

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
OCTOBER 24, 2005

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

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

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

Minutes of the regular Council meeting held October 10, 2005 were approved without objection.

The agenda was approved.

Community Comments and Requests:

Mr. Gladstone: Good evening, President Hills. My name is John Gladstone. I live at 9161 Rustin Lane, Reynoldsburg, Ohio. I'll make this real brief. I know the city has just purchased property on Summit Road. I would just like for Council, when this comes for development and zoning, if you could make the developer pay for the speed bumps on Summit Road. I don't know if you've ever been on Summit Road but, cars are already holding time trials out there. Basically, racing up and down that street. I know the city can't stop the cars from speeding and racing up this road, but if this is a house development, it would slow them down and keep the new homeowners safe in this little small area, and at no cost to the city. Please keep this in mind and into consideration when this does come to you for development. Thank you very much, and have a good evening.

Mrs. Curnutte: President Hills and Council members, my name is Joan Curnutte. I live at 6739 Bartlett Road and I'm co-chair of the Concerned Citizens group. Several members of the Concerned Citizens attended the October 20 meeting of the Board of Zoning and Building Appeals. Based on that meeting we would like to share with you, some observations and concerns. The applicants did not appear prepared to answer important questions from the board. The lack of detailed information from the applicants compromised the board's ability to make, and form decisions. Some board members were noticeably uncomfortable voting when applicants could not provide adequate answers to their questions. Some applications were approved even though significant issues were not addressed to the board's satisfaction. When accepting applications, we believe the Building Department staff should work with the applicants and advise applicants of the importance of being prepared for board meetings. We believe that the applicant should be told that if they cannot clearly address all board concerns with appropriate documentation, the application will be delayed until the next board meeting.

In one case, the Zoning Officer stated that the Building Department had worked extensively with an applicant. However, that applicant still was not able to answer all the board's questions. We believe the Administration should verify that the applicant has documentation and can answer all expected questions before putting the application on the agenda. Typical board questions could be determined from the minutes of past meetings on similar issues in conjunction

with the code requirements. One board member has missed five of the last nine board meetings held so far this year. Last year, at least one applicant waited three months for the board to have enough members present to rule on an application. We believe board members who are unable to attend meetings regularly should be replaced so that the citizen applicants do not suffer the effects. One board member told an applicant that the board just advises Council, and Council makes the final decision. However, according to statements by the City Attorney, Council just endorses, or overrides the board's decision. The board may need to be reminded of how serious its decisions are, and of those decisions' impacts on the city's interests.

We have also heard different opinions from various city officials as to the effect of the BZBA rulings; and we think the city should be speaking with one voice. Also, BZBA approved two bar applications along Main Street, site of the multi-million dollar Streetscape. One board member said that because Reynoldsburg allows smoking and Columbus doesn't, we can expect to see many more bar applications. We don't know what control the city has over the number of bars in an area, but we would appreciate knowing how to obtain that information. If the city has no control over the number of bars in one location, we would appreciate knowing that as well. We do not know what efforts the city is making to develop businesses other than bars along the Streetscape, but we believe a strong effort should be made before the locations all are filled with bars and non-commercial entities. We would be pleased to work with the city to this end. Finally, Reynoldsburg's history shows that previous Councils and administrations have worked very hard, and spent millions of tax dollars to develop East Main Street, Brice Road, and Livingston Avenue as major commercial corridors. Some of the recent decisions by the BZBA are counter-productive to that effort. We would appreciate knowing what effect, if any, Reynoldsburg development history has on current BZBA decisions.

Thank you for this opportunity to express our observations and concerns. We would be pleased to assist the city in any way possible. And if you have any questions, I will try to answer them.

Mr. Hills: Questions from anyone on Council? Mrs. Newman.

Mrs. Newman: I just have a comment. I just want to thank Mrs. Curnutte for her very lucid observations and suggestions, and I agree with everything you've said. Thank you.

Reports:

Mr. Hills stated that Item 9a, Mike Rankin, Co-Chair for the Central Ohio Amber Alert, was rescheduled until November 14, 2005.

