

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

November 20, 2006

Members of Community Development Committee present: Doug Joseph, Preston Stearns, Donna Shirey. Councilwoman Antoinette Newman was absent.

Other members of Council present: Ron Stake, Brett Baxter, Mel Clemens. Council President William L. Hills was present as Acting Mayor.

Meeting was called to order at 7:30 p.m.

Mr. Joseph: ...for November 20, 2006.

The next item on the agenda is approval of the agenda. Any changes, additions, deletions? (No response). If not, they'll stand as submitted.

The third item on the agenda is approval of the minutes for November 6, 2006, Community Development Committee meeting. Any changes, additions, deletions? (No response). If not, they'll stand as submitted.

Number 4, ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 971.08 "Program and Facility Fees And Charges" OF CHAPTER 971 MUNICIPAL PARKS **AND DECLARING AN EMERGENCY**. It received its second reading on November 13, 2006. Any members of the committee have any questions or comments about this? Mr. Baxter.

Mr. Baxter: Yes. Just one question I have. And I don't see this. Is Paul here? Yes. And the question's dealing with volunteer groups. And a question came up I think, the last time on this and I wasn't clear on the answer. And will volunteer groups also be charged these same fees? Or do you usually work with those volunteer types of groups?

Mr. Walsh: Some volunteer groups like The Scouts, typically will trade off. Rather than doing a fee, they'll trade off for service projects in the parks.

Mr. Baxter: Community service. Okay. I wasn't sure about that. But I wanted to make sure that was the case. Alright. Thanks, Paul.

Mr. Joseph: Any other questions or comments for Mr. Walsh or anyone else? (No response). Okay. I will go ahead and move that we send this on to Council for its third reading. Do I have a second? Second by Councilman Stearns. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Measure adopted.

And with no further business before the committee tonight, I will close the Community Development Committee at 7:37.

Community Development Committee

November 20, 2006

- - -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Lyday)

SAFETY COMMITTEE MEETING MINUTES

November 20, 2006

Members of Safety Committee present: Brett Baxter, Ron Stake, Doug Joseph, Donna Shirey. Other members of Council present: Preston Stearns, Mel Clemens. Council President William L. Hills was present as Acting Mayor. Councilwoman Antoinette Newman was absent.

Mr. Baxter: And I'll call to order, the Safety Committee meeting at 7:36.

And the first item to discuss is number 2, is approval of the agenda. Are there any changes to the agenda? (No response). Hearing none, it'll stand as submitted.

I apologize first. I have a cold. So if you have difficulty hearing me, please ask again. The third item is approval of the minutes of November 6, 2006 Safety Committee meeting. Are there any changes or updates to those? (No response). Hearing none, they'll stand as submitted.

Item number 4 is Discussion, Barrier at State Route 256 and Main. Listed at request of Chairman Baxter. Held on 9-18. Held 2-10. Held again on 10-16. Item was discussed but no disposition made. And it was held again 11-6. And at this point, we do have some additional information. And I ask if Steve would come up and talk with me about it. With the rest of committee and Council.

Mr. DeBolt: Good evening, Mr. Chairman, members of Council. As you know, we've been discussing the barrier issue for a number of weeks now. And the Chairman and I spoke last week, and we came to a couple of conclusions, and we found out some other information as well that I didn't know at the time we had spoken. And EMH&T has done a proposal for Professional Engineering Services, which I think you have in front of you. And again, the options that we had discussed a few weeks ago include a potential one way street on 256 heading south. And again, there were a couple of other options there. Including keeping the barrier as is without any changes. Maybe converting Lancaster to one way south bound. Also perhaps, making Jackson one way north bound was another option we talked about. And basically converting Lancaster one way south bound and convert Jackson one way north bound. So there's a number of things on the table. I think the conclusion we came to after talking to Lt. McKinley from the Police Department and Mr. Hood our City Attorney, is that if we determine, which we have, that there is a safety concern there by putting the barrier there, most likely we should not, remove the barriers was an option potentially in the short run. Because that would create the same situation that we had before causing accidents. I did a little more research and had the Police Department provide me a list of the actual accident reports that occurred in that area over a period of time. Eighty percent of those that I reviewed were east bound traffic on Main Street being hit by a north bound vehicle coming off of Lancaster at the stop sign. And I think part of the problem is, some of them were obstruction of vision. If you've ever been at that stop sign next to Connell's, the stop sign sits back a little bit, perhaps from the corner. The Connell's and the trophy shop are almost to the corner. I think it's partially an obstruction problem. And then cars want to pull out to see if somebody's coming or just go ahead and pull out and take a chance. I think that's where the problem's coming. So with that information and the fact that you still have to provide for the safety in that intersection perhaps the one way street heading towards 256 south is the most viable option. But again, in order to do that, I think we have to take under consideration that we have a

business on the other end at the point of Jackson and 256, Fisher's Greenhouse that has their entrance right north of the point. So if we made that one way going south, people would have to make, go up a small distance on a one way street in order to turn into their driveway. And that's not legal or practical. So we can't do that. Having said that, I did talk to the proprietor, and he has an interest, and has had an interest in the past. He does have a piece of property directly adjacent to his land that's just grass right now. He had talked about maybe making that into a parking lot potentially in the future. And if he was to do that, and to put the entrance of that location just south of where it is now on 256, people could then turn left a little closer to, it wouldn't be one way, and then we can make it one way, and then it wouldn't be a problem. So that looks like the most viable solution. The only problem with that, that is in Truro Township. It would have to be rezoned. It would have to go to the county. Take a minimum of probably 90 days to do that. And therefore, so we need to put that in motion if that's the most viable option. But at the same time, I realize there's some business concerns with the, again the aesthetics and just the barrier being there. I think we can maybe make some minor adjustments to that that I'm willing to do here in the next couple of weeks to make it a little more livable until we can perhaps make it one way. So again, that's what I have to date. And if you have any questions, I'll feel free to answer them.

Mr. Baxter: So in summary, just to make sure I understand correctly in summary, we have a couple of options. And for me, I think the best option is by far going to a one way direction. And I think that's something that takes a couple of steps to make happen. The zoning would have to get through obviously so we could help out the business in that area. And we also have a couple of other things that are coming in the future along with that with the repaving of the street in that area, next year some time potentially. As well as some potential change in direction on the road, and potential striping at that time. So if we do this in the right way and appropriately take the time to do so, that gives us a little bit longer time frame. But I still think we're heading in the right direction. So I'm okay with that. And I think it's a positive direction for that area for the business, for the safety concerns. And in the long term directional flow issues that we've had with truck traffic and other things. Is it the best answer? Probably not. Is it better than we have today? Potentially. So any time we can improve it a little bit more, then we ought to try that. So if it takes us 6 months to get there, or 8 months to get there, that makes sense. So I think you've done a great job Steve. And I really appreciate you going through all the level that you have. And you've worked with the businesses. And they have done an outstanding job hearing what the issues are and making sure you are thinking of them, thinking of the public themselves, and also of the long term traffic control.

Mr. DeBolt: If I could add one more thing?

Mr. Baxter: Go right ahead.

Mr. DeBolt: Not just the businesses, but there are residents that live in that area, and I want to make sure we include them on some discussion. And there is I believe, 4 pass overs you might call, or alley's between Jackson and 256. I think that will be a little more pliable to make that one way work. But again, I want to include them in some discussions on that before we make the final decision. But again, I agree, that's the direction I think we can go.

Mr. Baxter: Certainly. And I see this isn't something that's going to be done and read in three readings or something like this. This is something that's going to take some time to happen. So with that said, I would like to put this piece of legislation, at least this discussion, on hold for a period of time. And one of the things I'd like to do is make sure that we _____ some documentation _____. And give the Council members a chance to read that and understand what it is. And potentially talk about it if there's any questions in 2 weeks. And that would be the direction I think we would like to go. Is there any comment to that from Council or from committee? (No response). Are there any questions for Mr. DeBolt? Councilman Clemens, go right ahead.

Mr. Clemens: I think that's a good answer. You know, it's something we've discussed for probably the last 7 years. And I'm glad to see something being made of it as far as a one way. Another easier way that probably could have helped them out, maybe suggest to them, an easier way to get zoning and so forth, if they would annex to Reynoldsburg. I mean, that's just a suggestion.

Mr. DeBolt: I thought about that in the past. But again, I'm kind of the new kid on the block. So I didn't want to put it on the table but I might. Yeah.

Mr. Clemens: It's something you could suggest.

Mr. DeBolt: Okay. Maybe now is the time to do it. We have a reason. Okay.

Mr. Baxter: And I think that would be a great answer to that problem. Certainly. Any other comments? (No response). I thank you sir. And I do have a speaker slip here from Anisa Krause. And if I killed your name, I'm sorry. If you'd give your name for the record and address, I'd appreciate that.

Ms. Krause: Anisa Krause, 1160 Rosehill Road, Reynoldsburg. I spent a great deal of time today, which I've never done before, speaking with all of the business owners along the Reynoldsburg, the historic district of Reynoldsburg. I actually got to go in first hand, sit down and talk to everybody regarding the barricade on East Main Street. I thought, you know at first, it was just the Bow Wow Boutique, which is owned by me. Vick's Pizza, Reynoldsburg Trophy, that were all affected by the barricade. However, it's not just them. We have a new business that's just recently moved in in historic Reynoldsburg, which we want to see. I know, myself as a business, I want to see other businesses come in there. I want historic Reynoldsburg to grow, to have nice shopping centers that are small business owned. They're not corporate. They're not franchised. They're owned by Reynoldsburg residents. They're owned by people. It's one on one. And I did speak to some of those business owners. And they are, people are cutting through their parking lots. I do know that a couple of cars have been hit from the thru traffic going through there. However, I do know that we are starting to lose a tremendous amount of clientele at my shop at the Bow Wow Boutique due to the barricade. We groom a lot of elder dogs. A lot of elderly peoples pets. It is very, very important that they are able to get in and out of the shop with convenience. I do know that it was my choice to rent that building, and I do know the location. So I know the risk that I took. But to the best of my knowledge, when I moved in, the barricade

was, I was told it was a temporary barricade. They never thought that they would leave that up there permanently. And we are starting to lose clientele that we've had for 15 years plus. We have another groomer in there that has had a shop called A Dogs Best Friend, here in Reynoldsburg for 25 years. She's moved to 3 different locations, and this is her last move because she's going to be retiring soon. She is losing clientele that she has groomed for 15 years. So when you lose somebody that because of an inconvenience getting in and out of the business, it really, really scares me as to whether or not that shop's going to stay afloat. I took on a tremendous bet when I rented the building. And we have a lot of things that we want to do to it to make it look good. But the one thing that I did want to ask, I do know you said the study has been done. Has there been any other studies on any other intersections here in Reynoldsburg? Like the one at Lancaster and 256?

Mr. Baxter: And I don't know if that study's been done. I do know that Steve looked at different intersections, Mr. DeBolt.

Mr. DeBolt: (Inaudible. Speaking off mike). ...Pickerington, very similar. It was structurally the same but it was not, the volume of traffic was much greater than ours _____. (Inaudible. Speaking off mike).

Ms. Krause: So a light would not be permissible there?

Mr. DeBolt: It wouldn't be practical or serve the purpose (Inaudible. Speaking off mike).

Ms. Krause: Yeah. Of what we have going through there. Okay. Has there been any accidents in Reynoldsburg like, I'm trying to figure out as to why they chose the center of historic Reynoldsburg. The most important part. The heart of Reynoldsburg. Why they chose that intersection for such an unsightly barricade. It just, it doesn't make sense to me.

Mr. Baxter: Councilman Clemens.

