

SAFETY COMMITTEE MEETING MINUTES

October 20, 2003

Members of Safety Committee present: Mel Clemens, Ron Stake, Lane Beougher. Councilman Jim Wade was absent.

Other members of Council present: Sarah Cannella, William Hills, Eric Gilbert, Council President Bradley L. McCloud.

Mr. Clemens: I'd like to call the Safety Committee meeting to order. The first item on the agenda is the approval of the minutes of October 7, 2003 Safety Committee meeting. Do I have any additions or deletions? If not, they'll stand approved. The next item is approval of the agenda. I would like to add as 3a, 1202 Crestview Drive, a discussion. I'd like to add as 3b, Streetscape report. It has been requested that the Mayor would like to give a report on this. Are there any other items anybody would like to add to the agenda? (No response). If not, I'd like to make a motion to add these to the agenda. All in favor, say aye. (All voted "Aye"). Opposed? (No response).

The next item on the agenda would be 3a, discussion on 1202 Crestview Drive. Mr. Gilbert.

Mr. Gilbert: Thank you, Mr. Clemens. Members of Council, I became aware of a letter that was circulating in the neighborhood around the residence of 1202 Crestview Drive that had expressed some frustration in regards to residents ability to obtain some type of progress in regards to this property. It has been vacant for some time. I know there is a fairly voluminous file that the Administration has in regards to some of the efforts that have been made on this property and I had spoken with the Mayor and just asked that he give us an update on regards to this. The house is vacant. There's some question as to (inaudible). Inquiries as earlier into the year. I know myself have contacted either the Building Department or the Street Department to have the lawn mowed on several occasions this summer. And I just think it's important that we get it out in the public as to what steps we are taking at this point in regards to this property. I guess I'll just ask the Mayor to just give us a report on this.

Mayor McPherson: Thank you, Chairman Gilbert. Let me read a memo that our Building Department gave to Sharon Reichard. This goes back to May 19 and then I'll fill in the time period since then. "Our records show that we received the first complaint about this property in 2002. The Code Compliance Officer posted the property and reinspected it on 5-8-02. The City of Reynoldsburg then had the grass cut. On 5-29 we received another complaint and ordered the grass cut again. The City received complaints about the inside condition of the structure and the Franklin County Board of Health was called to look at the house. At that time the house was secured and the Board of Health representative stated that there was nothing that they could do. The City of Reynoldsburg again received a complaint on 5-7-03 about the grass and the condition of the inside of the house. 5-8-03, the property was posted for high grass. 5-16, the grass was cut by the City of Reynoldsburg mowing contractor. The Franklin County Board of Health was contacted and Tanya Burford reinspected the property and once again said the house was secured and they could do nothing about the inside. She referred the high grass back to us to resolve. On

May 8, 2003 we were contacted by a lady who stated she was interested in the property and was trying to see if we had any information on the house. I told her we were looking into the property and did not have any information at this time. She then stated she had information relating to the owner and the mortgage company and that the house had been scheduled for Sheriff sale. She said they could not give her a date that the sale would take place. We asked her to give the information she had to us and that we would look into it. We since found out the following: the property was foreclosed on but the Sheriff's Department never was able to serve the notice due to the fact that no one is living there. The property was scheduled for sale but the sale was stopped due to the fact that the owner filed Chapter 7 Bankruptcy. The mortgage company for this property is Mortgage Electronic Registration Systems, Inc. The attorney for the mortgage company is Daniel Spurko with Schipero and Schulty in the Cleveland area. We spoke with an associate of Mr. Spurko and told her what the problems were with the property. She stated that since the owner filed for bankruptcy there was not much anyone could do about the property. I told her the property was in poor condition and was in need of repair. She told me that the owner's name was Odell Langston. We sent a letter to the attorney and the attorney said they would forward that to the mortgage company. To answer the questions regarding the house not being for sale due to the bankruptcy filing, the only contact person we have is the attorney. As for the mold in the house, we have had the Board of Health look at it. They can do nothing about it since the house is secured and no one is living there. If the house is as bad inside as stated, no one could move in without first cleaning it up. If they do, we can then get the Board of Health involved and try to get it cleaned up. Until the house is sold, we will continue to make sure the grass is mowed and the building is secured. As far as hurrying things up, there's not really anything that we can do since the property is in bankruptcy." Now that was in May. You're probably all aware that we've gotten several e-mails since then. One of the things that we've done is create the task force that we talked about earlier to try to deal with properties like this. One of the other things that we've done, we had the Environmental Judge, Judge Harland Hale, come out today as a matter of fact. We met with him. He looked over the house. After we looked at the house we then met with Mr. Underwood and we're trying to formulate a plan that would include reactivating the Nuisance Abatement Commission. Mr. Hale also had some suggestions as far as efforts that he could make. So once we confirm where the owner lives, we're going to try to serve notice on them. And the Environmental Judge has indicated that he will summons them into court. Again, the whole determinate is whether or not we can find the owner. So that's where we are. Again, any of you especially Mel that have been around since we've had the Nuisance Abatement Board, that was created in 1988. It's met on several occasions. And we still have properties that the Nuisance Abatement Board addressed several years ago. It's a very slow, tedious project. One of the things that we're hoping is that the property will in fact get out of the foreclosure and be sold by the bank for whatever the mortgage is on it. We will continue to work on the property. We will continue to make sure the property is secure. And we will continue to cut the grass. And at this point, that would appear about the only active thing we can do except work on the committees like I've indicated to you before. Getting the Nuisance Abatement Committee working on it. Getting our neighbor task force working on it, and continuing to utilize the Franklin County Board of Health through the Environmental Judge, Mr. Hale, Harland Hale. So I'd be glad to answer any questions if you've got any questions after what I've said.

Mr. Clemens: Mr. Hills.

Mr. Hills: Mr. Clemens, Mayor, if I could, a couple of things. Number one, the Nuisance Abatement Board, having sat on that for about 5 years, it is an effective board. I think that regardless of your new boards and things like that, the Nuisance Abatement was scheduled to meet, and I think it met after Planning some times or something, but it was effective. And it didn't get everything fixed, but certainly there was, what powers does it have, I don't know. But there was never a problem to send a letter to a bank officer saying, come on in and talk to us.

Mayor McPherson: Well having read the Nuisance Abatement ordinance and all the regulations and all, and the powers that they have, I'm now sure, I think you're right. I think we may have more power than anyone realizes through Nuisance Abatement.

Mr. Hills: An awful lot of it is the power of how many people want to come out and hear about this bank that didn't do anything to take care of this property.

Mayor McPherson: Right.

Mr. Hills: And so it's a secondary type power, power's a bad word, but you're able to work with people.

Mayor McPherson: I understand that.

Mr. Hills: They'd just soon not read in the paper where they aren't maintaining a piece of property. So I think it, I'm glad to see that that's going to be reactivated. One of the comments that repeatedly comes up, and I realize that a lot of the people in the city have trouble realizing that there's a difference between city government and school government. But part of this is a concern, kids are supposedly, are the school buses right outside. Could you make an attempt to talk to the school board to see if they can move this bus stop if there is such a concern about having those kids out there. That's a decision for the school board to make. Not for us. Or the school transportation people. But that's one of the repetitive things I've seen in e-mails is they didn't like kids standing in the front yard of this abandoned drive. So it's just something to think about. I appreciate the fact that, and that's one reason that I appreciate Mr. Gilbert and Mr. Clemens being able to add it tonight because there's been some, I guess to put it kindly, very ugly e-mails that no one in this city has done anything and I don't think that's true. I will look back...

Mayor McPherson: Well I think from what I've just read it's obvious, we have done things.

Mr. Hills: I think there have been things done. Could things have been done differently? Hindsight's always better than 20/20. But I do like the fact that using some of the tools that we currently have available, I know Mel used to eat Roloids and every time that Nuisance Abatement Committee met. Because it's not a nice committee. It's not a nice committee to bring property owners in here and say, when are you going to fix your property? And it's embarrassing. It's not just embarrassing for the people that have to come in. It's embarrassing for the people that are up here sitting volunteering their time. Many of those, and I see some of those members who have

sat on that before in the audience, but it does work. And it doesn't work 100% of the time, but in this one I'm glad to see that it's going to be reactivated and done. Mr. Clemens, thank you for the opportunity to address it.

Mr. Clemens: Thank you, Mr. Hills.

