

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
November 10, 2008

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

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

The Invocation was given by Mr. Hills, who also reminded everyone that November 11th was Veterans Day and to please say thanks to a Veteran. Mr. Hills led the Pledge of Allegiance. Minutes of the regular Council meeting held October 27, 2008 were approved without objection.

Mr. Clemens moved to add "An Ordinance Adding Chapter 1190 Stream Corridor Protection Zone to the Codified Ordinances of the City of Reynoldsburg", and to add "An Ordinance Adding Chapter 1194 Historic Commercial Overlay and Chapter 1195 Community Commercial Overlay to the Codified Ordinances of the City of Reynoldsburg". Mr. Joseph seconded; the amended agenda was approved with all voting "Aye". Mr. Hills said the items would be number 19a and 19b.

Community Comments and Requests:

Michael Hof, 2461 Craftsman Circle: Good evening, I'm Michael Hof representing Taylor Square Condominium Association. Members of the Council, around February of this year, a preconstruction meeting was held concerning Reynoldsburg and a group from the Donald Kelly Construction Group. A building permit was applied for and during this meeting I guess, they were seeking to join our retention pond, our storm sewer system with our, the storm sewer system for the Taylor Square Condominium Association which is a private retention pond. Evidently, the building permit was reviewed by the City Engineer. They asked if, in fact, this Donald Kelly Group had received permission to tie into our storm sewer system and it was stated then that they hadn't and the City said, ok, you need to go back and get your permits and then come back and we'll issue the building permit. So they had some lawyers, we had lawyers talk to each other, but nothing was ever signed, nothing was ever agreed to. In the meantime, the construction, the building permit was already granted, construction is taking place. They have tied into our retention pond. Of course, in June we had 4 ½" of rain, June or July and again, over the next three or four months, we've had more rain. Needless to say, we now have a retention pond that has approximately 12" of fresh silt in it. It's ruined, damaged, whatever. It's kind of an eyesore. We hired a company to come out and give us an estimate on how much it would take to clean this retention pond up. They're estimating that it would take \$38,000 to clean it up plus the cost of possibly a new pump. We have tried to contact the developer's attorney. They obviously, it's in their best interest to ignore us, because they've already got the building permit, they can proceed and we're kind of stuck in the middle and we're asking for some assistance from the city, whether it's revoking or suspending the building permit, or some assistance to help us, a) get our retention pond cleaned up and sort of undo the wrong that's been done here which it's, I think the city just assumed that this was already taken care of. There were no documents that ever passed back and forth between each other.

Mr. Hills: Mr. Hof, before I ask if there's questions, because I know that I and others have been asking questions and I'm not sure that we're always getting as clear of answers as I would like, but that often happens in a situation like this, and it often happens with contractors and I'll stop there.

Mr. Hof: Okay.

Mr. Hills: But you did mention that there was a preconstruction meeting. Was anyone from your Association at the preconstruction meeting because you made the statement that they were told they had to go get that agreement and then all of a sudden a permit was issued. That's not quite the way I've heard it so that's where I was, I was under the understanding that it wasn't told to go get it, it was, they may have said that they had that agreement already. Now, I was not at the meeting....

Mr. Hof: Right.

Mr. Hills:and some people can be at the same meeting and hear different things. But I did want to clarify and you're under, it's, you were told that they said that you can't do anything 'til you get this agreement?

Mr. Hof: We received a letter from an attorney trying to work on an agreement to...

Mr. Hills: Okay, okay.

Mr. Hof:to join forces here and to join the two developments together which we rejected.

Mr. Hills: So there could, could have been the possibility that some of those discussions were going back and forth....

Mr. Hof: Correct.

Mr. Hills: Before there ever was the meeting that would have been, go build your building.

Mr. Hof: Correct.

Mr. Hills: I certainly will open the, does anyone have any questions from Council? Mr. Clemens, Councilman Clemens.

Mr. Clemens: Yes, I, it was very simple. Was there anybody from the city at the preconstruction meeting or not? Anybody know or...

