

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
NOVEMBER 14, 2005

President of Council William L. Hills called the meeting to order at 7:32 p.m.

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

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

Minutes of the regular Council meeting held October 24, 2005 will be approved at the next meeting.

Mrs. Newman moved to add an ordinance approving the Special Exception Use Permit at 1743-1745 Brice Road to the agenda. Mr. Stake seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Nay"; Mr. Stake "Yea"; Mr. Stearns "Nay"; Mr. Baxter "Nay"; Mr. Joseph "Nay"; Mr. Clemens "Nay". Motion denied. The agenda was approved as submitted.

Community Comments and Requests- - -

Mr. David Russell: Thank you for this opportunity to address the Council. A wise man once said, a fool can argue with anybody. But a wise man will always seek common ground. I am speaking before you now to bring to your attention, a city policy that does not seek common ground among the citizens of Reynoldsburg. I'm referring to the practice of the last 5 years of the City of Reynoldsburg allowing the placement of a nativity scene on city property during the winter holiday season. We are all citizens of Reynoldsburg and should share rights and responsibilities equally. We are free to practice our religions in any way we see fit. It does not matter what beliefs we have; we should all expect to be treated with respect, and in turn treat others with respect. I submit to you that the placement of a religious symbol on city property is disrespectful to those Christians who do not believe in such public displays. Also to those religions who do not celebrate Christmas, and there are many. And yes, to those who do not believe in any religion at all. Celebrating Christmas or celebrating a holiday season is everybody's right. The placement of religious display on city property though, gives the appearance that the city is promoting one religious belief. This is disrespectful. The city should not take part in religious celebrations. Religious celebrations should be a private matter. We have many fine churches throughout Reynoldsburg where citizens may practice their religion. There is any number of Christian churches that would be proud to host a nativity display. I believe that the city should represent all the citizens equally by not representing, or giving the appearance of representing, a particular religious point of view. Although our community's predominately Christian, we have a wide variety of beliefs. Majority rule should not replace respect for citizens. Nor should any citizen be left to feel that they are not part of the community because of a city policy. I therefore wish to go on record and request that the city restore its position of religious neutrality and _____ allowing religious display on city property. Thank you.

Mr. Ken Wright: First thing I want to do is congratulate Mrs. Newman on her victory. And also Mrs. Shirey. She's sitting back there. I was really disappointed to see the vote just now. But, I guess I'll say my piece anyway. My name's Ken Wright and I live in Reynoldsburg. And good evening, Council. I respectfully ask the Council to reject the Special Exception Permit Use, Special Exception Use Permit for 1743-1745 Brice Road at the Astra Center. During the last 6 months, Reynoldsburg residents have mounted a tremendous campaign to preserve the commercial integrity of the Century City Shopping Center which is a site of the former Big Bear grocery store at Livingston and Brice Road. This campaign which has involved thousands of Reynoldsburg residents has met with rejection by City Hall. First in the 4 to 3 vote by City Council, and later in a unilateral action taken by the City Auditor and City Attorney to halt a referendum on the matter. Nevertheless, the fight for Century City Shopping Center continues. And now, across the street on the west side of Brice Road, another church has applied for a Special Exception Use Permit to enable it to operate in two spaces at Astra Center. Both the Astra Center and Century City Shopping Centers are located less than 60 seconds drive time from my house. Pastor West wants to locate his Jehovah Rapha Outreach Church in Astra Center between a beauty shop and a carry out. Bishop Dawson wants to locate his Calvary International Worship Center in Century City between a beauty shop and a carry out. Based on this, I would advise any other shopping center in Reynoldsburg which has space available between a beauty shop and a carry out to prepare for a visit from an out of town religious group. During the last 6 months, many people in Reynoldsburg have told me that they do not want churches located in commercial spaces. Isn't this why we have zoning? In order to prevent churches from being located next to liquor stores and vice versa? Are there really any members of Reynoldsburg City Council who want to see God fearing people who are inclined to worship in church on Sunday, instead go down to a shopping center and hold services in a utilitarian store front next to the Pop A Top Carry Out. If Reynoldsburg City Council wants to reflect the values of the majority of the citizens, then it must deny permits to these outsiders who are scrambling to come here and set up churches in Reynoldsburg stores. I believe City Council must adopt laws or codes which prohibit permanent churches from occupying commercial spaces. Reynoldsburg does not have to accept the aesthetic or cultural standards of Columbus. And I believe it should not. Thank you.

Mr. Hills stated that there were not enough votes to add the item of Special Exception Use Permit, 1743-1745 Brice Road to the agenda. He stated that the item stands approved.

Joseph Goodman, Greg Allen West, and Carolyn Turner declined speaking, as they had earlier turned in speaker slips.