Mayor McPherson: One of the things I might address, one of the e-mails, I have to go through here and find out which one it is, that did after I wrote back to them, suggested that they call Mr. Strusson over at the school board about moving the school bus. And the next day I got an e-mail back that said that they were moving the bus stop. So that, according to the e-mail any way, has already been taken care of. The second issue that I did mention to everybody, and I noticed when we were out there again today is, that there's still a basketball hoop sitting at the end of the driveway there and I suggested that they talk to their neighbors that there is a concern about the children being there for a bus. There ought to also be that concern about them staying there playing basketball. So I've suggested that they talk to the neighbor and ask them to move the basketball hoop also. But I did notice as of today it was still there. So that may be something as a safety thing we may send our Street Department out and just move it.

Mr. Clemens: Mr. Gilbert.

Mr. Gilbert: Mayor, I would just, I guess I would hope when you get the opportunity if you could give us a time frame maybe next week as far as activating the Nuisance Abatement. As far as addressing it. And here's where my concern lies, that particular memo you read, on 5 different occasions, Building Department Administrator, Mr. Moore says that there's nothing we, they, or us can do about the situation. And I think when residents hear that they feel helpless. That's when those e-mails come out. And here's our Chief of the Building Department saying that there's nothing that we, they, or us can do about this. And within our Code 1369.01, the actual provisions that allows the city to do something about this, is provided for. And that's not getting passed up the chain to you or the Service Director. And I think it's important to remind him what provisions we have there so that we don't have this situation arise again. People's faith and trust in the process is limited, or minimal as it is. And a situation like this where we do have the tools in place and they're not being utilized, cuts into that. I'm disappointed. I've reported this several times. I think it was indicated to us that the situation was under control and I'm certainly glad that you're able to have the Environmental Judge come out here and I'll report this to the residents this week.

Mr. Clemens: Thank you, Mr. Gilbert. Mrs. Cannella.

Mrs. Cannella: Yes, Mayor. There are a couple of other houses in approximately in the same condition and I was wondering if you're doing anything about those.

Mayor McPherson: I was not aware of any that were in this bad of condition.

Mrs. Cannella: Probably not as bad, but it's getting there let's say.

Mayor McPherson: If you'll provide me with the addresses, and to kind of answer Eric's question, we intend to contact the Chairman of the Nuisance Abatement Commission and have a meeting called just as soon as possible.

Mrs. Cannella: It's on Nocturne Road.

Mayor McPherson: If you're talking about the one with the high bushes...

Mrs. Cannella: Yes. That, and it's, you can see the mildew in the back of the house as well.

Mayor McPherson: Yeah. As far as the grass and the weeds and things like that, we try to keep those cut down as best we can. As far as going back and doing the landscaping and trimming their bushes and their trees, I'm not sure that that's within our scope, but I'll check with Mr. Underwood and find out if that's something we can do. Everybody keeps their trees and their bushes at their own level of trimming, and the house you're talking about I think is the one that's been empty for twenty some years.

Mrs. Cannella: Yes.

Mayor McPherson: We're very familiar with that one.

Mrs. Cannella: What about the overgrowth in the back yard?

Mayor McPherson: The overgrowth in the back yard, if it's overgrown, we can go back and cut the grass. Now if you're talking about bushes and things like that, I'm not sure that we can do that unless there's a health issue. We, I know, have sent the Health Department out on that one on several occasions also. And they've indicated to us, just because the bushes are not trimmed it's not a health issue.

Mrs. Cannella: But the high grass is.

Mayor McPherson: And I do believe though that they maintain that property. I mean the house on the inside and all isn't moldy and all that. I know it's got a lot of litter in it I understand. I haven't been in it, but I understand...

Mrs. Cannella: Have you looked at the back of the house?

Mayor McPherson: No. I haven't been around the back of the house.

Mrs. Clemens: Thank you, Mrs. Cannella. Mr. Gilbert.

Mr. Gilbert: Mayor, what's your time, what do you suspect your time frame will be on the Nuisance Abatement?

Mayor McPherson: Well, I'm going to meet with the Chairman probably yet this week and ask him to put together a time table for having the commission meet. And as soon as he does that I'll give

it to you. It's to the discretion of the Chairman of the committee to set the agenda.

Mr. Gilbert: Will we issue a notice to the neighborhood as far as staying away from the property.

Mayor McPherson: Absolutely.

Mr. Gilbert: Because I noticed in one other memo the Code Enforcement Officer referred to it as the "mold house".

Mayor McPherson: Yeah. And again, it is very secured. I think you might notice that some of the pictures you gave, it appeared to be from the inside of the house. I don't know how the pictures were taken but I don't think I'd want to go inside the house. But it is secured. We checked that today and it was still secured. The doors were all locked. The windows were all there. Not broken. So it is secure and I think prudence would tell everybody, don't go in the house. Not only from the mold but it's somebody else's property.

Mr. Clemens: Are there any other questions for the Mayor from the Committee? (No response). Members of Council? (No response). Thank you, Mayor.

Mayor McPherson: Thank you, Mr. Clemens.

Mr. Clemens: Next item on the agenda is a report of the Streetscape Program. Mayor McPherson has asked us to add this to the agenda tonight so he can give a report. Mayor.

Mayor McPherson: Thank you, Chairman Clemens. As I told everyone last week, I thought that with all the problems that we've been having and some of the opportunities for problem solving, it would be a good time to have the EG&G and EMH&T come in and give us a detailed report. So without further ado, I'm going to turn it over to EMH&T and EG&G and whoever, or Sharon, and we'll get the report done and after the report, more than happy, we'll all be here to answer questions until you shut us off.

Mr. Clemens: Thank you, Mayor. When the reports are done, if there's any questions to be asked, please raise your hand and I'll refer to them.

Mrs. Reichard: Okay. Thank you, Chairman Clemens. Members of Council, what we've done is, we've asked our engineers and designers, which are EMH&T and EG&G respectively, and also the contractors, which is Complete General, to have representatives here tonight to give you a report about what's going on, the time frame, etc. I'd like to start off with Jim Nolan who is the project manager for EMH&T with the Streetscape Project. Jim.

Mr. Nolan: Good evening, members of Council. I do appreciate the opportunity to address you tonight on the Streetscape Project. I think the more information that gets shared about the project, the more comfortable you'll feel about the status of not only the budget but the schedule and where we're headed. Over the last few weeks, I think you'll agree as you go down Main Street, some of

the project features are taking shape and you can get a much better feel for what the overall product is going to look like and we're pleased with the way things are going to progress. The first item there on the report address the property owner's meeting scheduled for this Wednesday, October 22 at 7:30 in the morning at Dairy Queen. We have been communicating with the business owner's and the public by a number of meetings. Most importantly, directly, with the contractor superintendent and our inspector communicating directly with the business owners. But also through the means of a construction hot line. A phone in hot line report and also information distributed on the web site which gets updated at least weekly and more frequently as needed. But this property owner's meeting on Wednesday, we look forward to entertaining any concerns with not only ourselves but the contractor there, we anticipate that that will be a good forum and if it does serve that need well, then we'll continue. I would ask you to let me go through the report. If you have questions, hold them until the end if you would. I just wanted to start off talking about the beginning of the project, the project funding, while we were at the award stage, kind of pushed the contract schedule, and it dictated the award be made in May to allow us not to loose the issue 2 funding. Our issue 2 funds would have expired and we would have lost that opportunity. Something that we were certainly not willing to allow to happen if we did not stay on course and issue the award in May of '03. What that meant is, I think everyone was full aware at the time is, there was a number of things that were unresolved at the time. The contract was awarded without obtaining 13 easements. Certainly there are challenges that any project will face without all the easements being obtained. In this case, easement negotiation caused a number of project features to require revisions. Most significantly were, the types and number of signs, driveway locations, and the brick wall revisions were in many circumstances revised due to negotiations with those property owners. Where we're at, the current project completion is expected in spring 2004. The contract was awarded with a very short 6 month duration and that did establish a very aggressive contract schedule. I think everyone understood from the beginning that this was a challenge to meet with starting construction in June with the cold weather approaching in December. If everything went very well, it was going to be a difficult task. Unfortunately, not everything did go well. Particularly, we had some delays with the utilities. AEP was originally asked to complete their relocation, their transfer of power, so as to allow the contractor, Complete General, to remove their poles by September 3. They have delayed the project by approximately 13 weeks and their current expectation is to be complete by the end of November which would allow the contractor to remove their poles by December 8. What that means is with cold weather approaching, and cold weather expected, to delay the asphalt placement on the north side of Main Street, the installation of the paver brick, irrigation system, and certainly the plantings. That is forcing the project to be extended in to the spring of '04. There were a number of revisions required to do easement negotiations with property owners and the brick wall heights have now been resolved. The architect, EG&G, issued a few design revisions to accommodate those owner requests for the brick wall height reductions. I'll give you a scope of that. Approximately 10% of the brick walls had to be reworked in response to some of the property owner requests, and of that 10% EG&G has agreed to pay for about 4% of that. And Complete General has agreed to perform about 1% of that wall rework at no additional cost to the project. The city in turn has agreed to pay for about 5% of the rework which in those circumstances would the city agree to pay. It was for design revisions which were caused by easement negotiations and actual property owner preferences. There were some situations where the property owners just simply did not feel like their businesses were visible enough or some lines of sight were adequate enough. They did ask

