

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
NOVEMBER 22, 2004

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

Members of Council present: Brett Baxter, Eric Gilbert, Mel Clemens, Antoinette Newman, Lane J. Beougher, Ron Stake, Preston Stearns.

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

Minutes of the special Council meeting held November 6, 2004 were approved without objection. Minutes of the regular Council meeting held November 8, 2004 were approved without objection.

Mr. Gilbert moved to remove Item 17 (ORDINANCE AUTHORIZING ENGINEERING SERVICES INCLUDING THE PREPARATION OF PLANS, SPECIFICATIONS, COST ESTIMATES, AND ADVERTISING FOR BIDS FOR THE BARTLETT ROAD RELIEF STORM SEWER AND CHANGES TO PREVIOUSLY PREPARED PLANS FOR THE BROADWYN DRIVE RELIEF STORM SEWER **AND APPROPRIATING FUNDS THEREFORE (CIP #100)**), and return it to committee. The amended agenda was approved without objection.

Community Comments and Requests- -Mr. Norm Brusk, 1861 Crosswick Ct., Reynoldsburg, Ohio stated that he was President of the Slate Ridge Civic Association and wanted to inform Council about a house on Shale Valley and Ravine Way that was an historical house that was being renovated, but the renovation had stopped. He said there was a safety concern; that the place was an eyesore; the city had put caution tape around the house and was trying to contact the owner. Mr. Brusk said there had not been any studies to show that the place was structurally sound. Mr. Hills asked Mr. Brusk if the civic association had worked with the Administration and if they were aware of this issue. Mr. Brusk said yes, they were.

Reports- -Mr. Hills stated that there was a request by the Mayor for a report regarding the code concerns from "Concerned Citizens of Huber", but the Mayor was unavailable. Mr. Hills said Mrs. Reichard would be speaking for the Mayor and would combine the issue with her report; then the Chief Building Inspector would give a PowerPoint presentation.

Mrs. Reichard reported on various issues (See attached). Regarding the Drury Inn topic, Mrs. Reichard said they had met with Drury Inn and their engineers to get them started; that there were some concerns about water issues; that most of those issues were being handled and they plan on them getting started in the very near future. A rendering of the hotel could be viewed in the atrium.

Mrs. Reichard said they were getting the litter prevention program running; that all the civic, homeowners associations, and block watch associations had been contacted, asking them to participate in the Adopt a Roadway program. She said she is hoping that they will get someone to

do that for Phase 1 of Streetscape that will take responsibility of cleaning up that roadway, having their name out there, and picking up litter on a regular basis. She said they are going to be meeting with the Ohio Department of Natural Resources about plant pride, litter, and would be promoting the programs within the city's office community, and the community at large. She said they had a staff member attend an environmental law enforcement workshop on November 17 and 18; that it was very beneficial in helping to understand the kinds of litter problems the city was experiencing.

The FirstAid/AED/CPR training was very successful, and the second session would be December 1. At the police department very recently, a man's life was saved by an AED; that two of our local police officers saved that man's life.

Mrs. Reichard said in response to the two things that the Citizens of Huber brought to the Mayor's attention, both of them had been around for a long time. She said one of them, she thinks is going to be fixed. She said she spoke with the owner of the house on Rygate Court that does not have garage doors. She said there is a lot of lumber and trash sitting there. She said the lady lost her husband October 5, and just prior to that, a 20 year renter disappeared. She said they left a lot of debris behind. She said when she talked with the owner, she felt very bad about what was going on. She said she has already called a garage door company and they will be coming out and putting a new garage door on it. She said there is an old junker car in the garage and she will be helping the owner to try to get rid of that and helping her get her place cleaned up.

Regarding the house on Laird Avenue, the one with the autos being worked on in the driveway, that was an ongoing problem. She said from discussions with the City Attorney, there was nothing in the code that addressed those issues. She said the gentleman who owns it is within his rights to do so even though it annoys the neighbors. She said they see it more as a civil action with people in the neighborhood. She said they have gone as far as they can go. She said whenever there is something that happens outside of the code, there have been warnings issued and the resident does clean it up for the moment, but it is an ongoing problem that is probably going to be around for a while. She said they are hoping that the people who live in the neighborhood can come to terms with what's going on.

Mr. Hills asked if Mrs. Reichard wrote all of the reports today. Mrs. Reichard said no. Mr. Hills asked if for the next report, if she could get a draft in Council's packet so they can see it on Friday. He said that makes it easier to ask questions. He said he appreciates the update on what the administration does on a day to day basis, but it would be helpful if Council could see what she is going to be talking about to see if they have any questions. He said there were three or four things that he had a question about, but then she was on to something else. He said that would be a suggestion. Mrs. Reichard said this came off the press earlier in the afternoon about 4:30. Mr. Hills said if Council would have had a draft last week, they would have an idea about the subjects. He said it lets Council ask questions after they have had time to analyze it.