Communications- -Assistant Clerk read report from Clerk of Courts: total monies collected from courts held during October 2005, \$35,937. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- - \$2,035 for the Computerization Needs Fund and \$250 for the Enforcement and Education Fund.

Reports- -Mike Rankin, Co-Chair for the Central Ohio Amber Alert was scheduled to speak, but was not present.

Mr. Hills: The next I have is from Sharon Reichard and this is a request that I had left with Sharon this morning. Council has received an e-mail recently from Sharon over the weekend, I believe

Saturday, 11:30 a.m. you were in here working. And prior to that, we received a memo dated October 30 regarding some EMH&T and ODOT requests. And we would, the e-mails indicate we have to take some action rather quickly. And I've suggested that Sharon may want to give us a report on what and why we're doing, and then if we need to, it'll be set at committee next week. But this gives you the opportunity to brief Council as a whole with the issues of your concern.

Mrs. Reichard: Thank you, President Hills, members of Council, back in December of last year, I received word that the 80/20 split that we were going to have with ODOT for the overlay for Main Street for Phase II of the project, would be budgeted for \$495,000. Which would give us \$123,750 would be our share. Since that time, and over a variety of months, and nothing that I could get my hands around and could not get a memo out of ODOT to back up and say, I had heard that they were going to expand, they were looking at expanding the scope. Taking Main Street east out to the county line, and including 256 beginning at Main Street going out to the county line. As I was busy working on other things, I had asked, I think I asked ODOT, and I asked our engineers if they could find something that, was there anything in writing that said that ODOT was going to do this? That they were going to give us, they were going to expand that project. And I believe at one point when I was talking about it, even though I did not make myself clear, that in talking with Council, I didn't want anybody to, you know when we looked at what our part on that overlay was going to be, we should not mistake that it was going outside of the limits of the Main Street Project. But I don't think I defined what it was and I think that was my fault in not really making that clear to all of you. What ODOT has confirmed, and actually came out here and got myself and one of our engineers, Travis Eifert, the young man who actually did the design, or did the engineering on Phase II, took us around in a van and we looked at all of these places. And when they went out and looked at it, they saw that there was some full depth pavement, or some full depth repair that needed done. And so they went back and got some new figures, and it was in the July and August area that I really began to confirm what exactly it was they were talking about, what we needed, and then asked for engineering costs, or for the cost of some approximation of what it would cost us. And what you saw in that earlier memo was a break down of that project piece by piece, what it means.

Now, one of the things that we're looking at internally, and the administration's looking at, and I think you know that we're struggling an awful lot with the budget because of lack of funds. I don't know how much exactly there is available in the bonding amount that we got for this project. Because I know it all goes into a pool and there's some things that are costing less. So there might be some available funds in there, but I don't know. We only planned I believe, to my knowledge, but that's my limited knowledge, in that bond package, of approximately \$125,000 for our share in this project. And obviously, if we don't have any more money than that, that's where it'll have to stay and we'll have to pare down the project to meet that. However, for consideration if the money can be found, or is available, are the different areas. Some have full depth. You will see in the, you will recall in the memo and in the break down that Travis Eifert put together, that each one of those pieces is just the overlay, and the other one is full depth repair. So you have different sections. You have from Rosehill to Lancaster. You have from Lancaster to the county line on Main Street. And you have both the full depth repair and the overlay for each one of those, break out. And you also have the same for the 256 area. Also, when we were with the ODOT folks and they saw that there was a small amount between, for example out on East Main Street at where the county line stops and the Kroger project starts, where they've done the pavement repair, there's that small amount in there and perhaps District 6, maybe they would be

willing to participate in this project at both Licking and Fairfield when you do both areas. Maybe they would be willing to participate in this project. Well when we got out on the 256 area, they were talking about out to the county line. Where in fact they found out, after the Farmsbury light was put in and that intersection was repaired, that they needed to stop north of Farmsbury so it didn't go into the next county. So that one stopped there. But what they did do was, they talked to District 6. If we're 5 and that's 6, or vice versa, they talked to them at ODOT to see if they would be willing to participate in the project, and they said yes. Participation of course means, anything that is the overlay, is an 80/20 split. Anything that's full depth, that piece of it, the City of Reynoldsburg would be responsible for. So those were the opportunities that were given to us. We have things kind of, once they decided what they wanted to do and came up with all the facts and figures and everything, then there appeared to be a rush to get this done. I received a copy of a preliminary legislation before the figures were even duly noted. And I called ODOT and they said, oh just ignore that. We'll get back to you when we need it. We'll send you the information etc., etc. It didn't have a specific date. Last week, well it came while I was gone because I was out last week, the information came that we really need to get this in because ODOT is waiting on it. And if we don't have the information to them by, if they don't have it in their program by November 30, then it will kick it out another year. So that's kind of what's going on at this point. So we can either stick with our original, or we can, the administration can work, we can look at the figures and see what's available and just bring that recommendation to you. Did I hit all the points, Dave?