that we review the wall heights in several situations. The south side driveway approaches. There were several driveways on the south side of Main Street which were installed without provision for brick pavers. The design requires the brick pavers to cross the concrete driveway approaches. Complete General has agreed to place the brick pavers at no additional cost to the project. The schedule where we're at is shown there in many bullets. The sidewalks and the driveways are being installed right now on the south side and the contractor expects to have those in by the end of the week. Again, all of these are subject to weather and utility company cooperation. But we're anticipating that these milestones are achievable. Next week, the asphalt pavement on the south side curb lane would be milled out against the curb and that asphalt would be placed in the middle of next week. The rest of the asphalt on the south side in the parking lots would be complete by the end of next week, October 31. The paver bricks on the sidewalks and the driveway, essential on the sidewalks on the south side would continue from November 14, will be complete on November 14, although there will be some detail work in some of the saw cutting required for the brick details against the curbs which would go on through the end of the month of November. The installation of signs I know is of paramount importance to the business owners. The intent right now is to continue with the placement of the bricks on the north side so that we can get to the point where we can measure the coping which is the tops of the walls, and as soon as that milestone is reached, then we can proceed with the installation of the signs. So the signs will begin on or about the 17th of November and it will take about a month thru December 19th to get all the signs. That's both on the south side and on the north side, completed. The parking lot curbs, and I guess all of the work then on the north side, it's kind of lumped in an item there on your report, it says the parking lot curbs, the drives, and the sidewalk on the north side is going to be complete in February. The crews still have a good bit of work to complete on the south side before they can begin the work there on the north side. And then lastly, the irrigation system, the asphalt paving on the north side and the placement of the paver bricks there on the north side, and all the plantings are clearly weather dependent items. And we don't anticipate being able to install those yet this winter and we're expecting to not be able to install those until the weather breaks in the spring of '04. So we're identifying those items with the project completion in May of 2004. The budget, we awarded the contract with an award amount of \$4,157,351. We have approved change orders in the amount of \$38,389. And we have a Water Department change request which has not been definitized yet, but the Water Department did ask us to kind of use this contract as a container to install fire hydrants and a little bit of adjustments to the water meter pits. We're processing those right now under time and materials and the contractor is about half way done with that but we haven't received any of the actual billings. But we're estimating that amount will be about \$69,000. I just want to identify that. That is funded separately from the project. The pending change orders are in the amount of \$93,913. And that includes the brick wall, rework item, and a number of sign revisions which were due to the easement negotiations. So the current forecast at completion is \$4,358,653. And we still have a contingency remaining. Our contingency account of over \$100,000, at \$105,000 on which to draw. We certainly anticipate the project will be completed well under budget and EMH&T has also identified some deductions and possible deductions to keep the project under budget. This is a, it's not a lump sum contract. It's a uni-priced contract. So there's a number of uni-priced items. A number of quantities that we are anticipating that will under run. So we're anticipating that those deductions will help offset some of the whatever anticipated or remaining changes may be currently unforeseen.

Mr. Clemens: Thank you, Jim. Since you're up there, I think we probably might as well get some questions while each individual's up there. If you have questions answered. I have a question I'll start out with. Let's drop back to the brick wall heights, and they've been resolved. To me, now this has taken a long time. They had laid up, and this has been a month or more since you've taken them back down, and I think anybody that has drove Rosehill Road or drove Brice Road knew that their height was wrong. Now, you don't pour a footer 2 1/2 feet, 3 foot up in the air and then lay brick on top of it. I mean I know it. I think whatever happened, happened. Everybody knows it. Now whether it's a flaw in the design or what happened, I don't know but it should be caught long before it has been. It should have been reworked long before it has been done because we're talking about a cost and we're talking about a time element and an inconvenience to not only the public but an inconvenience to the businesses. I'd have to redo this work. And by redoing it, it really puts the city in the situation where the public looks at us and wonders how we do things like this and how it costs money and who's paying for it. And as I look at it, I'm looking down through here and you're talking about EG&G has agreed to pay about 4% of the wall rework. Complete General 1% of the wall rework. And the city, I don't know why, we're paying 5% of it and that's only 10%. What is the other 90% of the cost of redoing the job?

Mr. Nolan: I guess what that is, is just the portion of the 10%. It's really 40% and 10% and 50%.

Mr. Clemens: Maybe you can answer me a question then. Because I don't know why, but why is the city getting involved in paying 50% of it when we had the plans designed and we had the approval, we had the engineer's approval, we had inspectors on the job. I want you to explain why we're going to pick up 50% of the cost. If there's a reason, I want to know if there's a reason. Because I don't know why we should pick up any of the cost.

Mr. Nolan: I think the Chief difference there is that the portions of the brick wall rework which EG&G has agreed to pay for are items that they felt were design errors or omissions. The remaining, that 50% which the city agreed to pick up were for things that were just owner preferences or required during the easement negotiations. They weren't viewed as an error in the plans and I guess I would ask John Grossman to address any specifics as far as previous projects that establish heights of similar elevation on top of the mounding. I just want to point out that difference between items which were, a clear mistake versus works were just changed after all the plans were approved.

Mr. Clemens: In other words, the city has 50% of the wall rework required because of design revisions which were caused by the easement negotiations and property owners preferences. In other words, we changed it because the owners wanted it changed or we had a problem because of the easements that were required. Is that it?

Mr. Nolan: Exactly. The owners in those cases, that 50% of the brick wall rework were changed because of the owners requested that the wall elevations be reduced on their properties and in trying to cooperate with the owners, the city has agreed to accommodate them.

Mr. Clemens: That's correct? Alright. Mr. Hills.

Mr. Hills: Mr. Clemens, just following up a little bit on that and adding one other thing, because this is the first time I've had the update and I appreciate the fact that we're having an update and obviously as we move forward in any construction projects in the city, I think we as Council are going to have more updates more often. And that way the public can understand what's going on and not see it from seven different areas and hear it from ten different people. 50% of the wall, I guess you could put your numbers together, equate to some problem with 13 easements. But yet, I know before we ever got started, I had heard and had it heard publicly said at meetings that there were problems with 3 easements. Did it jump to 13 and we didn't know it? Because I thought when we entered into the contract on this thing there was a question with 3 easements and the issue was that with that much in agreement we could move forward and legally possibly handle those 3 easements if it became necessary. Did somebody just stick a 1 in front of the 3 and made it 13?

Mr. Nolan: No. It's always been 13 easements which were unrecorded at the time of award and in fact, at the time of award, there was some discussion and some concern and to make sure that we had a sufficient contingency account set aside to address those concerns. So that's where the initial contingency amount of \$207,000 was established.

Mr. Hills: Well the only place that I ever heard of an easement problem was publicly stated at a luncheon meeting that there were problems with 3 easements. And I believe that the award at that time, I'm not sure the award had been made. So I didn't realize, and I would ask whomever within the Administration, it doesn't have to be tonight, but I certainly would ask somebody there to make us aware of how it goes from we're told one thing before we start letting this and it comes up as another. Because that's where dollars get spent that we don't know how it happened. But I don't think anyone has the answer to that but Mr. Clemens, I did want to point that out. Because I think all of a sudden this 50% that we're paying may be because the 3 went to 13. So, I don't know.

Mr. Nolan: Just to clarify that, that 50% is only about at \$11,000. On a total, on a 5 million dollar project, that's really a small amount if you want to keep it relative.

Mr. Hills: Mr. Nolan, you did just say the 13 is why we had the \$209,000 contingency. So obviously, my concern is that there's things that maybe weren't as clearly or concisely presented as when we passed things and that's my goal was to see that we don't do that again.

Mr. Nolan: I would again, can we have any, as far as what was presented.