Mr. Hills: Does anybody want to address that? I don't know who was at the preconstruction meeting. I've just two different stories about what happened there and so if somebody was there, they could tell us.

Director of Engineering Miller: Yes, there were numerous people at the preconstruction meeting. Myself, Matt Roth, Lucas Haire and I'm going off the top of my head, I know Chet was there,

Mark Kipp, Larry Ward, Pam Boratyn, I believe that's everybody from the city that attended that meeting.

Mr. Clemens: Okay, the question is, was there anything said about this or was there a discussion pertaining to this or not?

Mr. Miller: Yes, we did ask the developer for an agreement that showed that they were allowed to connect to that retention pond.

Mr. Clemens: Did they have it?

Mr. Miller: They provided a document that we handed to the City Attorney to review.

Mr. Clemens: Okay, was it signed by the Homeowners Association or?

Mr. Miller: I don't recall it being signed by this Homeowners Association. It was an agreement that I believe, and Jed correct me if I'm wrong, was between all the landowners of that parcel, once it had been subdivided.

City Attorney Hood: My understanding, the document that was provided to the city was the bylaws of the Condominium Associations which they adhere to, to provide certain shared services such as these. The assertion that was made to the city that Matt Roth, my Assistant, told me, was that they proclaimed to the city that they were going to join the Condominium Association, which they had a legal right to do, per the bylaws. That's what I explained to you all a week ago or so. That assertion turned out to be either misleading, misrepresentation or blatantly false. The story that we're getting now from the Glen at Taylor is that they are choosing or trying to provide apartment living as opposed to condominium living. Well, that is a violation of the bylaws that were provided to the city. So they are now choosing not to join the Condominium Association and that is the precipice of the issue, the way I see it.

Mr. Clemens: Okay, can I ask a question, not you Jed but to Mr. Miller. If this wasn't an agreement, was the permit issued on the premise that the agreement would be signed or did that make a difference?

Mr. Miller: Well, when I saw the agreement that was provided, I didn't know the answer to that question. I'm not familiar with the bylaws and that is why I handed it over to Matt Roth and to Jed to review. So I don't know if that answers your question.

Mr. Clemens: Well, no. In other words, was the permit issued on the premise that the agreement would be signed? That's the only question that I'm asking.

Mr. Hood: The building permit was issued based on the specifications that Mr. Miller reviewed that the plans would convey adequate capacity to move along storm water. That was first and foremost, so the plans were correct and secondarily, the assertions that were made to the city that the Glen at Taylor was going to join their Condominium Association and thereby sharing the cost to maintain said utility.

Mr. Clemens: In other words, it made no difference then whether they belonged to the Association or not. They could still go into the storm water system, is that what you're saying?

Mr. Hood: I'm sorry, it makes no difference....

Mr. Clemens: Yes, it made no difference then...

Mr. Hood: No, it makes absolutely every difference. That was the crux of the conversation. If they would have told us that there was a) no agreement with their Condominium Association and b) they had no interest in joining their Condominium Association, we would not have issued a permit.

Mr. Clemens: The only thing I was bringing up was, if they hadn't joined it, why was the permit issued, period. I mean by saying you're going to, doesn't really mean anything. You know that and I know that.

Mr. Hood: Well, I understand that Mel, and they had a legal right to join the Condominium Association.

Mr. Clemens: Correct.

Mr. Hood: That was the assertion made by the Attorney that represents the developer. Like I said, it was either a blatantly misleading statement or a false statement, but that's the precipice of the issue now. Now the thing we're talking about is the legal remedies that are available to these folks and I've talked to their attorney that represents the Condominium Association. Mr. Zitesman explained to me that he had forwarded a copy of the potential agreement to the Glen and I'm trying to get Mr. Bernstein together with him so they can come to the table and negotiate a sewer agreement.

Mr. Clemens: Then we are working on it and I know that you had said that last week.

Mr. Hood: Yes.

Mr. Clemens: So, we are in the process of trying to nail this down to help you out.

Mr. Hills: Would you please give your name and address?