Mr. Parkinson: (Inaudible. Speaking off mike).

Mr. Hills: Questions or comments? Mr. Clemens.

Mr. Clemens: Yes. I think it would be important that you get the figures again and bring it to us so we understand and know what we were talking about. And how we could secure the additional funds. I think that would go a long way with our decision. Because it's a quick decision.

Mrs. Reichard: Yes, it is. If we could, if I could respect...

Mr. Clemens: It looks like a lot of money as I read it.

Mrs. Reichard: Yeah. If I could respectfully ask that we have this on Monday night's... the next committee? Would that be Finance?

Mr. Hills: It certainly could be added to committee. And that's why I wanted you tonight, to address it so it could be on the committee for next week. And if it's absolutely necessary, certainly we can talk to the Council about adding a special meeting at the end of that committee meeting. But that I would hope, is something just, we've had to do that a couple of weeks ago, if that's necessary in order to meet your deadline. But the 24th, I mean the next meeting's the 21st, and if they say they want it back the 24th, I'm not sure that ODOT is going to be doing much work on the 24th. Generally, Thanksgiving they'll be off Wednesday, Thursday, Friday.

Mrs. Reichard: I would think if whatever Council sent to, out of committee to a Council meeting, I could certainly call Susan and tell her that this looks like where it's going, and it would be fine to

make it for the next week. She said she needs to have it done by November 30. What I tried to do is, back it up a little bit and allow some time in there for you all to, or for the administration to look at it, for you all to take a look at it, and have a discussion on it, and sort of air out the issues, and see where we go.

Mr. Hills: Well Sharon, the items you just referred to, and I'm assuming you're referring to the October 27 memo, right?

Mrs. Reichard: Yes. From Susan Stehle?

Mr. Hills: That's the memo to you from Travis Eifert.

Mrs. Reichard: Okay.

Mr. Hills: And then that came to the Clerk of Council, Mayor, Auditor on October 31. But did you just earlier mention some streets other than Main, and 256?

Mrs. Reichard: No.

Mr. Hills: Okay. Then I misheard. I thought I heard something about, we are talking about three separate sections on Main. One is the Phase II. The other is to the Franklin/Licking County line on Main from the bridge to that. And then from that line out to Taylor Road. And then 256, Main Street down to the county line.

Mrs. Reichard: To just north of Farmsbury. So it would not be quite to the county line.

Mr. Hills: But those are the four areas you're referring to?

Mrs. Reichard: Yes. Yes, they are.

Mr. Hills: Questions? Mr. Stake.

Mr. Stake: Yes. Thank you, President Hills. Sharon, I imagine when you bring this forward to us, you'll have recommendations on whether we should do the full depth repair, and what spots, and where the funds would come from, and those kind of things?

Mrs. Reichard: Yes, sir.

Mr. Stake: Okay. Thank you.

Mr. Hills: Mr. Clemens.

Mr. Clemens: 256, make sure they cut the township out. We don't want to pay for that.

Mrs. Reichard: Okay.

Mr. Hills: Other questions? Comments? Mr. Baxter.

Mr. Baxter: President Hills. Sharon, is it all or nothing type of program? If we don't do the deep paving or repairs, do we then not do that section at all? Or do we have the option of doing just a surface?

Mrs. Reichard: We have the option of just doing the overlay. That's really up to us. I mean, when we took the trip around with Susan and her colleagues, definitely that was it. We could do whatever we choose to do.

Mr. Baxter: Would we be able to get a recommendation from the City Engineer on longevity of those areas then, to help us in our decision? Does it make sense to pay the money even for the overlay if it won't last a year? And that's where I was getting at.

Mrs. Reichard: We will have those recommendations.

Mr. Baxter: Thank you, Sharon.

Mrs. Reichard: Sure.

Mr. Hills: Sharon, I thank you for that.

ORDINANCE AUTHORIZING MAYOR TO ACCEPT AND EXECUTE "MODIFICATION AND PARTIAL RELEASE OF EASEMENT" (Distribution Land Corp., a Delaware corporation) FOR STORM SEWER IMPROVEMENT AND DECLARING AN EMERGENCY- -Assistant Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 91-05 adopted.

ORDINANCE ACCEPTING UNRECORDED DEED OF EASEMENT (storm sewer easement) (.136 ac. and 1.420 ac.) FROM DISTRIBUTION LAND CORP., A DELAWARE CORPORATION AND DECLARING AN EMERGENCY- -Assistant Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 92-05 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR POLICE DEPARTMENT (Uniforms-Purchase, MV Gas & Oil, and Prisoner Care) AND DECLARING AN EMERGENCY- -Assistant Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 93-05 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT TO PURCHASE

ROAD SALT- -Assistant Clerk read ordinance by title for the first reading. Item referred to Safety Committee.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6493 East Main Street, proposed use of land/structure - restaurant, bar, and nightclub); applicant, Frida Njunchop- -Assistant Clerk read ordinance by title for the first reading.

