Well no. They have to pre, we have to have a receipt. We have to have them show where they have paid for these things and if they are within the boundaries of what it's supposed to be, just like we do with the 640 accounts and the 650 accounts.

Mr. Stake: You so are, so you're ultimately really responsible for the audit and you'll be checking this like you check everything else. That's all I want to know.

Mr. Harris: Absolutely. Just like we do on the, when people provide money for EMH&T to make services, we always double-check those and make sure that they're corrected and they're audited, it's audited as part of our regular audit, there's no expense, additional expense to the city for the audit.

Mr. Stake: But you'll be making sure that the funds are spent properly.

Mr. Harris: Oh, absolutely.

Mr. Stake: Okay. That, that's my only concern. Thank you. Any questions or comments from members of Finance Committee, members of Council? Anybody have a problem with moving this on as an emergency? Then I'll make a motion that we send this item on to Council with recommendation for adoption as an emergency. Seconded by Councilman Joseph. Any further discussion. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you.

Item 9 Discussion: 2009 Property/Casualty Insurance. Mayor.

Mayor McCloud: Yeh, thank you Chairman Stake. This is obviously our annual Property/Casualty Policy. There is a decrease posed before you and Mr. Urquhart, as in past years, is here to answer any questions Council may have.

Mr. Stake: Members of Finance Committee have any questions. Members of Council? I do have some questions. Mr. Urquhart, if you could please come up. Thank you, thank you for being here tonight. I know that, and you and I spoke about this previously. I know that we've had some damage on Main Street in our Streetscape deal. Could you give me an update on what claims have been filed and how they've been satisfied?

Mr. Urquhart: Yes, the update, don't know the date, sometime in the Fall, the end of the year here I met with the Mayor and some of the people from the city regarding some of the open claims that we've had and where we are right now, I believe is the city and the Streets Department or the Rec Department, one of the two, are pursuing some of the claims because some of the damage could have been caused by obviously drivers _____ their own insurance. I believe those are being pursued right now, but we got together, to answer your question, to discuss those items and came up with a plan to either get reimbursed by the responsible parties or turn those in to the insurance company. To this point, as of tonight, I don't believe there's any open claims with our carrier right now until it's determined what's going to be collectible from others and what's going to be collectible under our insurance.

Mr. Stake: Maybe I'm mistaken, but shouldn't, when anything is damaged on, if we have it insured, shouldn't we notify you and you pursue that and decide whether their insurance is going to pay or whoever. Why should we be doing that?

Mr. Urquhart: Well, it depends on the damage that was caused. A lot of these cases, when we got together and spoke with the people, some of the damage, because each time one of these, I'll pick on a bollard. Each time a bollard is damaged, that's a separate occurrence. Of course, you have your deductible. You've got a \$1,000 deductible.

Mr. Stake: Understand that.

Mr. Urquhart: So many times some of this damage is rather small. It could be covered if it's a real large accident that took out a bollard and some of the masonry wall and a light post, it could be significant. A lot of these, from my understanding, are smaller in nature, could be under the deductible, so again they're trying to at this point, and help me, correct me where I'm going if I'm wrong on this, but they're pursuing again, because I think they know in some cases who damaged the bollards on these smaller, smaller cases.

Mr. Stake: But wouldn't that, if there's, and not the ones that are under the deductible, if we get an estimate that's under the deductible, I understand the city taking care of that, but do we have any claims now, or do we have any damage now over the deductible that have not been filed with the insurance carrier?

Mrs. Boratyn: Well, we do have two claims that are over the deductible and those have been filed.

Mr. Urquhart: Oh have they been filed. Okay.

Mr. Stake: That have been filed?

Mr. Urquhart: They, maybe they have been.

Mrs. Boratyn: I believe they have been. We provided the information, I'll double-check, but we had two that should have been provided for, ah, that were over the deductible, to two separate accounts. One \$2,500 I think and the other one was close to that as well, maybe a little bit more and then I have, I just found out that there was another bollard that was hit, that's, it's, we probably haven't sent over yet, but we're going to be checking into it and that one we think we may, may have gotten a license plate of a truck that ran over it so we're trying to find that Insurance Company.

Mr. Urquhart: Mr. Stake, I apologize for this. If I would have known, I would have had the updated information for it. I can check on the status of those claims, if, where they are, if they've been paid or being investigated or whatever. I just don't know right now.

Mr. Stake: Yes, I definitely would appreciate an update on what kind of damage we've had out there, what's been filed with the insurance carrier, what's not applicable and where we stand on those things. I mean, we're paying for insurance coverage, we need to let you know that we, we're filing a claim, right? And then you'll do your job.