Mr. Clemens: Mrs. Reichard.

Mrs. Reichard: If I may just, okay, the 13 and the 3, and Barbara and John, jump in if I do this incorrectly, it's my understanding that when this was bid there were 13 easements that had not been obtained. The reason for the large force account of \$207 or \$208,000 was number one, because there was 13 easements that were not, that we did not have at that time, we did not bid the signs either. So we knew that there were going to be handled through change orders. And thus you have the 207 force account and the \$30,000 contingency account. The 3 I think that we're

talking about are 3 problem areas that we had that took much longer time to obtain. One of which we just got last week I might add. However, they have allowed us to work on their property. There is still 1 that we don't have it in writing in front of us. However, we've gotten it verbally. There has been a whole series of issues because we didn't do deed, what is that called, when they look at the property, I'm sorry I can't think of the name of it. We thought we had particular easements and then we found out that the person that shared the, that was on the property with the person who gave us the easement had rights to their property, we needed an easement from them too. So we have 3 particular areas that we have a great deal of difficulty trying to obtain. I just wanted to explain the 3 and the 13.

Mr. Hills: Mrs. Reichard, I appreciate your explanation. I know I was at the meeting and there were 3 easements that hadn't been obtained, and that was all. There weren't 13.

Mrs. Reichard: 13 was when it was bid.

Mr. Hills: I don't know how we're going to clarify that. The contract wasn't bid at the time we had the meeting. So that's just a misunderstanding, misinformation. I'm not sure. But other people were at the meeting too. So, we're in good shape.

Mr. Clemens: Thank you, Mrs. Reichard, Mr. Hills. Mrs. Cannella.

Mrs. Cannella: Yes. On the footers. Are you planning on covering the footers? I mean, they're...

Mr. Nolan: Yes. None of the concrete that you see underneath the bricks is going to remain exposed. It all will be buried underneath mounding or additional backfill.

Mrs. Cannella: That makes an actual little hill there on all these footers. Why were they so tall? The footers themselves. That would have made a difference in the height of the brick work.

Mr. Nolan: Right. I think John Grossman can do a good job explaining what the theme is with the mounding underneath the brick walls and where that's been successfully used elsewhere.

Mr. Grossman: Thank you. Thank you for letting me be here. It's good to see you all. I think one of the problems we're dealing with is 1/3 of the kitchen is installed and we're having trouble trying to visualize what the cabinets are going to look like and they look overpowering until we get all the elements together. There is gentle mounding as provided for in the Streetscape guidelines that you approved. It's mounding and walls which have to go together to get the desired effect. I might point out that the wall heights, and someone was asking me that, vary between 2 feet, 2 1/2 feet and the very tallest is 3 feet. So they're all very contained. I brought just along, and I'm going to bring up 2 charts. These are from another project. Similar. Not our project, but you're going to see in here a 3 foot wall. And we only have 6 of these. Most of them are of the 37 walls, are 2 1/2 or 2 feet. And I think once you see the landscaping and the mounding, so you're not going to see that base, and it's very gentle mounding. You're going to see how it all comes together. And I wish, within 2 weeks we could finish one whole side just so you could see it. But let me just

pass these over. We want to bring these to the meeting next week with the property owners so they can visualize the finished effect. The challenge of this project for all of us, and it was your vision that got it going, the Administration's hard work, and we grayed our hair over it also, but the problem with the project and the challenge has been that we in essence have 44 owners of this project. The one contractual owner is the city but we also have 43 other owners who had to consent to this project through assigned easement and simultaneously their design. So the design process as you remember was very laborious. We began with schematic drawings and reviewed those with the steering committee on April 10. Some of you were members of that steering committee along with all of the members of the Administration and an equal number of private sector citizens from the project area and from the community. Based on those schematics then, we developed what architects call "design development drawings", and we presented those back to the Steering Committee on July 10, 2003, same Steering Committee. And then moved from the Steering Committee if you remember, we had the big drawing down here in City Council Chambers and we provided for 3½ hours for any time people could come in. And the reason for doing that, when people came in, we took them up to the drawing, showed them the circular drawing to show the mounds, to show them where the walls were, to talk about those various elements. That was for those who wanted to come to a public session. Following that out of necessity, not whether we wanted to do it or not, we began the laborious task assisting the city. And I really compliment John Brandt, Barbara TenHoeve took the lead in this, and Rod Garrison of our staff, met with every property owner. And I might honestly share, everybody thought this, and people were enthusiastic, but it came down to their property, they wanted to review it, maybe with their spouse, with their partners, with their attorney, with their accountants. And so, one meeting, probably for each one, led to at least three meetings. And I'm not talking to the problem situations, to finally resolve the issue, not only of the easement, but of their design. And then once we did that, we had to come back and then maybe do some additional adjustment to the surrounding properties so that we wouldn't have a monotone look. So that we had variation in the walls, in the mounding, and had a coherent look through the Streetscape. A very, very difficult process, and is explained, when the project finally had to go to bed not to loose funding, 13 of the 43 were not yet signed. And there was not indication that they were going to sign. But the good news is that they all have signed and one is yet to receive back. There's only 1 out of 43, and I think this is a complement to the community, there is only 1 out of the 43 that has refused. And that wasn't due to the local owner, but due to the franchise situation that he had to get approval from, and they refused. So I think maybe that helps. I'd like to get the photographs off, I think as you see it come together, it really is appropriate and it's going to read very well.

Mr. Clemens: John, and these absolutely do not look like anything that we're doing. Those are sitting back 20, 30 feet and that's dirt mounding. That's dirt mounding except for the brick wall. Are there any questions for Jim before we move on to the next speaker? Mr. Hills.

Mr. Hills: I do have one more since Jim brought it up. What in the world did AEP do to delay it 13 weeks? Other than nothing.

Mr. Nolan: AEP was requested to relocate during the month of August so that we could remove the poles early September. They subsequently refused, or were unwilling to mobilize their crews at the requested time because they did not have all of the easements recorded. They insisted on all

the easements being recorded and the longest holdout there was the Walgreen's easement which was not, actually we didn't get the Walgreen's easement. We finally got a letter from them which was sufficient to allow the contractor, to allow AEP to proceed the third week in September. So AEP actually arrived on site and started their relocation work on the 29th of September. So there was a substantial delay.

Mr. Hills: And I guess, no one from AEP is here tonight are they? Because I suspect AEP would be saying, I'm not about to come in and go in your dirt without having the authority to be there.

Mr. Nolan: Well, exactly. I mean, they were...

Mr. Hills: So when we say AEP delayed it 13 weeks, AEP was delayed in starting their work for 13 weeks because in their mind, they didn't have the right to be in the dirt.

Mr. Nolan: I think there was every expectation that these easements were going to be obtained much more expeditious than what they were.

Mr. Hills: So AEP, if you put the AEP argument up, would be, as soon as we had the ability to be there, we were there, when you had your easements.

Mr. Nolan: AEP mobilized within a couple of weeks after they were allowed to schedule their crews. That's correct.

Mr. Hills: They certainly have a reason, this just said AEP delayed projects 13 weeks. But I guess there is another side to that story and maybe I just gave it for AEP and I had no idea. I was just asking the question. I was just wondering what they did.

Mr. Nolan: You spoke for AEP very well there. Yes.

Mr. Hills: I just wondered how they did it. I mean, did they refuse to come out? Because we had a terrible time. And I'll be honest with you, we had a terrible time with AEP, getting them to give us an estimate. But Mr. Brandt finally beat on them with a big club I think and got the estimate. But then I just didn't know whether, it doesn't look like they had, there was a debate over easements and that's why they weren't there.