Mr. Clemens thanked Mrs. Reichard about the Rygate situation since that had been a 3 month project. He said the Mayor has taken very little concern as far as that's concerned. He said he had spoken to him about it and he knows what his opinion is. He thanked Stephen Moore for the letter that he sent regarding the code. He said his problem is that, when things like this happen and it's an interruption to the neighborhood, he thinks we should do our best to get it correct. Even if it doesn't fall under the code. He said we should go to these people and explain the situation and have it taken care of. He said that house has been a mess for 6 months. He said he doesn't care how long ago those people moved out, that door has been off of there for 2 or 3

years. He said there has been junk in that doorway for 3 years. He said it has never been taken care of. He said it has been reported over and over again. He said the neighbors have complained. He said the people are trying to sell their house next door. He said the city has shown no respect at all for the people that live there. He thanked Mrs. Reichard for getting it corrected, if it is corrected. He said situations like that should not have been let go and said that we don't have a code for it. He said if houses look like that, the least we can do is get a hold of the people and get these things corrected. He said we have a responsibility to do that. He said he hopes the next time, that it's done correctly and taken care of when it's first reported.

Mrs. Newman asked about the car repair business. She asked if that is a situation where they're out there all night long sometimes with lights shining in the area and a constant thing? Mrs. Reichard said that's what has been reported by the residents in the area. She said it is her understanding that it is not a business but it is a hobby of the homeowner. She said that's how they get past the code to get outside the code because it's not a business. She said they don't derive money from it. Mrs. Newman said it seems to her that something should be done about that even if Council has to draft legislation to pass to take care of it. She said if it's disturbing all the neighbors, she doesn't think our answer to them should be 'like it or lump it' which seems to be what our answer has been. She said that's wrong. She said people should be able to enjoy their homes and be able to have peace and quiet in their home. She said obviously, this is a disturbance.

Mr. Baxter said as a car enthusiast and a father who is helping his son build a car in the garage, he knows exactly how noisy it can be and how much of an interruption it can be. He said he is also cognitive to his neighbors. He said those are the general rules that people should go by. He said if they're not following that, he believes it's the city's responsibility to step up and put the pressure on the resident to know that they are being a disturbing influence and not allow this to continue. He said maybe the Chief could do some follow-up work on it to find out how legal it is.

Mr. Baxter said he wanted to know who "they" was regarding the issue of developing a lot of new things for the Storm Water. Mrs. Reichard said that was Del Perry. Mr. Baxter asked if he did this on his own. Mrs. Reichard said yes. Mr. Baxter said that was great and he would like to see what he was doing.

Mr. Baxter asked if there was an update on Speedway. He said the sidewalk looked terrible. Mr. Hills stated that he would caution everyone that this was a piece of litigation and he was not sure how much we wanted to discuss that. Mr. Baxter said he didn't know if we wanted to discuss it, but shouldn't we at least get the sidewalk cleaned off so we could walk across it? He said that was still our responsibility, or was it the owner's responsibility? Mr. Hills said the sidewalk was the owner's responsibility; that it was a legal matter.

Mr. Beougher asked where the water main breaks were in Huber. Mrs. Reichard said she couldn't give the list. Mr. Beougher said he was curious if they were near the areas that were flooded. Mrs. Reichard said she would check and get that information to him.

Mr. Gilbert said 13 months ago, the Mayor created a commission and they passed on recommendations. He said we received copies of that but haven't received a recommendation from the administration and what items that commission recommended to be implemented into our code to help address some of the issues that Mrs. Reichard spoke of this evening. He said he knows that there were some concerns from the members at the time the commission was disbanded that this is just another study or report that would collect dust on the shelf. He asked if there is a time frame or any consideration from the administration on what recommendations will be sent down, if any? Mrs. Reichard said the Neighborhood Task Force was one that, some of what

Council is seeing tonight, what they have looked at...permit fees, International Property Code, those are all entwined in that. She said the Neighborhood Task Force has asked her about what they are doing internally. She said she is going to send out an e-mail next week and will include Council in it. Mr. Stearns asked if she could also send that to the Chairperson of that commission. Mrs. Reichard said yes.

Mr. Hills said if we had this on Friday, she wouldn't have had to answer all of these questions tonight. Mrs. Reichard said that was okay; that we needed to get these questions out in public.