Mr. Urquhart: Yes, and from what I understand, we do have two of them in. So I've just got to find out, have they been paid, where are we; I can get back with you on that.

Mr. Stake: Okay. Well, this is something I've been asking about for a few months and I haven't heard anything back so I, that's why I brought it up tonight.

Mr. Urquhart: No, I'm glad you did. We did meet, came up, in fact we need to be getting together again just to kind of review the whole process so everybody knows the procedures. I think what we found when we got together, I'll say a few weeks ago, is that because there's different departments involved, a lot of times people that are handling those don't understand....
Mr. Stake: I've got to tell you, I've, you know, I just want it to be handled. Somebody in the city needs to take charge on this and get these things done. I mean, if every insurance claim we had we said, well, you know what, it's another department, we're not going to, why are we paying premiums?

Mr. Urquhart: No, no. I understand and that's one of the points when we got together.

Mr. Stake: Then I'd appreciate it if you'd help the city, we have a new Administration, I'd appreciate it if you'd help the city get something in line here so we can get these claims filed properly, because I know your job as an Insurance Agent is to help us file those claims properly.

Mr. Urquhart: Yes, yes it is.

Mr. Stake: And I'm sure he wants to keep you on so let's go ahead and work with the city to get those things handled.

Mr. Urquhart: Okay, and we did have a very good meeting and again, we just need to get back together. I think it was more of an educational process and we're going through that right now. So I will follow up...

Mr. Stake: So like I said, a few months ago when I inquired on this and now I'm hearing we're still educating everybody, so I would appreciate it if we could go ahead and move on and get these things handled.

Mr. Urquhart: Yes.

Mr. Stake: Okay. All right. Any other questions or comments in regards... I'm happy to see that the renewal is less than it was last year, but other than that, any other questions or comments from members of Finance Committee, members of Council? President Hills.

Mr. Hills: Does he sell health insurance?

Mr. Stake: His company does.

Mr. Urquhart: I get the fun job.

Mr. Stake: Okay, then how many readings do you want on this Mayor?

Mr. McCloud: Ah, you can go the three readings.

Mr. Stake: Three readings with an emergency? Okay.

Mr. McCloud: Two.

Mr. Stake: Two, then I'll make a motion that we send this item on for it's first reading. Seconded by Councilman Joseph. Any further discussion. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. And please let me know where we stand on those claims. Thank you.

Item 10 Discussion: Authorization of contracts for professional engineering and architectural services for 2009 and 2010. I understand that there's been some questions from members of Committee and members of Council in regards to this maybe. This does come from, I believe, Mr. Miller. You want to come up real quick and tell us where we're at on this and what you want to do.

Mr. Miller: Thank you Councilman Stake, members of Council. I provided to you a copy of the proposed general engineering and architectural contracts for calendar years 2009 - 2010. I'd like

for you all to look at those, contact me if you have any questions, comments or concerns. It is my goal to have this up for discussion on the Committee Meeting on the, let me be sure that I get my dates correct, December 15th and I would like to pass it by an emergency on December 23 so that it is in place before January 1.

Mr. Stake: Okay and I understand that this is a deviation from our previous contract and you have been working with the City Attorney's Office on this and I did have a brief conversation earlier with the City Attorney and did ask him for the next meeting if he could have the differences pointed out to us, what this contract is different from the previous contracts.

Mr. Hood: Because this is a rather lengthy document, I'll get together with Jim this week and we'll have a summary put together for you before Friday for your packets, but the thing I would like Council to recognize tonight, for some of the newer Council members, this is a document, this is a contract that was derived from the city in conjunction between our two departments. This is not a vendor-created document that we have used in the past. The standard operating procedure in the past years have been that whomever was selected as our consultant, we would sign a contract that they created and we are, that is the main deviation this time. This is a document that was created through my department and Jim's department. Once again, you will have a summary sheet by Friday to highlight the main changes.

Mr. Stake: Thank you. Okay then with that being said, are there any questions or comments from members of Finance Committee, members of Council? President Hills.

Mr. Hills: Just one question and Jim, I apologize because I could have brought it up to you, I didn't. I did talk briefly with Jed today that...these are project-type agreements?

Mr. Miller: No, these are general agreements. There will be separate agreements for each project.