Mike Bradley, COTA: Yes, thank you President. I'd like to pass out some handouts of what I'm going to speak of. Mr. President and Council members, what I'm here to talk about today is COTA and our long-range plan. I would like to recognize as well, Dan Reichard, who's one of our board members who is sitting up here today. Probably most of you are familiar with, and he does represent Reynoldsburg. But when Mr. _____ took over as our CEO of COTA, he established with the board, five objectives. One was to restore COTA's financial _____ in operations. The second was to restore COTA's reputation. The third was to negotiate the

labor contract. The fourth was to complete the draft and environmental statement for the north corridor project. And the fifth one was to develop a comprehensive transit plan to meet the needs of all Central Ohio. So what I'm here today to talk about is that transportation plan. We are going around to the various area commissions, Planning Commissions, City Councils, and we are going to be holding public meetings in the region in Central Ohio. And what I wanted to share with you today is what we are going to do in that regard. Some of the goals if you will, of COTA, is provide a safe and secure transit system offering accessibility and mobility in choice for residents in Central Ohio; use public resources effectively and efficiently, and address the needs of populations of a special need, like the ADA community; and achieve broad public support for the need for investments. The only way we're going to do that is to go out and get public input and to make it part of your plan and part of our plan. In the planning process, what we want to do is basically go through three phases. The first is to come out and tell you we're working on the plan, and do some analysis and work with the community and get their input before we do anything. And in each one of these phases, whether it be the data analysis, the primary alternatives, or we come back to the community and get more feedback to the final development of the plan that will occur between January and April, we'll have six public meetings in each one of those segments around Franklin County. And you can see on the back of that handout that I provided you, the first four are scheduled. The other ones will be up on the COTA web site, but there will be six. Two in the downtown and four in the suburbs, in order to get that public involvement that we are looking for. There are several components to the plan.

One is our fixed route service that probably most people are familiar with. It runs on a regular basis with schedules and times. This particular one detects one of our 40 foot buses. And in the process of developing a comprehensive plan, what we look to do in the future is try to increase those service levels. Whether it be the span of service, or whether it be the frequency. We really want to provide better service to the community. It could be a circulator, it could be the local, it could be the cross town, it could be the express bus service. That's one component of the plan. Another component that really people are becoming more and more aware of and using more of our service, is paratransit. And paratransit is a service that we provide. It's required by the federal government. And what we have to do is provide service. If we have a route, and you're within 3/4 of a mile of that route, you live geographically within that distance, and we have service in that particular road, or wherever it is, we have to provide paratransit service if you qualify for the service. For instance, and I always use examples, if we have service out to Reynoldsburg from 6 a.m. to 10:00, and it's on Main Street the whole way in, if you live within 3/4 of a mile of Main Street, we have to provide paratransit service. Another example would be though, if we only provide service from 6:00 in the morning to 10:00, and then we start up at 4:00 and go to 8:00, that window between the service, we do not have to provide paratransit service. So it gives you a good idea that we are mandated by the federal government to provide paratransit service for our aging, elderly community.

Some of the other things that we want to point out is looking at components like intelligent transportation systems. Today on our buses, we have a global positioning system. We can tell where there are buses that are early, where they are late. We can tell where they're in service, where they're en route, where they're not en route. And what that does is, it allows us to be more efficient in planning our bus network. In addition to that, we would like to have real time information arrival. By having GPS, the next step is to have real time information where you can walk up to a major bus station and you can see on a display board, that next bus will be there in 2 minutes and 20 seconds. And it will be real time. As that bus gets closer, it'll be a minute and 50 seconds. And you'll be able to tell where that bus is and when it's coming. And then you can get

it, if you have a palm pilot that accesses the internet and their web site, you can get on and click on a particular stop, and that particular stop will tell you when the last bus was there and when the next two buses are coming. So it makes it very convenient for the rider moving forward. Also signal priority that adjusts pretty much the traffic signals. What that is, is it basically gives the mass transit a little more priority over the highway vehicle so it can be more expedient and offer better service to the community. We also are looking at different plan components. This is a fixed guide way. And fixed guide way means, by the Federal Transit Administration terms, that we have more than 50% of that route in exclusive right-of-way. One of the projects that I mentioned, one of our goals is the north corridor project. We don't know whether it's light rails, street car, bus rapid transit, yet. But it will be more than 50% in a _____ corridor. Because of that one criteria, you can apply for federal money and get up to, as the law is written, 80% of the money for a project. Now the FTA doesn't give you that much in Federal Transit Administration, but they have been giving projects 50 to 60%. Our plan for the north corridor has always been to get 50% of the capital cost for that project from the federal government. Now again, we're going to be looking at this for the whole Central Ohio. Our taxing district. And whether it be a light rail, whether it be a street car, whether it be a bus rapid transit, or commuter rail or heavy rail, we'll look at those options and what best fits the particular corridor is what we would lay out this long range comprehensive plan for.

