MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SERVICE AND TRANSPORTATION COMMITTEE
November 13, 2018

Ward 2 Councilmember Brett Luzader called the meeting to order at 8:01 PM

Call to Order - Roll Call

PRESENT: Luzader, Baker, Bryant, Skinner, Joseph
ABSENT:

Approval of Agenda

Agenda stands approved.

Approval of Minutes

a. Public Service and Transportation Committee – Committee Meeting – October 22, 2018

RESULT:	**ACCEPTED**

NEW LEGISLATION/DISCUSSION ITEMS

ORDINANCE OF THE REYNOLDSBURG CITY COUNCIL TO PROVIDE FOR THE REGISTRATION OF RESIDENTIAL RENTAL HOUSING LOCATED WITHIN THE BOUNDARIES OF THE CITY OF REYNOLDSBURG --- Bryant. Public Service and Transportation Committee.

Ms. Bryant: Thank you. This is an ordinance designed to get some of our rental properties up to code. I think were all well aware that there are a number of complexes in the City that are lacking. I think the comprehensive master plan certainly illustrates that for us very well in the fact that a lot of our apartment complexes average age is about 40 years. Being over 40 myself I know I'm not what I used to be so I think its probably safe to say that a lot of these complexes are not what they used to be and because they aren't, it tends to draw criticism from community members when we do have new rental projects that want to come in. And I think ultimately what this can achieve is a balance where we do have new complexes come in but that causes the older complexes to, you know, its a supply and demand. If you can live in a nice new apartment or something that's been around for 40 years, you probably going to chose the nice new apartment. And its going to force some of those older complexes to up their game to either redevelopment their property, sell it off to some body who will redevelop the property or potentially turn it into something other than an apartment complex and I think anyone of those outcomes is good for the City. So that is why I am bringing this forward. I think everybody who owns their own home is probably within a stones throw of a rental, whether its a house for rent or whether its an actual complex. So I think this ultimately helps all of us and helps some of our more vulnerable residence who live in some of these apartments who are not really up to code. And it gives them an outlet to come to the City and say you know my landlord is not taking care of this property, you know I have done everything I can do and this gives them and outlet for some assistance as well.

Mr. Luzader: Thank you very much. I will say I agree with you whole heartedly on this. I think its something that we have needed for a long time and if you remember a couple weeks ago the Mayor also said that this was something that he proposed about 8 years ago and it just never took hold. I just have a couple questions and concerns. The first one is on the inspection would there be an initial inspection of all properties and then going forward as they roll over and new tenants come in?

Ms. Bryant: Well, yes. So what I anticipate would be that all rentals register within a certain period of time of the ordinance. Which I think its outlined in there. The buildings would be subject to inspection between rentals. So for instance if you have someone that is on a least that expires next August, once that person would move out in August, before the unit re-rent, our inspectors would come check it out. Or if you've got a new property development, all of those units would be needing inspecting before somebody could move in. And then a third option was that if you have a unit that has not been inspected within two years that notice be sent to the occupant that they have the right to request the City come and check it out. Having lived in rental units for a number years myself, not every landlord is as attentive to maintenance as they should be. Fortunately, I'm blessed in a place now that is on top of it but they are a number of places in particular, there's a company that owns at least complexes in our City that I've had to sue in my capacity as an attorney. Because the maintenance issues have been that egregious. So this gives the occupants an opportunity to say hey City of Reynoldsburg, I cant get my landlord to clean this up, this is a problem, this is a healthy hazardous, this is you know whatever it may be and they can have the right to have our people come out and inspect and the landlords cant retaliate because they are exercising their right.

Mr. Luzader: I saw there was an anti-retaliation clause in there. Yea I just wanted to make sure that just because someone was renewing their lease they didn't have to have an inspection again but your just saying if it hasn't been inspected in a couple years...

Ms. Bryant: Right and this would...

Mr. Luzader: They can request...

Ms. Bryant: They can request it and it would be part of our job, you know, within the City to let the occupants of these rental units know. Because, you know most of the time the landlord is not going to point it out to them. So it allows them to find out this information through us by notice that they have the right to have this done. If they don't want us in their place, that's fine we don't need to check it out. But once they move on before the landlord re-rents the property it would need to be inspected.

Mr. Luzader: That's something that I would like to maybe put in a rental lease agreement, possibly that the tenant has this right and they could come to the City. Because they may not know it if we don't tell them.

Ms. Bryant: Right.

Mr. Luzader: The other concern that I had is, I kind of look at this as an extension of the Building Department and I think that with the Building Department handling all of our property maintenance

codes and this and that and everything else. I think it would probably fit better under the Building Department. I would like to think that our Development Director is busy enough if he's doing what were paying him to do. Then this is one of the thing that he wouldn't really have to put on his plate.

Ms. Bryant: Well and I aware that's a concern to some. Its not a point in which I'm going to say well if we don't do that I don't want to do this legislation. Because I think this legislation is too important not to get it done. The reasons that I had for wanting to run it through Development is that the BZBA is going to be handling the landlord appeals. The board of Nuisance Abatement and the BZBA are under the Development umbrella. And I think that this is also tied to economic development in that you know our development director is trying to draw in new businesses but you know you may not want, if your coming in to put in a surgical office or you know a tech office or something of that nature, you may not want to set up shop next to a nuisance property. Such as, and I'm a little reluctant to say nuisance property but we all know we've got some complexes that need some TLC. So I think its a Development problem to a large extent, I was also looking at Mr. Sampson as having quite a bit to do with. You know the YMCA and a lot of the infrastructure issues that were going on. If we want to send the two of them out to the parking lot and they can fight over which one of them wants it, I'm fine with that. But again, I'm not going to say that it has to be development or that it has to be service. Councilmen Clemens and I spoke this past, I believe Friday and had an idea of maybe even having a separate department for this. You know I'm open to any of those ideas but I think that as a whole this is important legislation that the City really really needs.

Mr. Luzader: And that's something maybe we can consider later on once we get it all established. If it is something that you know, develop' s its own personality per se, that you know have it, maybe it's its own department. Go from there. Since it will be funded basically by...

Ms. Bryant: Sole funded.

Mr. Luzader: The stream. Those were just some of my concerns. Are there any other questions from members of the committee?

Mr. Clemens: Yea I have some questions. I mean, certainly when you read this through its, it sounds logical. It sounds like well of course we ought to do this. And then you have to stop a minute and back and go well wait are there any downside there? Are there any downside to this here. Well yea there is. Those people that we're trying to protect so bad, all of the sudden when their rent goes up, whatever, fifty a month, hundred a month, the rents going to go up when this is put into affect. Those either good landlords or those bad landlords ok, definitely going to up. And are they going to be concerned, wow thanks guys you know we sure appreciate you helping us out so much. You know because there's going, are they, you think the renters are going to feel that their getting back that this is really that worth while to them or is it really. So for instance your self. Are you going to feel comfortable $50.00 more a month in your apartment complex that you just said is a good one, are you going to feel comfortable paying $50.00 more a month for this process?

Ms. Bryant: That's why the fee's instituted in this ordinance are as low as what they are. So it would be $50.00 a year, the maximum fees under this ordinance would be $100.00 on a unit. Obviously you will have predatory landlords that will raise it even further.

Mr. Clemens: Absolutely.

Ms. Bryant: But I do think its one of those things where the retaliation section can fall into place. Given the fact that its a negligible fee per unit. So if they do look at it as, were going to raise this rent $100.00 a month because of this new ordinance, once you look at the ordinance and see what the actual fee is, it doesn't fall in line there and so I think...

Mr. Clemens: They certainly have to have more people there to make sure these inspections take place, they have to do a lot more paperwork, they have to do the registration. I mean your putting extra burden on them as business people alright. Their going to spread that burden out how they see fit, alright. And it wont be $50.00 spread out over, you know no, it will certainly be more than that. They wont raise your rent $2.85, no they wont do that. That's not what they do when they raise rents. But I'm just sharing with you, I just want to make sure that were not going a long going, tra la la, you know that there's really not any downside's to it here. Sure there is. There really actually is.