Mr. Brandt: If I could just interject one point, we did a little reflection this evening, and as there were numerous meetings, and unfortunately we didn't tape them all, we didn't tape any, I didn't mean to imply we did, or video tape and maybe that's the way to go, or at least have a court stenographer there, but the easement issue to my recollection, with AEP being specified as part of or whatever the legal jargon or _____ is for that, never came up until towards the bitter end. And that is what caused many of the problems in the final analysis. They came to us and to Barbara and said, "oh, by the way", well I felt like saying you damned fools sat here for 6 weeks and never made a word or a mention that you wanted a specific easement with your name and they all had to be recorded before, because we provided them with copies of easements that had yet been, had not been recorded. And so I think the pot keeps boiling around and the stirrers

are all in it, and so on and so forth. But this is a major project and I think everybody's aware of the fact that be it big or small you still run into problems when you play in the dirt as they say. But that one came to us as a major shock and a major surprise. And everyone did a good job and worked hard to meet their requirements. And Mr. Underwood pitched in on the issues as well and they shocked all of us at least to our understanding that, oh by the way when we think we're ready to hit the ground running and the fact that one of the easements that Mr. Nolan touched on had not been received. But in fact we had received a letter from the business saying, hey we're all for this, we think you guys are doing a great job and all that. And then 3 weeks later they tell us, "oh by the way, we don't own this property any longer, you've got to deal with the mortgage company (Tape Change) in South Dakota or wherever the heck they were. So, and that was one of the starting points for AEP and they wouldn't start. Because that one hadn't been received and that subsequently delayed, if you can't start at one end and you can't get to the other end, and they wouldn't start at the beginning so to speak, or the end or whichever way they look at it, without that document which Mr. Nolan referred to as finally getting a letter of them from the property owner if you will. Because I spent at least 30 hours of phone calls between the property owner, the mortgage company, the property owners attorneys, and of course we know they were just jacking it around to run up the bill for the property owner, which that's America,. that's fine. But we spend innumerable hours on the phone on that particular issue. Finally fed-exing to them the deposit check they wanted to process the paper work and so on and so forth. So there was just a whole potpourri of things that we found out and we learned.

Mr. Clemens: Thank you, John. Are there any other questions for Jim from any members of the Committee? Mr. Beougher.

Mr. Beougher: Thank you, Mr. Clemens. The intersection I'm concerned with is at Rosehill and Main where Rosehill takes a slight jog to the left and to the right as it comes up to the intersection. And if you're sitting on Main trying to make a turn going north on Rosehill, that wall obscures all vision, or at least it did, maybe it's been cut down, but that wall obscured all vision of any cars coming north on Rosehill. Does that, are we going to have a problem? Are we going to have to restrict right turns there on red? What's the situation with that specific intersection?

Mr. Nolan: I know we're still looking into that. And I'd like to defer that issue to Mr. Parkinson.

Mr. Parkinson: I don't have much more to offer than what Jim said. We are looking at that concern carefully. We'll do some geometrics but we'll also do infield reviews and we'll take the appropriate action as our investigation determines.

Mr. Beougher: Just don't test it in a 4 wheel drive truck because that provides plenty of visibility. Test it out in a little car.

Mr. Parkinson: I'll borrow your corvette.

Mr. Clemens: Thank you, Dave. Are there any other questions for Jim? Mr. Stake.

Mr. Stake: Thank you, Mr. Clemens. You had mention that, I guess where the concrete had been

poured on the south side to the driveway approaches, are you going to go back in there and put brick pavers?

Mr. Nolan: Yes.

Mr. Stake: At the contractors expense?

Mr. Nolan: Yeah. The salt cutting, the actual approaches in that 3 foot strip between the curb and the sidewalk will need to be replaced and that 3 foot strip lowered to allow for the brick pavers.

Mr. Stake: Will the city be picking up any of that cost?

Mr. Nolan: No they won't.

Mr. Stake: Okay. Thank you.

Mr. Clemens: Thank you, Mr. Stake. Any other questions? (No response). Thank you, Jim. Mayor, next speaker.

Mr. Nolan: I just want to take a moment to thank, Complete General has done I believe, a noble job, or amiable job working with the property owners out there. I just, I see it more on a day to day basis and I just want to express appreciation from EMH&T and our inspectors. They do a yeoman's work out there with a number of business owner requests and I guess, I don't think you see all of it on a day to day basis. But there is a lot of effort being expended to cooperate to keep the impacts. There's real pain out there and I think everyone understands that. But Complete General is doing an admirable job of trying to mitigate those impacts to the maximum extent possible while maintaining a very aggressive schedule. I just wanted to point that out.

Mr. Clemens: Thank you, Jim. Mayor.

Mayor McPherson: Did Complete General want to say anything?

Mr. Jeff Thompson: We're here mostly to answer questions if anybody had any questions concerning the project. (Inaudible).

Mayor McPherson: John, anything else?

Mr. Grossman: That's all we have now.

Mayor McPherson: Other than questions, if anyone has any questions, they're all here to try to answer any questions you might have.

Mr. Clemens: I have one thing. We all know, and there are mistakes on projects, we all know that, and they all have to be replaced and so forth. But it just seems like in the last 4 weeks, probably the last 4 weeks, there hasn't been that many workmen on the job. It just seems like on

the good weather part, and we've had bad weather and I understand that, but I would think we would put more people on the job and try to get it done sooner. By having to go in and replace work that we have done, and that's caused by neither here nor there, because like I say, the mistake was done, I know you have to do it. But the time element's what bothers me because we do have problems as far as the traffic. We have problems as far as the business owners. It just seemed to me like I haven't seen that many crews. I'm up and down that street every day. So you can explain it to me if you want to but I see what I see and I see what I don't see. It's not like that I'm working. Being retired I'm either on the golf course or doing something. But I'm there all the time. It just doesn't seem to me like, I feel there should be more construction workers on the job. I think it started off well. It did start off well. I think it moved quickly but I think its bogged down within the last 4 weeks. At least it has looked to me, it looks like we're just getting a stalemate. And I realize the driveways were poured wrong. I don't blame that on Complete General Construction any more than I do anybody else because we had inspectors there. They should have caught it, and I respect you for going back and replacing it. But I just feel that we needed more people on the job. That's just the way I look at it. That's the questions of if there's a reason why not, or if I'm wrong.

Mr. Nolan: Over the last few weeks, over the last 4 weeks, the majority of the work has been on the south side with the installation of the brick walls, and the sidewalks, the brick base, and the driveways. Mostly the inactivity if you will, on the north side stems from AEP is still on site and is still on the critical path to get their work completed over there before we can see additional activity over there. I'd be more than welcome to elaborate on that, but.

Mr. Thompson: What we have right now is we're just in a transition period. When we first started out you saw a lot of work going on with the _____ going in. You had a lot of work going on with the walls. You had the sign walls. You had the lighting conduit going in. There was just a lot of activity going on at the same time. It would take a lot of crews to make all that happen. You had multiple crews going on at the same time. I think at the current time you're seeing the lighting conduit's completed. We're waiting for the sidewalk to get in to start the lighting foundations. You're going to have your elevations set by your sidewalk grades before you start pouring your light foundations. And the same with the driveways. I know a lot of people see the driveways out of mistake. We did catch that after the first day of pouring. And then actually we evaluated that potentially because the way the plans were set up there was a herringbone pattern, or the way the bricks are set. Actually you would have had to start from one end of the job and go all the way to an intersection. So we started at the far west end and work our way to Brice, you had to have one continuous pattern all the way through. When we first started pouring the driveways we caught that and then said, how are we going to maintain driveways because it was going to be 3 to 4 weeks to get this in. And potentially 6 or 8 weeks from the time you started pouring driveways to the time you started, or finished up the brick you would have such a long period in there, there was no way to maintain that 3 foot gap basically between the curb and the back of the pavement. So we made a decision that maybe the best way to maintain it, not putting gravel in there or putting anything in there. If we put brick in because it had to be a continuous pattern, we would have had to take it out and put it all in again. Which actually would have been more expensive than actually placing that 3 foot concrete piece in. So we made a decision at that point to put that 3 foot concrete piece in. So in a way it was a mistake to start out

but actually if we did it all again we'd probably do the same thing again. Something has changed the way we're doing the driveways now. You actually see a concrete strip on both sides. This is like a retainer

_____ for the brick, so now having that, we can actually have breaks in the brick work. Where you can actually go up to a driveway or actually will be doing the driveway separately on the south side, that as you see us going up through there taking out that 3 foot piece, we're pouring it back immediately and setting brick the next day. So that way we can, hopefully the day after we can get traffic on that _____ and flip to the second drive. So a lot of this you're seeing right now is AEP has delayed us on the south side obviously on the north side. The south side, we're just in a transition period because you have a lot of the detail work. You've got the detail work of the signs still need to be bricked up which just takes time. You've got the brick band that's got to go in on the driveways and the sidewalk. And you've got the foundations going in for lighting. It's just detail work now. It's not really something you go in and hammer out like when you're doing, you know you saw us do the curb, basically two days we got a half a mile, a mile curb in. The sidewalk, we basically put in in a week. There's things that go fast. There's things that you just don't go quite as fast. And that's only because when you're doing that detail work, that's stuff you're going to be looking at for a long time. There is no reason to rush that stuff along.