John Geist: My name is John Geist and I live at Taylor Square and I was the President of the Condo Association and I'm sorry about my voice. I've had laryngitis but I was involved with this whole thing from start to finish and here is a letter from the law firm, right here with the storm sewer agreement which we didn't sign because everything on here was to their advantage. One side, there was nothing for us at all. There was nothing about paying us to use the pond, use our storm sewers, anything, and I told the guy, I said 'this thing's ridiculous, why would I sign something like this' so he just quit talking. There is....

Mr. Hills: Excuse me. What is, so we can try to get, because there's just so many time frames here, what's the date of that letter?

Mr. Geist: February 6th. Right about when you had your preconstruction meeting of '08 and I also got a letter here, let me go through it here, got a lot of papers.

Mr. Hof: One other comment here, our bylaws specifically state that if you're a member of our association, there's no more than 25% of our units can be rented out. So by them becoming a rental, rental group, there's no way they can join our association.

Mr. Hills: Mr. Hof, let me, let me try, because this can get real tangled real quick. I don't believe from what I've been able to ask from around here, I don't think any time when the building permit was issued or any of the meetings, there's ever been a discussion of rental units. They were, they were, occupancy owned units. I understand that only within the last two or three weeks has it become rental. Now I'll be very candid with you, the developer that is doing this is, those statements have been made to this city before. It's going to be owners, but it ends up as rentals, okay. I'll be very candid with you, I'm never pleased with that. We don't get to pick and choose who comes into our city, but we should be able to remember when they do come and they don't do what they've agreed to do, that they're really not welcome back and I'm not sure we can get there and I know I can't get there legal-wise, but I don't have any problem pointing to something that is inappropriate and saying 'Mr. Kelly, you haven't done a good job here. It's about time you get to the table and make what you've done good and if you can't comply with what the regulations are which are better than what I'd heard is 25% rental rate then maybe you ought to go somewhere else, go back to Columbus, go back North of Broad where you keep them for three years and sell them off, take your money and go home, because I'd just a soon you weren't here'. Now Savko won't even speak to me because I said the same thing about them fifteen years ago when they were building Taylor Road but I guess, I'm old enough, it doesn't matter who I offend at times. I hate saying it that way because I don't try to be a hothead but I, I have, I sympathize when, I think Council does with you all on this, and I'm hoping that Administration and I'm, knowing that the City Attorney, we're going to do our best to be sure that agreements are read. Now I think the bottom line was, are they going to be in your retention pond, are they going to be in your storm sewer, so yeh, because you've got documents that you all live there that do allow those things to happen. I guess the good part of it, it's only that little block of land that was left. It's not any bigger than that but that was structured that way it could be added on to. Now, I think I better shut up before I say more than I probably should have said. Mr. Clemens, did you have some other questions?

Mr. Clemens: No, no, no because I think Jed's handling it. It's really simple if they've backed out of an agreement that the city thought they were going to do then I think they have a case against them and I think we have a case against that we can make some changes, but I think it's _____ and Jed's working on it and I'm sure that....

Mr Hills: I would encourage that you talk to both Administration, the Mayor, and Mr. Hood, the City Attorney but what's being said is, you may have to step forward and be the front person because it's your property. That could be because we're not here now. I will, I will say, my personal opinion and my opinion of President of Council, if a building permit was issued, it

appears that was issued on mis-statements at best, if not lies, made to the City. Now we've had a good working relationship with developers in this city. That's why we've grown the way we have. This one didn't seem to go very well. Now, I realize there's a lot of restrictions people feel they're under in this city, but I'm going to tell you now, as President of Council, as a member of Council and as a citizen, if it has been misrepresented in the way that everybody's alleging, my preference would be seeing no inspections done on that property, no occupancy permits given, so why go ahead and keep building....

Mr. Geist: That's right.