Ms. Njunchop: Good evening, member of the committee. Thank you very much for the opportunity to address you this evening. I just wish to appeal to the committee to give us a _____ this business. We've been here since May trying to start. And we've been given the run about _____ and we didn't know what to do. And we're misled by some people that told us we didn't need zoning because it was already a restaurant and bar. We don't need a new zoning. So we passed all the permits, we've done all the work in the building. We've even advertised the building. We've even advertised the business, then we found out that we had to go through zoning. And when I left here last week, I was under the impression that we can start the next day until Nancy called me and said no, there's still some more readings to be done. I understood that I was supposed to have a first reading today. And I'm trying to see if you guys can consider waiving subsequent readings and help us go ahead and start this business as soon as we can. As a business emergency, it's hurting us. We're paying bills and no income coming in and it's really affecting our business. We're just hoping that you can do whatever is in your power to allow us that as soon as possible.

Mr. Hills: Mr. Clemens.

Mr. Clemens: Yes, Frida. This was sent on as an ordinance because there is a lot of thought on this really. Different members of Council have spoken to me about different items. And there's different items we feel that we should be taking of. And I know there's some items that are a concern of citizens. And the reason that we've sent it on as far as going as an ordinance and taking the readings and back to committee, it gives the public a chance to come in and have their say if they wish, or other members of Council. And it will go back to committee. This will stand as a first reading and go back to committee next Monday night. And we'll see what happens next Monday night. See what subjects are brought up and if there's more discussion. And then we can discuss what the possibility would be as far as moving it on. But I think there is some objects and some discussion yet to be done on it. So I think Monday night we can see how it stands as far as your Special Exception Use Permit.

Ms. Njunchop: Thank you, very much.

Mr. Hills: Other questions or comments? (No response). I believe Mr. Clemens has indicated it will go back to committee. Are there any questions or comments on that? (No response). Item referred to Service Committee.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6525 East Main Street; proposed use of land/structure - tavern); applicant, Nick Vuticeuski- -Assistant Clerk read ordinance by title for the first reading. Item referred to Service Committee.

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, 2006 AND DECLARING AN EMERGENCY- - -Assistant Clerk read ordinance by title for the first time. Item referred to Finance Committee.

RESOLUTION ADOPTING THE REVISED CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF REYNOLDSBURG, OHIO FOR THE YEARS 2006 THROUGH 2010- - -Assistant Clerk read resolution by title for the first reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR CITY INSURANCE- - -Assistant Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO A "MASTER SERVICES AGREEMENT" WITH INTERSTATE GAS SUPPLY, INC. FOR PROVISION OF RETAIL NATURAL GAS SERVICES FOR THE GOVERNMENTAL AGGREGATION; AND REPEALING AND REPLACING ORDINANCE NO. 81-03 PASSED OCTOBER 13, 2003; AND ALSO REPEALING AND REPLACING ORDINANCE NO. 96-03 PASSED NOVEMBER 24, 2003; AND DECLARING AN EMERGENCY- - -Assistant Clerk read ordinance by title for the second reading. Mr. Clemens moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 94-05 adopted.

ORDINANCE ACCEPTING UNRECORDED GENERAL WARRANTY DEED FROM JOHN M. BIRCH AND BONNIE J. BIRCH (.165 ac.; Taylor Road right of way donation)- - -Assistant Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE ACCEPTING FOUR UNRECORDED DEEDS OF EASEMENT (sanitary sewer, water utility line) (Board of Education of Reynoldsburg City School District)- - -Assistant Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE MAKING APPROPRIATION FOR FIRST PAYMENT ON \$8,055,000 CAPITAL FACILITIES BONDS, SERIES 2005 (Commercial Corridor Revitalization Phase II, and Taylor Road Reconstruction) **AND DECLARING AN EMERGENCY**- - -Assistant Clerk read ordinance by title for the second reading. Mr. Stake moved to amend the ordinance as redrafted 11-8-05. Mr. Clemens seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 95-05 adopted.

ORDINANCE AUTHORIZING THE REYNOLDSBURG DIVISION OF POLICE TO CONTINUE TO ACCEPT "GANG RESISTANCE EDUCATION AND TRAINING" GRANT AND APPROPRIATING FUNDS THEREFORE- - -Assistant Clerk read ordinance by title for

the third reading. Mr. Beougher moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 96-05 adopted.

Meeting adjourned at 8:07 p.m.

William L. Hills, President of Council

Susie Smith, Assistant Clerk of Council