MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
November 24, 2008

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

Members of Council present: Doug Joseph, Mel Clemens, Donna Shirey, Ron Stake, Fred Deskins, Jr., Leslie Kelly. Councilwomen Antoinette Newman was absent.

The Invocation was given by Mr. Hills, who also led the Pledge of Allegiance.

Minutes of the regular Council meeting held November 10, 2008 were approved without objection.

The agenda was approved.

Community Comments and Requests:

Mr. Lynch: Good Evening Mayor and Council members. My name is Raymond Lynch, I live at 375 Fallriver Drive, Reynoldsburg, Ohio 43068. I've been a resident here since 1992 and I'm here tonight to speak on the Dysar Ditch and the erosion water flow problem that we have behind my home and other resident's home behind that. I have some handouts that I can give each Council member. Would you like those now?

Mr. Hills: You certainly can, if you would like, if you have them, if you want to give them to the Clerk, we'll pass them down; eight, because the Clerk will need one.

Mr. Lynch: In this packet that I'm providing, is a summary of what I'm going to speak on and I'm providing some pictures, some plot maps and of the creek and the erosion problems that have occurred since 2004. My home sits about 25 feet above the ravine. In the ravine is a ditch called Dysar. As I told you, I moved here in 1992. The first ten years, that ditch would almost be dry throughout the year and especially during the summer months it would be dry. There was very little water that flowed through that. Homeowners are here tonight with a problem that has been created through the fault, that has not been created through any fault of the homeowners. These homes are built, shopping malls are built, cement has replaced farm fields. Farm fields in the past, have absorbed rain water, now all that water runs into the Dysar Ditch and has turned in, what used to be an almost dry ditch bed, into a raging river during the Spring run-offs. The water flow has increased tremendously during the last six years. Part of this problem is directly threatening 375 and 383 Fallriver now and it will effect 363 later on if not fixed among other residences.

In June of 2008, I lost about two large trees tore out the embankment behind my home and this is what precipitated me to take some more action because I've lost over 25' of flat land and now it's tearing away in the vertical bank of my property which is threatening my home which sits about 25' above it. I brought this erosion problem back to the City Safety Planning Directors in 2004. That was Sharon Reichard, Steve DeBolt and Pam Boratyn I guess were different City Safety Planning Directors through those time periods from 2004 to present. I brought this erosion problem to all of them. In 2004, the ditch started to change direction and the bank eroded at the first "S" bend of the ditch behind my property which was threatening property of 340 Instone property. That is approximately 100 feet behind me. The city at that time, came in and when the erosion eroded that property there that threatened the home, the city came in and corrected that problem by backfilling with soil and putting some rip-rap rock onto that first bend of the creek. In doing so, that forced all that water at a greater force and a greater flow into my bank which is 100

feet south of that. From that point, it started to erode at a more rapid pace. The city fixed that Instone property at a cost of about $98,800 and they, and to my understanding, there was no assessment done to that property to pay for that. The city absorbed the cost of the storm water repair, Storm Water Fund monies. To my understanding, Storm Water Fund monies pay for mitigating effects of storm water runoff and we pay into this fund through Storm Water Utility fees and the City Code of Ordinances in part says, to provide the safe, efficient capture and conveyance of storm water and to mitigate the damaging effects of storm water runoff and correction of storm water problems. Improving the bank now would be more cost efficient now than to wait for any further total bank failure. In particular, this bank, I would like to point out is sitting at least 25 feet above the creek, it's not sitting at creek level. We're not talking about property flooding, we're talking about the erosion and this is, and makes it much more expensive to try to correct if you don't do anything soon.

On November 11th, of this, I had the two trees removed, or the city removed two large downed trees and the root balls. The bank has a lot of sand in it, we found out after those two trees fell that it had an enormous amount of sand underneath. Normally, when a tree falls into the ditch, the city will remove the downed trees by cutting the tree trunk into pieces, leaving the root ball in place. By leaving the root ball, it slows the erosion process from proceeding at a greater rate. In this case, they not only removed the tree trunks, but they also took the large root balls. This concerned me with upcoming winter weather, that further erosion will happen at a much faster pace when they remove those root balls because they kind of protected the bank.