Mr. Clemens: Well yeah, and you weren't there. But we have had the accidents. It has been a problem. Anybody that drives a car, the way that street is now, the traffic that's on Main Street, both directions, there's no way to pull out to make that turn. We put up signs. Constantly signs. Only a one way, right hand turn. People still turn left. They pay no attention to any signs we put up. The only way to stop them from pulling out into traffic and causing the accidents he spoke of. I assume. I didn't do it but I assume the Administration felt it was best to put up the barricade for now. Which it's up for now. We were trying to make a decision on how we can improve it. The way we can improve it is by making it one way on Lancaster Avenue north. Which is something we should have done years ago that we didn't. But that's the way we can improve it. We can't put a light there. If you count the lights in Reynoldsburg, as close as they are, and if you look at the traffic, all you have to do is go down there any time, the traffic backs up past that road. And we turn them loose coming in on Lancaster from the north making that short turn, have another light, and then a light at Jackson. We've got a light here at City Hall. We've got a light at Aida. We have traffic backed up completely that can't get through there. If we put a light up there, we're asking for nothing but trouble, period.

Ms. Krause: Have they ever beefed the police there? I mean, have they ever sat officers there on a regular basis to nail people?

Mr. Clemens: I'm sure they count traffic. We don't have officers that can stand around. I mean, that's our problem too. We had the opportunity maybe to get more officers but the citizens didn't feel that we need them so now we're in that situation. We do not have the ability to put an officer on foot or to sit there in a car all the time. Just like we can't do it any place really. So we've taken traffic studies. We know what the problem is. We just have never solved it. I think the one that Steve's got in mind, that one way traffic going south will do it. That way we don't have to worry about people pulling out. They'll be turning in. And do away with the barricade and everybody's happy.

Ms. Krause: Well, we understand that there's a safety issue there.

Mr. Clemens: And that's our problem. Of course, the Mayor's not here to speak on it. He installed it and he installed it for a reason. I think he's stated it many times, for safety and safety only. That's the first thing that we have to worry about in Reynoldsburg is safety for the public. We know it's been a bad situation as far as you're concerned and the people before you, and the people before them. I want it down just as bad as you do. And I think we're going the right direction. Like I said, this is something that has been studied years ago, and years ago. As a matter of fact, at one time, the city almost thought of buying property and doing away with that and running it straight through from north Lancaster and so forth. They bought property and eventually turned around and resold it. They were going to reroute traffic. But it's just never been followed through as far as the one way. But I think now's the time to do it. And I think that would solve our problem really. The sooner we can get it done, the better off everybody will be.

Ms. Krause: Yeah. Basically, it's just going to take time to do that.

Mr. Clemens: Well, it takes time because of the property that we would interfere with. As soon as they could get their zoning worked out, or that they know for sure they can get it, or any way we can help them do it. Since they do own the property right next to Fisher's. There's nothing to putting, as a matter of fact, that could be done now. I think it can be worked out pretty, I think Steve can get it worked out pretty quick really.

Ms. Krause: That will be great.

Mr. Clemens: We'll get that barrier down and, but safety is the issue. I mean, it's always been a problem with me. When I was Service Director, I put the signs up. Only right hand turn. People pay absolutely no attention to it. They still want to turn left.

Ms. Krause: But people don't pay any attention to the barricade there now to be truthful.

Mr. Clemens: They don't. It's terrible the way people look at things like that.

Ms. Krause: It is.

Mr. Clemens: It has been a problem for us. Main Street keeps getting more and more traffic. I was one of the few that thought, when they put in 270 and put in 70 out there, that traffic wouldn't come through Reynoldsburg. But the state said at that time, you're wrong. You'll have more traffic. And by God, they were right. We do have more traffic. I don't understand it. But I think that the Safety Committee's got the right foot on this moving it the direction they're going as far as getting that barricade out of there and getting that traffic going left on Lancaster Avenue. I think that would be a big improvement for you and for all of us.

Ms. Krause: Absolutely.

Mr. Baxter: Well certainly, I think the advantage we have here, we've looked at the problem. We've identified the different steps that have to happen to try to solve it long term. And 6 months ago, we weren't even looking at that. So we're beyond that point. We're looking at the possibilities. We have an action plan now that we can try to move forward if we think that's the way to go. And I think that decision is going to be based upon if these things all fall into place. And I believe they will. I think you're right Councilman Clemens. It's not that tough to solve the property issue and move forward, and be able to have that as a one way street. Because I think making a right hand turn out of there like Mr. DeBolt said, even a right hand turn's tough. Because you have to edge forward to see if nothing's coming and you stick your nose out there. So even a right hand turn I think, is a dangerous event at that intersection.

Ms. Krause: I'm lucky to walk across the street and not get hit. So I can see the cars.

Mr. Clemens: I think Steve's right. We have the cross roads. We have the three little cross roads there. So it shouldn't interfere with anybody that lives on that street as far as getting to their property or getting off their property because of the cross roads we've got going east.

Ms. Krause: That was another one of my concerns is, could the people that live behind, or live on those streets, could they come in and say no, they don't want a one way street? Could they possibly?

Mr. Clemens: They could. You basically have to have a reason. In having the three cross roads that we have, it should be no problem for anybody to get out of their drive and go, or get back in even. Because you have the three little cross roads there that you can come off of Jackson. So there's really no problem.

Ms. Krause: I would hate to see a homeowner there have to be routed down Main Street to get back to their home. I would hate to see that but in turn, I love my shop. I'm very passionate about what I do. And I love being in the historic district of Reynoldsburg. That's why I picked that shop. It's because I wanted to stay there. It's a community. They're all small business owners. And I think with a little bit of help, everybody can work together and we can really change the historic district down there. Make it a better place. More businesses come in. I'm looking

forward to Christmas On The Town.

Mr. Baxter: Well, I thank you so much.

Ms. Krause: Alright. Thank you.

Mr. Baxter: And I'll bring to attention, the committee members and Council, the document that she passed around is a petition asking us to at least consider the removal of the barrel, or the barrier, and the businesses and people who have signed on to that. Councilman Stake.

Mr. Stake: Chairman Baxter, I have a question for Mr. DeBolt if you could come up to the mike a minute. Are we able to move a section or two of the barrier on the west side to make it easier for people to get into her shop and those other businesses in that area?

Mr. DeBolt: Yes. We can, we've considered it. Again, my information is, I'm not out there every day either but, people might be tempted to go left of the barrier just as they go right and swing around. But again, she has pointed out that that is an issue. And I think that would be less of a concern than people going around the right side. So that's one of the things I want to do in the short run, was to maybe take away a couple of the parts on the west side to make it easier to get in for her. Yes.

Mr. Stake: Okay. Thank you.

Mr. Baxter: Acting Mayor Hills.

Mr. Hills: I will speak for the Mayor as far as, and I was on Council. Certainly his concern was safety as recommended by the Administration. That's where its been. I think Mr. DeBolt, when you hear the statement about removing portions of that barrier, I believe you'll see within the last 60 days, two have already been removed and haven't been replaced on the western edge. So I'd check into that a little bit. Because it used to extend on the cross walk best as you do east and you don't _____. So as we're talking about more coming out, I think maybe we ought to incorporate everyone in that discussion. Because I believe you already lost 10 feet of it or so.

Mr. DeBolt: I think we added to the east side. We extended it to the east side of the cross walk.

Mr. Hills: But you're saying, talking about removing west.

Mr. DeBolt: From the west. Right.

Mr. Hills: The two western ones have already been removed within the last 60 days. Allegedly for repair, but I haven't seen them in repair.

Mr. DeBolt: I happened to be out there one morning and they were actually adding one or two on the west side. And at the time, I thought we needed them on the east side, so I think they eventually put them on the east side too.

Mr. Hills: I didn't look tonight as I came past. But if they've added them back on the west side, it's been within the last week or so.

Mr. DeBolt: Okay.

Mr. Baxter: Okay. But you're going to take a look at it...

Mr. DeBolt: Definitely.

Mr. Baxter: And determine if you can reduce those.

Mr. DeBolt: This week.

Mr. Baxter: Councilman Clemens.

Mr. Clemens: Yeah, Steve. As of two weeks ago now, you might have done something since a week ago, I went down there and I made the turn in and on around, came back out of Jackson, went back down made the turn again. Because they had removed a couple of them. And you can make the turn into the, now you can't make the turn directly into her business, don't get me wrong. But you can make the turn into the alley there.

Mr. DeBolt: The alley _____. Right.

Mr. Clemens: Now if they put some more back then, I can't speak for that. But they had removed some. Now, that still doesn't stop, you know, people are dangerous. They came out when you had full barricades there.

Mr. DeBolt: Right.

Mr. Clemens: But they had at one time. Now maybe they put some more back there, I don't know.

Mr. Baxter: I think they may have put some more back. Because I tried to pull in Friday night, and I wasn't able to get in from that way.

Mr. DeBolt: One might have been damaged.

Mr. Baxter: Alright. Thanks, Steve. Any other questions from Council or committee? (No response). Hearing none, then I'll move that we put this on hold for two more weeks. Do I have a second? Councilman Joseph. All in favor? (All voted "Aye"). Opposed? (No response). The motion carries.

The next item on the agenda is item number 5. It's the ORDINANCE PROHIBITING SEXUALLY ORIENTED OFFENDER FROM ESTABLISHING RESIDENCE NEAR SCHOOL, LICENSED DAYCARE CENTER, LIBRARY, PUBLICLY OWNED

PLAYGROUND OR PARK LAND, THE REYNOLDSBURG SWIM CLUB, AND ANY PRIVATELY OWNED LAND USED AS A YOUTH SPORTS FACILITY. And there's been a couple of events that's happened this last week or so dealing with a law suit that was on the news. I think it was Channel 4 that they had a documentation on it, stating in Lancaster, that the state was going to be challenged. I did take some time to meet with our City Attorney. And under his recommendation, or at least my suggestion to him, and he didn't disapprove, that we would hold off on this legislation for a while to see, and give him an opportunity to look at the merit of the case that was being looked at to make sure that we were still heading in the right direction. And I don't know if you had that time to even get that much information yet, Mr. Hood?

Mr. Hood: Mr. Baxter, what I actually said is that the challenge to the state law should have no bearing on the city ordinance as it's written. I don't know what the challenge is yet. But like I said from the beginning, that we did anticipate a challenge some time in the future. The state statute has been successfully defended by Attorney General Pietro on one occasion. I don't think this should prohibit going forward under the city ordinance as written right now.

Mr. Baxter: That's surprising. Because when we spoke, you said that you were going to look into the challenge and see if it had merit and get back with me on that.

Mr. Hood: That's correct.

Mr. Baxter: To determine that basis.

Mr. Hood: Well, I will. But I don't think that has any affect on the city ordinance.

Mr. Baxter: I'm sorry. Either I misunderstood you or you've changed your opinion at this point. So, I'm sorry. Well, even with that said, I'm not comfortable with moving forward with this legislation at this point until we determine the, not only the outcome, at least if that law case or that suit, has some impact against the city. And the last thing I want to do is put ourselves into jeopardy and be sued for that purpose.

Mr. Hood: Well, as I instructed you on our meeting that that could be potentially years from now. So as long as the Council understands, or the committee understands that.

Mr. Baxter: Thank you for your input. Comments from the Council or the committee? Councilman Stake.

Mr. Stake: Chairman Baxter, I've had the opportunity to discuss this with the City Attorney as well after I saw that information out. And from what he had told me is that, as he said here, would have no bearing on what we're doing. So I guess I don't see why we shouldn't move this forward for a third reading.