Mr. Clemens: Thank you. Are there any other questions? Mrs. Cannella.

Mrs. Cannella: So how long will our businesses have to put up with this reworking of the driveway now? How long will they be?

Mr. Thompson: Regardless, they would have been inconvenienced at some point. We would have had to because that brick has to fit down in there. It's a two and a quarter inch brick on a base of a one inch sand bed. So you would have the 3 ½ inch hole at each driveway 3 feet wide. So you have to maintain, how long are they going to be? Hopefully, by the end of the week we'll have most of the driveways out and replaced with brick. I'm hoping by the mid next week, we'll have all the driveways out and all the brick back in and all the drives on the south side.

Mrs. Cannella: You mean they're going to be out of business for a week?

Mr. Thompson: No. We'll maintain every business each, what there is, all businesses have two drives. Most businesses have two drives or (inaudible).

Mrs. Cannella: Not all businesses.

Mr. Thompson: Yeah. So what we will do, the same way we did the driveways is, we'll shut down one drive and then we'll leave one open and that way we can pour the concrete and then flip to the other side. So we won't be leaving anybody without having some type of maintenance traffic that people can come out of the business. And if they only do have one, such as right by Ethan Allen, I can't remember the name of the road right now, then we'll do that half with construction. That way they're never without access at some point.

Mr. Grossman: I just want to point out, at no time have we allowed to have their access severed. It's a clear contract requirement, one that we stress, and Complete General has done a very good job of keeping a driveway open, or in a situation where there's only one driveway working, at half at a time so that at no time is a business severed from their access to Main Street.

Mr. Clemens: Mr. Hills.

Mr. Hills: Just a couple of things. I guess, to somewhat summarize this, it appears that basically the south side of the project will be finished roughly by December 1 of this year. Is that what you're looking at? Walls are in. Drives are in. Sidewalks are in. Asphalt's in.

Mr. Grossman: _____ the signs.

Mr. Hills: Right. With or without signs. But basically the south side looks like it will be. And originally everybody thought that everyone would be done by the end of the year. That's not going to happen. But I think what you're telling me here, by December 1 you should be finished on the south side of the construction project in Phase 1.

Mr. Thompson: Correct.

Mr. Hills: Now, on the north side where people have had drives in not the best of shape since the start of the project, how are we going to get them through the winter? Because they're not going to have concrete.

Mr. Thompson: Well, I think that's a decision that has to be made by some of the people in this room. There's a decision that has to be made on whether we...

Mr. Hills: I don't think the issue just came off of the table until I said something.

Mr. Thompson: Well no. It's been behind the scenes. We've been talking about it.

Mr. Hills: I appreciate that.

Mr. Thompson: We have been talking behind the scenes. It's almost like getting pregnant. Once you're pregnant, you're committed. Well soon as we get started at the other side, we're committed. And as soon as we start tearing out that curb, then the curb comes out, then we've got to get the drive in. So as soon as you start the drives, sidewalk, everything's got to be done. So it's either we go forward, if we start progressing that way, or we say, we're going to hold back and say, we're going to live with what we've got right now. Try to set up a maintenance. A way to maintain traffic through the winter, and do it that way.

Mr. Hills: But you can't do the north side until AEP gets off. Right? Or these are a lot of little factors. You're going to talk to all the business owners about this on the 22nd so they'll all be happy?

Mr. Thompson: We will discuss the issues of what happens. Again, a lot of these decisions really

aren't mine to make. It's how much pain do we want to endure here. And there's things that are good, and there's things that are bad about this. And I think what we're going to do is, yes we're going to talk to the business owners about this.

Mr. Hills: And I appreciate, you all have done a great job of explaining things and again I hope Council will agree that in the future major projects, we'll have a little more explanation more timely because it is very important. And I'm sure, and I'm glad the property owners are here tonight and Mel, I know you may have some speaker forms over there, but certainly I would hope as we're winding up, if somebody wants to say anything, I personally wouldn't, I'm not on Safety Committee but I personally think that this is the opportunity to be able to say something. But I guess one of the issues that in your presentation is left open of which those people on the project being the two engineering firms, the contractors, and the Administration are going to have to decide where do we go and what do we do after December 1. Because in Ohio you only do so much as you get into the winter months. And where is that going to leave the north side? Am I correct?

Mr. Thompson: That's one of many factors. Yeah. There's a lot of dynamics that are in the whole thing of when you get started.

Mr. Hills: So what we know to say to everybody is, no, the project will not be totally completed by the end of the year. Yes it is going to go in to the spring. How much of the north we don't know yet. But that is something everyone is currently, everyone that does this on a daily basis, which we don't up here on Council. But you are aware of it and are going to be working on it and making everybody aware of it.

Mr. Thompson: Right. We've been in talking to the owners which is EMH&T and everybody involved with the project and we've been discussing these issues that you've just been talking about. All these issues. And we're trying to come up with what is best and for the city and what's going to work best for everybody.

Mr. Hills: I appreciate that.

Mr. Grossman: What it really boils down to is, how cold of a winter are we going to get and how soon is it going to get here? You cannot place concrete on frozen subgrade. You can't place paver bricks when the sand is frozen. If we have a relatively mild winter where work can progress relatively the same as it would otherwise, there's still going to be some cold weather placement processes that have to be, some concrete placement that would have to be adhered to. If it comes severe in mid December like it sometimes does, then there's no cold weather placement techniques to allow that. It would have to be deferred to next spring.

Mr. Hills: Because I do know that many Complete General's got ice tea brought to them during the summer. But I'm not sure you're going to get hot chocolate. Businesses only go so far before they get frustrated.

Mr. Grossman: (Inaudible) to the maximum extent that they can and it's really going to be just

largely weather dependent. How much we can get.

Mr. Hills: Thank you, Mr. Clemens.

Mr. Clemens: Thank you. Both of you. Are there any other questions for members of the Committee or members of Council? (No response). If not, I have the request of three speakers. The first speaker is Mr. Hammel. Would you please give your name and address please?

Mr. Hammel: My name is Richard Hammel. I have three businesses on Main Street. 6269 East Main Street is the RCW Quick Lube. I also have the Reynoldsburg Car Wash at 6360 and I also have the Detail Center, Reynoldsburg Detail Center at 6366. Guys, I just don't know how to say this any more than, this construction is killing my business. I'm sure many other businesses on that roadway as well are hurting. Some of them have deep pockets. Some of them have other businesses that their clients go to. I've never been opponent of the Streetscape Project. It's gonna look real nice when its done. Perhaps for the next guy that owns the car wash. It is true. It's taken, it took me three months to sign on the easement line of that property, for that property. The wall in front of the other property is definitely a security issue. I mean, I grew up in the convenient store industry. Glass in front of the building so the cruiser can see into the building. I stand in the bay of my Quick Lube and can't see the roof of cars. My Quick Lube was robbed three times this summer. Cars behind it are vandalized regularly. Now there's a wall in front of that building that cruisers cannot see into that property. And it's true. It sits down a little gully and perhaps it's a design flaw, or not. But you know, I haven't seen anybody in three months to come and discuss my property issues. I've talked to Sharon about a couple of things. I talked to Barb early last year. And at the beginning of the project my business was practically shut down. It wasn't shut off for God's sakes. You could drive in there. But if any of you are car wash customers of mine, you cannot even today, drive from my car wash up Main Street to Rosehill before you're dirty. You a lot of times can't even leave the driveway before dirt blows across the street when a COTA bus flies down through there. I don't know what the cleaning specifications are but it seems to me at night, when you roll those barrels back up to the sidewalk, that there should be a nice big street sweeper that comes through there and fixes that up. But if any of you have driven by there an hour after those barrels roll away, I just have to say to myself that it has to go on. I know it's dirty. And as a property owner, you know, the construction company is taking care of me. They come early. They leave before, they came and dug the hole for my sign. At 6:00 in the morning, they had their bulldozer gone or their backhoe, the dump truck, and the property was clean. All I had to do is hose off a little bit of concrete and I was in business by 8:15. I tracked down Ernie to tell him what, thanks very much for helping me. You know what he tells me? The survey's wrong and the hole is in the wrong place. I can only dry two cars at a time. I'm a volume business. That's a sixty hour property. Sixty cars an hour. Two cars an hour is all I can shove through there. I have men standing around waiting for the cars to come or to be pushed through. I cannot wait til February for a driveway, guys. The first time I plow, it'll be mud. My business works in that driveway. And if nobody's noticed it, it's the cleanest one on that roadway. You can hardly tell there's gravel out there. I've packed that down so hard. I drive my van over it for hours at a time, watering it so mud doesn't come up when the customers come. I go out to the job site with buckets and get gravel to fill in the holes when it rains. I can't take it no more. I don't have deep pockets. I've done a great job of fixing up my business on that