It's our understanding through a meeting with the Mayor and the City Engineer, when a development plan is submitted for approval, the development cannot discharge more water runoff into the ditch after the development is built than it did prior to the development. We inquired about the flow rate information of the ditch but that, so far, the city does not have that information readily available to give out, to give us yet. The city has a bid of approximately $65,000 to repair the erosion and this is very reasonable according to the City Engineer. This cost is prohibitively beyond the homeowner's ability to pay. We have no control over the water flow in that ditch. The Instone project caused an increase in the water flow and force that directed into my embankment causing large trees to fall into the ditch that then had to be removed. I have also taken proactive action myself by removing two additional large trees at the top of that bank that I had that were being threatened to tear away more of the bank. These two trees cost me about $1,400 to remove. I did this because the additional weight of those two trees on the edge of that bank would have accelerated the bank failure. I hope this will delay the further collapse of the embankment and prevent any more trees from falling into the ditch and causing a disruption of the storm water flow.

In a recent article published in a local paper, dated 10 November of this year, the City Attorney stated that even though the property is private, City Council can determine whether the funds spent for repairs would be for public purpose. Apparently this ditch is a conduit for storm water runoff. To my understanding, the municipalities take responsibility for water flow and how much can be discharged into the ditch. The city should have records showing the water flow of this ditch. If this water flow is not controlled, it will continue to get more severe erosion. I've included in the packet for your information, showing you my bank and what has happened to it over the years from December, 2004 to present. Also, there's a map and pictures of storm water drains on the developments north of Broad Street off of Waggoner Road. It's in the City of Columbus. All these street drains, all these residential street drains now flow into the tributaries that feed the ditch. No longer do they soak into the farm fields.

So I'd appreciate any assistance the city can do for us. As I'd like to point out, they took care of the Instone property and they did not assess his property and I'm hoping that can also be taken care of here because it is beyond the homeowner's capability to afford this type of project. Thank you.

Mr. Hills: Thank you Mr. Lynch. Are there any questions for Mr. Lynch. Seeing none, our second speaker form is Robert Schultz, I believe it's Robert Schwarz.

Mr. Schwarz: My name is Robert Schwarz and I live at 383 Fallriver Drive. As Mr. Lynch said, I'm his neighbor, I live just a, just a North or West, just South West of Mr. Lynch and I just really came to verify what Mr. Lynch said. I moved in, in 1998 but in 1997 when I signed a contract on my house, I had a survey done and at that point in time, I was a little bit concerned because I've never lived this close to the water before and I've never really, I was concerned about flood insurance and all those kinds of issues. The results of the survey came back also with the flood zone, flood plain information on it and the designation that was on there was a "X" which is equal to the 500 year flood plain which is supposed to be a .5% probability of flooding per year. The ditch, as Mr. Lynch said was almost dry a large percentage of the year and even during rains it would rise a foot or two and then it would dissipate in a day or two and that was the end of it. Then very often in the Summertime it would just like dry up except for a few small ponds in some deeper sections but the majority of the flow just disappeared.

Today, since all the development that's occurred on the North side of Broad Street, there's been a dramatic increase in the flow back there; I mean, it's unbelievable. You sit in your house now after a 2" rain and you can hear the roar of the water coming down the ditch and that was never the case before. I mean it was always just, you know, nothing there. The Instone thing happened, I believe that was in the 2003 - 2004 time frame. I don't have the exact date but since then, we've noticed the erosion on our side of the ditch has occurred. I believe that there's two main factors. Obviously, the increased flow in the ditch is one of the major contributors and again, that's something that the homeowners have absolutely no control over whatsoever. The second factor is, I believe is when the Instone property was fixed, in the final fix, I believe it shortened the radius of the curve which directed the water more directly into Mr. Lynch's bank which is right, you know, right next to mine in the back and since that time, I think we've seen a lot more erosion back there and the trees falling. So I'm here to basically ask the same thing Mr. Lynch is. That we get some relief on that because sooner or later the erosion is going to first get Mr. Lynch's house and then mine won't be too far behind that I'm afraid. That's all I have.