Mr. Hills: Okay then from this, and I wasn't able to pick it out, if all of a sudden we ask questions from Council of our Engineer, which would be you and you say, gee, I need to ask a firm about that - will these contracts establish what that phone call costs us or what that is. I mean, is it the day-to-day handling of you having to go outside on something you want a second opinion on, or it's not in your expertise, we won't have to enter into an agreement for that phone call will we?

Mr. Miller: No, no. There will be a general agreement with each of the consultants that we contract with and if I have a question or an issue that takes an hour's worth of their effort, I will be able to call, and I plan on paying them their rate out of my General Engineering Budget.

Mr. Hills: Okay, I think. Sir, I think maybe we'll....

Mr. Hood: Remember, pardon me President Hills, but remember that in this selection process, there are triggers built into the statute, and also into our Charter. The design professional selection process isn't triggered unless we're doing a project over \$25,000. Secondly, our Charter restrains the Mayor for amounts over \$10,000. Obviously, we would not be deviating from past history with Reynoldsburg and the Charter allowing the Mayor and the Mayor's

designee to enter into agreements for personal services less than \$10,000. So as long as we don't hit those thresholds or triggers as I call them, I think we're going to be just fine.

Mr. Hills: I certainly understand that and I have no problem. I was just curious when I read the contract, it didn't appear to be on a, for this we charge this much per hour. They were ranges and so that certainly clarifies it and so Jim, when you were hired by Administration, see it doesn't take an hour now to get, that's why we hired the Engineer, the question will only take 15 minutes and they bill us that way. Thank you Mr. Chairman.

Mr. Stake: Any other questions. Councilman Clemens.

Mr. Clemens: I want to, just got a question, so I can understand it. Now we have say five companies in the engineering part, if we do a project, are you going to get estimates from each of these, is this my understanding on which we got to, a half million dollar project or something like that.

Mr. Miller: Correct. If a project's developed.....

Mr. Clemens: You're going to get submittals from the five.....

Mr. Miller: Right. If a project's developed and it's over \$25,000, yes, we will have a minimum of three, maximum of five proposals for that particular project.

Mr. Clemens: Okay.

Mr. Stake: But we would, I mean, in the contract that they're going to sign, there's going to be a range of fees so they're going to have to, when they bid on this, they're going to have to be within that range, or how are you going to police that?

Mr. Miller: Well, the general contract has, that you have before you, has a range. When I request proposals, I will be asking for estimates of hours. When we receive that, and when a firm is selected, a negotiation on hourly rates takes place at that point in time and the negotiation of those hourly rates is going to be within the range of that general contract that you have before you now.

Mr. Stake: And you're going to be the one to guarantee that they're within the range of the contract that we have?

Mr. Miller: Well, certainly. I mean, when the proposal's signed and the hours and rates of the anticipated employees working on the project is given, that will need to be in conformance with our general agreement that these firms will be signing and entering into with us, yes.

Mr. Stake: So really, what you're going to be looking at are the hours really, not what the fee is, because the fee, the fee's going to be whatever it is within the range.

Mr. Miller: Well, the fee, the fee can and will be negotiated.

Mr. Stake: Within that range.

Mr. Miller: Yes, and in addition to the number of hours that they propose on a project.

Mr. Stake: How are you going to negotiate that when you're asking five engineering firms to bid on it. How are you going to negotiate and have them bid at the same time.

Mr. Miller: I'm not sure I understand your question but if, if, if I do understand your question, I will have a firm identify the number of hours they anticipate to complete a project that meets our goals and objectives. We review, we review these 3 - 5 proposals, we select the best one. Not based on the number of hours that it takes for them to complete the project but based on their understanding of the project and ability to complete the work. Once that selection is made, we negotiate with them the rates and costs for the hours that they anticipate expending on the project. Does that answer your question?

Mr. Stake: Partly, but I'll get the rest from you I guess in due time. Councilman Clemens, you had another question.

Mr. Clemens: Yeh, I do. I understand what you're doing when you're getting the proposals from the three on the number of hours they've committed themselves on this proposal to do the job. Then you're going to negotiate the cost of those hours. Am I correct, I mean, this is what you said. It would seem to me, if you ask the other people that gave a proposal, they may adjust their hours lower than the ones that you're going to get on this proposal. That's what I don't understand is how you can adjust the cost, you're not getting a cost on the proposal.

Mr. Miller: I, I know exactly what you're asking.

Mr. Clemens: You're going to get a cost after....