Mr. Hills:if we're going to get you all to the table, but you're all going to have to be there too. And it isn't going to be all cake, you may have see some cake and there's not any icing. Everybody's going to pay for this because of what's happened. Now what I want to see is that it's an awfully nice area over there that you live in and I certainly don't want to see just non-constructed things sitting there either. So we need to get together but I think it's going to take effort on everybody, you all, them and also representatives of the city and it is a private dispute. It's so easy, it's private and we're not going to have anything to do with it but in this case, I read it as, we may have incorrectly or inappropriately said go ahead and do something, because they had committed that they had it or would have done it and it certainly appears that they did not. You've got some legal, you've got some letters, we haven't seen any of those that obviously are of some of the negotiations. You may want to talk with the City Attorney and the Mayor about those things to see but, this, this raise any questions. Councilperson Kelly do you...

Mrs. Kelly: I have a question. Mr. Hof, if they had joined the Homeowners, the Condo Association, how would that have affected your retention pond? If they had joined it and people moved in or whatever, how would that have affected your retention pond?

Mr. Hof: One, one of the stipulations in our Association is that if that area were developed and they were a part of the Association, there probably would have been a second retention pond.

Mrs. Kelly: Okay.

Mr. Hof: Which, you know, they're going to lose revenue if they put in another retention pond.

Mrs. Kelly: So part of that, if they would have joined the Homeowners Association, would have been that they then would have built a second retention pond to handle the new construction.

Mr. Hof: Plus, they would have shared the cost of cleaning up, obviously, the construction mess that they've created.

Mrs. Kelly: Okay. Thank you.

Mr. Geist: I do have a letter here that I signed, they sent in way back in August of 2007 formed from their attorney that says 'consent to waiver of expansion rights' which they wanted me to sign because they told me flat out that they did not want to belong to our organization because they were going to make that a rental community. He told me that in 2007 to my face.

Mr. Hills: I don't think, I don't think he told our people that in 2007.

Mr. Geist: Well, I'm sure he didn't.

Mr. Hills: And I guess, can, and I don't know, I may be stepping over the limits, City Attorney, Mayor, you throw something at me. I think it could be beneficial if we had copies of some of these if you would like to provide them for us. You can leave them with the Clerk and I can assure you, she'll make copies and you can get them back tomorrow, I think. Clerk, am I right?

Clerk Frazier: No, tomorrow's a holiday.

Mr. Hills: Oh, it'd be Wednesday but I mean, if you want to do that, we'll make the copies for you.

Mr. Hood: President Hills, I think the Mayor would agree that it's going to be difficult for any developer to obtain occupancy permits when they have blatantly misled the City. Would you agree, Mayor?

Mayor McCloud: Yes, absolutely.

Mr. Hood: And I think that we're going to work towards a resolution in this matter. I feel very confident that we can reach resolution.

Mr. Hills: And I feel, I'm hoping we can too, so I think that's what the goal that I've been and upset the people around here over the last three weeks about but I'm just, some of these documents I'm hearing would indicate that some of the statements that were made to us in '08, were blatantly incorrect if you've got documentation from '07 saying we weren't going to do it. Now we, and this was with the Condo Association, all I'm saying, it would be nice as we take our position, that we have information that has been surrounding Mr. Kelly and his other groups and attorneys and they're offering it to us, I'd like to have those copies. It makes it easier for the Mayor, easier for the City Attorney to at least make reference to hear some prior communication.

Mr. Hood: I think that would be very beneficial.

Mr. Hills: Okay, if you can do that and we will not lose any of them. We'll get them back to you.

Mr. Geist: The only, the last thing I have to say, I came over here last Summer and was probably over here five times talking to the Building Department and let's see, all these people's names. Who's your City Engineer? Miller?

Mr. Hills: Yes.

Mr. Geist: And I left my name every time on a post it, or a card, and told them to put it in the file and whenever the meeting came up to notify me. Not once was I ever notified.

Mr. Hills: Those things, I think that certainly the Mayor would like to take a look at and that's why if we have some of this, we can and it's, we are where we are. How we got here, I'm not sure, what we do to correct other than trying to prevent future damages that may be incurred from the situation that's gone so far.

Mr. Geist: I'll tell you, when they had the preconstruction meeting, when they came out and said, have you reached an agreement, you can't just take somebody's word, you've got to say, show me the agreement and, and.....