Ms. Bryant: Yea.

Mr. Luzader: I think there are plus and minuses to virtually anything we do up here.

Mr. Clemens: Of course.

Mr. Luzader: But one of the things that we have to look at, particularly with this piece of legislation, is it for the betterment of the City? And that's kind of what I look at and I think it is something that the City needs, whether its in this exact form that's why were discussing it right now. So like I said I do think it is something we need. Any other members of Council. Mr. Clemens.

Mr. Clemens: Yes, I agree with you and I agree with Kristin there. This is, this is not a thing that, that is set up in either departments to be honest. This is, we're talking about over 5000 units more. This is going to take personnel that have to know what they are doing. This is just not just a one time shot. If they do, they got to come back and check what they did. So its an important issue. Were talking about taking hundreds of thousands of dollars to pay for this. I think to do it correctly, I think its something were, should be a separate department. Not a director but a separate department that's, that's ran by the Mayor and its administrative. Its an administrative function is what it is. And its not somebody we can just hire and say here it is. We got to hire somebody that knows that they are doing and we got to hire personnel to go with it. So lets, its going to take something that once we set it up and hire somebody, then they are going to have to work to make it work. They are going to have to lay it out and be able to run it. This is going to be a tough situation. Its not going to be an easy one and I would like to keep it away from both departments. Building department has a lot of work to do. So does the development department, plus development department is working bringing development and so forth to Columbus to Reynoldsburg, then he is going to turn around and charge

them for permits, then go and inspect what he has brought out here and I don't think that really adds up together to be honest with you. But I do think its an administrative function that we set up a department and be willing to spend money and do it correctly. I mean don't think its something that you jump right in to, I think its something that's going to take a little bit of time and I agree with Kristin's ordinance, I have no problem with it other than how we operate it. I think it should be done and I understand your point of view, I know that their going to be people knocking on her door here once we pass it, its going to be, developers are going to come in and have a few say about it. But I live in a section where its an older section. Matter of fact, I got four rentals, one on each side of me and once behind me and one in front on me. They take care of their place, two of them, two of them don't. Half of it has to do with maintenance and the other half is they just don't take care of it when they get people in it. And that's what we want to, I don't mind them not cutting the grass, things like that but throwing, you know just their house is letting it go to hell. I don't like that at all. Basically the interior when you have kids and so forth and we do need people to check up on it. But I think its something that, I think its something that we have to hire the right person to run it. And go from there but I agree with ordinance but I don't think we should put it in any of our, any of our building or development committee because they are busy enough.

Mr. Luzader: Mr. Joseph.

Mr. Joseph: Thank you. Couple points. I tend to concurs with Mr. Clemens that this is a big, a big bite for any one existing department to take on. And some type of department of property maintenance or something like that would be definitely appropriate for something of this scope. And I also like the point in the legislation Council woman about notifying the occupant after two years. But I also think it might helpful that at the time of the, the time the person leases the property that they actually receive a document from the landlord stating that in two years that would be something that they could, would be able to request. I know when I was a renter, I kept all my rental documents together I reviewed them all the time and that might be something they could have in their possession, they know up front. It would be helpful before they even get to the two year point. So that might, I would think that would be something beneficial to include as well.

Mr. Luzader: That's kind of what I was leaning towards.

Mr. Joseph: Ok. That way they technically have two different ways of getting, having that information. Up front and then if they neglect to review their material that'll be something later. Because anytime someone has one contact there's always that chance there not going to even see it, you know something got lost in the mail, even a follow up might be appropriate. Thank you.

Ms. Bryant: Yea, my thoughts largely on that were to cover people who are already residing in the units that wouldn't have that pre-move in inspection. But yea, I agree that, that would be a good idea. We would also need to have something in the ordinance that the landlord is required to share that information with them.

Mr. Luzader: Maybe if we could possibly, since your introducing this piece for legislation, maybe get with the Mayor and possibly see what the Mayor thinks it would take to have its own

department, personnel, what pay grade that the personnel would need to be at. Different things like that so we have a more concrete idea of what this is gonna cost. I mean I know this is gonna produce a pretty good revenue stream. And I like to make, I want to make sure it basically stays revenue neutral, that it doesn't really cost anything out of the general fund.

Ms. Bryant: Yea, basically pricing on the licensure for the rental units, the lowest being 50 the highest being 100, if we calculate 5400 rental units in the City, which is the rough estimate that I got from Mr. Bowsher. If we multiply that by $50.00, we're looking at a minimum of $270,000.00 a year brought in through the licensing fees.

Mr. Luzader: That doesn't go very far when we start talking buying a vehicle, insurances and all that other good stuff for personnel, so that's why I thought maybe if the Mayor could maybe take a look and see what... Mr. Clemens.

Mr. Clemens: Yea and I agree but I don't think this is something you jump in to.

Mr. Luzader: No.

Mr. Clemens: I mean you get it passed but its going to take time to set it up. I don't want to see us start something that we don't know what were doing. And that's why I said we have to look for good personnel. You know that has possibly worked in this kind, there's other places they've worked and so forth. I don't think its something we need to be worried about getting started next week. I think it takes time, it will take time for the Mayor, see what he thinks about it and but as far as moving it forward I have no problem with you know. And at the last, hold it if we don't come up with a way to pass it at the last meeting but I think its going to take work and to set it up correctly. And I don't know whether do it with council maybe or pass it and have it set up by the personnel or you know so forth as we are to come to come in and direct it. I'd guess something the Mayor will probably decide on how he wants to handle it.

Mr. Luzader: Well and I know we do have a gentleman on staff now that actually worked in the Rental Inspection program now down in Athens for Ohio University. So we do have a resource there that we kind of touched on a little bit to see. Mr. Joseph.

Mr. Joseph: As far as the legislation, this is basically authorizing legislation. Putting the frame work.

Mr. Luzader: Yea.

Mr. Joseph: And then turn over to the Mayor to actually implement it whether that's a month or six months or whatever.

Multiple: Yea, right.

Mr. Joseph: Give him a time frame of where we'd like to have it implemented.

Mr. Luzader: Mr. Hood.

Mr. Hood: INAUDIBLE

Mr. Luzader: Thank you, are there any other questions, discussion from members of the committee, members of council? Ms. Bryant what is your pleasure.

Ms. Bryant: I move that we send this onto council for first reading.

RESULT:	**REFERRED TO COUNCIL [UNANIMOUS]**	**Next: 11/13/2018 7:34 PM**
MOVER:	Kristin Bryant, At-Large Councilmember	
SECONDER:	Stacie Baker, At-Large Councilmember	
AYES:	Luzader, Baker, Bryant, Skinner	

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 154.03 DIRECTOR DUTIES AND RESPONSIBILITIES OF CHAPTER 154 DEPARTMENT OF DEVELOPMENT; SECTIONS 160.02(C) DEPARTMENT OF DEVELOPMENT AND 160.02 (G)(2) BUILDING DEPARTMENT OF CHAPTER 160 EMPLOYEE COMPENSATION; SECTION 1541.03 USE AND STORAGE OF CHAPTER 1541 LIQUEFIED PETROLEUM GAS; SECTIONS 1701.01 DEFINITIONS AND 1701.08 ABATEMENT OF A PUBLIC NUISANCE BY THE BOARD OF NUISANCE ABATEMENT OF CHAPTER 1701 GENERAL PROVISIONS; AND SECTION 1711.02 AMENDMENTS, DELETIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF CHAPTER 1171 GENERAL PROVISIONS. --- Baker. Public Service and Transportation Committee.