Mr. Hills: Okay. Got any questions for Mr. Schwarz. Mr. Stake.

Mr. Stake: Thank you President Hills. I just have a comment. I lived across the street from Mr. Schwarz and Mr. Lynch up until 2005, 1991 to 2005, and I will just echo what they've said. I mean, up until probably early before 2005, we really never saw the amount of water coming through there until all that development had been done north of Broad Street and then it really did, the water did start really rushing through there, so I just want to let the Council members know that I have personal experience with this. Thank you.

Mr. Hills: Okay, thank you Mr. Stake. Any other questions. Councilwoman Kelly.

Mrs. Kelly: I don't have a question, but I just have a comment. I just want to thank you and Mr. Lynch both for taking your time to bring us such a thorough report. Thank you very much.

Mr. Schwarz: I think we needed to. Thank you very much.

Mr. Hills: Thank you very much. Is there anyone else that wants to address Council on an issue or item tonight that's not on the agenda. (No response)

Reports:

Mr. Hills: It doesn't show any reports, but I do have three reports from the President of Council, the Auditor, and then Finance Chairman Stake. First, President report, we have a second review of additional Design Professional Review Committee, and this time I would like to have the Service Chair and the Finance Chair, which would be Councilman Stake and Councilman Clemens, if you'll review those, they're in and I'm sure the Clerk has copies for you, and if you all don't mind, I would appreciate it. I had understood that it was just a small group, but I think small is what, 22 now or something, 24? We're not taking any more, are we Ms. Frazier?

Ms. Frazier: No.

Mr. Hills: And the second report is from the Auditor. Mr. Harris.

Mr. Harris: Thank you President Hills, members of Council. On October 25th, President Bush declared parts of Central Ohio a disaster area and eligible for FEMA funds from the 9-15-08 wind damage. We are meeting with the FEMA people tomorrow. We will be turning in bills of around $16,000 to $17,000; hopefully they'll accept everything and we'll get 75% of that and just as we did on the snow earlier in the Spring, we'll be coming back to Council after we get the money in order to send it back to the Departments that it belongs to, but I did want to report to Council that we were meeting with them tomorrow and that we will hopefully be coming back with some money here in a very short period of time. Thank you.

Mr. Hills: Thank you. No questions of the Auditor? Thank you very much Auditor. Finance Chairman, Councilman Stake.

Mr. Stake: Thank you President Hills. I just want to take this time to let everybody know why the Special Finance Committee Meeting was cancelled earlier this evening. After meeting with other City officials last week, I think there's still a lot of questions to be answered on the Budget. There's still a lot numbers that need to be looked at. We're not even close to having a balanced budget at this time, so I think the consensus of the group was to go with an Interim Budget for this year and then by April, pass a Final Budget which we would need to do, but right now, we're looking at about $600,000 in expenses over revenue in the budget documents that we received in our packets over the weekend, and also I know those were new numbers and new information for everybody so it takes a little while to digest that information, but we are looking at revenues for 2009 estimating to be up about 2%, with expenses up about 10%, so there's a lot of work to be done on that and, of course, it's the Mayor's budget, and the Mayor and his Directors will get together and hopefully correct that, but I wanted to give a little explanation of why we didn't have the Finance Committee Meeting. Thank you.

Mr. Hills: Any questions of Councilman Stake. Anyone else want to give a report on an issue or item. (No response).

Clerk read Motion: That the Council of the City of Reynoldsburg does hereby reject the bids received on October 7, 2008 for the replacement of the roof at the Senior Citizens Center.- - -Mr. Deskins moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea". Motion passed.