And lastly, public involvement program. Again, we want to have public meetings like here and inform everyone and try and get as much input and process into this long range plan. We also are going to surveys, have focus groups. Then you can go on our web site as we start updating when these public meetings will be occurring around Central Ohio. Again, there's going to be three phases to this. So they'll be input at the very beginning like now before there is a plan, to a primary plan, and then approval of the plan. And it'll be a community input in order to reach consensus to get that plan approved. With that, I'll answer any questions you may have.

Mr. Hills: Any questions for Mr. Bradley? (No response). Seeing and hearing none, we do thank you. It is informative as to what you would hope to see happen. And I do appreciate the fact that there is going to be public input, because it seems like when you all do that, you get quite a range of information that comes forward, I'm sure. Thank you very much.

The next report, and I do have one other after this one, but the next report is from the Safety/Service Director.

Mrs. Reichard: Thank you President Hills, members of Council. You should have received an outline, I think we sent via e-mail to you, about what we were going to report on tonight. It may or may not have been more information than what you wanted, but Jim did send it in outline form. And we're here to answer any questions you may have. But also, Jim's going to give a brief overview of the information that was sent.

Mr. Nolan: President Hills, members of Council. It's a pleasure to be here again tonight and let you know how we're doing on the Streetscape project so far. As you know, Complete General got Contracts A and B on the project and Environmental Management is doing the landscaping, irrigation Contract C. I'll refer to that, Complete General has finished the installation of the water line on the north side of Main Street. Also, the duct bank with the exception of the lateral crossings, which will go across to the south side, and storm sewer is complete on the north side.

Over the next month, you'll see the lateral crossings installed. Across the street, you'll see work beginning on the curb and gutter on the north side, and you'll see AEP starting to install conductors across the street, and starting to work towards the installation of the transformers and the switches just on the north side. The main milestone that many business owners have been interested in is one of the traffic lanes going to be restored. That handout indicates the 15th of December is our current target to restore all of the traffic lanes on the north. At that time, there will be a traffic lane closed on the south side to begin SBC's lowering of the duct bank. Just indicated in the report, a few issues and challenges. Starting in the next couple of weeks, AEP will start the duct bank crossings to be formed at night. And we're hoping and expecting that AEP will not have to respond to any of the hurricane response needs. So far we've been very fortunate that they've been able to stay on site with their crews. And actually, we're a little bit ahead of schedule with what AEP was forecasted to do. We had a successful business owners meeting a couple of weeks ago at Tim Horton's. And we have another one scheduled here in a couple of weeks at Fazoli's, at which time, we intend to invite the business owners to specifically address some of the specific landscaping designs that they have. Saying that, I would just open up the floor to any questions you may have.

Mr. Hills: Questions? Mr. Baxter.

Mr. Baxter: Yes, President Hills. I have three questions. First one I'll start off with, the condition of the road on the south side of Main Street. I've known it's been deteriorating as we've all focused that much traffic on that side, and I have real concerns that as the weather changes, and we get colder and start seeing the freezing, that we're going to have some real issues trying to get traffic up and down Main Street. Do you have a contingency plan, or is there something in the plan to try to address these very quickly and keep on top of them?

Mr. Nolan: There are quantities in the contract already for some temporary pavement repair. If we see that need arise, we can certainly authorize that work to be done immediately.

Mr. Baxter: Okay. And that's being directed by the city? Are we watching it and then letting you know? Or who's watching the roads at this point?

Mr. Nolan: Well, I think that would be mutually monitored certainly by our inspection personnel, but also by the administration.

Mr. Baxter: Okay. Great. Second question, if I can go on is, dealing with change requests, how are we handling that at this point? I'm sure you're receiving some already. You've had a couple of issues going through. How are we handling the change requests and how are they being authorized? Is there a process in place?

Mr. Nolan: The contractor does submit change requests to us in the form of different site conditions, or unforeseen conditions. The other side of that is, we also issue our own change requests to the contractor for changes. We've already made a couple of revisions to some of the signs. The process is, we issue the request for proposal, the contractor submits his proposal. We review and make a recommendation to the administration. Of course, it's Mrs. Reichard that has that approval authority on the change order.