Mr. Baxter: And the answer to that is that I said. I'm not willing to move forward with a piece of legislation that may put the city in jeopardy and make us a potential law suit against the city. And as far as I can see, Councilman Clemens.

Mr. Clemens: Yes. I've got to go with our City Attorney. I mean, that's what we pay him for. And Councilman Stake. This is a serious ordinance to sit by for a year, or two years, three years, I'm not in favor of it. Every ordinance we pass is a potential law suit. And we all know that. We've all been through that. And some of them are. This is a law suit against the State of Ohio. It has nothing to do with the city ordinance such as Hilliard's, ours, the one in Pickerington, Grove City. They haven't been tested. One day they will be. They have the law suit against the State of Ohio. Lancaster does not have an ordinance like ours. They are not suing the City of Lancaster. The law suit is against the State of Ohio. It's within 1,000 feet of a school. Now, we all know that this is going to come about. To sit around and wait, I don't agree with that. I think we have a problem we have to solve and now is the time to do it. I think we have the ordinance that's prepared that we asked for. I think our City Attorney has gave us his opinion and I think we should move forward with it. That's just my thought. Let's put it that way.

Mr. Baxter: Well, I thank you for your opinion. Alright. And the only argument I'd have to what you said, Councilman Clemens, you said it solves the problem.

Mr. Clemens: I didn't say it causes a problem.

Mr. Baxter: No. You said it solves the problem.

Mr. Clemens: All the ordinances cause a problem.

Mr. Baxter: You said this one here solves the problem as it was written. And it doesn't solve the problem.

Mr. Clemens: I didn't say it solved the problem. I said it solves the problem that we have. It certainly does. It moves them out of the district that we're speaking of. Now, your problem is, where are they going to move? I told you. I don't really care. You know, I'm serious. And other cities don't really care. We ask them to move away from this district within the section of what we've approved. The 1,000 foot within this district. Now, if they move 1,000 foot and 5 feet, they're allowed to do that. We can't bar them from living in the City of Reynoldsburg. It's that simple. We can't put up signs. I mean, that's ridiculous. We can't put up stickers. That's ridiculous. All we're asking to do is follow the state law which is 1,000 foot. We're just adding things to it. Other cities have done this. They stand by it. And I think we owe it to our citizens and the children, to protect as much as we can. And that's what we're trying to do. Now, you say, well where are they going to move? I don't know where they're going to move. And I don't think that's my problem on where they're going to move. They can move next door to you. I don't care.

Mr. Baxter: I'm sure you don't.

Mr. Clemens: They're moving away from this district that we're setting. Period. And we're setting this because this is where the children congregate. Now I realize that children, we can't protect the children walking up and down the streets. Sexual predators are going to be there. We can't have somebody there beside them all the time. I understand that. You understand that.

What we're doing is trying to set a pattern to move them away from the certain districts where children congregate. And I don't see anything wrong with that. It shows that we are conscious of the situation. All you have to do is read the paper every day. Watch TV every night. And you see what's happening around, not only our city, all the cities in the United States. You try to do everything you can to protect our children. And this is one way to do it. As far as the law suits, the City of Reynoldsburg has been sued so many times we can't even speak of it. So has every other city. We win some, we lose some. You don't know until you test your ordinance. And that's why I say, if we have a problem come later on, then we'll test our ordinance. We won't know until we pass it. Say well, let's hold it. We could hold it, that court case may last 3 years, 4 years. We don't know. What can happen in 3 or 4 years?

Mr. Baxter: I agree with you. I wouldn't want to wait 3 or 4 years to get this done either.

Mr. Clemens: That's what's going to happen.

Mr. Baxter: But, that may happen. My concern here Councilman Clemens, and I'll address your issue directly, is I'm not willing to move a sexually oriented offender from one house to another. They can move anywhere they want in the City of Reynoldsburg outside the buffer area.

Mr. Clemens: I don't want to argue with you.

Mr. Baxter: And so, it doesn't solve the problem which is try to make kids safe. Kids are in neighborhoods too.

Mr. Clemens: I don't want to argue with you on this because I know that too. And I know that the City of Reynoldsburg can't put up barriers. You know that, and I know it. So what should we do? Just sit aside and forget about it because we're afraid they're going to move from here to there?

Mr. Baxter: I say we look at other options. I don't see this as being a viable option to solve the problem. If that's what we're trying to do, let's put a committee together, find out, how do we solve the problem? Because this doesn't solve it. It takes it from my neighborhood and hands it to one of our citizens. It doesn't solve the problem. It just makes it somebody else's problem. And you know something? Citizens are saying it now. Not in my back yard. Don't move them in my area. Give me a buffer zone.

Mr. Clemens: That's funny. The ones that I've talked to are saying, you're doing a good job. What's wrong with this other guy? And I said, I can't speak for him. The only thing I'm saying is, other cities have found this is the correct way to do it. And these other problems, they understand too. And I understand too that there is going to be movement. Whether there's movement within Reynoldsburg or outside of Reynoldsburg, I can't judge on where they're going to move to, period. And you can't either. And you can get all the committees, and you take them committees, and I don't want to tell you what to do with them. But you can get all the committees you want, and you're still going to come up with the same answer. You're going to have the same arguments. You're going to come up with the same answer. We want to do what we can to protect our kids. And this is it. I'm not trying to convince you on what you want to do. I'm just

telling you how I feel about it. If you want to hold it in committee, that's fine. Because I'll bring it up next Monday night and try to put it on for a third reading. I think it's an important ordinance, and I think it should be on for the third reading, and I think it should be passed. I don't think it should be held. We've had a lot of discussion on it and I don't think we're going anywhere with our discussion. Because our City Attorney has made his opinion not only once, twice. Every time he steps to that microphone, he gives his opinion on what this ordinance stands for and the legality of it, and what could happen, and he thinks the ordinance should move forward. And I agree with him. And I'll just leave it at that.

Mr. Baxter: Okay. So then, I heard you say the City Attorney thinks it should move forward. Is that what you say, Mr. Hood? Do you support this piece of legislation and want it to move forward?

Mr. Hood: I wrote it.

Mr. Baxter: I didn't ask that question. I said, do you support it and want it to move forward?

Mr. Hood: Absolutely.

Mr. Baxter: Thank you very much. So then you did not state at the beginning that we should be careful and give other cities an opportunity to see if they were going to be sued? And that we might want to take some time on this?

Mr. Hood: Well, I cautioned you to not do anything hasty. I don't think you have. I think that Council's acted with due diligence. And allowing me to take, kind of I guess, the lead on this, I've researched this issue for well over a month now. I wrote an ordinance that I believe is constitutional and achieved the affect that Mr. Clemens and Mr. Stake have asked. And I believe the ordinance that I wrote does that. So I think we do our diligence. I think you haven't moved hastily. I think there's been spirited discussion. But as the ordinance stands now, I believe it's constitutional and it should move forward.

Mr. Baxter: Alright. Thank you for your opinion. Councilman Joseph.

Mr. Joseph: Thank you, Chairman Baxter. I agree with many of the comments that have been made here tonight on this ordinance. But I have concerns coming from a slightly different perspective. I had a chance to speak with a number of the constituents in my Ward, and I asked them what they thought about the ordinance. And almost universally, it was 100% support. Until they saw the map that EMH&T prepared showing where the buffer zones are and where they're not. And I can understand Councilman Clemens' view when 80% of his Ward, approximately 80% of his Ward will be a buffer zone. Seventy-five percent of Ward I will be a buffer zone. Much of Ward II will be a buffer zone. But only about 15 to 20% of Ward III will be a buffer zone. The Ward I represent. When I told them that we could be a magnet for sex offenders moving across the city if they choose to stay within the city for whatever purpose, whether they have children in the school system, or they own a business, they _____ to live here, that we could be a magnet for the rest of the city to see sex offenders literally move across the city. Now that may or may not happen. But the problem is, we are pitting one part of the city

against the other part of the city without solving any problems. I've got kids congregating on my street corner. Twenty-five kids will congregate on my street corner because it's a dead end street, and they play there. They have an abandoned house sitting right next to me that a sex offender could move into and could entice children into on a daily basis because it's a very isolated part of the neighborhood. Dangerous situation if that were to happen. I look out my window every day and I see those kids out there. And we are not solving the problem. We are moving the problem from one part of the city to the other. And I'm opposed to moving this legislation until such time we can do something about everybody. Make an impact so we're not just moving the problem across the city. Sure, I have a concern about the schools. But there we have supervision. What about in the neighborhoods? We don't have supervision. We've got 25 kids out playing ball in someone's back yard. Or messing around an abandoned house where there could be people hanging around looking for these kids. They're going to know where the buffer zones are and where the buffer zones are not because the map's public record. And that's where they're going to be going. That's where they're going to be looking for the kids. And we are moving the problem. We're not solving the problem. And I'll fight this issue as long as we're targeting parts of the city that have no protection. Thank you, Mr. Chairman.

Mr. Baxter: Thank you for your support. I'll ask if anybody else has comments to give an opportunity for the people to speak? Mr. Clemens, I'll get right back to you, okay?

Mr. Clemens: That's fine.

Mr. Baxter: Mr. Stake.

Mr. Stake: Thank you, Chairman Baxter. I guess, I just would like to look at history a little bit. We did have a couple of sex offenders who are violating the state law who live by schools. Mr. Hood, do you know, did they move outside the city? Or did they stay in the city?

Mr. Hood: Each of them voluntarily complied after being contacted via my office.

Mr. Stake: And are they in the city now? Or do you know?

Mr. Hood: Neither of them live in the City of Reynoldsburg at this time.

Mr. Stake: So history has shown us, with these two, that they move outside the city. And I think the message that we send by passing an ordinance by this is that you need to move outside the city. Now obviously, people are free to move wherever they want outside the buffer zones. But as I look at the map, there are places, and Mr. Joseph, I understand what you're saying. You do, as I look at the map, you do have more area where there isn't a buffer zone, but that is a new area of Reynoldsburg. So there haven't been very many daycare centers, parks, or schools in that area that create the buffer zone. I don't think, I guess I just disagree that people are going to move from one section of the city to the other because for instance, Ward III out of Ward I or II or IV, just because there happens to be more white area there that doesn't encompass the buffer zone. The other thing I'd like to point out is that you made it very public here right now, that there's 25 children that hang out on your street by an abandoned house. I mean, that doesn't make a lot of sense to me if you want to protect children to be saying that in a public forum. It'll probably get

printed in the newspaper. Thank you.

Mr. Joseph: Mr. Chairman, can I respond?

Mr. Baxter: Go ahead, please.

Mr. Joseph: First to the point of moving across the city, that's part of the problem. Part of the problem. But it's also going to be a magnet for people that are being thrown out of other communities. Or maybe they just want to move here that are coming from outside of the city. They'll say, okay, I can't live over here, I'll move to a part of the city I can live in. It's still a problem _____ saying that those parts of the city that have no buffer zones are a magnet for children. That's a problem. And regarding my comment about the children on my street corner, I didn't ask them to come out there. And if they want to play there, that should be their right.

Mr. Stake: I didn't say you did.

Mr. Joseph: And for you to draw them into this argument, I think is really inappropriate.

Mr. Stake: You're the one who did it, not me.

Mr. Joseph: I'm trying to point out...

Mr. Baxter: He has the floor.

Mr. Joseph: I'm trying to point out here, that there are children on the street corner playing every day after school. They don't have to be in a school yard. They don't have to be at the library. They don't have to be in a daycare center. They can be in someone's back yard. And they are still a target.

Mr. Stake: We all know that.

Mr. Joseph: And so, again, we're just changing the problem from one part of the city to another. We need a more inclusive solution.