corner and I need some relief fellows, ladies and gentlemen. I need customers. I need a sign. Three weeks, that hole in the front of my business fills up just a little bit more every day with water. I don't know how I can have it, or who to talk to about having it. I just need it. I don't have a particular question. All of them were answered by those fellows up front. And I'm sure there's pain and suffering that has to be done with progress. I'm too new for progress. I often thought when I took pictures of the front of my car wash business before Streetscape was even mentioned to me last fall, geeze, there's an awful lot of poles blocking my sign when people drive down through here. And if somebody came along and said, here, sign on this line Richard and they'll go away. I thought it was a great plan. But you know what fellows, my sign didn't have to be removed until three weeks ago. I'm a volume business who needs a sign. I spend 10% of my budget on advertising to tell people where I'm at and they call me from their cell phone. "I'm looking for your business. I can't find it." I want to be found. I want a sign please. And I want an egress before winter rolls around. I don't know what else to say, but thank you for your time. And you know, I don't have any complaints in any particular area, but if that was my business out there, I think I would have certainly done it a lot differently. But, you know, you have a lot of departments and you have progresses. The easements rights weren't secured before you started. It seemed like there should be some kind of rule. You can't start until you get the signatures. The electric hold up for 2 months because we didn't have a letter from some lawyer. Guys, if there are no other businesses here tonight that speak up for how bad it is on Main Street, I can tell you four that has went out of business. And one that's going to leave because it can't be done fast enough for them. And I do business at those places, or they do business with me. One of them just put a great big sign out saying, "closed due to construction". I can't do that fellows. I don't have pockets like that. I'm not a dentist that people will just climb over that egress and go to. I work in that driveway, and I don't know how many times I've mentioned it to different people. "Well Richard, the weather's been bad". Well guys, I've been a car wash for 5 years. It's always rained. I put up with weather. But then the days when there's nice, there's a bulldozer. There are trucks running up and down the south lane spewing dust as fast as they can go. Not meaning it of course, but it happens. And driving by, this isn't enough. Stand in front of one of those driveways for an hour and see what happens. Go down to Schottenstein's and watch the people turn around in the parking lot and go another way home because they're tired of waiting. I don't know how you guys can fix it. Or if the work can be done at night. Or perhaps on Phase II we've learned so much that we're going to work around the clock to not cost pain and suffering. I've laid off staff. I've fired, I laid off a manager. All of those people that don't get hours at my business aren't paying taxes. They're not contributing to the school board. Somewhere, money is being lost on Main Street by employers that can't pay their employees, so they don't give them hours. And in closing, I just want to say thanks for your time and have a nice evening.

Mr. Clemens: Thank you, Richard. I'm sure that Mrs. Reichard and Mayor McPherson has listened to this, and I'm sure that they will take this into consideration and stop down and see you and see if we can solve some of those problems at least for you. Could you take care of that, Mayor?

Mayor McPherson: Yeah. We'll see what we can do. At least about a sign. That's one of the easier portions of it. As far as the dust and the other things go, I don't know what we can do about

that. It's, Richard is right. It's a dust bowl down there. Everyday, we've got all the trucks running. You got the equipment running. It creates dust. I know Jim and I have had talks about keeping the dust down, keeping the water truck out. And we'll continue to stay on top of that.

Mr. Clemens: I think you did have a good idea. The water trucks should run after everybody leaves. I don't know if they do or not.

Mr. Nolan: (Inaudible).

Mayor McPherson: The other thing that Richard did mention was about the street sweeper going out in the evenings. That's something also that Sharon and I will address. We do have our street sweeper and perhaps after they roll those barrels back in the evening we can do something from that standpoint to help out with dust control.

Mr. Clemens: Next speaker is Mr. Donley. Would you please give your name and address please?

Mr. Donley: Dick Donley, 6400 Office Square. I guess there's two sides to every coin. But just to step back, I want to praise the City of Reynoldsburg, Council, Mayor McPherson, everybody involved. Bottom line, when this is all said and done, this is really going to look nice. You know there's suffering going through it and I appreciate what Richard says. We have the same thing at our office park. But one little story I'll give. I leased an office space today, and the guy's coming from the brewery district. The reason he's coming up here is because we are improving this area around here and he liked that. He lives in Pickerington. It's closer. That's one of the reasons that he was really in favor of this thing. He asked how long it'd be and I said well, the way I understand it's going to be spring of next year or early summer and it'll be done, this phase of it. But the complexities and everything has to go underground and all the work, it amazes me how they are doing it. It isn't perfect. I have probably 35 companies down there in 6400 Office Square. I've had two calls. Once, well one day the electric went out. They blew a transformer or something. The air conditioning went out this summer and I understood that. They were not too happy. Two of the buildings. But they got it back on quickly. One other time the trenching in front of the driveway, they needed a little gravel. Complete General took care of it. I really have no complaints other than that. It's muddy. Things are going on. But bottom line, this is short compared to the long run how it's going to look. So thank you, and Reynoldsburg you're doing a great job. I appreciate it.

Mr. Clemens: Thank you, Mr. Donley. Next speaker is Mr. Long. Please give your name and address, sir.

Mr. Long: Richard Long, R. A. Long Properties, R. A. Long Plaza, 6475 East Main Street. I wanted to first of all thank the City of Reynoldsburg and Council, Mr. McPherson for the improvement on Main Street. I had the utmost empathy for our co-businessman up the street there. I certainly, it tugs at my heart strings to hear that happening. Unfortunately, I think that for the long haul I'm excited about the plan. I have 15, 20 tenants back in there and they're inconvenienced. EG&G and EMH&T and Complete General, I feel has done a really nice job

trying to accommodate that flow of traffic and all the concerns and comments from each and every person. Ernie, the superintendent for Complete General has been nothing but accommodating to me. He's been extremely helpful. I too sit in the car and wait for that Main Street traffic but I know what's coming. I have a little bit of foresight into that Streetscape plan. I'm glad that City Council and the City of Reynoldsburg had the foresight as well. I have a lot invested in my property back there and I'm not saying, I know it's a delay and such, but I do appreciate all of the where with all and all of the foresights taken to see this project through. I tend to agree with John. It's construction. And in construction you have contingencies, you have delays, things don't run as smooth as we like them, but something as worth while as this, I think it's going to take some tenacity and some where with all and some patience. So, I thank you for your time and that's the way I feel about it.

Mr. Clemens: Thank you, Mr. Long. We will open this up if there are any public comments and if you do have a comment, please hold it to around three minutes. Is there anybody that would like to speak on this subject? Please stand up. Yes. The lady in the back first.

Female: I don't have a business, but...

Mr. Clemens: Please go to the mike and give your name and address.

Ms. Williams: Bonnie Williams, Laird Avenue. It sounds to me just sitting here listening to everyone talk, that like this gentleman here said, there should have been a lot of these things done before this project was ever started. Getting people to sign, and this holding up, and that holding things up. I agree with him. It sounds to me like there wasn't enough discussed about all this. And then everybody goes from one to the other. Switches. It's not us, it's them, and if it's not them, it's us. So, it's hard to know what to do at this point, but I don't think it was really put on the board and well planned on the things that could happen. Thank you.

Mr. Clemens: Thank you, Ms. Williams. The reason I asked for your name and address, this meeting is taped, and we do keep records. I do have another speaker. This has been passed over here. Mr. Johnson.

Mr. Johnson: Yes sir, I'm Gene Johnson. I own a real estate company that's located at 6899 East Main Street. I live at 912 Rosehill Road. The first thing I want to say is, I'm thrilled that we're doing this. I am very empathetic to our car wash friend, and the issues he has, I think I certainly support the idea of anything we can do towards the end of a day to clean the streets to make it easier to eliminate some of the dust. We're going to have some of it, I understand that. I want to also say that I've been heavily involved in similar projects in other suburbs. Westerville, a long time ago. Worthington, Dublin. I was involved in construction with leasing commercial properties. And obviously it is a difficult situation. But in looking at some of the, Grove City too, those situations I just mentioned, Grove City, Worthington, Dublin, Westerville, the end result is phenomenal. It aint perfect, but it's phenomenal. And there is not a retail business that I can think of that I have been involved with in those communities that regrets having done what they did to improve their cities. I think our end result is going to be awesome. I think we all want to take a page out of these books that are mentioned here tonight as far as trying to improve and make

it easier as we go into the next phase. But overall, I just want to give my support to everybody involved here and look forward to communications to get better and do anything we can to relieve some of the businesses that are suffering the most. But, if you just, even Whitehall, if you just look at some of these other communities that have done major improvements and so called Streetscape Programs, I don't see any flaws with any of them. You can see ways that maybe it could have been better but the end result for the businesses was terrific. Thank you.