Mr. Miller: The selection of the firm to perform the work is not going to be based on the number of hours that they expect it will take them to complete the project. The reason I'm asking firms for hours, is because we have a defined budget in which we can operate in to complete engineering related projects and I don't want to move forward with a project if I don't, if I myself don't understand the level of effort that's it's going to take to complete that task and so I ask for that information in the proposals, but once a firm is selected to perform the work, the hours, you know, if it varies slightly from what they put in the proposal, that's not a big deal. The hourly rates are negotiated, but it is an understanding for us whom are reviewing the proposals how much effort and energy is involved in completing the project.

Mr. Clemens: Well, my thought is on this, if you're doing a proposal, you got three of them. All right, one of them's \$200,000, one's \$250,000, another's \$225,000, you take the one for \$200,000, they do the job. If you, you know, if you signed a contract for \$200,000, you'd do the job for \$200,000 and it's up to you to see that the job's done correctly. That's what we hired you for. The only part I don't understand, we can go ahead with this and that's fine, because you're making it awful tough on yourself, I don't understand going into all this hourly bit and after you get the hourly bit from all these people, then you're going to adjust the hours and the time that it costs.

Then you're going to know, then you're going to know the cost of the project or their proposal after you've accepted the engineer. You don't know what the cost of these other guys is going to be, because you just went on hours. I mean, that.....

Mr. Miller: That, that is, what you're saying is correct and that is in compliance with the Ohio Revised Code in quality-based selection. You, you ah,

Mr. Clemens: They ought to change that, that's another screwy one that the State has.

Mr. Miller: ...you are not to select professional services based on price.

Mr. Clemens: Because it costs you more in the end, the way it is now, that's why they've got that in there. Now, I mean, that's fine, do it that way, but I'm just saying, to me, you're working it backwards and that may be what the Ohio Revised Code says and I'm sure it is because we went through this before with the other Engineering company, but it's backwards because it should be judged on cost, because you really don't know what the cost is going to be, you've got three, because what we're doing, we're accepting these five different companies because they are the best, I mean, you know, we've already committed to them so you shouldn't have that problem on the hourly basis pertain to the cost of the job because they're all legit and that's why we've hired them. We've changed the, we've changed the situation where we're not discussing somebody that's not within these five give us a price because only these five can do it. You understand what I'm saying? It's not like the sixth person because he's out.

Mr. Miller: Well, I do understand and I just want to remind you Councilman Clemens, you're correct. By selecting 3 - 5 consultants in a particular field, you're selecting the best, you've made a quality selection of those 3 - 5 persons. Now you have a project and now it is time to make a quality-based selection on who's going to provide you the best service to achieve the goals and objectives that your project has in front of you and that again, that creates competition among the qualified companies to provide a level of service that's acceptable to Reynoldsburg and a cost that is also acceptable.

Mr. Clemens: I can understand that and I won't argue any much more, other than that's what we've selected these five for because they are the ones that can do this. It, you're doing the cost afterwards that's the only thing that bothers me is, this is all fine and good, what they are and what they can do, but then you're doing the cost after you select the engineer. To be competitive, they should give the cost and then that's competitive, because then you've got three different prices, that's competition. Not competition is just the hourly wage and nothing, the hour, how many hours and then you're going to negotiate what the cost of the project is and then these other two don't have a chance because they don't know, you've already decided on the other one. All you're now is negotiating an hourly wage to get the cost. If you'd took the all three of them and negotiated them separately, you might come up with a nice cost, really. But I'm not asking you to do that, that's too much out of line. All right, I was just curious on how that worked, now I know how that works and I was afraid that's how it works and we'll go from there.

Mr. Miller: Thank you Councilman Clemens.

Mr. Stake: Any other questions or comments from members of Finance Committee or Council? I know there's more questions to be answered on this so I'm going to hold this for two weeks. I'll make a motion that we hold this for two weeks. Seconded by Councilman Joseph. Any further discussion. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you Jim.

Mr. Miller: Thank you.

Mr. Stake: Item 11 Discussion: Review of the minimum and maximum rates set forth in Reynoldsburg Chapter 160.03 to determine whether and to what extent the City should adjust the overall Salary Schedule - (listed at direction of Chairman Stake)- *-held 11-17-08*. The Auditor provided us in a memo November 21, 2008 the salary ranges. Did everybody have an opportunity to look at those? This is something that we have not adjusted in the last couple of years. I think the time is now to adjust this salary ranges. If there's salary increases built in for anybody, they would not get both. Our past practice has been for just to adjust the salary range but not to give them a double raise, and I would hope that would be the practice this year; but I will note that the CPI and this is what we measure from the CPI from September 30th was 5.4% and I know that the Auditor had given us a spreadsheet based on that. Dick do you have anything else to add?