Mr. Stake: I haven't heard one yet other than putting stickers on doors. Which the City Attorney has already said is in his opinion, unconstitutional.

Mr. Joseph: That's why Councilman, that's why we need time to further study this and not just rush something into law in the next couple of weeks. Thank you.

Mr. Baxter: I don't believe the City Attorney said it was unconstitutional. I believe the City Attorney said he believed it was unconstitutional. Have you come to the conclusion Mr. Hood, that it is unconstitutional? And do you have that supported by law? I thought it was an opinion, not fact.

Mr. Hood: Well, everything I tell you is my opinion, Mr. Baxter.

Mr. Baxter: Thank you very much. Thank you so much.

Mr. Hood: I think first....

Mr. Baxter: I'm sorry, Mr. Stake. That was an opinion, not a fact.

Mr. Stake: I guess we disagree again.

Mr. Baxter: You heard what the City Attorney just said, so it was an opinion not a fact.

Mr. Stake: I didn't say it was a fact. I said....

Mr. Baxter: Councilman Clemens.

Mr. Stake: I said he said it was unconstitutional.

Mr. Clemens: I respect your thoughts, Mr. Joseph. The only problem is, whether they're all in my Ward or in Ward I, I'm talking about the whole city I'm trying to protect. I'm not breaking it down into Wards. I could care the least about your Ward as far as your constituents as far as that's what you're worried about. I'm for all of Reynoldsburg when I speak of it. I hear you make all this talk and all this, I've never yet heard you come up with an answer. An answer for anything. I mean, you like to come up and jump in on these things but you never come up with an answer.

Mr. Baxter: Let's not take this personal, Mr. Clemens.

Mr. Clemens: There has to be an answer. Period.

Mr. Joseph: That's why I'm asking for us to study it further.

Mr. Clemens: Why don't you come up with an answer? Is this the first time you've thought about it?

Mr. Joseph: I've had a chance, I talked to the citizens in my Ward in the past two weeks and that's where I got this.

Mr. Clemens: How many did you talk to? Do you have a list of them?

Mr. Joseph: No. I didn't have a list.

Mr. Clemens: How many times did you pass that around? How many people did you talk to?

Mr. Joseph: I carried it with me as I talked with people in my neighborhood.

Mr. Baxter: Councilman Clemens, that's enough. Thank you. And I would recommend that, if you're looking for another answer, and if we're not afraid of being sued, make the entire city the buffer zone. If you want to play this game...

Mr. Clemens: Nobody's playing a game.

Mr. Baxter: Then let's be clear. We don't want it in the City of Reynoldsburg. I think Mrs. Newman said that one night. That she'd prefer that they be executed. And in my opinion, I don't care for sex offenders myself either. But, if we're going to do this piece of legislation and we're for the citizens of Reynoldsburg, all of them, where they congregate in their neighborhoods, at the pool, even in their own yards. If you're going to pass a piece of legislation like this and you want to be inclusive, be inclusive. And I'm sure there are cities out there who have done that already. Is that not true, Mr. Hood?

Mr. Hood: Done what?

Mr. Baxter: Have passed that the entire city cannot have sex offenders living there?

Mr. Hood: Not that I know of.

Mr. Baxter: Okay. Well, I do believe that there is one, even locally here. And I will get that information to you.

Mr. Clemens: I'm glad you think we're playing a game. I mean, if that's the way you....

Mr. Baxter: I think it's a political game, Mr. Clemens. I think _____ as a political answer to say, look what I did. That's my personal opinion.

Mr. Clemens: Political. At 75, I could care about politics.

Mr. Baxter: With that said, I'm going to move that we place this piece of legislation on hold. At least until we hear from our City Attorney with his investigation of the state law suit to determine if it has merit or not. And you were going to do that when I met with you in your office.

Mr. Hood: Yes. As I said, I would inform the Council on the status of the law suit. However, it may take a substantial amount of time to decide, or to gauge any bearing whether or not the law suit has merit or not.

Mr. Baxter: And you said you thought you could do that in a more timely manner when I spoke with you. That you had to wait for it to complete, that you were able to look at the arguments and determine, from your opinion, if it was merited.

Mr. Hood: That's correct. But once again, it will be only my opinion. It won't be based on any jurisprudence at this time. Because the only other challenge to the state law has been upheld.

Mr. Baxter: Certainly. I understand that. And you would be able to do that in what time frame, sir?

Mr. Hood: I don't know. That's why I don't know.

Mr. Baxter: Okay. So I would ask we put this on hold indefinitely until the City Attorney has that opportunity to review the existing law case and make a determination if it would or would not impact.

Mr. Hood: Mr. Baxter, I want to be clear that I don't think this has any bearing on the ordinance that I have given you.

Mr. Baxter: In your office sir, you told me "that this is based upon the states legislation on 1,000 foot away from the school". So therefore, I disagree with you.

Mr. Hood: And we can disagree. That's fine. Don't....

Mr. Baxter: And personally, I really take offense that you tell me something in your office and you turn around and come out here to committee and tell me something different. You told me you were going to look into this piece of legislation that was filed and get back with me at that point and time. Let me know at that time, if it had bearing on the city. And now you come in here tonight and say, oh no, I support this legislation. It does not. So sir, as far as I'm concerned, you haven't been honest and direct with me. Thank you. You may be seated. With that said, I have a motion on the table. Do I have a second? Second from Councilman Joseph. All in favor?

Mr. Stake: Is there any further discussion before the vote?

Mr. Baxter: Further discussion, sir. Yes.

Mr. Stake: Okay. Again, I disagree. I think we've got a good piece of legislation here. I think we need to send it forward for its third reading. If Mr. Clemens would like to place it, or see if he can get it placed on the agenda next week, I certainly will support that.

Mr. Baxter: Mr. Clemens is not on my committee, sir. So unless somebody on my committee wishes to do so, it won't be put on for the legislation.

Mr. Stake: On the Council agenda, I'm not sure that's how it works.

Mr. Hills: Anyone can place one on the agenda.

Mr. Stake: Certainly.

Mr. Hills: I believe there's 4 people on your committee. And I believe you've made a motion to hold it.

Mr. Baxter: I have a second.

Mr. Hills: To second.

Mr. Baxter: Yes.

Mr. Hills: I don't know if there's a vote going to be taken on that.

Mr. Baxter: Yes there is.

Mr. Hills: And that does, just rest assured, matters could be brought up for vote. I wouldn't suggest the matter that's got this much sensitivity, I think common sense ought to prevail a little bit. And maybe some of the minds ought to think a little bit rather than take shots at each other right now. I don't think that's an appropriate thing to do in any ordinance. I will suggest, if one breaks 2-2, I'm unable to vote tonight because I'm Acting Mayor. So I don't know where your votes are. You may want to count them.

Mr. Baxter: I will count the votes. I vote...

Mr. Hills: If you're going 2-2, I cannot do anything other than sit right where it is. It won't go anywhere.

Mr. Baxter: I understand that.

Mr. Hills: And maybe that's not all bad. Because I think all sides.....

Mr. Baxter: Give us time to talk about it. That's my intent.

Mr. Hills: Mr. Baxter, I'm hearing what's said. And I'm listening to the City Attorney. And you two are starting to go at each other, or not at each other, you're going at him. And you're talking about totally different things. The suit is a challenge of the state law. The ordinance that is in front of this Council is not the state law. It is the local ordinance that says you cannot live within 1,000 feet of other dedicated areas. It may be challenged on the state, and it will be challenged on the state law. Is there any merit to that? I don't know. You have to see the meat of the document to see what is really being brought up. So I mean, can you answer that instantly? No. So I think the best thing to do sometimes is to kind of work through some issues rather than to___ a little bit more personal. But all I'm saying is, I guess the bottom line, if there's 3 votes up there, it's not coming out of committee right now.

Mr. Baxter: Certainly.

Mr. Hills: That probably means there's going to be a motion to put it on for a vote. I would hope that we would work through this enough that if we're going to pass something, we vote it without as much contention. It may not happen. But 2-2, I cannot help either side. Nor the Council this evening. Unless the Mayor flies back into town immediately.

Mr. Baxter: I don't see that happening right away.

Mrs. Frazier: Mr. Baxter.

Mr. Baxter: And so there's a motion on the table.

Mrs. Frazier: If your motion is to hold it indefinitely, under the way we do things here, that would take it totally off the agenda. Is that what you want?

Mr. Baxter: I would like to hold it....

Mrs. Frazier: Or do you want to put it in Other Legislation?

Mr. Baxter: Maybe put a time frame on it? Would that be better, Nancy?

Mrs. Frazier: Yes.

Mr. Baxter: So then, what would you think would be appropriate? 30 days?

Mrs. Frazier: It's up to you, sir.

Mr. Baxter: Okay. Then I will amend my motion to state to put it on hold for 30 days rather than indefinitely.

Mrs. Frazier: Okay.

Mr. Baxter: And do I have a second on the motion? Motion seconded from Councilman Joseph. Discussion on the changed motion? (No response). Hearing none, all in favor of the change? (All voted "Aye" except for one member). The change to the motion is approved. Now I have a second.

Mr. Stake: I would just like to point out that I oppose. I'm in opposition to that.

Mr. Baxter: Thank you.

Mr. Stake: Thank you.

Mr. Baxter: So I have three votes to one. Now I have a second with the amendment. All in favor, and I'll count these. Brett Baxter says "Aye".

Mr. Joseph: Doug Joseph, "Aye".

Mrs. Shirey: Donna Shirey, "Aye".

Mr. Baxter: Mr. Stake?

Mr. Stake: "Nay"

Mr. Baxter: Mr. Stake is a "Nay". And the motion is carried.

With that, I will end the Safety Committee meeting at 8:23.

Safety Committee
November 20, 2006
- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Lyday)
SERVICE COMMITTEE MEETING MINUTES
November 20, 2006

Members of Service Committee present: Mel Clemens, Doug Joseph, Preston Stearns, Donna Shirey.

Other members of Council present: Ron Stake, Brett Baxter. Council President William L. Hills was present as Acting Mayor. Councilwoman Antoinette Newman was absent.

Mr. Clemens: I'd like to call the Service Committee meeting to order at 8:24.

The first item on the agenda is the approval of the agenda. I would like to make a change on the agenda. I would like to remove items number 4 (Discussion, Amend Chapter 941 Sewer Regulations, Section 941.06(b) "Storm Drainage Connection"), and number 5 (Discussion, Amend Chapter 1123 Required Improvements by amending Section 1123.01 "Improvements To Be Paid For By Subdivider" (a)(1)). I had met with the Street Department, Larry Ward, and we discussed the issue. And he agreed that at this time, it would not be the logical thing to do to do away with the drains that run out to the street. Because really, he doesn't have the personnel that could check on the things. He doesn't have the personnel that could handle where the water would go. Which would be a problem. Also he felt that would be a problem, the time that would be involved to handle this. It would be too expensive and so forth at this time. So he suggested I remove these two items. So I would like to remove items 4 and 5. Are there any questions on that? (No response). Do I have a second? Second by Mr. Joseph. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

I do have a speaker slip this evening from Tom Grantz. Would you please come forward and give your name and address and so forth, and let us know what you're speaking about? I have two topics. I have two different slips.

Mr. Grantz: I'm kind of nervous being up here now. After the last discussion.

Mr. Clemens: I've got two slips for you so you come in good.

Mr. Grantz: I had two slips. I don't know which one. One was on sidewalks and one was on the Water Department.

Mr. Clemens: Whichever one.

Mr. Grantz: Are they both your committee?

Mr. Clemens: Yeah. Just don't make them too long.