Mr. Baker: Yes. As I mentioned last time this was introduced because it was tabled until today was, this ordinance is to help, to improve services for the building and zoning department. This also help to make, make the department more streamline and also help cut out the middle man so that way business that want to come here and do business can get their permits and stuff a lot faster. And also what this ordinance does is basically put it in a department where the, department, development department director already does some of the jobs that are issued in this ordinance. And so that is the reason for this. I know there was some questions about whether we could do this or not. I did have the Clerk print out section 607 and 609 for council to look at. To where 609 is what I'm really referring to, that gives council the power to be able to make these changes and so that's basically about it.

Mr. Luzader: Are there any questions, comments from members of the committee? I still am convinced that this falls under the purview of the Mayor. That development or building department, the service department is all headed by the Mayor and the way I interrupt that the charter says that we cannot change, merge or abolish any departments that are headed by an elected official. Now that might be open to interpretation, which I know a lot of these are. That's my feeling and I think that's basically the same feeling that we get from the City Attorney. Ms. Bryant.

Ms. Bryant: In speaking with Mr. Hood after the meeting last time we were here and then looking at section, section 6 of the charter, it refers to directors who are elected officials. If you go back and look through section 6, its actually starts out with 601 being City Attorney. City Attorney is obviously elected, we have no power to do anything in regard to Mr. Hoods office. You move on and you look at section 6.02, which is Mr. Cicak, City Auditor. Once again as council we have no power to do anything to Mr. Cicak's office as he is an elected official. That's the rational that I'm seeing here under section 6 and under you know, we've got a number of department that are set up that are not elected officials where we have you know department, department of public safety, department of public service and the department of parks and recs you know. You know Mr. Sampson, Ms. Bauman, you know they are not elected officials so but my interpretation of 6.09 we do have the power to make changes. To merge, to revise to abolish, to combine. Its you know, it would be my interpretation that we do have that power. You know I'm not saying that necessarily that this something we should do, I'm saying its something that we can do. Based on the structure of the charter. So that's my two cents.

Mr. Luzader: Are there any other comments from members of the committee? Members of Council? Mr. Clemens.

Mr. Clemens: Yea we are already moving this on with our last ordinance we just moved on for the first reading. I don't see any reason to. We have a City Attorney that gave up an opinion as far as I'm concerned. Were City Council, we do our City Attorney, what his opinion is. If people don't like it, they what they do, they hire an attorney and do something about it. I respect Stacie for doing his work but as far as I'm concerned, our City Attorney represents the City.

Mr. Luzader: Mr. Hood.

Mr. Hood: INAUDIBLE

Mr. Luzader: (Laughter) Speak up.

Mr. Hood: INAUDIBLE

Ms. Bryant: Only five.

Laughter

Mr. Hood: I take absolutely no offense to what Ms. Bryant said. The thing about local government is when you talk about purely local restrictions, city ordinances that don't mirror state law, its very difficult to find what we call annotations. Which is cases where a judge decides what that actually means. I go to the plain meaning of the law, at least to the way I see it. I try not read things into it. I read the very specific charter provision that talk about specific departments. If you read other charters, hardly any of them, put in their charter the administrative departments of their City's or their Village's. A lot of them are just department of law and department of finance. So its just my position and Mr. Cicak's position and that's it. And depending on the form of government, whether it

be a strong council with a city manager or a strong council with a part time mayor or a strong mayor like we have here, the rest of that power is seated to that body or that position. So rarely, I have found do we get this specific. Why it is that the framers of our charter chose to do so, I cant tell you. But I think that's kind of where were left. I will say Mr. Baker supplied a lot of information, I would ask you to look at that. I think there's some distinctions there between the way our charter is set up and the charters that were provided in the legislative request. Only one of them has a strong mayor form of government. I think its a big distinction, like I said most of them only talk about a department of law or a department of finance. Some charters have been amended to do exactly what he's asking to do. And once again, I want to make sure we take just a little step back and say, I'm not judging this based on the merits. The merit of the decision to move this department is not in my purview, that's not why I'm giving you the advice I'm giving you. I just think the plain meaning of the charter means the service department has the building division in it and until the voters change that, that's what were kind of left with. Whether that's right for a charter review, that would also be your decision. To call for a charter review commission. Prior to our normally scheduled charter review. That's how I've come to my answer.

Mr. Luzader: Thank you. Are there any questions for the City Attorney on this?

Mr. Baker: I guess my question would be, cause in section 607 it does say, include division of Building and Zoning inspection. Where as in 609 it says that we have, that council has the power to establish new division, department or divisions or other sub unit, therefore abolishing revised merge or combined departments, divisions or other sub units therefore rather create this by charter or by ordinance or by resolution.

Mr. Hood: Except that are managed or supervised by an elected official.

Mr. Baker: Yes and the department. But the, its under the service department correct? Its not directly under the Mayor, its not like service department here, Mayor, service department and then building and zoning correct?

Mr. Hood: All of the administrative departments, besides the department of law and the department of finance report to the Mayor. And that's why I think most charters only have Mayor, law director, finance. I don't know why the people who put our s together chose to make them the specific division in those specific departments. I truly don't and that's the tricky part about deciphering purely local ordinances and charter amendments because there is no state to look at to look at those case annotations. But like I said a moment ago, with the research you provided, I looked into it a little bit and there was distinctions, I think clear distinctions. And I'd be happy talk to you. I apologize for not returning your message. My furnace went out Thursday afternoon and I just got it done two hours before I got here. We've been dealing with that all weekend. So I apologize for that. But if you'd like to talk about what I think are pretty clear distinctions. I'd be happy to after we conclude. INAUDIBLE.

Mr. Baker: Ok because I want to do this right, I don't want to cram it through. That's why I have been trying to provide as much information as possible. So we can make an educated decision and

not a knee jerk decision. So with that case then I will make a motion to hold this until next council so I can talk to Attorney Hood. So that way we can iron out, because obviously there is a distinction, he has an interpretation, I have an interpretation.

Mr. Hood: Well and I'm sorry to cut you off but once again, remember you ordinance has many changes in it.

Mr. Baker: Yes.

Mr. Hood: The only one that I was pretty adamant about was the building division. The others seem to be creatures of ordinance, which you have the authority to do. I think Mr. Clemens was saying a moment ago, we went from the rental registration to be under development, maybe under building maybe were going to create a new department. Maybe that's what you guys are able to do. You all put that frame together then the Mayor runs it. That's how it works together. So because it new. Because its not in the charter you can call it, well I don't know what you would call it. You would call it something else and therefore after you ordain it, the Mayor would administer that department, that's how it would work. So...

Mr. Baker: But that's the kind of the reason why, so we can discuss because you had, we had a family issue, I wasn't able to come and see you because one of the kids were sick and I couldn't take anymore time off work, which you know how that is.

Mr. Hood: I was there too last week, I understand exactly...

Mr. Baker: Yea, so that's why I would rather sit down instead of...

Mr. Hood: Yea, be happy to.

Mr. Baker: Like I said cram this through. Everybody has a lot of information. Like I said you have interpretation I have one and I would like to sit down and discuss the two, maybe come up with some sort of compromise...

Mr. Hood: Be happy to.

Mr. Baker: Something that way. So I would like to make the motion to hold it until the next council meeting if that's ok.

Mr. Hood: The next committee meeting?

Mr. Baker: Huh?

Mr. Hood: Next committee meeting?

Mr. Baker: Next committee meeting, sorry.

RESULT:	**ITEM HELD [UNANIMOUS]**	**Next: 11/26/2018 7:32 PM**
MOVER:	Stacie Baker, At-Large Councilmember	
SECONDER:	Kristin Bryant, At-Large Councilmember	
AYES:	Luzader, Baker, Bryant, Skinner	

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. --- Luzader. Public Service and Transportation Committee.

Mr. Sampson: Thank you Chairmen Luzader, members of Council. I just wanted to say regarding the rental inspection that Andrew and I have met on it, we've talked about and what its worth we voted to put it under Parks and Rec so its...