Mr. Clemens asked if the commission was still in function. Mrs. Reichard said no. She said they made their recommendations. She said what they've found in looking at the code is, we have things in the zoning code that conflict with things in the building code. You can't just take one look. She said you have to look at the entire set of ordinances to try to balance this out as they bring recommendations to Council. She said they had a lot of good recommendations. She said probably the largest one was to have a full time Code Compliance Officer. She said others have to do with issues that she has discussed tonight. She said they are looking at cleaning up the code. Especially if they can adopt the International Property Maintenance Code. She said that will go a long way in helping some of these issues that they deal with on a daily basis.

Mr. Al Smith, 6860 Laird Avenue presented to Council, letters from 13 homeowners that have no complaints against him. He said that he respects his neighbors and works with his neighbors. He said in the letter, it states that they have no complaints or problems of conduct against Mr. Smith regarding cars in his driveway, working on his cars in the driveway, as well. It says that Mr. Smith maintains his landscape in good appearance and keeps his driveway clean at all times. He said he has never had a complaint from a neighbor. He said the complaint is 9 homes north of him. He said he sees this person up and down the street constantly and they carry a pad and pencil. He said his neighbors immediately on his left, right, and across the street are tired of seeing a person with a note pad that looks around, jots something down, and then runs home and calls the city. He said this has been going on for probably 15 or 18 years. He said he has lived in this home since 1980.

Mr. Hills said he would suggest that Mr. Smith and Mrs. Reichard have more face to face conversations to see if they can work with that.

Mr. Moore, Chief Building Inspector gave a PowerPoint presentation regarding code enforcement. He said that the Code Compliance is under the Building Department. He said they are trying to make a difference, keep property values up, and deal with issues in the community. He said there were 32,000 people, 11 square miles, and the city was in 3 counties and 4 townships. He said they have a large area to cover with a 3/4 part time employee who works 30 hours a week. She has worked 1,371 hours and done 1,888 inspections; 661 trash container complaints; 118 things without permit complaints; 209 inspections on high grass and weeds. He said they were following 135 vacant houses in the city. If automobiles are illegally parked, they get the call and then forward them to the police department. He said there were 264 miscellaneous inspections. He said the process is, the complaint comes in, they put it in the computer, it sets it up for them to go out on inspection. He said she goes out and inspects the property and takes photos and leaves a door hanger with information on the violation. He said then she verify's the property owner and if the handout doesn't get a result, they send out the violation notice. He said the code requires it to be certified. He said once the owner gets it, the letter states the amount of time they have to complete it. He said they go out and do re-inspections. If they continue to have somebody that is

habitual, they issue citations for non-compliance; they did about 3 or 4 citations this year. He said just working with the property owners, they were able to get some properties taken care of without bringing people into court or go in front of Nuisance Abatement. He said when compliance is met, they send out thank you letters.

Mr. Moore said they had to break the city up into 4 zones; that on Saturday's she goes out and looks for signs, and works on anything that is left over from that week. He said they try to contact the property owner for high grass. If not, the city does mow grass. He said we have a contractor that does that. He said the average vacant house stays vacant for about 18 months. He said HUD does mow their properties. He showed pictures of vacant homes. He said there are some nice houses, and are in every neighborhood. He showed pictures of high grass and weed problems, of trash and junk, and also pictures of success story houses.

Mr. Hills said he needed to make some comments that need to be made to address and clarify some issues that he had heard from constituents, employees of the city, and fellow Council members. He said this city has 11 elected officials. He said three of them are elected as full time officials, the Mayor, City Attorney, and Auditor. He said the other 8 are legislative, Councilmatic, and were not full time officials of the city. He said if any one wants to question the pay grade, rest assured that Council puts in a great number of hours for the compensation involved. He said they don't do it for the compensation. He said the duties and powers of Council are to exercise all the legislative powers of the city. He said any action taken by Council will be done by ordinance, resolution, and motion. He said those are the actions that Council takes. He said any member of Council may introduce any of the above stated ordinances, resolutions, or motions. He said the Mayor may then veto action taken by Council. He said all actions must be passed by a minimum of 4 votes. He said as he has said at staff meetings as Acting Mayor - don't ever assume that discussions with one or two Council members means that Council is of approval of whatever the discussion is, much less the ordinance or resolution which hasn't even reached the table. He said Council will always function as a whole and it will vote as a whole. He said one of the issues we have here is communication and cooperation. He said we're not unique at that in Reynoldsburg. He said this is true in most cities. He said the people sitting at the table are elected to Council to seek accurate information, which they are often asking for, ask questions, and then take the appropriate action. He said when appropriate, they are more than happy to provide those questions in writing. He said, "But please, there have been comments of, 'Well, it came from the Clerk or her assistants, and therefore, we're not going to respond to those questions'." He said he wants it made abundantly clear that when the Clerk of Council or either of the Assistant Clerks speak, and ask for questions, they are speaking on behalf of Council. He said Council's clerical staff is them - - they have 8, and there are 2 ½ people that have a role. He said if Council has some questions, they clerically will go through the Clerks. He said that doesn't mean that Council didn't ask that question and they certainly would expect those answers are given. He said there has been an indication that Council wants all questions in writing. He said he can assure you, as he sits here as President of Council, if somebody wants to ask a question, they will get that question directed to the person. He said it will be orally, in writing, it will be a question and they will anticipate a response. He said current problems are that he hears so much that 'Council did it'. He said it's always, Council did it. He said he has heard that from constituents, employees, he's heard it from everywhere. He said he reads it in the paper, Council did it. He said he has had employees tell constituents that he's dealt with, 'don't get Council involved because we won't work with you'. 'We don't fix it if Council brings it up'. He said he doesn't find this type of