Mr. Grantz: Oh, I won't. I won't. The sidewalk one is going to be real short. The Water Department policy is what I'd like to address first. And this is as it relates to tenants, and property owners, and landlords. To me, the Water Department is a business that the city is operating. They offer a service. Somebody contracts for that service and agrees to pay for it. The way it is right now, if a tenant contracts with a city to pay for their water, the tenant is not ultimately responsible for paying that bill. It's the responsibility of the property owner. And I spoke a

couple of years ago to Mr. Underwood and Mr. Kipp about it, and basically, their answer to me was, it's a cost of doing business as a landlord or property owner. Which I would agree to if the landlord agrees to pay for that service. But if the tenant agrees to that service, and enters into an agreement with the city, then I think that tenant should be held responsible. The state law says that the, I don't know, I have it at home, I didn't bring it. But the state law says that the city can hold the property owner responsible, but they don't have to. They can hold the tenant responsible. The person that agreed to pay for it. And that's the way it is in Lancaster. It's just like any other utility where the property owner is not responsible to buy their groceries or pay their electric or whatever. So any way, that would be ultimately what I would like to see Reynoldsburg do, is to hold responsible, the person that agrees, or that's entered into the agreement, to pay for it, to make them pay for it. The way it is right now, a tenant can move from one property in Reynoldsburg, not pay their bill, move to another property in Reynoldsburg, and open a new account. And I don't know any other business where I can open a second account just by changing my address and not pay the first account. But that's the way it is with our Water Department. The other thing with the Water Department is, the current deposit that a person has to pay is only \$50. And I believe that the average bill is probably well over \$200. And so that \$50 just seems extremely low. And so I think the very least the Council could do would be to raise that to \$100. I think that's it. Oh, one more thing. The other thing that the Water Department does is, if a tenant has the water in their name, and wants an extension to pay for it, they'll give them that extension without contacting the property owner, when it's the property owners money that they're being generous with. And I think that if they are going to grant extensions, that they ought to have the property owners written permission to grant an extension to that tenant.

Mr. Clemens: Thank you. I know Mr. Kipp's here. He could probably answer these much better than I can. I know that one thing, the reason it's put that way is because we have so many of them skip town, never pay their bills, and we know that the property owner's there and he can pay the bill.

Mr. Grantz: Right. Then the property owner's the one that's _____.

Mr. Clemens: So I know that probably has something to do with it.

Mr. Grantz: But that happens to other, I mean.

Mr. Clemens: I understand. Are there any questions for Tom? (No response). And that's something we'll look into. I'll talk to Mark about it.

Mr. Grantz: Okay. Thank you. Do you want me to sit back down and come back for the sidewalks?

Mr. Clemens: No. That's fine. If you've got a little something to say about the sidewalks.

Mr. Grantz: Okay. Just real briefly, I wondered if the standards, you're talking about reinstituting the program, or continuing the program I guess, to other areas of the city? And are the same

standards going to be used that were used a couple of years ago when they did this?

Mr. Clemens: It's my understanding they would be. I don't know of any changes.

Mr. Grantz: Okay. Then that's what I have an issue with then. Because there was no leeway given in the past when they did this. A hairline crack in your sidewalk would require you to replace that sidewalk section. And when I spoke to them, I got stuck with it. And when I spoke to them about it, they said, they didn't want to say this crack's okay and this crack's not okay. I would think that there could be some standard whether it be like the thickness of a pencil or whatever. There's concrete repair that can be used to repair minor cracks. And I fully agree, if it's buckled or broken out you know, that it needs to be replaced. But minor cracks, it just seems to me to be an unfair burden put on the citizens and unnecessary waste of resources and money. And I don't know if you noticed when you came into Council, but if you're going to do the hairline cracks, again, I don't know if you're going to be inspecting the city, but the steps, every one of the steps out here needs to be replaced because they have hairline cracks.

Mr. Clemens: And you are correct. And how I handled it when I was Service Director, if you had any type of crack, it came out. So there wasn't any problem with the discussion on whether it was a small one, big one, or any. And that solved the whole problem. I didn't have to make that decision. It came out. Because eventually, it'll be a problem. But as far as I know, and that would be up to the Administration, it's not to come to us about it but, that was designed by our engineers. They felt the proper qualifications on what they follow as far as replacement. And we've replaced, I think we probably only have one more section left. All of the City of Reynoldsburg, and I don't think it would be quite fair to change with one more section to go or such.

Mr. Grantz: It wouldn't bother me. And I had to replace sidewalks. I'm not in the new section. I'm in the old section and had to replace sidewalks for the minor hairline crack.

Mr. Clemens: I did too.

Mr. Grantz: So it's not going to affect me one way or the other. But I'm thinking of the other people, that it's a waste of, kind of a waste of their money when repairs are made, can be made to very minor cracks.

Mr. Clemens: The only problem is, we have to come back later and do it. And I think that's what they thought of. But that's something we'll consider. And that's something the Administration, you know, they can look at. Steve can look at it.

Mr. Grantz: Okay. Thank you.

Mr. Clemens: Thank you. The next item on the agenda is item number 6, ORDINANCE ACCEPTING TWO RECORDED DEEDS OF EASEMENT (sanitary sewer, storm sewer) (8317 Taylor Rd. SW, Medical Office Bldg.). It had its first reading 11-13-06. Are there any discussion pertaining to this? (No response). If not, I'd like to make a motion to send this on for

second reading. Do I have a second? Second by Mr. Stearns. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

Item number 7, ORDINANCE ACCEPTING SIX UNRECORDED DEEDS OF EASEMENT (sanitary sewer, storm sewer, water line) (Wheaton Communities, LLC). First reading, 11-13-06. Are there any questions pertaining to this ordinance? (No response). If not, I'd like to send it on for its second reading. Do I have a second on this issue? Second by Mrs. Shirey.

The next item on the agenda, ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG....

Mrs. Frazier: Mr. Clemens.

Mr. Clemens: I'm sorry.

Mrs. Frazier: Do you want to take a vote on that one, please?

Mr. Clemens: It would be good if I did, wouldn't it? All in favor, say aye. (All voted "Aye"). Opposed? (No response).

This next ordinance, ordinance number 8, I'm going to read it and probably ask to have it sent. We did get a memo from Evans and Mechwart this evening. We haven't had time to look at it and read through it and so forth. And I have read it really quickly. But they do have some good suggestions in here pertaining to these ordinances that are encumbered in this one for us to look into and possibly amend it before it would go out for its final reading. So if you would, this next couple of weeks, look that over, see what you think about it. When it comes back to committee, if there's any changes to be made, we'll go ahead and look into it. Okay? Item number 8, ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 960 - STORM WATER REGULATIONS - ADDITION OF SECTION 960.03 "Illicit Discharge And Obstruction Of The Separate Storm Sewer System", Subsection (b)(18) and AMEND SECTION 960.03(c)(1) and ADDITION OF SECTION 960.04 "Storm Water Discharges Associated With Construction Activities" and ADDITION OF SECTION 960.05 "Storm Water Pollution Control: Inspections And Enforcement". It's had its first reading 11-13-06. I'd like to send this to Council for its second reading. Do I have a second on this? Second by Mr. Joseph. All in favor, say aye. (All voted "Aye"). Opposed? (No response). And as I said, if you would, there's some good suggestions in here by Mr. Parkinson that he's made available to us. So look it over and see what you think and we'll discuss it when it comes up again in 2 weeks.

Item number 9, ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF REYNOLDSBURG ADOPTED BY ORDINANCE NO. 131-95 ON NOVEMBER 27, 1995 AND AS SUBSEQUENTLY AMENDED - East Broad Street between Annett Drive and Summit Ridge Drive (Lots 3, 4, 5, and 6 of Summit Ridge Heights Subdivision); from Unzoned to CS; applicant, Voelker - Belz Co., by Attorney David L. Hodge. It had its second reading

11-13-06. And we had our Public Hearing on it. It went to the Planning Commission, and the Planning Commission approved it and sent it back to Council. Are there any questions pertaining to this? Yes, Mr. Stearns.

Mr. Stearns: Yes. Thank you, Chairman Clemens. My question is, at the Public Hearing, I understand there were some citizens that were concerned about the entranceway and that. Was that all taken care of? Is that going to be addressed?

Mr. Clemens: I think that, Dave, would you like to answer this please? There was a discussion pertaining to that as far as the Planning Commission.

Mr. Hodge: There was considerable discussion about that. Some of the neighbors that live to the south of the property are concerned about the impact that that's going to have on their residences. So what we've said, is that we are going to take a look at relocating where those entrances are. They're currently as far south on the property as we can to try to minimize impact with East Broad Street. What we said, we'll take a look at moving them northward, and even consider closing them entirely and taking our access off of East Broad Street. Now we know, in talking to the Traffic Engineer that's in the process of doing the traffic study for this property, that's going to be extremely difficult. We have to go through a TCOD, Transportation Corridor Overlay Review, with the City of Pataskala because the East Broad Street right-of-way is in Pataskala. And preliminarily, the traffic study indicates that closing those cuts and providing full access onto East Broad Street is going to be impossible. They won't support it. We are looking at moving them northward, doing some buffering down to the south with some fencing, or landscaping, or whatever we can do to work with them. We anticipate that they will be involved in the process that we have in Pataskala. I encouraged them to come to the meeting because it's a better, it's a better development for us if we have our access off of Broad Street. I just don't think our traffic study is going to support that.

Mr. Stearns: Okay. I just wanted to make sure something was being done to address the questions that those residents have.

Mr. Hodge: Yes.

Mr. Stearns: Thank you.

Mr. Clemens: Dave, would you keep us informed as you go along on this? Keep me informed and I can relate it to the committee on what progress you're doing as far as moving your entrances?

Mr. Hodge: Sure. I will.

Mr. Clemens: What type of buffer? Because I do believe we should have a buffer, a good buffer between the back of you and the people that live there.

Mr. Hodge: Sure. And that's even something that we can, once it's decided, will incorporate that into the rezoning text that we're working on so that it's a commitment that runs with the property.

Mr. Clemens: Okay. That's fine. Are there any other questions? Yes, Mr. Stake.

Mr. Stake: Yes, thank you, Chairman Clemens. Sir, when I looked out there, and I thought when the folks were here at the Public Hearing, I thought I heard them say, I might have been wrong, that they lived adjacent to that property. And when I looked out there, it looked like the homes that I saw were south of that property.

Mr. Hodge: They live to the south.

Mr. Stake: To the south of the property. So they're not adjacent to the property. They're not on the east side or the west side. They're south of it.

Mr. Hodge: No. East and west are both commercial developments. This is Taylor Road. This is the Circle K, and this is Sub Aquatics.

Mr. Stake: Okay.

Mr. Hodge: They all live down in the Summit Ridge Subdivision to the south.

Mr. Stake: Okay. Thank you.

Mr. Clemens: I think that was confusing. And Ron is correct on this. Because I know the piece of property because I've been out there enough when we built our towers and so forth. That I think it was confusing the way they spoke that their children played in this. You know, like they come out of their driveways and they play in this section. Where really, there's no houses there. The houses are behind really. There's none on the sides.

Mr. Hodge: Right. And it's currently undeveloped. And this dark portion here, this is the aerial photograph, there are some trees there. So if there are kids in the neighborhood, I'm sure they're up there in that at this point. And also, one of the things, there will be a 6 foot board on board fence along the south of the property. And there's going to be some preservation of that existing vegetation there where we can.

Mr. Stake: Okay. Thank you.

Mr. Clemens: Okay. Are there any other questions from members of the committee of Council? (No response). I don't know whether there's anybody here tonight pertaining to this that would like to speak on this subject. If there is, you're welcome to speak on it. Yes.