Mr. Baxter: Okay. Great. One of the reasons I brought this up is, during our last project, one of the lessons learned we had was, boxes, huge boxes, showed up in the middle that were kind of ugly, and the response came back, 'well, we have a right to put it somewhere within that area'. Who's watching that so we don't end up with a big old green box stuck out in the middle of Main Street?

Mr. Nolan: We have done I think, a painstaking job this time of exacting the layout, and the careful design of all the transformers with the junction cabinets, keeping them as far back out of the right-of-way, actually right on easements so that they are going to be much less conspicuous.

Mrs. Reichard: If I could just add, I actually walked the project. I've done it a couple of times with AEP just to make sure that we know exactly where the riser poles are, where all the green boxes are going. We are far more cognizant of it this time to make sure that they were back away and not as obtrusive as they were before.

Mr. Baxter: Very good. Thank you. And I think my last question here if I may, is dealing with the entrance and exits to those businesses. My own experience, I wasn't able to get out of the bank. Because you had all these construction pylons and stuff out there, the old orange barrels. You had nowhere to go. I had to back it up and come out through the light. But is there somebody keeping an eye on the entrance and exits to all these businesses to make sure that they have ingress and egress?

Mr. Nolan: Not only our inspector, but also the superintendent. We've been highlighting the need to delineate very clearly, the edges of those driveways by the orange barrels. So if there are any cases where some of those have been dislodged by traffic, which is often what we're seeing, that some of those delineators are getting knocked off into ditches, it's a matter of maintenance. And that's what we're being challenged with, but I'll bring that up.

Mr. Baxter: And I'm sure these are all challenges. I'm just making you aware of, just my own experience, I'm trying very hard, and I'm sure our citizens are trying very hard to be on Main Street and give our support to those businesses. And I've been talking with the business owners and the biggest complaint is, they can't get in and out of their own business. And at times throughout the day, that changes. And it needs to understand that we need to be very focused and have our contractors focused on making sure that we support those businesses and have a way to have their patrons get in and out.

Mr. Nolan: Absolutely. And one of the project requirements is the maintenance of all the driveways at all times. Even when the driveways are installed, they have to be maintained and to be built half at a time.

Mr. Baxter: Alright. Very good. That's all I had.

Mrs. Reichard: Let me just make one more comment about that. What I've seen from when we first started out, and everybody complained, and it was a hassle getting used to it and all that sort of thing, the business owners have been wonderful letting us know. Do I need that extra little sign to say that my business is open, etc.? We're open to all of that and help them with that. But the

other thing that I've noticed recently is, we're allowing people, we're giving them the opportunity to be courteous. And by that I mean, in the areas where the flashing light, getting in and out of businesses, I'm seeing people actually stopping and letting people in like I've never seen before. And so it is, in today's society, and what we hear from the police department and from our neighbors when people are speeding on our residential streets and everything, this is really refreshing to see this. Because the more of it I see, it seems to roll over when, if you let someone in, then a couple of cars down, they're going to let someone in. So I think it's working pretty well now. Because our business owners, and we had our last meeting, not one complained about traffic. Our former business meetings, that's all they complained about. So, we're pretty happy about it.

Mr. Baxter: If I could follow up on the traffic if I might? I did get a suggestion from two of the business owners that I spoke with that during the rush hour, they would really appreciate if we had an officer or somebody out there by Rosehill. That to them, it was nuts. You can't get a single car in and out. Like to your comment, people are being very courteous. I did see that for one car. But there's 30 of them backed up there. Okay? Both directions and going all the way down Main Street. If there is some way we could keep that traffic area open and maybe have some officers there to keep an eye on it during the rush period. I'm not suggesting the whole day obviously. But we need to have a way to resolve that congestion. Especially as you loop in and out around that corner there to go to the single section.

Mr. Nolan: We have increased the law enforcement presence during rush hour, both in the morning and at lunch time. I agree. I've seen a marked increase in some civility out there, but we will continue to monitor that and we can increase the presence and maybe extend the hours a little bit.

Mr. Baxter: Specifically around the Rosehill area is where I was addressing. Because that's where the two businesses were talking to me about. It's like, it's terrible there. Mostly at night though. Thank you.

Mr. Hills: Other questions? Mr. Stake.