Mr. Hills: Well, well that, in hindsight, I would agree with you but I guess what I'm saying.....

Mr. Hood: I disagree with that Sir. This city has been built on handshake agreements. We've had very good relationships with developers and I will work very hard to resolve this one but we do not, we do not resort to that in making agreements for the City. We do take people at their word and maybe sometimes to our detriment, and I said that I will try to resolve this as best I can. Even though this is a private matter between your association and the Glen and I will use my office to get a resolution for you but this city had stood and will stand and continue to use handshake agreements and take people at their word when people try to develop in our city and we're going to be accommodating to folks who try to do that.

Mr. Hills: Councilman Stake.

Mr. Stake: Thank you President Hills. I just, I just have a question to try and clarify for me. Is it Don Kelly or Don Kenny?

Mr. Geist: I have Donald Kelly.

Mr. Stake: Kelly. Okay.

Mr. Hills: Now I may be apologizing to everybody. I'm not sure it's the same person who built the condos over at 256 behind Culver.

Mr. Stake: It wouldn't be, it wouldn't be.

Mr. Hills: It is or is not?

Mr. Haire: It is not.

Mr. Hills: Is this, is this gentleman, is this individual ever done any work in the city before Luke?

Mr. Haire: Yes.

Mr. Clemens: Uh, huh.

Mr. Haire: Yes, Taylor Ridge.

Mr. Hills: Taylor Ridge?

Mr. Haire: Single family homes.

Mr. Hills: The Townsend homes?

Mr. Haire: The Townsend Buildings.

Mr. Hills: Okay. He just likes condos now?

Mr. Geist: Apartments, evidently.

Mr. Hills: Had a deal, right. Okay, any other questions from anybody and I, I, for what it's worth, it's too late now but I don't think it's the same person that has mis-stated the same way and built condos, built rentals where he had said there in, owner occupied but that's what I had said. I wasn't even sure I knew who this was but, it's not who I thought it was. I'll stand on my Savko, I better leave Donald Kelly alone and this one, this one is somebody that I guess he ought to be with the other two. So, but, and if you would like to leave the file with the clerk, we will certainly take care of it.

Mr. Geist: Thank you.

Mr. Hills: Now, does that raise any questions from anybody in Administration or anybody else that wants to address Council? If not, I'm sure we'll keep you posted and let us know if, if it isn't moving forward.

Mr. Geist: Thank you.

Mr. Hills: Thank you.

Communications- - Clerk read report from the Clerk of Court - Monies collected from the Courts held during October 2008, \$44,273.50. Also collected during that period pursuant to City Ordinances #146-94 and 104-02 - \$3,148 for the Computerization Needs Fund; and \$135 for the Enforcement and Education Fund.

Reports: Mr. Hills said the City Auditor was ill and would not be giving a report.

ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF REYNOLDSBURG ADOPTED BY ORDINANCE NO. 131-95 ON NOVEMBER 27, 1995 AND AS SUBSEQUENTLY AMENDED - East Side of Summit Road; from Unzoned to S-1 (Special District); 68.571 acres; applicant, Board of Education of the Reynoldsburg City School District, Fairfield, Franklin, Licking Counties, by Ronald A. Strussion- - Clerk read ordinance by title for the first reading. Mr. Hills set a Public Hearing for December 1, 2008 at 7:00 p.m. in Council Chambers. Mr. Hills said he would like to note that normally when Council has a re-zoning or a zoning, somebody representing the entity requesting the re-zoning or zoning is in attendance; that the schools should be contacted to make sure someone is present to answer any questions.

ORDINANCE ACCEPTING THREE UNRECORDED DEEDS OF EASEMENT 1) sidewalk .012 ac; 2) sanitary sewer .375 ac; 3) sanitary sewer .064 ac. TR/Taylor Development, LLC- -Clerk read ordinance by title for the first reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING MAYOR TO EXECUTE LETTER AGREEMENT WITH TARGET CORPORATION REGARDING GABION RETAINING WALL PROTECTING REYNOLDSBURG MUNICIPAL SEWER LINE, BLACKLICK CREEK CONSERVATION EASEMENT AREA AT TARGET STORE PROJECT; AND APPROPRIATING FUNDS THEREFORE- -Clerk read ordinance by title for the first reading. Item referred to Service Committee.