Mr. Wright: I'd just like to ask a question about the, can members of the public get the information on the things that were prohibited for these lots? The things that can't be....

Mr. Clemens: Yes.

Mr. Wright: What I saw in the paper, it sounded like, I mean, that's a really encouraging sign that we can prohibit all those things.

Mr. Clemens: That's correct.

Mr. Wright: On that part of town. But so far, we haven't been able to prohibit them on the west side of town. But I'm really hoping that we'll, in the future we'll be able to do those type of things for the rest of Reynoldsburg.

Mr. Clemens: You have to understand, it's prohibited because they requested it in the text. If it hadn't been that, we would have to have done it. The ground that you're talking about has been zoned for 30 years. So to go back and redo it, it's a very difficult situation. But I want to thank you Dave for doing what you did. But you can get a copy of it through City Council Office. There'll be a list on what's been taken out.

Mr. Wright: Okay. Thank you.

Mr. Clemens: That ends the Service Committee meeting at 9:40.

Mrs. Frazier: Mr. Clemens, did you want to hold it or send it forward?

Mr. Clemens: Yes. I'm going to move that on.

Mrs. Frazier: You want the third reading?

Mr. Clemens: I'm going to move it on for the third reading for adoption. Do I have a second? Second by Mr. Stearns. All in favor, say aye. (All voted "Aye"). Opposed? (No response).
Now let's get the correct time. 8:41.

Service Committee
November 20, 2006
- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Lyday)

FINANCE COMMITTEE MEETING MINUTES November 20, 2006

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

Other members of Council present: Donna Shirey, Preston Stearns, Doug Joseph, Council President William L. Hills was present as Acting Mayor.

Mr. Stake: Okay. I'll call to order at 8:42, the Finance Committee.

The second item on the agenda is approval of the agenda. I would like to move item number 1 from Other Legislation to 3a, which is the City Income Tax. And the reason for that is to dispose of that. That's the only change I have. Are there any other changes from members of the committee? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Before I go on with item number 3, I would like to let the public know that we do have, Mr.

Eller had filled that unexpired term on the Design Review Board. That is up at the end of this year. And Mr. Eller, I see Mr. Eller back there, if you'd like to continue on there, please let us know. If there is any other folks out there who would like to serve on a board or commission, please get a letter of intent with some of your experience to us, and we can go from there. But I would like to see what we have by the next committee meeting.

Item number 3 would be approval of the minutes of the Finance Committee meeting held November 6, 2006. Are there any changes to those minutes? (No response). None being heard, they'll stand as submitted.

Item 3a is the, I guess I'll read this whole thing. AN ORDINANCE TO AMEND SECTIONS 191.02, 191.04 AND 191.07 AND ADOPT SECTION 191.191 OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO, IN ORDER TO INCREASE THE CITY INCOME TAX BY ONE-HALF PERCENT (0.5%) FROM THE CURRENT RATE OF ONE AND ONE-HALF PERCENT (1.5%) TO A RATE OF TWO PERCENT (2.0%), BEGINNING JANUARY 1, 2007, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY GENERAL OPERATING COSTS OF THE CITY'S DIVISION OF POLICE, AND TO PAY COSTS OF CAPITAL IMPROVEMENTS APPROVED BY THE CITY AFTER DECEMBER 31, 2006, INCLUDING THE PAYMENT OF DEBT SERVICE CHARGES ON SECURITIES ISSUED TO PAY COSTS OF THOSE CAPITAL IMPROVEMENTS, AND DECLARING AN EMERGENCY. And obviously, this ordinance, the voters did not pass the tax adjustment. So I see no reason to keep it in Other Legislation any longer. And I will make a motion that we table this indefinitely. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you.

Item number 4 is Discussion, Dynalab, Inc. Job Tax Credit Agreement; and Repealing Ord. 60-05. And I believe our Development Director is here. We had a memo from Mr. Brandt dated November 9 in regards to this, as well as a piece of legislation, and a contract which I believe the City Attorney has reviewed and has no problems with. Mr. Brandt.

Mr. Brandt: Yes sir, Mr. Stake, members of the committee. The previously passed agreement had some housekeeping issues with it, and the delay was partially brought about by my being gone for a couple of months, and then there was the issues of reviews and changes. And as I said, we would traditionally provide you with a red line copy highlighting the changes between the text. However, in this case, one was done, the original document was done by the previous Assistant City Attorney's Office, and the subsequent document was done by Squire Sanders. Hence, they were done on two different machines by two different people, and there was really no way to provide. However, there were no changes with respect to the economic issues which the city committed to at the time the Dynalab Corporation secured their tax credit agreement with the State of Ohio. The local agreement is one that's required as a supporting evidence. Traditionally in the past, the state used to allow various other forms of participation. Some, according to the sources down there, a bit nebulous. They want a more concrete and more definitive participation by the local entities henceforth. So that's where we are with this agreement. Basically, the three major, not major, three changes that were in this was, there was a paragraph on a monitoring fee in

the old agreement. Which in reality, we didn't have any justice in, or legislative substance to collect it. So consequently, we really couldn't collect it. There was a paragraph on school participation, and inasmuch as this agreement has no impact on the schools, i.e. such as a land tax abatement would, it was felt that that was unnecessary. And then there was a program that was required because the original source document was another community's in Central Ohio required working via the Franklin County Job Services. And inasmuch as a good many of the employees that are hired by Dynalab are from both Licking and Fairfield County. That was felt to be a bit time consuming and probably not very productive in that we're pretty far east to be concerned with issues somewhere down in Franklin County. And that's basically what it's about. The delay was partly brought about by review time, new document, and then the fact that I wasn't here for 6, 7 weeks.

Mr. Stake: Okay. Thank you, Mr. Brandt. And I do know that, I think since this, the original ordinance was passed, I think 80 or 90 employees have been added to the Dynalab operation which is certainly a step in the right direction. And I certainly appreciate you staying on top of this.

Mr. Brandt: And it's my understanding, from having talked with Mr. James over the course of the last several months, he has fulfilled his obligations that he committed to with the State of Ohio and to the city via this document, this is merely housekeeping, clean it up and get it done.

Mr. Stake: Right. I understand. Okay. Are there any questions for Mr. Brandt in regards to this legislation from members of the Finance Committee? (No response). Members of Council? (No response).

Mr. Brandt: And Mr. Harris by the way, has also reviewed this.

Mr. Stake: Okay. Well, then I will, and this can run the normal track?

Mr. Brandt: Yeah. I don't see any problem.

Mr. Stake: Okay. Then I'll make a motion that we send this forward for its first reading. Do I have a second? Second by Mr. Baxter. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you, Mr. Brandt.

And item number 5 is Discussion, Waive Competitive Bidding. We have a list attached here, final list for waive competitive bidding. And I guess these would be anything that's over \$10,000 needs to be competitively bid at this time. Correct, Mr. Harris?

Mr. Harris: Kind of. I'm asking that they repeal 30-04 because that particular one had in it, everything that was over \$10,000. But after discussions with the person who is auditing our books for the year, we have conformed more closely to what I believe the Ohio Revised Code says. Number one, you do not have to have them on this list if the product that you're getting is not available from anybody else. For example, we use CMI for our computer software. Well, they have maintenance agreements and software updates. No one else can provide that. So there is really no use as far as the state is concerned, with having those particular things on there. Also,

certain things like personal, or professional services do not have to be on that list. And last of all, the only thing that has to be on that is, people who you have a contract with that are going to go over \$10,000 or anything you're going to buy that will be more than \$10,000 in one purchase. They had things on there like all the oil companies, dry cleaners, and all those kind of things. Yes we do more than \$10,000 with those, but certainly, nobody's dry cleaning bill is over \$10,000. I don't think there needs to be things on this list that does not need to be on this list. And of course, as I have said many times, even back when I was on Council and Mr. Hills and I had many heated discussions about this particular ordinance, there's one sure way to get that off of there and that's if you competitively bid things. So anything that's on here that we get either through a state contract or that is competitively bid like our auditing services for our books, which is competitively bid, they do not have to be on here. So after talking with the departments, these are really the only list that's on there that have to be there. Things like Swan Cleaners are on there because we have a contractual obligation with them. If anybody has any questions, I'll certainly be glad to answer it. This is just taking 30-04 and repealing it and updating the list.

Mr. Stake: Okay. Any questions from members of the Finance Committee? Mr. Clemens.

Mr. Clemens: Yeah. I understand all of them. The last one, C&D Environmental Service, what is that?

Mr. Harris: They have a contractual obligation with the Water Department. They make the, some of the devices that they use to read the, when they come out and hit the thing and read the water at the houses.

Mr. Clemens: Okay.

Mr. Stake: Okay. Any other questions for Mr. Harris from members of the Finance Committee? (No response). Members of Council?

Mr. Baxter: Just one, Mr. Stake, if I could. Are there any that you think should be put on? And have you done investigation to see where there has potentially need to add to the list?

Mr. Harris: After talking with most of the people who had people over \$10,000, this was the list that we came up with. Are there going to be, is this going to have to be done every year? It probably will be. Things will go off and on this list and we will certainly be monitoring this every year like we've always done in the past. People go on, people go off. For example, we don't have AEP on here, because at this point, the only place you can get electric is AEP. If somebody else gets into that game, and we decide to stay with AEP, AEP would have to go on this list.

Mr. Baxter: That makes sense. Thank you, sir.

Mr. Stake: Thank you. Any other questions for Mr. Harris? (No response). Okay. None being heard, then I'll make a motion that we send this forward for its first reading. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you,

Mr. Harris.

Item number 6 is an 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. It had its first reading on 11-13-06. And Mr. Kipp gave us a nice presentation there at the last meeting. I know there was some questions and some concerns, and I hope that maybe some of those were addressed further with Mr. Kipp if there were any after the meeting. Are there any questions or comments from members of the Finance Committee? (No response). Members of Council? Councilman Joseph.

Mr. Joseph: Thank you, Mr. Chairman. A couple of quick questions for Mr. Kipp. First of all, as I was reviewing the minutes, I guess the discussion the Chairman and yourself about the Columbus had backed off a little bit on what they initially wanted to, the rate increase. What was the original request? And what did we, how did we get it adjusted? Is it typical that they adjust when we ask? Do they allow for wiggle room? Or is there some rational why they gave us whatever it was?

Mr. Kipp: Well, the water dropped from 15% to 10%. And I said we like to think that they did that because we asked them to consider it. It could be as much as internal, internally they could have been told to reduce it also. They went back to their figuring things out. Now this was after our presentation. And they said at that time, basically, they put the water off another year. So they put those back a year. And the sewer, I’d have to look at it, go back through, but they dropped the sewer slightly also.

Mr. Joseph: Is that something you traditionally have asked every time they’ve come to us with a rate increase, you’ve asked for an adjustment?

Mr. Kipp: It’s not really an adjustment. We do, it’s kind of like a Council meeting. And we give them our opinions. We’re not a member. We’re like the audience.

Mr. Stake: Mr. Kipp, when you say “we”, you’re not just talking about the City of Reynoldsburg. You’re talking about several communities that you work with, correct?

Mr. Kipp: Right.

Mr. Stake: I just wanted to make that clear.

Mr. Kipp: It usually is. Either Bexley or myself talking there to them about it.

Mr. Joseph: And the other question I had was, when you were here two weeks ago and I asked you what other options we had, you really said we didn’t really have any regarding the increases. And I had suggested perhaps talking to the other suburbs about looking at forming maybe some type of suburban network. Do you think that’s something that’s really feasible? And if you do, is that something that you would, you think we should proceed with?