Mr. Stake: Thank you, President Hills. I just have a couple of comments. One is, I appreciate Mr. Nolan and Mrs. Reichard providing a written report prior to the meeting this evening as you requested. I appreciate that. Thank you. And the other thing is, to follow up on what Mr. Baxter said, I think it's important that we recognize the fact that we need to continue to patronize the businesses along Main Street. As painful as it may be sometimes, we really do need to patronize those businesses and try and be courteous to people getting in and out of those businesses. I've noticed as well, some people stopping and letting folks out. I've also noticed some people maybe three or four cars back, getting upset and going around everybody. But I think we do need to continue to patronize the businesses and be courteous while we're doing that. Thank you.

Mr. Hills: Any other questions? (No response). Seeing none, thank you all very much for the report.

I do have one final report. 9d is Mr. Clemens.

Mr. Clemens: Yes. My report's on an Administrative function that I do want it worked out. And it has to do with the Special Exception Use Permit that we issued with special restrictions on it recently. It has to do with the business on Main Street in Old Reynoldsburg. The motorcycle shop. Now, I've had a lot of calls on this and I've checked it out myself. They've been in violation of the restrictions that we put on that Special Exception Use Permit that we gave them and nothing's being done about it, and I expect something to be done about it. They're parking their vehicles for sale inside the restricted area that we've required not to have anything parked in. Now, we enforced this on the past owners of that business. And I expect it to be enforced on the present owners of the business. Now, I would hope that the Administration would send them a letter telling them of the violations that they've been in in the past. And we expect them to conform to our Special Exception Use Permit and the restrictions that're required. I think it's only fair. And I think it's something that's controlled by the Administration. I think it's something that should be looked into immediately. I don't expect to receive any more phone calls on it because it's something that we control and I expect it to be controlled. Thank you.

Mr. Hills: Okay. Mr. Stearns, did you have a question?

Mr. Stearns: Yes. Thank you, President Hills. I would like to comment, too, on what Mr. Clemens says. I have noticed it also. And I did make a phone call to the Police Department and they told me that the Code Enforcement Officer would be checking it out.

Mr. Clemens: The Code Enforcement Officer, I don't believe handles this. This is handled by the Safety Department. This falls under their jurisdiction. So it's nice if they both check it out.

Mr. Stearns: I reported it to the Police Department, so they should know.

Mr. Clemens: Well, they better check it again. This falls under the safety code. Okay?

Mr. Hills: I think it's a violation of a city ordinance. And I think it is a citational type ordinance.

Mr. Clemens: That's correct.

Mr. Hills: So I think it does take a police officer. But certainly, any time the Code Enforcement Officer can also stop by and remind them they're in violation to get it corrected, that would never hurt. Questions, comments? Mr. Baxter.

Mr. Baxter: Mr. Hills, President Hills, thank you. I'd just like to make a couple of comments on this as well. And we can do a better job as our business owners come into the city, helping them understand some of the more frequent offenses. If you see in the documentation we get showing all the different code enforcement issues, there's certain things that always seem to come out. The number of signs, how they're displayed, where they're allowed to put them. There's certain things we ought to be talking to. And I'm sure we are. I don't know if we are or not. But those are things that are just up front. You see them all the time in every one of our packets, every time we get them. And in this case here, this was a well-publicized issue. It's a well known fact that you're not supposed to park your motorcycles out there on the parking lot as a display area. As well as up the street. I saw a car dealership up there past Brice. They also know they're not

supposed to put their cars out there at the street either, but they're still there. And I don't see anybody making an argument about that either. Both are conditions that are breaking our ordinances and need to be looked at. So Code Enforcement, Police, I don't know where it's supposed to be. I thought you were right that that was Safety/Service. But these issues are all about. And you see them with the signs, on the side of the street. Pizza, \$5.00 off. Those don't belong there either. We need to enforce all of our rules. Not just one on a particular business, but throughout the city.

Mr. Hills: Safety/Service Director's present tonight. So is the Mayor, so I'm sure that they have both heard and hopefully will follow up on these issues.

Mr. Clemens: The only reason I brought this item up is, that we approved it as a Special Exception Use Permit with these restrictions in it. Period. So it's the law as far as that's concerned on this one item. I agree with what Mr. Baxter said. I know there's other items and there's other situations that we have that could be looked into. But this one here is a Special Exception Use Permit with restrictions that's been approved by Council.

Mr. Hills: And this Special Exception Use Permit would not have been issued without those restrictions. So therefore, it was an agreed upon thing with the business owner that they agreed to comply with that. Mr. Stake.