Mr. Baker: Congratulations Donna.

Mr. Sampson: Congratulations Donna. The purpose of this legislation is recommend to council for your approval the water rates for 2019. The current water rate is $7.81 per 1000 gallons. The recommended 2019 water rate is $8.12 per 1000 gallons. A cost of $0.31 per, increase of $0.31 per 1000 gallons. 4%. These rates do not change, increase or decrease over the course of the calendar year. There are no additional fees or increases to these rates through out the year. Our billing is meter based and reflects household usage. If you have a resident that is concerned about a significant, increase or decrease in their water bill I encourage you to please have them contact their water department.

Mr: Spalding: I have a question. Now I understand, I can see that we see a 2% increase from, from for our water. We're charging, we're passing a 4% onto our people of the City. I mean what do we do with the difference and why. Why don't we just pass on a 2%, why do we pass on a 3, why does it have to be 4? I mean is there, is, I mean where is the magic in there?

Mr. Sampson: I can explain that, thank you Council Spalding. We buy our water, we have to pay to pump our sanitary, operation and maintenance cost. In the City of Reynoldsburg, while we do buy our own water and pump our sanitary, we manage our own infrastructure. Water sanitary lines, our crews, Mr. Hellman and his staff are on call 24/7. You know we have to, when the lines break they have to be onsite. That increase, that those operation and maintenance cost, salaries, capital equipment, to be able to accomplish that, that's where that money goes. And we work very closely with the, since I have been on board, we work very closely with previously Mr. Harris' group and now Mr. Cicak's group, really to go through in detail what are our anticipated needs for the coming year and how much were going to need to function.

Mr. Spalding: Well then let me, let me just do a math quiz then. Ok so, do we end up in the hole or do we end up over money at the end of this time. With that extra 2% we get, does it just cover our cost, because we are already increased, remember because of the broken and all that. We already gave them a kick a little while ago for sewer and for water alright.

Mr. Sampson: We did I think a year ago.

Mr. Spalding: Yea, right, ok. But we didn't take it away.

Mr. Sampson: No.

Mr. Spalding: No, ok. Just... we haven't taken it away but we did give them the kick because we were going to fix all the pipes to make it better so we weren't wasting all of this water, which is a very good thing. Conservation is good. So with this 4%, where do we end up with that extra 2? Does it, are we down to zero at the end? Do we make money on this deal? (INAUDIBLE) I mean where are we? I mean I just want to know the math.

Mr. Cicak: Ok Councilman Spalding, the, all the math started on page 50 of the packet that you have.

Mr. Spalding: Ok.

Mr. Cicak: And there is probably three pages of the breakdown for the water department. It includes all of their salaries, all the retirement, medical insurance, increases and if we ever want to develop any land that doesn't have water, we have to have the money to do that.

Mr. Spalding: Ok.

Mr. Sampson: We also have overtime.

Mr. Spalding: So that all comes out of that extra...

INAUDIBLE

Mr. Cicak: It's an enterprise funded solely, solely funded by the water rates. So if we pay what $5,000,000.00 a year to Columbus, the additional, the 1 or 2% goes to operate the department.

Mr. Spalding: Ok, alright.

Mr. Sampson: And with that, we don't take that money of out the, what would be Stephen... INAUDIBLE

Mr. Cicak: I didn't hear you.

Mr. Sampson: With that, we don't have to take that money then pay for those services, that operation, the maintenance out of the general engineering, is that accurate?

Mr. Cicak: That's correct, everything comes out of the enterprise fund.

Mr. Luzader: If I remember correctly and Mr. Joseph might remember, Mr. Clemens might remember but the Mayor probably does. I think there were a few years that we basically just passed what Columbus was raising and sometimes we didn't even pay, didn't even pass on the full increase that Columbus was passing because we did have a surplus.

Mayor McCloud: We did and if I could address that Mr. Luzader. This pro forma that goes into this, as a lawyer there is no math on the BAR exam it makes my eye glaze over but there is a lot of work and effort from the Auditors office and the Water department and Service to make sure that we hit that sweet spot. We don't want to get to a point where we cant respond timely to water line breaks. We also don't need to run a heavy reserve, so that is a long cumbersome process. But they go over that with a fine tooth comb to make sure that we do hit that sweet spot.

Mr. Luzader: And I think also didn't, a few years ago when Mr. Kipp was the superintendent, didn't he and Mr. Harris and possibly even Mr. Hood, work diligently to keep some of the rates down that Columbus wanted to pass onto us?

Mr. Hood: I'm glad someone was around when I did some (INAUDIBLE) Yea, like the Mayor said the pro forma is a good look back and a good look forward and its no exact science by any means but its provided to you and if you need it to be explained a little bit more in detail that's what we need to do for you to make sure you make an educated decision. But it really is that snap shot looking back, looking forward what we can anticipate. But it does start with the Columbus pass through cost that we unfortunately have to pass onto our consumers. So but the Mayor is right, we try to hit that sweet spot, we do it adjust tit almost annually and to make sure that were not, like you said, running very very healthy balances in those enterprise funds. But it does pay for everything. We don't, we don't subsidize anything out of our general fund. These enterprise funds pay for themselves.

Mr. Sampson: And we don't want to sit on tax payer money. I understand where Councilman Spalding is coming from and you Mr. Luzader, that we don't very aware of what we bring in and what we're spending and that's monitored throughout the year.

President Joseph: Several observations, when I first joined Council, it seemed like every year it was the same discussion. Rates are going up, a lot of people upset about it and we had a couple years where we were like right around 9% because Columbus was being slammed by new EPA rules and they had to build a new water treatment plant and they pass all of those costs on. And the other thing Columbus does, it's not fair but they're allowed to do it is whatever their percentage is for City of Columbus residents, they tack on 1 or 2% for all of the suburbs. So its not fair but they're allowed to do that. The state legislature tried to reverse that, but it was not approved. So I spent about 6 months about 11-12 years ago looking at what other options we had, whether we could form some sort of water-sewer district with other suburbs and what I discovered is that it would be even more expensive to do that. So really we're not left with anything other than working with Columbus and we're really at their mercy when it comes to the rates that they come down on us with and we have to build in whatever we need to maintain our own infrastructure as well. My evaluation has been we

have excellent water and sewer services for what we pay, we really do and I've been here 13 years and these are modest increases compared to some of the big increases 10 years ago. A lot of people don't realize that, but that's kind of the history why we don't have any other options.

Mr. Sampson: I appreciate that Mr. Joseph, but to add to that, I spent part of my career in the private sector building water and waste water treatment plants. They're not cheap. Technology has just grown tremendously over the past 10-15 years, they're about 25 million, average per plant. In fact residents come to me and say why don't we build our own. If you see a water main break in Columbus and I think many of us have you see that water run continuously for days or weeks. They don't mind, they're not paying for it other than the inconvenience to the businesses and the residents and the mess it creates they're not paying for that water. When we get a break, we're paying for it. And our guys, that's why I say, are out like our street department they're on call 24-7 to respond to these leaks and get them repaired as soon as possible and with that there's an incurred cost.

Ms. Bryant: I always say I didn't go to law school to do math, it kind of goes hand in hand with the Mayor's story, but if I'm understanding right and I'm probably not because it's math, they raise 2%, we raise 2%, sometimes they raise 2%, sometimes we raise 1% and the amounts that we're raising in addition to what Columbus is raising, that's just strictly infrastructure, is that correct? So it's infrastructure, maintenance. Where are we in terms of every time they're raising and we're raising with them, are we keeping pace, are we falling behind?

Mr. Sampson: That's a great question. That's the benefit of the proforma, and again, we are able to track that. Again, if we're raising it 1%, we have a surplus the previous year that we can take advantage of. Did we find ourselves running lean, overtime, a lot of work. Are we spending that money more quickly. The benefit of the proforma, and I've had a great education from the Auditor's office on it in terms of anticipating, we can't anticipate what we're going to have this year in terms of maintenance issue. So we do our best based on history to adjust those percentages accordingly.