Mr. Kipp: As far as right now, we are working closely with the, all 23 suburbs regarding the EPA mandates. So as far as doing a coalition for the water, or where else we could get water, we could always look at it. I don't know that it's that feasible because of, I talked a little bit about, like our water tower system. Where we get our pressure for our, around the city, we feed off of a number of water towers. And the ones on Rosehill Road, on Heinz Road, there's a booster station that pushes water down Main Street. It gives us good pressure. It's all coming from, except for the Taylor Road water tower, all of our pressure is coming from outside the city. So we would not only have to, and everybody is tied in the same way. I mean, Columbus is, some of the towers on Broad Street could also serve parts of Gahanna that's on the other side. So all the communities are tied together on parts of it. So it's, we really are tied in. And our water comes from, the water we get from the, on the south end, that actually comes all the way from the south end of Columbus, the Parsons Avenue Water Plant.

Mr. Joseph: Is there anything that would prohibit Columbus from just going off the deep end saying, we know we've got the suburbs over the barrel, we're just going to juice them for even more because we want to either, you already said that they subsidize low income, their low income citizens on their water and sewer rates. So they're basically providing that kind of service on the backs of Reynoldsburg citizens and others. What's to prevent them from just saying, we're going to go 50, 60, 70% rate increases. What would we do then?

Mr. Kipp: Well they have, we've looked in the past, we've had a lot of discussions with them over the years on the rate increases. They have been fair with us reasonably speaking. There isn't anything that keeps them from doing that. And they could have done it all along and they haven't. They tried to be fair. They tried to treat all the suburbs as equitably as possible. That's why the contracts are the same. So like, there's a master meter communities, we have the same contract basically. And so does, and then all the other communities that aren't master metered, they have the same contracts with Columbus. So they've kept the wording the same to treat everybody the same. I think it, it's worked previously. And they're kind of forced into this position now by the EPA mandates. I mean, they have to pay for it. And so we are part of it.

Mr. Joseph: Okay. Thank you, Chairman.

Mr. Stake: Thank you. Acting Mayor Hills.

Mr. Hills: Chairman Stake, if I could ask, and I just want to clarify for my own understanding, when Columbus, who happens to be the keeper of the water, so whether you wanted to argue the sewage side of it or the water side, in order to have the one, you've got to have the water. And they are the masters of the water right now. When we talk about, or when you make reference to the communities having rate increases, I am correct in saying, I believe I am, that's where my question is, is Columbus also at the time that we're paying more as a suburb, their customers are paying more too?

Mr. Kipp: Yes.

Mr. Hills: They're running the spread. It's not just to the suburbs. Their own customers, or

direct customers, non-suburb City of Columbus customers, are also paying more.

Mr. Kipp: Yes, they are. And one of the handout's that it showed there, the increase to their customers as far as picking up the improvements, is larger.

Mr. Hills: So we feel like we're being picked on but basically, they have a raw product that they're charging everybody more for for whatever reason. EPA or wherever.

Mr. Stake: And as Mr. Kipp said, they have been fair in the past. We hope they'll be fair in the future. No one likes rate increases. But I think the first time I saw one of these before me when I came on Council, I went to Mr. Kipp and said, let's build our own water plant. I found out that that wasn't going to be feasible. So I mean, that's, you know, I don't want to be in this situation either. Although, history has shown us they've been fair. And I guess if we do not agree to this, we won't have water after the first of the year.

Mr. Kipp: We'll have water. We'll just have trouble paying for it.

Mr. Stake: Well then it might get cut off after we don't pay for it, right? Okay. Are there any other questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). Thank you, Mark. You might want to stay here a minute. There might be a question on the sewer charges. Then I'll make a motion that we send this forward for its second reading. Do I have a second? Second by Councilman Clemens. All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you.

That was the sewer charge we were just talking about. The water charge is the next one. Item number 7, 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. It had its first reading on 11-13-06. And we just did discuss water rates. Are there any other questions or comments in regards to water rates from members of the Finance Committee, members of Council? (No response). Okay. Thank you Mark. Then none being heard, I'll make a motion we send this forward for its second reading. Do I have a second? Second by Councilman Baxter. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 8 is ORDINANCE TO MAKE FINAL APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF REYNOLDSBURG, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2007. It had its first reading on 11-13-06. And I believe Mr. Harris would like to speak with us in regards to his handout this evening.

Mr. Harris: Thank you, Mr. Stake, members of Council. I had the Clerk pass out to everyone tonight, the revised 5 year plan on the fund balances, which we have meant to call the discretionary revenue and Discretionary Funds. There are many funds available in the city. Many of them

have specific purposes like the Water Fund and the Sewer Fund that you just talked about which can't be used for anything other than those things. These are the funds where Council has some kind of discretionary power to spend these particular monies. And I've got some history back to '98, and then the projection from 2006 through 2010. I'd like to spend just a few minutes telling you how we compiled these numbers and what we used when we did the projections. If you look at expenditures in the General Fund, going back to '98, you look at the percent increases at the bottom, 9.6, 7.44, 7.42, 5.59. Then in 2003, minus 1.15. 2004, 8.29. 2005, 1.74. And 2006, 5.59. Obviously, with these kind of expenditure increases, when you look at the revenue that is, we lost when there was a change at The Limited, and after 911, you can see what's happened with some of these fund balances. For example, General Debt Retirement had a fund balance at the end of 2001 of 1.5 million. Employee Compensated Absences had a fund balance of 508,000. And the CIP, there was about a million dollars being spent on things like Street Programs. However, as we've come through 2006, the money in General Debt Retirement, that million-five, at the end of 2006 is going to be down to \$315,000. Employee Compensated Absences is down to zero. And the 800,000 to a million dollars that was being spent in Street Programs, has now been diverted to other places. Obviously, the main place that's been diverted to has been the General Expenses for the General Fund which have gone from 7.8 million to 11.9 million. As you look forward in this, in 2006 through 2010, you will see that since we don't have those particular funds any more to take money from, and expenditures increasing, we've got figured at 4%, which we think is conservative based on the fact that there's only been a couple of years that have come in under 4%. By the end of 2010, the General Fund will be down to around \$74,500. We did put some money into the Capital Improvements Fund because at some point in time, certain streets are going to have something done to them. We put in about \$250,000 a year. There's about 175 to \$180,000 a year going into that fund. General Debt Retirement, you are going to have to start with the 2007 appropriation, moving money from the General Fund into General Debt Retirement so we can continue to pay the service on the debt. If you look at everything together, the outlook starting, over these years does not look good. If you go down to the bottom, the spending against revenue, we're going to be about \$160,000 deficit this year, and it would have been 300,000 had we not refinanced the bond debt on the police building. Next year, \$538,000 debt, deficit. 2008, \$998,000 deficit. 2008, a million-two deficit. 2010, a million-six. And what this is pointing out is, expenditures continuing to go up at 4% at the time revenue is only going up 1% cannot continue to happen. The reason we've done this and put this information together for everybody, what you do in '07 has affects through the next 4 and 5 years. Folks, we need to find about \$250,000 worth of spending cuts to come out of the '07 budget. We have used 1% as the revenue because of a couple of reasons. Number one, right now, we have in the finance world what's called an inverted curve which means usually a rate curve goes up. This one's now going down. Low term interest rates are lower than short term interest rates. This is the sixth time that it's happened in the last 40 years. The previous 5 have all been followed by an economic down turn. We are not expecting next year to be a real good year as far as the general economy. As you read what the Federal Reserve has to say, probably by March or April of next year, you're probably going to see rate reductions from them in order to tie the spur of the economy. Number two, if you read the reports that we send out on where the income tax money comes from. The money this year, the big increase has come from net profit taxes which are taxes paid by local businesses on the profit that they do make. Right now, we have credits in that department, in that area that are over 7 figures, which could be dropped on us at any time. So we are not projecting big

increases in revenue. You could look at what the Development Department has done with The Limited. Next year, our part of that Limited is only going to be \$100,000. Yet we're looking at revenue increase at, expenditure increases in the General Fund of \$500,000. So that's not going to come anywhere close to paying for the expenditure increases that are in there. The following year when that's complete, the total that we'll get, we'll get another 150,000. That's 250,000. Which is still not going to pay the expenditure increases. We have to start looking at ways to make the expenditures fit into the revenue. This is the most important piece of legislation that you folks will look at this year. I hear things about the, you know, people in the city are spending money that they shouldn't be spending. They don't spend any money that you don't appropriate. It's now time to make difficult decisions. If you look at this, the following year, instead of \$200,000, you're going to need 6, 7, or \$800,000. Now the reason I'm saying it needs, 2, 250, normally there is money left over from the budget at the end of the year. And that figure's somewhere around 250 to \$300,000. So therefore, next year would be okay. But we cannot continue to spend 4% additional when we're only taking in 1. The numbers don't add up. And I want to make sure that everybody understands that we're looking at a situation by 2010, we're on fiscal watch. Because the money is not going to be there to pay the bills. If anybody has any questions, I'll be glad to answer them.

Mr. Stake: Any questions from members of the Finance Committee for Mr. Harris? (No response). Members of Council? Mr. Clemens.

Mr. Clemens: Yes, Dick. You say that we have to cut 250,000 yet this year, right?

Mr. Harris: Umhum.

Mr. Clemens: Well, that's something we'll have to do. I mean you know, we've discussed it. We talk about it and we haven't done it. We don't do it. I think the budget the Mayor turned in was as low as he could get it he felt. But I think there's other places. We've discussed that. It's going to have to happen. And we're just going to have to step up and do it.

Mr. Harris: These are not easy decisions. But they're decisions. The longer you hold off in doing them, the deeper the cuts are going to have to be to make them meaningful.

Mr. Stake: Okay. Well, no other comments or questions, Mr. Baxter.

Mr. Baxter: Yes. Just one question for Dick. Dick, is this your worse case scenario?

Mr. Harris: Nope.

Mr. Baxter: Medium? Or your best case scenario?

Mr. Harris: I would say it's an average. What I would consider an average scenario. Obviously, with the amount of credits that are out there, we've got a new governor coming in who's going to be looking for, I'm sure, money spent. We had the thing a couple of years ago where they looked at the local government funds. Could they make adjustments in the local government funds?

They've been frozen for 4 years. I don't know. You also have a situation with police and fire fighters pension which I explained last March. March or April when I did my presentation, that that could be another \$250,000 a year. Are they going to get the whole 250? I doubt it. Are they going to get something? They probably are. I mean, at this point, it's pull a number out of the hat. I don't know what they're going to get. But I think this is a reasonable middle of the road type of estimate. Could it be worse? Yeah. Could it be better? Yeah. A couple of things, there's going to be some money left over from Main Street that can't go in the General Debt Retirement. Of course, we have the ongoing lawsuit against AEP which has to be funded out of part of that money, and the project's not finished yet. We're not going to be able to get that money over there in '07 because the project's probably not going to be until where there's going to be retainage. Then once the retainage is paid when everything goes through the warranty period, we're going to have to pay some kind of arbitrage on that. Just for those people that haven't been through this before, arbitrage is, we get money in on this bond issue. We put it into something that makes money. If we make more money than what we're paying out, the IRS kind of wants a piece of that action as well. And obviously, we have the money to pay them. But it's still a time consuming thing and we can't get the project closed out until that particular time. So is this the best case scenario? No. Is it a worse case scenario? I would say it's fairly realistic. You know, we were talking about what's going to happen to the economy 5 years from now, you've got to go with some basic premises and we'll see what happens.

Mr. Baxter: I know you mentioned the reverse yield curve. We had the same thing happen last year but the GMP improved and we had growth. (Tape change).