thing acceptable. He said they have had discussions with the administration and he believes they may be working on it. He said it certainly hasn't been successful as of yet. He said Council hears comments being made and members have walked by and heard these comments, 'Council cut the budget'. He said Council hasn't cut any budget. He said the budget was presented by the Mayor. He said it's an administrative budget and it's under Council review right now. He said the budget has been proposed where the expenses are less than the anticipated revenues. He asked if anybody up here has cut anything. He said no. He said this is just an ordinance going through Council. He said that's why we need to understand how this procedure works. He said we've heard statements made, 'Council is cutting the services. We're not going to provide these dollars'. He said Council hasn't cut a thing. He said again, this is not Council's budget. He said this is the administration's budget. He said he hopes everyone doesn't read him as frustrated. He said for those that know him, he is in his 11th year and he has a tendency to deal with facts. He said he always has and he will always continue to do that. He said what we all need to do is work together as both elected and appointed officials. He said we need to seek all of the facts of information that we can get and then implement what needs to be legislated. He said it's really easy to govern when the cash is flush. He said it gets much tougher when we're in some tight economic times. He said in the last 2 or 3 years, that's where we've been.

Regular Agenda Items

ORDINANCE CONSENTING TO THE EXTENSION BY THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY OF AN ENTERPRISE ZONE TO INCLUDE A CERTAIN AREA WITHIN THE CITY OF REYNOLDSBURG PURSUANT TO OHIO REVISED CODE SECTIONS 5709.61 THROUGH 5709.69, AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens second. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 113-04 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR SPECIAL COUNSEL ACCOUNT (City Attorney's Office) AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 114-04 adopted.

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

ORDINANCE TO MAKE A FINAL APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF REYNOLDSBURG, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2005 AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the first time. Item referred to Finance Committee.

ORDINANCE AUTHORIZING THE ISSUANCE OF A PERMIT TO CHARITY NEWSIES TO SOLICIT DONATIONS ON SATURDAY, DECEMBER 11, 2004 **AND DECLARING AN EMERGENCY**- -Clerk read ordinance by title for the second reading. Mr. Clemens moved to amend the ordinance as redrafted 11-16-04. Mr. Gilbert seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 115-04 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 909 SIDEWALKS, SECTION 909.01 "Sidewalk Construction Permit And Fee", Subsection (d); CHAPTER 1301 DEPARTMENT OF BUILDING INSPECTION, SECTION 1301.01 "DEPARTMENT ESTABLISHED; DUTIES OF INSPECTOR", Subsection (b); VARIOUS SECTIONS AND SUBSECTIONS OF CHAPTER 1305 PERMITS AND FEES; CHAPTER 1325 1999 OHIO RESIDENTIAL CODE FOR 1, 2, AND 3 FAMILY DWELLINGS, SECTION 1325.03 "Definitions"; AND CHAPTER 1363 SWIMMING POOLS, SECTION 1363.06 "Permits: Fees"- -Clerk read ordinance by title for the second reading. Item referred to Safety Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 1175 DISTRICT REGULATIONS - SECTION 1175.06 "Front Setbacks for Buildings" Subsection (e)- -Clerk read ordinance by title for the third reading. Mr. Gilbert moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 116-04 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- -Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance as redrafted 11-2-04. Mr. Beougher seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 117-04 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- -Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance as redrafted 11-2-04. Mr. Gilbert seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 118-04

adopted.

Meeting adjourned at 8:42 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

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