Ms. Bryant: Ok, but every time we're raising it because they're raising it, we've never repealed any of those raises, we've always continued to raise and raise and raise.

Mr. Sampson: Yes

Mr. Hood: Think of it like road salt. We buy road salt, we fill the barns. We have a very mild winter, we don't need to buy more road salt because we haven't used it. We have a mild winter, not a lot of water line breaks, we don't send the crews out, no over time, no over water that runs down the sewer, all that kind of stuff, maintenance costs go down, we look at the proforma and go, ok, here's our balance, here's what Columbus hits us with, can we absorb that difference for this year, can we absorb it to a degree where we don't pass on the full amount. Maybe our administrative costs go down because we're doing billing better in a more efficient way. All of those things are embedded in that document.

Mr. Sampson: We don't just recommend the rates, have them pass and then move on. We track these meticulously thought the year just to see what are we spending, what do we anticipate, what do

Paul and his staff need and make those adjustments. What we don't want to do is run out of money before the end of the year and have to go back to the General Engineering to acquire those funds. Take something from somewhere else, we want to manage it. Again, we don't want to sit on taxpayer money either. We want to be very cognizant as far as what we bring in and be very meticulous about what we're spending.

Ms. Bryant: So based on the repairs that we've had that we've benefited from the increased rate. Based on those improvements that we've made to the infrastructure, are we finding a reduction at all in water main breaks?

Mr. Hellman: I'd say it's about the same. The systems are getting older. The oldest parts of the system there are breaking. You have 143 miles of water main in the City of Reynoldsburg and all of those are different sizes and different types of material which tend to corrode, tend to break and need repaired. The project we did on East Main and Baldwin, that was close to 2 million dollars just to do the water main. It costs a lot of money to replace and repair these water mains and sewer mains.

Mr. Sampson: And that's a great point that again, when we did, part of my goal and the benefit of the tax payers passing the levy is that if I'm doing a Baldwin Road, I'm going to go there at least once in my lifetime. I don't want to do the street one year and then go back 2 years later and do water main. We're able to put in new water main and replace/repair the road with the ribbon cutting I hope you come out to on Thursday, but yes, our goal is that when we go in to do that kind of infrastructure, that we can be as all inclusive as possible given the available funding and that's the roadway, water, sanitary, stormwater. We're going to fix it and move on to the next project.

Mr. Baker: How much improvement has there been since the last raise. Because when you raise water rates, especially people who rent, their rent goes up because their landlord says they gotta cover this and they just cover costs from that. And I get why Columbus raised it because when Columbus built their second water plant I was wondering how much cost that was going to be put on the home owner and renter. If we're paying it, I just want to know what's the progress since we're paying extra for those amenities.

Mr. Sampson: We're playing catch-up. I think it's like 80% of our roads need some sort of level of rehabilitation. Water mains, we meet quarterly with our city engineer EMH&T and go through the 5 year capital improvement plan in great detail. What's coming up, what's changed, what do we have money for and reevaluate weather it's roadway, sanitary, stormwater or water. Are we making progress? Certainly. Being able to replace we had to bond the project on Main Street to pay for it, getting that work done was significant. That was an old line, there were quite a few leak issues with it, breaks with it and the same on Baldwin. Our goal is to simply chip away at it. We'd like to be in a position where we're proactively repairing it as opposed to having significant breaks that we've got to go in and take out sections of sanitary or water line to repair or replace. We're making progress.

Mr. Luzader: And we do that every year. We have a water-main maintenance plan just like we do the streets.

Mr. Hellman: We're mandated by the EPA to fix 5% of the city every year. And that's a mandate.

Mr. Sampson: And our goal is to not just meet but exceed that. We don't want our residents without water or having sanitary issues. We try to be as proactive as possible to accomplish that.

RESULT:	**REFERRED TO COUNCIL [UNANIMOUS]**	**Next: 11/13/2018 7:34 PM**
MOVER:	Brett Luzader, Ward 2 Councilmember	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Luzader, Baker, Bryant, Skinner	

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. --- Luzader. Public Service and Transportation Committee.

Mr. Sampson: The purpose of this legislation is to recommend to Council the wastewater rates for 2019. The current wastewater rate is $7.97 per 1000 gallons. The recommended 2019 wastewater rate is $8.29 per 1000 gallons. An increase of 33 cents per 1000 gallons. Again, this is a 4% increase and as I've said earlier, these rates do not change, increase or decrease over the course of the calendar year and there are no additional fees or increases to these rates throughout the year.

RESULT:	**REFERRED TO COUNCIL [UNANIMOUS]**	**Next: 11/13/2018 7:34 PM**
MOVER:	Brett Luzader, Ward 2 Councilmember	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Luzader, Baker, Bryant, Skinner	

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT ON BEHALF OF THE CITY OF REYNOLDSBURG FOR PLANNING, DESIGN OF AN ASSET MANAGEMENT PLAN; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN --- Luzader. Public Service and Transportation Committee.

Mr. Hellman: This is a possible chance for a loan forgiveness or grant. It's to apply to have the Mayor sign the WRSLA so we can obtain an asset management plan which is also mandated by HB 601 that says that we need to have something in place in the event of a catastrophe, what do we do, what do we follow. And the loan forgiveness is up to $10,000. We have to apply for the loan first, to acquire the forgiveness, that's how it works.

Mr. Sampson: We've got to pay for this regardless. My credit to Paul for the due diligence to find a grant program to be able to fully pay for it or assist in paying for it.

RESULT:	**REFERRED TO COUNCIL [UNANIMOUS]**	**Next: 11/13/2018 7:34 PM**
MOVER:	Brett Luzader, Ward 2 Councilmember	
SECONDER:	Stacie Baker, At-Large Councilmember	
AYES:	Luzader, Baker, Bryant, Skinner	

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE YMCA OF CENTRAL OHIO FOR OPERATION AND MAINTENANCE SERVICES FOR THE REYNOLDSBURG COMMUNITY CENTER. --- Luzader. Public Service and Transportation Committee.

Mr. Sampson: The purpose of this legislation is to approve the lease agreement between the City and the YMCA of Central Ohio. The term of the lease will be for 20 years with the option to renew for 2 10 year extensions.

President Joseph: How did we come up with 20 years with the 2 10 year extension option? Is that kind of standard?

Mr. Hood: Maximum allowable by law.

President Joseph: Ok and that's what we wanted the maximum? What happens if we were to do this the additional 10 years, what would be the process at that point.

Mr. Hood: If they choose not to renew, the building remains ours and they have to give us I believe at least 6 months, if not 1 years notice. But they are automatic renewal and all indications, I've not met anybody who has been a partner with them where they have not renewed at the agreement of both parties.

Mr. Sampson: And again 20 years, we kind of went back and forth and Jed went through the lease, but Brian Kridler, myself have had discussions that is it too long, is it not long enough, I've had feedback that after 20 years we may not want them, we may have gone a different direction, want to do it ourselves and so the options are on the table. We have the 20 year lease, they have the option to say we don't want to renew, we have the option to say we don't want you. It keeps the door open.

RESULT:	**REFERRED TO COUNCIL [UNANIMOUS]**	**Next: 11/13/2018 7:34 PM**
MOVER:	Brett Luzader, Ward 2 Councilmember	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Luzader, Baker, Bryant, Skinner	

ORDINANCE AUTHORIZING EMH&T TO CONDUCT SURVEYING, DESIGN ENGINEERING & BIDDING SERVICES FOR THE EAST MAIN STREET AND TAYLOR ROAD TURN LANE; APPROPRIATING FUNDS THEREFORE AND DECLARING AN EMERGENCY. --- Luzader. Public Service and Transportation Committee.