Mr. Stake: Thank you, President Hills. And I believe when the applicant was here, they were made aware of the restrictions and agreed to them before us. So that's what I recall. Thank you.

Mr. Hills: Mr. Baxter.

Mr. Baxter: And as a follow up to that, I do remember asking, are there any changes to this Special Use Permit that the applicant might want. And the answer was, no. It was fine the way it was.

Mr. Hills: Okay. Any other questions on Mr. Clemens' report? Was that a hand up Mr. Beougher? Or was that a thought?

Mr. Beougher: I have a thought that I'd like to share. I'm not sure I know the answer but, does anybody else remember whether the name of the establishment was on the application for the transfer of the Special Exception Use Permit? Because if I would have seen that name, I certainly would have contested it more strongly.

Mr. Hills: Big Mama's Motorcycles? Yes, it was.

Mr. Beougher: Was it on the application?

Mr. Hills: Yes, it was.

Mr. Beougher: Alright. Thank you.

Mr. Hills: Alright. With no other comments on Mr. Clemens' report, we will move on to item 10.

Clerk read motion: That the Council of the City of Reynoldsburg does hereby adopt the Resolution of Support for Red Ribbon Celebration Week signed and dated October 24, 2005. Mr. Beougher moved adoption. Mr. Stearns seconded. All voted "Aye". Motion passed.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO A "MASTER SERVICES AGREEMENT" WITH INTERSTATE GAS SUPPLY, INC. FOR PROVISION OF RETAIL NATURAL GAS SERVICES FOR THE GOVERNMENTAL AGGREGATION; AND REPEALING AND REPLACING ORDINANCE NO. 81-03 PASSED OCTOBER 13, 2003; AND ALSO REPEALING AND REPLACING ORDINANCE NO. 96-03 PASSED NOVEMBER 24, 2003; AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Clemens asked that the item be referred to Service Committee. Item returned to Service Committee for further discussion.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR BARTLETT ROAD STORM RELIEF SEWER, APPROPRIATING FUNDS THEREFORE, AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; Ordinance No. 83-05 adopted.

ORDINANCE TO AMEND VARIOUS SECTIONS OF ORDINANCE NO. 32-05 PASSED MAY 9, 2005 WHICH ENACTED CHAPTER 907 "COMPREHENSIVE RIGHT OF WAY MANAGEMENT POLICY" AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; Ordinance No. 84-05 adopted.

ORDINANCE ADOPTING "GENERAL RULES AND REGULATIONS" FOR THE USE OF THE RIGHTS OF WAY OF THE CITY OF REYNOLDSBURG, OHIO IN ACCORDANCE WITH CHAPTER 907 "COMPREHENSIVE RIGHT OF WAY MANAGEMENT POLICY", AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; Ordinance No. 85-05 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR PARKS AND RECREATION DEPARTMENT (Sports Officials, Recreation Supplies, and Maintenance Supplies) AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; Ordinance No. 86-05 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 971.08 "Program and Facility Fees And Charges" OF CHAPTER 971 MUNICIPAL PARKS- - Clerk read ordinance by title for the first reading. Mr. Baxter moved suspension of the CRC Section 4.04 three reading rule. Mr. Beougher seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; rule suspended.

Mr. Baxter moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; Ordinance No. 87-05 adopted.

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

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

ORDINANCE MAKING APPROPRIATION FOR FIRST PAYMENT ON \$8,055,000 CAPITAL FACILITIES BONDS, SERIES 2005 (Commercial Corridor Revitalization Phase II, and Taylor Road Reconstruction)- - Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING THE REYNOLDSBURG DIVISION OF POLICE TO CONTINUE TO ACCEPT "GANG RESISTANCE EDUCATION AND TRAINING" GRANT AND APPROPRIATING FUNDS THEREFORE- - Clerk read ordinance by title for the second reading. Item referred to Safety Committee.

ORDINANCE AUTHORIZING MERIT INCREASE (2%) FOR JULY THROUGH DECEMBER 2005, FOR THOSE ELIGIBLE EMPLOYEES COVERED BY CHAPTER 160, AND APPROPRIATING FUNDS THEREFORE **AND DECLARING AN EMERGENCY**- - Clerk read ordinance by title for the second reading. Mr. Stake moved to amend the ordinance as redrafted 10-19-05. Mr. Beougher seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; Ordinance No. 88-05 adopted.