A RESOLUTION ACCEPTING, APPROVING AND RATIFYING THE SUBMITTED RECOMMENDATIONS OF SEVERAL CITY OF REYNOLDSBURG TAX INCENTIVE REVIEW COUNCILS AND DECLARING AN EMERGENCY- - --Clerk read ordinance by title for the first time. Item referred to Finance Committee.

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

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH DONALD J. SCHONHARDT & ASSOCIATES, INC. FOR MANAGEMENT CONSULTING SERVICES- - -Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO "FACILITY USE AND WIRELESS INTERNET ACCESS AGREEMENT" WITH REYNOLDSBURG CITY SCHOOL DISTRICT- - -Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING THE CITY OF REYNOLDSBURG TO PAY RATE INCREASE FOR THE MONTH OF DECEMBER 2008; AND TO PICK UP PARTIAL PAYMENT FOR REFUSE SERVICE FOR CITY OF REYNOLDSBURG RESIDENTS DURING THE MONTHS OF JANUARY THROUGH DECEMBER 2009 FROM THE SOLID WASTE FUND AND DECLARING AN EMERGENCY- - -Clerk read ordinance by title for the third reading. Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea". Motion passed; Ordinance No. 73-08 adopted.
ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: REPEALING SECTION 351.05 "DISPLAY OF ITEMS FOR SALE NEAR STREET." of Chapter 351 PARKING GENERALLY ; and adding a new SECTION 1171.08 "OUTDOOR DISPLAY OF ITEMS FOR SALE" to Chapter 1171 GENERAL REQUIREMENTS- - -Clerk read ordinance by title for the third reading. Mr. Clemens moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr.

Clemens “Yea”; Mrs. Shirey “Yea”; Mr. Stake “Yea”; Mr. Deskins “Yea”; Mrs. Kelly “Yea”. Motion passed; Ordinance No. 74-08 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (a) of Section 953.01 “Water Rate Schedule” OF CHAPTER 953 WATER CHARGES AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mrs. Kelly seconded. With the roll called, members voted: Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mrs. Shirey “Yea”; Mr. Stake “Yea”; Mr. Deskins “Yea”; Mrs. Kelly “Yea”. Motion passed; Ordinance No. 75-08 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (c) of Section 945.02 “Rate Schedule” OF CHAPTER 945 SEWER CHARGES AND DECLARING AN EMERGENCY- - -Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mrs. Shirey “Yea”; Mr. Stake “Yea”; Mr. Deskins “Yea”; Mrs. Kelly “Yea”. Motion passed; Ordinance No. 76-08 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR HEALTH SERVICES- - -Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mrs. Shirey seconded. With the roll called, members voted: Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mrs. Shirey “Yea”; Mr. Stake “Yea”; Mr. Deskins “Yea”; Mrs. Kelly “Yea”. Motion passed; Ordinance No. 77-08 adopted.

Request by Mayor for Executive Session to discuss compensation of public employees; and by President of Council to review collective bargaining strategy. Mr. Hills said those attending would be Clerk of Council; all elected officials; Megan Kish from Human Resources and also Assistant City Attorney, Matt Roth. Mr. Stake moved to recess for the Executive Session; Mr. Joseph seconded. With the roll called, members voted: Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mrs. Shirey “Yea”; Mr. Stake “Yea”; Mr. Deskins “Yea”; Mrs. Kelly “Yea”. Motion passed. Mr. Hills said Council would reconvene only to call the roll and adjourn. Council recessed at 7:59 p.m.

Council reconvened at 8:35 p.m. With the roll called, members responding were: Mr. Joseph “Present”; Mrs. Shirey “Present”; Mr. Stake “Present”; Mr. Deskins “Present”; Mrs. Kelly “Present”.

Meeting adjourned at 8:35 p.m.

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William L. Hills, President of Council

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Nancy C. Frazier, Clerk of Council