Mr. Stake: Councilman Clemens.

Mr. Clemens: Yes. And I think we all realize, maybe some haven't been here realize but, we're going _____ 4 million dollars in our General Fund is nothing. I mean, that's all we have to back the city up. And if we spend that in three years, and we get down to \$85,000, we can't _ . We have a Rainy Day Fund. That's for a crisis. We only have like close to 2 million in it. So we've got to protect that 4 million dollars in the General Fund. I never heard of anybody that has a budget every year of 13, 14 million dollars. Only back it up with maybe 2 million dollars. You can't do it. So I think it's important that we try to straighten the situation up. And I know there's going to be hardships doing it. But I think we have to really look into it before we pass this. I know we've had meetings on it and I think we'll continue having meetings on it. And I think with the Administration and Council gets together, that we can straighten it up for that \$250,000.

Mr. Harris: Certainly anything that you're looking for in a way of information or whatever from me or my staff, we'll certainly be glad to make anything available that you need. And we would be glad to work with you on any kind of proposals or plans that anybody wants to look for and want's to see where money was spent in a certain department, we can pull those invoices for you so you can see them.

Mr. Clemens: A lot of people say, well you know, that's only 5,000 here or 10,000 there. But if you take enough 5,000's and enough 10,000's out of little things, it can add up to that 200,000, 250,000 we need. So if you go through the budget and you think you see a place that, well, maybe

we can cut that back \$2,000 or 1,000, that all adds up. Maybe we can come up with a few large ones. But still though, if you come up with enough 5 and 10,000, \$20,000 reductions, we can come up with it.

Mr. Stake: Thank you. Councilman Stearns.

Mr. Stearns: Yes. Thank you, Chairman Stake. Mr. Harris, the budget proposal comes from the Administration, from the Mayor. Have you discussed this with him as where, maybe you make some suggestions as to where the cuts can come?

Mr. Harris: I have talked with a couple of people on some suggestions. But certainly, this is really, before I get involved, the Council and the Administration should look and see what they can find together. And I'm sure if you guys are willing to work with the Mayor, he's probably going to be willing to work. I look at it from a financial point of view. He looks at it from a day to day operations view. And those have to be considered as well. So I think your best course of action first of all, is to look at the revenue side and make sure, I know you've had some proposals where you've raised some things from the Building Department. I think you need to look at other things on the revenue side. Are we maxing out what we can get from fines and forfeitures through the Clerk of Court's Office? And any place else? I know they passed some things for the Parks and Rec Department. But there is, in the stuff we've given you before on the revenue side, there's a hundred and some items in the General Fund revenue stream. And all those should be looked at before you start to look at cutting things. Because let's be honest, 75% of the General Fund budget is payroll. So when you look at this, you're looking at some point in time of eliminating positions. And that's not a whole lot of fun for anybody to do. Long term things that you can look at, I know the Mayor's done some things with looking at medical insurance to try to hold those costs down. Because that's a major point. That's about 1.3 million of our payroll is in those types of expenditures. There are ways that, things you can look at in that respect about changing the different types of insurance or whatever. Maybe bidding it out. But I mean, all those things need to be looked at I think. And you've still got some time to do this but it needs everybody working together. And certainly, we have looked at some things and we have some ideas. But I think the Council and Mayor should look at it first from an operational point of view. If it doesn't come up with enough, and going forward, instead of 4%, we need to be looking at 2%.

Mr. Stearns: Okay. Thank you.

Mr. Stake: Thank you. Any other questions or comments for Mr. Harris while he's still up here? Mr. Baxter.

Mr. Baxter: I would prefer seeing us go down to 0% until we get our budget under control, or at least our revenue streams.

Mr. Harris: That would be ideal.

Mr. Baxter: Not be spending more than we took in.

Mr. Harris: Is it realistic? I don't know.

Mr. Baxter: I don't know either.

Mr. Harris: I mean, that's something you guys and the Mayor are going to have to sit down and hash out. And you know, the thing with the police and fire fighters pension, that's something we're going to have no control over. The state's going to make that decision and whatever it is, is whatever it is.

Mr. Baxter: That's right.

Mr. Stake: I think the only way really to get to that 250, I mean, we can nickel and dime it, but I don't think we're going to get to 250. I think the only way to get to 250 is to start eliminating some positions, laying people off. And I think every department, every branch of government here in Reynoldsburg has to be looked at. So I certainly will entertain any suggestions that anybody has. Councilman Clemens.

Mr. Clemens: I think our insurance is a big cost factor in what we pay and what our employees pay. We have great insurance and I think, I don't think you can get any better. I don't have it but I mean, the city has great insurance.

Mr. Harris: It's a very rich insurance plan.

Mr. Clemens: And I think, you know, you hate to increase it, but you know, everybody should realize what other cities and what other employees are paying elsewhere. And there comes a time, we've been good all these years and all these, there comes a time when the pay back comes back. And it is things we have to look at really.

Mr. Harris: Well, I think Mr. Stake makes a good point. I think realistically, everything in that budget needs to be on the table as far as looking and seeing where you can come up with it.

Mr. Stake: In regards to the insurance, the rates on our health insurance are being held for 2007 as they were in 2006 which is fairly fortunate. I do know that there's been discussion about moving towards health savings accounts in 2007. And also, some adjustments to the policy as you spoke of Mr. Clemens on how much is being contributed by employees to the insurance. And whether maybe a spouse, or an employee would be able to opt out in lieu of maybe a smaller payment to opt out. And that would save the city some money there. So there are, there's been discussion, there's been ideas, there's been movement in that direction. But even with those, that's not enough. Councilman Baxter, did you have something else?

Mr. Baxter: Just one thing I'd like to talk about is, do we have anything in the budget, and this is what I would like to sit with the Administration on, on bringing in new equipment next year. New trucks. Those type of things. And we should definitely look at not doing those type of things in lieu of keeping the people that we've had here. I'm not one to let someone go and bring in a new sewer truck. We can make it last another year. That's an example....

Mr. Harris: If you look at the...

Mr. Baxter: That is what is being in the budget _____.

Mr. Harris: If you look through, as you look through the budget, everything that would be equipment or a fixed asset oriented type things would be in the 600 accounts. And there's not a lot in the 600 accounts. But other than the three police cars, there's just not a lot there. So I mean, certainly, you know, certainly a place to start. The other thing is, on those kind of things, as you look at them where they've had them in here as taking everything out of the General Fund, I think we ought to look in some of things and financing them over 3 or 4 years and spreading the cost out. And we can do leases and a whole bunch of other things which I think make a whole lot more sense rather than paying for something that has a life time expectancy of 4 or 5 years. Pay it all in one year. Why wouldn't you want to pay it over the life time?

Mr. Baxter: We spoke about that a few weeks ago.

Mr. Harris: Yeah. We talked about that.

Mr. Baxter: We suggested to take a look at how we purchase our equipment here at the bank, or excuse me, here at the city, and maybe do a little better job on how we pay for it over time.

Mr. Stake: Councilman Joseph.

Mr. Joseph: Thank you, Mr. Chairman. Mr. Harris, did your projections include the new development that's occurring throughout the city? I know it's just strip malls and small stores and things like that. But did your projection include all the new employment that's going to be occurring?

Mr. Harris: Sure did.

Mr. Joseph: And what about longer term projections on down the road, if we were to bring, maybe some more heavy industry into the city either through like a commercial park or something like that? How would that impact these deficits if we could deliver something like that? And if so, if it would work, maybe that's something we should look at in pursuing.

Mr. Harris: Well, when you look at it and you say, at 1 ½%, a 1 million dollar payroll only brings in \$15,000 to the city. So you're talking about, in order to get the \$400,000, you need a 40 or \$50,000 payroll. Generally, those type warehouse businesses, don't bring that kind of payroll to it. One of the problems, and one of the reasons that the income tax was necessary, these jobs that are moving into the city like the ones I spoke of at The Limited, instead of us getting 500,000 out of that pot and then having to split it with the School Board, it would be \$750,000 and then we would split it. So all these developments are based on a 1 ½% income tax when everybody else in the area is getting 2%. The problem is, the expenses are still going up faster than the revenues. We did everything that John has worked on that looks like it's going to happen. Like Broad and Waggoner, and the things at The Limited, and there's a new junior high school opening up next

year. Those have all been considered.

Mr. Stake: Any other questions from members of Council? (No response). Well, if anybody does have any suggestions, if you'd please get those to me, I'd appreciate it and I'll try and distribute those to everybody else on Council. And that way, when we come to the committee meeting, we'll be prepared. I'll get that to the Mayor so he can answer those and anybody else, if there's anybody else's budget like the Auditor or the City Attorney that you think there should be adjustments in their budget.

Mr. Harris: Thank you.

Mr. Stake: Thank you.

Mr. Baxter: Mr. Stake, are we planning on putting a working session together where we can sit down and go through it together as a group? Or would you prefer doing it as individuals? We've done that in the past as a way to try to look into small areas. And rather than having the same questions going to the Administration from different members, we were able to get them answered at one place with the Mayor. If he would be willing to do something like that, I think it would be a great way to go. Especially in times, you know, we hear from the Auditor, we have to cut even further and not even have a chance for the Mayor to say, where is that going to happen? I think it would be a good opportunity for us to sit down in a working session.

Mr. Stake: Mr. Hills.

Mr. Hills: I'm sure that the Mayor, because there have been conversations we have had as individuals with the Mayor. And I'm sure that he would. I think a combination of what's being, what I'm hearing being said, may be the best route. If someone's got some suggestions, let's pull them together through the Chair of Finance. Then let's have the working _____. We need to have everybody get their own input, where do you think something can be done? And then put it together. Then you're talking about defied points and potentials rather than getting together on a Saturday morning and having donuts and talking about, now what are we going to do while we're here?

Mr. Stake: Well, frankly I haven't found those donut meetings to be very productive.

Mr. Hills: What I would suggest is, if everyone can seriously, as the Chair as Mr. Harris has suggested, where is there something that you look at and say why aren't we doing this? Or why can't this be twisted, turned, reduced? Then it's time to get it all in one central pool and let's sit down and talk about it.

Mr. Stake: Right. That's a good suggestion. We get it all together and then we can talk about something that's substantial. Councilman Clemens.

Mr. Clemens: What is your time limit as far as sending it on?

Mr. Stake: Well, I'd like to send it on for its second reading today. But we don't need to pass this until the end of the year. So however long it takes after that. We'll get the two readings over next week and then we go from there. I'll hold it after that if that's what members would like until we're where we think we need to be. Would that be alright?

Mr. Clemens: That's fine.

Mr. Stake: Any other questions or comments from members of Council? (No response). Then I'll make a motion that we send this on for its second reading. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 9 is an ORDINANCE TO AMEND SECTION 1 OF ORDINANCE NO. 134-04 PASSED DECEMBER 27, 2004 ENTITLED, "Ordinance Setting Forth a Uniform Procedure for the Sale of Personal Property Not Needed for Municipal Purposes". It had its second reading 11-13-06. And there's a notation here, will need to be amended prior to adoption. Mrs. Frazier, I have a question. Can we amend this here in committee? Or should we _____ ?

Mrs. Frazier: It's already been changed on paper. You amend it at the table next time. Next week.

Mr. Stake: Okay. The changes are in bold on this ordinance. I know the City Attorney worked on this, put this together for us. I appreciate that. Are there any questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). Not hearing any, then I'll make a motion that we send this on for its third reading with recommendation for adoption. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And I'll adjourn the Finance Committee meeting at 9:27.

Finance Committee
November 20, 2006
- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Lyday)