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 - southeast corner of Lancaster Avenue and Slate Ridge Boulevard; from CC to PD and CS; applicant, Preferred Real Estate Investments II, LLC and C&T

Slate Ridge LLC c/o Jill Tangeman, Esq. (18.96+/- acres)- - Clerk read ordinance by title for the third reading.

Ms. Tangeman: Thank you, members of Council and President Hills. I wanted to make just a couple of quick comments because there had been some information circulated I think, after our committee meeting, and also some questions that had been raised. First I wanted to state, because it had appeared in the paper, there are no apartments as part of this proposal. It is for owner occupied condominiums only, and they will all be for sale. The second was that we were requested to investigate regarding sidewalks on both this application and another site that's being developed currently by Preferred Real Estate. We are already proposing for this application that there will be sidewalks on Slate Ridge Boulevard. I believe that's required, and they're shown on our plan. And there are already sidewalks on 256 in front of the commercial area. Those will remain. So as part of this proposal, we should have public sidewalks as needed. We looked into the proposal that is for the other site that's being developed by Preferred Real Estate. And it's our understanding that the City of Reynoldsburg is already under way in some plans to do some pads around Livingston House and some areas there to provide some walking areas. What we have suggested, and would like to make part of this application is, that Preferred Real Estate would commit to giving a \$15,000 donation towards that project to help provide sidewalks around Livingston House as the city sees fit. We thought that, we'll certainly assist in whatever real property needs to be acquired. I know that Mr. Corbin said he will work with the city to get the condominium, Office Condominium Association approval if you need to cross his property as well. But we wanted to make that financial commitment as part of our application this evening to help with whatever sidewalks around Livingston House are needed. Finally, I'd just like to comment, we have worked very diligently with the city and the staff trying to address concerns and comments. We have a traffic study that's approved by your engineer. We have gotten your approval from the Fire Chief on the roads and access points. We believe that this is a beneficial application for the city that will provide significant, real property tax dollars that will benefit the schools without adding any stress to the system. There's no real loss in income tax. It's equivalent in terms of income tax revenue. Ultimately, we believe that this development will bring a lot of synergy to that area. It will bring hopefully, some young professionals and a new group of people to the Reynoldsburg area so they have an opportunity to patronize businesses and to bring some real value to the city. Right now, this site has no standards on it. They can come in with a Building Permit for any commercial use, and you have no control over that. We're giving you architectural commitments. We're _____ objectionable uses. We're providing you with natural materials, landscaping. This we believe will be a beneficial use. We appreciate all the work that the staff has done with us trying to come up with a good project, and we look forward to being part of the City of Reynoldsburg. Thank you.

Mr. Hills: Thank you. Are there any questions for Ms. Tangeman? Mr. Stake.

Mr. Stake: Thank you, President Hills. Do you know how long this piece of property has been on the market?

Ms. Tangeman: It's actually been zoned since the early 80's. I think they have been actively marketing it for the last 5 years roughly. There have been a number of developers who have looked at this site. As you all know, it's a unique piece of property. Access is very difficult. And any of the, Continental Real Estate, there were a few others that looked at this property, and

access was a real issue in order to develop this site entirely as commercial uses. And most of them, or all of them, have walked away from the table feeling that they just could not make it (Tape Change). I think that, immediately along 256, much like this proposal, you'll probably see a couple of users. But to see that entire site developed commercially, just isn't financially feasible, given the access issues and the configuration of this site.

Mr. Stake: Thank you. And do you know, has there been any opposition from neighboring property owners?

Ms. Tangeman: No. There has not been. In fact, we provided you earlier, the Redman Condominiums that immediately are adjacent to this site. Their association provided us a letter in support. Mr. Corbin met with them early on in our application process and they were very happy to see a transitional use, I think is as they termed it, as opposed to having their condominiums back up immediately to any kind of commercial use. So they saw the condominiums as a very positive transition for them.

Mr. Stake: Okay. Thank you, President Hills.

Mr. Hills: Any other questions or comments for Ms. Tangeman? Mr. Clemens.

Mr. Clemens: First, I'd like to correct that. There has been opposition from the Donley development.

Ms. Tangeman: We have since spoken with the Donley family, and they have told us that they have removed their opposition to this development and that they are comfortable with the project going forward. I believe Mr. Corbin spoke with the family this week.