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

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

ORDINANCE TO MAKE A FINAL APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF REYNOLDSBURG, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2009 AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the first time. Item referred to Finance Committee.

ORDINANCE AUTHORIZING THE CITY OF REYNOLDSBURG TO PAY RATE INCREASE FOR THE MONTH OF DECEMBER 2008; AND TO PICK UP PARTIAL PAYMENT FOR REFUSE SERVICE FOR CITY OF REYNOLDSBURG RESIDENTS DURING THE MONTHS OF JANUARY THROUGH DECEMBER 2009 FROM THE SOLID WASTE FUND AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the second time. Item referred to Service Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (a) of Section 953.01 "Water Rate Schedule" OF CHAPTER 953 WATER CHARGES AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the second time. Item referred to Finance Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (c) of Section 945.02 "Rate Schedule" OF CHAPTER 945 SEWER CHARGES AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the second time. Item referred to Finance Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR HEALTH SERVICES- -Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

ORDINANCE ADDING CHAPTER 1190 STREAM CORRIDOR PROTECTION ZONE TO THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG- - Clerk read ordinance by title for the second reading. Item referred to Service Committee.

Mr. Hills: I would ask again, as I did before these went out, there were a number of questions we had at Council before this went to Planning Commission. I understand that they're going to do their best to get the minutes into our packets this week so we'll see what was discussed at Planning Commission; and I will note on both #19a and #19b, I understand we'll have what we call the memo from the Clerk, because there were a number of things that she came across and is going to be sure that we codify those in writing, so that as we have this starting again after the second reading in Committee, we need to be sure that all the issues that were brought up, and are going to be brought up, are addressed.

Mr. Clemens: Now this will be in no hurry to be passed, I mean it can be held until everything's discussed.

Mr. Hills: I would say that there is further information coming to Council that they will want to look at.

ORDINANCE ADDING CHAPTER 1194 HISTORIC COMMERCIAL OVERLAY AND CHAPTER 1195 COMMUNITY COMMERCIAL OVERLAY TO THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG- - Clerk read ordinance by title for the second reading. Item referred to Service Committee.

Mr. Hills: The same statements that I made earlier hold on this one also. There is additional information that we need and we will be addressing that.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (1737 Brice Road, proposed use - childcare center); applicant, Shana Jackson- - Clerk read ordinance by title for the third reading. Mr. Clemens said committee had recommended denial; and moved adoption. Councilperson Kelly seconded. Mr. Hills said while denial had been recommended, the motion was made for adoption, meaning a vote 'for' the ordinance would pass it; and a vote 'against' it would deny it. With the roll called, members voted: Mrs. Kelly "Nay"; Mr. Joseph "Nay"; Mr. Clemens "Nay"; Mr. Stake "Nay"; Mr. Deskins "Nay". Motion failed; ordinance denied.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AGREEMENT WITH THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY (Director's Final Findings and Orders)- - Clerk read ordinance by title for the third reading. Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea". Motion passed; Ordinance No. 71-08 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 543.02 "Trimming/Pruning." Subsection (d) AND SECTION 543.04 "Noxious Vegetation to be Removed or Destroyed." Subsection (d) OF CHAPTER 543 TREES AND NOXIOUS VEGETATION- - Clerk read ordinance by title for the third reading. Mr. Clemens moved to amend to the redraft date of November 7th. Mr. Joseph seconded. With the roll called, members voted: Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea". Motion passed; ordinance amended. Mr. Clemens moved adoption. Mrs. Kelly

seconded. With the roll called, members voted: Mrs. Kelly “Yea”; Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mr. Stake “Yea”; Mr. Deskins “Yea”. Ordinance No. 72-08 adopted.

Meeting adjourned at 8:10 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council