Mr. Sampson: This ordinance is authorizing the Mayor to approve our city engineer to conduct surveying, engineering and bidding services for the East Main Street and Taylor Road turn lane. The project will include the addition of dedicated turn lane from southbound Taylor Road to west bound East Main Street and the goal is to use TIF money for the construction and this will be done in 2019.

Mr. Luzader: The emergency is so we can have it ready to bid early next year?

Mr. Sampson: We want to bid this in sync with Palmer Road and for them to get at this late date get the engineering bids specifications done, we get a better price when we bid it all together like we did last year. We want to bid early to be able to maximize those good prices and again from a schedule standpoint to get it done before the weather that we have today. Exciting news we came under budget on the 2019 street program and I met with the Mayor several weeks ago and brought our contractor back out to continue some work on Main Street with the remaining funds, so yes, it's good to get ahead of schedule.

President Joseph: This is something that is desperately needed on my side of town. But out of curiosity was any consideration given to a turn lane coming from north bound Taylor to east bound Main because that can significantly back up almost as bad as the other direction and I'm just curious if that was under consideration or if it wasn't even thought up.

Mr. Sampson: That's the first I've heard of it Mr. Joseph, certainly any ideas on how we can improve traffic flow in the city, I'd be happy to sit down and talk about it.

Mr. Hood: Not to talk out of school, but that's part of the engineering process. They'll come back with some recommendations. One of the things we heard for the last few months is that the direction that they're proposing now, but EMH&T will come back with engineering with recommendations for the Service Director and then a project put together. The other thing I want to make sure you guys understand is these TIF dollars are available. They're not speculative, we have them on hand in the account to be spent in the Kroger area.

Mr. Sampson: And we are limited with what we can do with that money.

Mr. Spalding: I just think from a logistics standpoint, there's already 2 lanes going east. There's only 1 lane going straight and that one lane is also a right turn lane so putting in a right turn lane makes a lot of sense because now you can have a straight and you can have a right. So basically 4 lanes of traffic going in a southerly direction, that's good.

Mr. Baker: And add on to that there is already a light that tells you to turn, but if somebody's going straight, you can't make that turn anyway.

Mr. Sampson: I went out with our city engineer and we pulled the map from the county ensuring that we had the correct amount of right of way to be able to accomplish this without having to acquire land from Kroger.

President Joseph: This isn't from Kroger, it would be the other side. It's my guess property owned by the mobile home owner. If something like that would be proposed, I guess we would just have to deal with that property owner correct?

Mr. Sampson: Again, we would have to see how much we would need.

Mr. Clemens: I'm for it, I'm not opposed to it, I think we need it. As usual I don't think its an emergency, it could have been done a month ago and if Evans Mechworth can't do it tell em to put on another engineer. I mean I get tired of hearing that really. Waiting until the last minute and then well we're going to put it in with this, put it in with that. It's something you know is going to happen so there's no reason we couldn't have done it a month ago. I just get tired passing things as an emergency when I don't think it is an emergency now. I don't want to hold it up, but I'd like to see things.

RESULT:	**REFERRED TO COUNCIL [UNANIMOUS]**	**Next: 11/13/2018 7:34 PM**
MOVER:	Brett Luzader, Ward 2 Councilmember	
SECONDER:	Stacie Baker, At-Large Councilmember	
AYES:	Luzader, Baker, Bryant, Skinner	

105-18

ORDINANCE TO APPROVE PAYMENT OF SERVICES PERFORMED PRIOR TO THE AUDITOR'S CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY. --- Luzader. Public Service and Transportation Committee.

Mr. Sampson: I have black and blue knuckles from the Auditor's office getting my wrist slapped. This ordinance is requesting Council to approve payment to the design consultant for services on the Reynoldsburg Community Center YMCA. As the city's project manager for the center, the critical deadline that we had on schedule was the delivery of the construction document CDs. These CDs are turned over, will be turned over to Gilbane for the final guaranteed maximum price for our center. The deadline for the consultant was October 1st. This date was key to keeping the project on schedule and as the owners representative, I told the consultant that I would not approve any invoices until I had the deliverable in hand and time to verify sheet by sheet 200 sheets the contents. The consultant met the deadline.

Mr. Luzader: And I want to thank you for diligently waiting until we got all of those documents.

RESULT:	**REFERRED TO COUNCIL [UNANIMOUS]**	**Next: 11/13/2018 7:34 PM**
MOVER:	Brett Luzader, Ward 2 Councilmember	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Luzader, Baker, Bryant, Skinner	

LEGISLATION FOR SECOND READING

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 1183.04 USE REGULATIONS AND DEVELOPMENT STANDARDS OF CHAPTER 1183 PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT. --- Luzader. Public Service and Transportation Committee.

Mr. Bowsher: I know this is for a second reading but I was just hoping after speaking with a few of you if we could pass this and change it to an emergency either for the second reading or third reading, either is find just as long as we waive the 30 days. We have an application that is coming up to Planning Commission and I want to make sure that it gets its full attention if this were to pass to make sure it goes under the new rules.

President Joseph: It is your intention to send this for third reading but with emergency?

Mr. Luzader: Yes, that's my intent.

Mr. Clemens: I'm not, there's a section that I'm opposed to, but I'm willing to go along with as far as the density on these situations. I know that a lot of the programs that you want to bring in that they need it, they want it, but I do have a problem for the City Attorney, not a problem, but I want to know what it takes to override the Planning Commission on this. I don't want to go through what we went through before. I'm not crazy about...

Mr. Hood: It depends. 6 votes to differ from whatever the recommendation of the Planning Commission is, whatever that may be. But at no time will a zoning district be approved without at least a majority of the Council concurring together. So it depends. It depends if you want to make a little itty bitty tweak to one of the Zoning, and it doesn't have to be PND, that's just what we went through, but it could be for any Zoning District change. Any recommendation of a zoning district change made by the Planning Commission, triggers that provision in 1151.

Mr. Clemens: I don't have a problem because I know there are situations where it should be done. My problem is you're starting at zero and it could go up, but I'd rather have Council have it and go down. Now, that's my problem, everything, if there's no way to stop it, everything could come in.. you know, and not go to Council.

Mr. Hood: But the legal standard in a review of these in a 2509 appeal which would be basically somebody who is aggrieved that does not like Council's answer, and they file a lawsuit against us and we go to Common pleas court and we don't have a new trial, what they're going to ask me and I'm going to argue is that my Council did not make and arbitrary and unreasonable decision not based on facts or law. That's the answer and as long as you can articulate, like Mr. Luzader did or you have done in the past, specific reasons why you find it not to be within the code then we're going to be ok. That's our best case scenario. If you just say I don't like it or I don't want it or I think its great but I think it should go here, I don't think we're going to win that case. But if you can point at the specific examples and be very clear on the record why you find it not to fit the characteristics of the proposed district change is, we're going to have at least a puncher's chance.

Mr. Clemens: You know and I'm on these type, I'm elected, I don't really care what the court says to be honest with you. You know that. My problem is we're laying out there flat zero, and we're building it up from there. Now, I have no problem with that on certain projects, but not on every project and I don't know if every project will come back like that and I'd like to have Council have some, we were elected to make decisions, I don't want to put the Planning Commission in a problem.

Mr. Hood: I think when you talk about the 1183 PND type zoning, specifically, you go back to the purpose the Council ordained it. What's unique about that design, what is attractive about that design, what is cutting edge about that design. That's the kind of hallmark of that and if you stay within those lanes, I think you'll be ok.

Mr. Clemens: That's my only *** . I know there are situations it has to be done and there's probably one waiting right now and I don't think, you know, why would I want to vote as an emergency because somebody is waiting to come in here and build apartments. I mean, I'm not stupid, I may not be right, but I'm not stupid and that's the problem. All I want to know is I don't want to go through the situation we were in before. It dragged on. I may have to start coming to the Planning Commission meetings.