Mr. Clemens: That's something they haven't told us. First, I'd like to thank Jill. I think you've done an excellent job for your clients. But to be fair about how I feel, and I feel a little different than I did when I spoke to begin with, this is one of our largest, and probably last CC - commercial sections of town. I hate to see it be reduced to what your plan indicates. And we have reduced our CC in the east end of town, one of our bigger districts. We've eliminated that. To eliminate another section, I just don't feel, and my feelings, and I'm going to speak about myself, that this is a proper and correct way to do it. But I do want to say that you have done an excellent job for your client, and I respect you for it.

Ms. Tangeman: Thank you.

Mr. Hills: Mrs. Newman.

Mrs. Newman: I agree with what you say, Mr. Clemens. I don't think that property would be that difficult to develop for somebody that could be a little creative. You know, it is flat after all. Even if it is pie shaped. And I think that it would make a good commercial development, and my main objection to it is the fact that it would be removing the CC zoning. And we really do need that property to be developed commercially. That's all I have to say.

Mr. Hills: Any questions or comments for Ms. Tangeman?

Ms. Tangeman: Again, we have given you income tax and real property tax projections. We have looked at what happens to this site if it's developed commercially. We have used the due diligence numbers from other developers who have looked at this site, and they cannot get the value out of this site that you are expecting or hoping for. The reality is, that if this site's developed as all commercial, it's not going to generate the real property tax dollars that you think it is. With the mixture of development, and the synergy between the two projects, you're able to generate 26 million dollars in real property tax that doesn't exist there today. And there's really no significant damage in terms of income tax. It's a pretty, roughly equivalent numbers in terms of income tax. So even if this site developed entirely commercially, what you would be getting out of it is no different than what you would get today with our proposal. And in fact, it would really be less. You'd get less in real property tax dollars than you're going to get under our proposal. We've gone through these income tax numbers. We've given them to you. We've given them to Dr. Whitney. We've tried to make them as real as we can make them. And we feel confident that this is going to be very beneficial for the city. And again, you could develop, even if you could develop it all commercially, which I question whether you could, given the fact that every developer who looked at this site met with the City Engineer, and every time were told the access was going to be drastically limited. And every time, the retailers that were interested in this site walked away from it. United Dairy Farmer walked away from it. Some of the mid sized retailers like Staples, Linens and Things, walked away from it because of access issues on that site. Mr. South and South Development is willing to work with the access constraints on this particular site. But as you all know, even we have dropped the number of access points that we were originally proposing for this particular piece. So I think it is a real challenge, and it has sat vacant for some time with no real interest in this particular piece. This is a real project. You know that Mr. Kenney works quickly, and so does South Development. They will get in. They will get the development done, and that means dollars in the city's pocket.

Mr. Hills: Mrs. Newman.

Mrs. Newman: Yes. I was somewhat concerned about the projected number of residents who earn their income in the City of Reynoldsburg. I believe Mr. Whitney said that it was 25%. Well I think about 20 some percent of our residents are retired. And yes they would earn their income in Reynoldsburg. They get the social security check or retirement check. So I think that number could be quite misleading. One you quoted last week.

Ms. Tangeman: We worked with Dr. Whitney to verify those numbers. He's your city employee. He's your City Auditor. I think that's the best that we can do in terms of giving a projection on that issue.

Mrs. Newman: I still think it's misleading for the reason I stated.

Mr. Hills: Okay. Mr. Clemens.

Mr. Clemens moved to amend the ordinance to add the overlay text received on October 6, 2005. Mr. Stearns seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr.

Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; ordinance amended. Mr. Clemens moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Nay"; Mrs. Newman "Nay"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed; Ordinance No. 89-05 adopted.

Request by President of Council for an Executive Session to discuss pending, and imminent litigation.- -Mr. Hills said appointment of a public official; and appointment of a public employee, would also be added as topics for the Executive Session. Mr. Clemens moved to recess for Executive Session; Mr. Joseph seconded. Mr. Hills said those attending would be elected officials and the Clerk of Council. With the roll called, members voted: Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea". Motion passed. Mr. Hills said following the Executive Session, Council would reconvene only to call the roll and adjourn. Council recessed at 8:26 p.m.

Council reconvened at 9:50 p.m. With the roll called, members responding were: Mr. Joseph "Present"; Mr. Clemens "Present"; Mrs. Newman "Present"; Mr. Beougher "Present"; Mr. Stake "Present"; Mr. Stearns "Present"; Mr. Baxter "Present".

Meeting adjourned at 9:50 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

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