Mr. Harris: No, I provided several scenarios for Council to look at, 3 - 6 % including the 5.4% and it's basically this would be a Councilmatic decision. Like you said Mr. Stake, I think there's only, we're checking in, there's one person I know that was a new-hire, but they're also a member of a bargaining unit who could possibly be affected by this, but so it's a , I would say it's not a large number, but the last time this was actually changed was in December of 2005, it took effect January of 2006.

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

Mr. Clemens: I was thinking, the 6% , you know, we're pretty good on that I thought.

Mr. Stake: Well, I know we haven't done anything for the last few years and last year was 5.4% so 6% makes sense to me as well, Councilman Clemens. President Hills.

Mr. Hills: If I could, I think the last change we did make was 2% and we need to read the code for any clarity there as to, it doesn't even say we have to, but we need to read that section of the code. I would suggest, and there is an Executive Session after Council requested by the City Attorney on some pending litigation, and also I'm adding contract negotiations because I think I asked a question and I think Mr. Harris has referred to one, that I'm not sure that we want to make any modifications on this yet until we have that question answered. Do, I mean, certainly we're going to do something by the 22nd and if we do something by the 22nd, the numbers can be adjusted by the first of the year anyway. These are, but I still think there's a , that question's out there and we weren't real sure what answer we got today and so we'll find out more in Executive Session.

Mr. Stake: Okay, my intention is though, to move this forward somehow, some way, with some number.

Mr. Hills: So by next week, we'll get that answered.

Mr. Stake: Well.....

Mr. Clemens: I think we've had a problem with our top grade anyway. So increasing this gives them another chance for a little bit more to move up to.

Mr. Stake: Yes, well I do think we need to stay competitive in the marketplace, in the workplace for the employees that we do have, I think we need to have competitive wages; any other comments or questions from members of the Finance Committee or members of Council? Then I'll just make a motion that we send this forward for it's first reading with recommendation for 6%. Seconded by Councilman Clemens. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. We will have more time to talk about this and adjust this or not adjust it. Thank you.

A RESOLUTION ACCEPTING, APPROVING AND RATIFYING THE SUBMITTED RECOMMENDATIONS OF SEVERAL CITY OF REYNOLDSBURG TAX INCENTIVE REVIEW COUNCILS AND DECLARING AN EMERGENCY- -read for first time 11-24-08. This is pretty routine. I know Mr. Haire had talked to us previously. He'd like three readings but passed as an emergency. Are there any questions or comments in regards to this item from members of Finance Committee or members of Council? Hearing none, I'll make a motion that we send this item on for it's second reading. Seconded by Mr. Joseph. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH DONALD J. SCHONHARDT & ASSOCIATES, INC. FOR MANAGEMENT CONSULTING SERVICES- -second reading 11-24-08. This does come from the Auditor. He explained this to us previously. Are there any questions or comments in regards to this item from members of Finance Committee or members of Council? Hearing none, I'll make a motion that we send this item on to Council with recommendation for adoption. Seconded by Mr. Clemens. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO "FACILITY USE AND WIRELESS INTERNET ACCESS AGREEMENT" WITH REYNOLDSBURG CITY SCHOOL DISTRICT- -second reading 11-24-08. If I recall, there were no problems at last reading or Committee. Are there any questions or comments in regards to this item from members of Finance Committee or members of Council? Hearing none, I'll make a motion that we send this item on to Council with recommendation for adoption. Seconded by Mr. Joseph. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you.

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, 2009 AND DECLARING AN EMERGENCY- -read for first time 11-10-08; *held 11-17-08 until special Finance Committee meeting scheduled for 11-24-08 at 6:30 p.m. Special Finance Committee meeting was cancelled.*

Here we are. Mayor, do you have anything else to add on this at this time or are you going to, I think we talked about an Interim Budget. Is that what you'd like to submit at this time, an Interim Budget?

Mr. McCloud: Yeh, that's my, that is my understanding Chairman Stake and that was the direction we thought most appropriate. We would have a better handle on some of the numbers later so that's the intent of Administration.

Mr. Stake: So then the Administration will get us an Interim Budget down to Council which would be in line with what our expected revenues will be and then we'll go from there next year? Very good, okay. Then I'll make a motion that we hold this item until we receive the Interim Budget. Seconded by Mr. Clemens. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you. I'll adjourn the Finance Committee at 9:05 p. m.

Finance Committee

---Nancy C. Frazier, Clerk of Council

December 1, 2008

(Transcribed/S. Cochran, Ass't. Clerk of Council)