Mr. Hood: We're still working through this. 1183 has only been around for a year and a half. So, it's not been an ordinance that we've had a lot of experience with. Nobody wants to go through that.

Mr. Luzader: As I said 2 weeks ago when we first started discussing this, is this is just a band aid on something that was brought to light when the last PND took 6 months to finally come to a conclusion. I think Mr. Bowsher has already put into his budget to completely rewrite our zoning code to go along with our proposed comprehensive master plan. So when that happens, this will be addressed again.

Mr. Bowsher: Just to piggyback on that, yes we have budgeted that obviously we'll have that budgeting meeting soon. But yes we are bringing on Calfee Zoning his name is Shawn *** our steering committee for the comprehensive plan will stay on for the zoning code rewrite as you said Councilman Luzader, it is just a band aid fix to get us through to a more comprehensive zoning change and we probably will not need into the future PND because the code will fully enhance our future land use map that the residents of Reynoldsburg that we're excited about creating a lot of members here on this Council will help make as well.

Ms. Young: I'm not nervous to speak to you but my body doesn't react well but my name is Thaah Young, 9167 Taylor Road: You guys all know me and you know I am really happy your having this discussion tonight. I don't particularly like the way that it came about in a special meeting. I think that the public was not informed very well. Everyone of you know me, everyone of you have my email address, my phone number so. What's being said tonight though, and I'm not even going to address what I wrote, is I think that maybe you need to think about the community. Because the only thing that we heard as a community was that we're gonna pass this. We're gonna pass this. We have the power to pass this. Now, why are you changing code to eliminate the density requirements that you just passed in April of 2017, what changed? Because whatever Mr. Bowsher wants to bring in,

and I am so happy that this community looks like its growing. It makes me happy as a business owner, it makes me happy as a land owner. But my concern is, is if you had the power to pass whatever you wanted starting nine and a half months ago, why do you have to go and change this now and then change it again later on down the road. I have concerns. I have concerns that you cant go backwards. I also have concerns about everyone of you as individuals being sued by a developer if you do say no. You can be sued civilly. And that includes the planning commission. How, why would any developer in single family or multifamily developer, come into Reynoldsburg and not ask for PND. To avoid all of the regulations. The rules and regulations were put in place by this council, by the original people who started Reynoldsburg to protect us. Not only protect us from bigger governments but to also to protect the people and their interests. I have concerns that moving that around does not protect the people in the community because the planning commission during the last metro development on Taylor Road, I don't think there was anything unique about that project. I don't think there was anything that brought an enhancement to that project to our community. I think it was a great project. I think it would have brought a lot of money in. I have one planning commissioner tell me the only reason he changed his vote was because of the TIF money. That's not enhancing our community, that's not helping our school systems. That's not allowing the private property owners who have invested interest in this community to have a voice. And I think that if you change this requirement just because there might be somebody coming that you already have the power to say yes or no to. Regardless, you have the power to say yes or no. But if you take away the density in this PND, that's the only voice the community had in the last development. Because our concerns were not an issue, they just weren't heard. Now you guys all can have different opinions about that but that's how we felt. I do appreciate your time, I would be very careful about changing this, I think you open a very big door that you cannot shut easily. You open the City to a lot of sued. I truly believe that. The other thing I have to say is, is from 1970 to 1999 and I went through the records that Mr. Bowsher gave me on the apartment complexes that were built with very high density, those apartment complexes are failing. Your having to create a whole new department to be able to regulate that. Think about it, high density. I am all for high density in the City in certain areas. I am all for improving this community, making money and seeing people happy and prosper. But I am not for thinking about letting the rest of the community as we age, I want my grandchildren to come here, I want them to want to be in this community. I think that's what we all want. I appreciate your time, thank you.

Mr. Luzader: Thank you Ms. Young. Next speaker is Mr. Mark McKenzie.

Mr. McKenzie: Mark McKenzie, 1014 Lancaster Avenue. Yea in fact President Joseph asked me to address the Council because after the last meeting I had an interpretation when there seemed to be some confusion about whether this would require three readings or not. And so I have come here to address that and I just pointed out to him that by my interpretation of the charter that this being a zoning code ordinance would still require three readings even with the change to 411b and also 1151. And so that's just it, it just section 404, each ordinance and resolution so, that would be read on three different days occurring within, with at least one week between readings and this is still an ordinance. 411b states that the council shall by ordinance or resolution, establish procedures for review of ordinances including this. But that definition of review is not made. And its not clear that a reading and a review are the same thing, that their interchangeable terms. And I don't believe that

they are. Its certainly its going to be a difference than a councils review of a zoning variance made by BZBA, this is an ordinance. This has more general application. And so I don't think a one meeting review is really sufficient, even if you take that, I think very odd, interpretation of the charter. So I believe that these zoning ordinances still require three readings. I also don't believe that a reading constitutes a review, so last time three weeks one day ago, you had a reading of the title, I for example did not hear a review of the ordinance at that point. And if your going to be doing a review you might ask things like what, why was this zoning instrument developed? Not just hear in Reynoldsburg but because Mr. Snowden did not just create this by himself, he took it from elsewhere. And in fact I know what the original intent of this particular instrument was and it was for these large scale, because its planned residential development district, these large scales, multi use complex development such as we heard Mr. Bowsher point to on the, you know land use planner, new development plan and what we've gotten so far from these planned residential development district applications have been two very conventional modelethic apartment complexes. And on the commercial side we've gotten one corner gas station out of it. And I believe Mr. Bowsher's not, its not his problem, because these were started by Mr. Snowden. Was that this is just being used as an end around, around our quantitative zones. And so while I think that if we want to actually to implement the master plan that we presented tonight, these planned development districts are going to be needed but not in the way that they have been used so far. Thank you. Any questions? No, thanks.

Mr. Luzader: Thank you Mr. McKenzie. And the last speaker I have is Mr. Robert Barga. And I see he is gone so. And I'm not going to speak for him so (LAUGHTER).

INAUDIBLE

Mr. Luzader: Certainly. You can just give it to me if you want, yes. Please state your name and record for (INAUDIBLE) in the microphone please.

Ms. Grimes: My name is Linda F. Grimes and I live at 1370 Reserve Drive, Reynoldsburg, Ohio 43068. When I got the notification that this meeting was in place today, I noticed that a decision had been made with regard to removing the density limitation in parking. My concerns are very similar, actually similar to what Thaah said and also the other gentleman. The only reason we were able to put forward our ideas and our concerns was due to the density primarily and the parking. If those things are removed, then that's gives INAUDIBLE to anybody coming in. And I can look out my back window and see theoretically anything, because then I cannot successfully argue for anything other than what you all would have permitted that developer to do under planned development. And if the concern and you all are tasked with looking at us and our community and concern for the people who live here, then I really don't know why you all would decide to remove caps on density and parking. To me that's not logical. What it does is it, and when I thought about it, I thought about visions of sugar plums, promises of money. And yes, everybody wants Reynoldsburg to grow and to development to mature to welcome new people and business but not at the cost of the people who live here currently. Not a the cost of the people who pay taxes, who attend meetings, who show a true interest at what goes on in this community. That's really all I had to say because the only thing I can see driving it is money. And money doesn't necessarily the receipt of money, should not drive

what you all decide, permit in the City. And still have a concern for the people who live here. Thank you for your time and that was all I wanted to say.

Mr. Luzader: Thank you Ms. Grimes. Are there any other comments from member of committee, members of council? If I could just elaborate for a minute. I was one of the people that actually talked to Mr. Bowsher about this. And I was one of the strongest opponents of the last development based on the density and the garage requirements. From my perspective as a councilman and the reason I was actually a proponent of this change, is we hired a development director to help improve the City, with thee certain restrictions on there I feel we are tying his hands to a certain point. Now for me, if a development were to come in, I don't care who it is, but its a development that looks like junk but they meet all the density requirements, garage requirements, parking requirements everything. As a Councilmen I am going to have a hard time saying no you cant come in. Because your meeting all the requirements. But if a development comes in that is something that's extraordinary that's really going to improve this City and we have these density requirements in here, I have to argue the same argument that argued against the metro development. And I think in that perspective were tying our Development Directors hands. Now true this is a band-aid, this is not going to be in effect forever. I agree you cant go back you cant go forward. But this is just a quick fix until we get our entire code rewritten. And that's all I've got to say, if anybody else has any comments, Mr. Clemens.

Mr. Clemens: Yea, you know I appreciate you opinions from last time but what makes you think its gonna change? You know, we changed all these with Eric and she's right. We're changing everything that we did. Why are we doing that. Then we're gonna change em again. What are we doing? Do we have somebody now that wants to build something and we want to change this real quick and suck em in there, is that what its about? That's what I want to know, is this what were doing? We want to do this quick. Because we got somebody that can come in there with a low density and we want to give them that. I mean that's what bothers me when we come in with things like this and also want to end up with them as an emergency and so forth. There's gotta be something behind it. These people are right. They saw what happened, they went through this now they are seeing what they did all be destroyed. That's the part I look at.

Mr. Luzader: All I know is I've had assurances from Mr. Hood that its still would just take four votes on Council to...

Mr. Clemens: That's what I'm trying to get him to say, if he would stand up and four votes and you got (INAUDIBLE)

LAUGHTER

INAUDIBLE

Mr. Hood: I would echo a couple things, I advised you, it seems like months ago now. Not to deviate from the standards that you have ordained and put in place for any developer, because its the law. I

think Mr. Young actually mentioned that one time when he spoke. If you want to change the law, that is absolutely your purview and that it what they are asking you to do now. For whatever reason, you guy have to decide INAUDIBLE Mr. McKenzie's what, why, you know, should, could, whatever. So, but it would also say, one of the things that we did get submitted to us under the BZ zoning district, was that farmhouse development, the single story. No I'm sorry, was it two stories. Two stories, single family homes, small developments. Didn't meet all of our zoning because, and that's why we used the PND. And I think all of you thought that, that was a great looking development. That was new and fresh and innovative, and that's what I think the purpose of the PND zoning is supposed to do. So, if your gonna differ from the planning commission, you need six votes, ok. Whatever the difference is, whatever that recommendation is, approve, approve with conditions, approve with no conditions, approve with a million different conditions, some of which you don't like. You need six votes t change that. But if there is not a majority at all, no zoning district change happens. There's gotta be at least four that agrees with the zoning district change or nothing happens. Ok, that's what I can say in certainty because that is the black letter, what we call black letter, that's the absolute language right out of the ordinance. That's what I know.

Mr. Clemens: Yea, that's what I wanted. I wanted to know the difference between four and six.

LAUGHTER - INAUDIBLE

Mr. Hood: Two.

Mr. Luzader: Hey I thought you didn't do math.

LAUGHTER

Mr. Luzader: Ok, so now is there any further, Mr. Young. Do you have a question?

Mr. Young: Yea.

Mr. Luzader: Yes.

Mr. Young: Aaron Young, 9167 Taylor Road SW Reynoldsburg, Ohio. If we get rid of the density requirement here in this law, that's the one thing just kept us coming back because that was our contract between us and our government. And it was protection put in there, in place for the citizens of Reynoldsburg, that's part of the reason its there. I think getting rid of the requirements, the zoning requirements written in there about the density is taking protections away from the citizen and kind of making this body a little more of a Banana Republic. Versus we have a contract with protections in place for the citizens cause its only gonna matter whose up here as far as what get passed or not. And as far as putting forward and emergency vote for this or motion, its just like the last time, it wasn't our fault that the developer applied for PND when the PND specifically said the density couldn't be this high. So if that's happening again, what's to say about the developer saying ok here's the law, the contract between government and citizens but were going to apply anyway sand see if we can work around it. That's a little bit of a Banana Republic if we just keep going forward with

that. And we will just keep coming back and coming back but its only going to matter, the power is not with the citizens anymore or the contract the law as it is. It'll be up here. And its not supposed to be that way in a Republic. Another thing I'm going to say about density in our City, in our community is right now we have open boarders. We don't know whose coming into this country. They are not good people, there is some good people. But I have seen what happens with immigration. You can give me that look but I've seen what happens over Europe. Alright. You don't know whose coming across but its been driven by the UN and there is a lot of money behind it and there a lot of reason behind it. Ginther last year passed an executive order, no one can ask in the City government what your status is as far as being here legally. Reynoldsburg City Schools council or their school board, were not going to ask anybody if they are here illegally or not. Ok, we will be able to respond to that. But that's what I read in the paper and if you want high density, you ant to put all that stuff across the street from us who are in this neighborhood. If you want the neighborhood to last, we need to be careful about it, protect our citizens, keep our citizens in mind. Because we pay for it. I mean that crime we heard about, its awesome the way it turned out. In that life wasn't lost but that was right here is our community and I don't know where that comes from but that is here. So, we've got issues but we don't want to make those issues worse. Were right next to a sanctuary city and all your asking for is higher density. I mean just cramming people in. And there's a reason for that and its going somewhere. And I caught 2030 and we'll probably be talking about that a lot more here because we will have to be looking into INAUDIBLE we have to be careful, this master plans is part of 2030. I want to commend this City though for looking at the Taylor Road and Main Street intersection. Its very good. I'm glad you guys took the initiative to do that, thank you very much.

Mr. Luzader: Thank you Mr. Young. So with that are there any comments from members of committee? Ms. Bryant.

Ms. Bryant: What is the ETA on having the zoning re-edited, as a result of the comprehensive master plan?

Mr. Bowsher: Currently, Calfee Zoning is doing there diagnostic currently of their current zoning code. We're taking little bits of pieces that do work, basically holding it. But pretty much its a complete overhaul and then next year will be the second iteration of that, that were tying to budget for in the development department. And we have a rough ETA of about this time next year, so it will be about a year long process as similar to the comp plan.

Ms. Bryant: So essentially we're looking at a quote un-quote, band-aid for a year?

Mr. Bowsher: Absolutely. That is just to get us by, as Mr. Hood had pointed out, we get a really nice development such as the farmhouses or some of the other projects that I'm already working on our comp plan, the last thing that I want to do is stop the really great development that we have moving forward into the City because we cant actually do it.

INAUDIBLE

Mr. Bowsher: Not if there is restrictions on it though.

Mr. Luzader: Excuse me.

Mr. Spalding: Come in, no no no, were out of order.

INAUDIBLE

Mr. Joseph: Yes, and Chairmen I suggest we wrap this up, this is well over three minutes.

Ms. Young: I asked that question, what stopped you from voting any development in PND, up or down. You have the power to vote anyway you want, the code does not stop you from doing that. The code is only as good as you want to make it or as bad as you want to make it. That's the question.

INAUDIBLE

Mr. Luzader: Thank you Chief. There any other discussion on this item.

Mr. Clemens: Just one thing. You know I want to make it understood, I'm not against the density. I'm saying that it could come to council and we could control whether its up or down. I mean that's not, I'm just saying to pass a law that is there you know is different than council making the decision that lower density or high density. We can do the change, I mean that not opposing that we get rid of everything. I mean I know that we have new structures that should come to Reynoldsburg and things like that and I'm not opposed to them. I'm just saying to be flat opposed to everything, the density is there, it doesn't come up, it stays down or, that's the part I'm against.

RESULT:	**REFERRED TO COUNCIL [UNANIMOUS]**	**Next: 11/13/2018 7:34 PM**
MOVER:	Brett Luzader, Ward 2 Councilmember	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Luzader, Baker, Bryant, Skinner	