Mr. Clemens: Thank you, Mr. Johnson. I'd like to say this has been a nice meeting and I think that every member of Council up here agrees with Mr. Johnson has said or we would have never had passed it to start with. We are behind Westerville, Grove City, Groveport, Gahanna, Pickerington. They're all ahead of us on the Streetscape and that's something that we need and I think that's something all of Council agreed on. I think it's good to have a meeting of this type to express our feelings and find out really what's going on, and that's what it's all about. Communications, I think Council deserves to know what problems occur so we can speak to the people that we represent. I know I've had a lot of people, a lot of questions, and I've learned tonight on answers that I can tell them, and I think that's what it's all about and I think that's why we're all here. This meeting was set up, or called, the Mayor called it and I understand that, to condemn anybody or cause any problems. We're just here to ask answers because money is being spent and that's Council's responsibility when it comes to money and additional money on projects this size. I think as we go along in this, and I'm sure the Mayor will keep us informed, possibly have another meeting in a month or two and give us a report, and I think that's important. I think the more reports we get on how the project stands and when it's going to be completed or what the hold up is, it makes it a lot easier on Council to see what's going on. Because the buck stops here. I know you boys have a hard job, but we have to answer to the public and believe me, there's been a lot of questions. And I understand there's construction problems and traffic. I have no problem with traffic because every job you do, you have traffic problems. And I can understand and I think the public should understand that you can't do these enormous projects like this without having a traffic situation. My feeling is if you can't settle for two lights, then you should take another street some place else. You shouldn't be in that big of a hurry. I think it's up to all of us to do the best we can to ease the problems of the city and our business owners and like Richard back here, and do everything we can. But as far as the project, I think we all feel it's a great project. That's why we invested the money into it and we want to thank everybody that was here representing this report. I want to thank Mayor McPherson for kindly asking to have this and give to us and I'm hoping we'll have reports in the near future. Thank you, Mayor.

Mayor McPherson: Can I just say a couple of things?

Mr. Clemens: Yes.

Mayor McPherson: I just want to remind everybody that we try to give weekly updates on this project. If you go on our web site, ci.reynoldsburg.oh.us, we have a link there. You can click on it. It says I think, "summary of construction, Streetscape". Click on that. That's updated every week. It's not an in depth report but at least it gives everybody a cursory overview of what's going on on the project. And the second thing I'd like to say, shop in the area. Make it an effort to go down to that area and buy in the area and get your car washed, and do your details. So try to

support the area, and we encourage everybody to go down there for your donuts, and your coffee, and your car washes, and your offices, and just everything. Try to make a conscious effort to go to that area and help out with the business. Shop in the area. Thank you EMH&T, EG&G, and Complete General. We really appreciate your information tonight and as Mr. Clemens said, we'll try to get together at least every month or two and give you an update on where we are, more so than you'll get on the web site. Thank you, Mr. Clemens.

Mr. Clemens: Yeah, because that web site doesn't do me that much good Bob. You know that.

Mayor McPherson: Maybe you could have Mrs. Frazier hard copy you with it.

Mr. Clemens: I thank everybody. The next item on the agenda, Discussion, Liquor Permit Request, Transfer, from Yumi Inc., doing business as Arrirang, 6078 E. Livingston Avenue, Reynoldsburg, Ohio 43232 to Eastern Palace, Inc., 6078 E. Livingston Avenue, Reynoldsburg, Ohio. I think we do have a report from the police department. Thank you.

Sargent McComb: Yes. Good evening, Council. We received this liquor permit request transfer for a business located at 6078 E. Livingston Avenue. There are two owners of this business. We've done the investigation to the application permit. And during the investigation, we found nothing that adversely impacted or effected the operation of any hospitals, schools, libraries, or playgrounds in this area. We also ran calls for service at the police department for a history on this particular business location and since November 15, '01, we've only had 7 calls for service at that location. And again, there was nothing that would adversely effect the application. Criminal records checks were conducted on both of the co-owner's. Neither have any kind of criminal history. Neither have had or owned any other permits through the Ohio Department of Liquor Control. And at this time, the police department recommends that the city does not appeal the liquor license transfer application.

Mr. Clemens: Thank you. If there isn't any comment from Council we will not send anything on this if that's fine with the committee. (No response).

Alright that will end the Safety Committee at 8:59.

Safety Committee

- -Susie Smith, Assistant Clerk of Council

(Transcribed - Susie Smith)

October 20, 2003

SERVICE COMMITTEE MEETING MINUTES

October 20, 2003

Members of Service Committee present: Eric Gilbert, William Hills, Ron Stake, Lane Beougher. Other members of Council present: Sarah Cannella, Mel Clemens, Council President Bradley L. McCloud. Councilman Jim Wade was absent.

Mr. Gilbert: I'll call the Service Committee meeting to order at 8:59 p.m. The first item on the agenda is the approval of the minutes of the October 7, Service Committee meeting. And the October 13, special Service Committee meeting. Are there any additions or deletions to those minutes? (No response). None being heard, they will stand as read. Item number 3 is the

approval of the agenda. I have one addition and would like to hold two items. I would like to add to the agenda as item 4a, for lack of a better term, we can think of a better term as this moves forward, Refuse Collection Refund. And I would like to hold items 7 and 8. (Item 7, Discussion, Water Line Project, Broad Street and Item 8, Discussion, Draft Report from Ad Hoc Residential Zoning Review Committee). Are there any additions or deletions to the motion? (No response). None being heard, I'll make that motion. Do I have a second? Second by Mr. Stake. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 4 is the Discussion, Acceptance of Deeds of Easement for Phase I of the Commercial Corridor Streetscape Project. Mr. Underwood.

Mr. Underwood: This is a fairly routine thing we do on deeds of easement. I would request on this one that it be taken through two readings and then held with committee in case we don't have the infamous Walgreen's easement back. Rather than do two different legislative requests and two different groups. They've already been recorded. We have them. We were directed to get them. So until we get Walgreen's back, I would request two readings and hold it in committee.

Mr. Gilbert: Very well. Does that raise any questions or comments from members of Service? (No response). Members of Council? (No response). None being heard, I'll make a motion that we forward this to Council for its first reading on the Consent Agenda. Do I have a second? Second by Mr. Hills. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item 4a is for lack of a better term at this point, Refuse Collection Refund. I was approached by Councilman Clemens several months ago to research the Refuse Collection Fund that the city has. Where the revenues are generated to pay for the refuse collection on a monthly basis but they are forwarded out with the sewer and water bills every three months. And at one point in, I believe it was '95 Mr. Clemens, these fees were established, and since that time this account has been building and I believe there was, the intent at the time was to utilize some of the extra funds for street improvements, things of that nature. And subsequent research has indicated that this fund can only be used for reimbursement or payment to our refuse contractor. Since that time, the fund has built up to a current balance of \$720,365. Now, and it increases above and beyond what we take in every 3 months for our monthly bill to our refuse collector. And I will forward this out to the members. I just obtained this today, for your review. We are averaging somewhere between \$92,955 and \$95,000 a month. It fluxuates somewhat over the course of the year in what we forward for refuse collection fees. But we've maintained this balance and Mr. Clemens had suggested maybe at some point since the only use for these funds is to pay for refuse collection since we are contractually bound, to pay for this on a monthly basis with the existing fees that we have, that would be a good idea to return some of this money to the residents of Reynoldsburg. And I concurred with him and wanted Council to take a look at setting up a way to maybe not, maybe return is not the correct word, maybe looking at utilizing the money out of these funds to pay for one quarter of our refuse costs and then retain a balance in the account over \$300,000. And I'll turn it over to Mr. Clemens at this point if he had anything he wanted to add.

Mr. Clemens: Basically this is something I had thought about for probably a year or more because I new the fund was building up. The only thing that we pay out of it is we pay a part half time on the clerk in the Water Department because we do collect the money and do the billing. So that's the only thing we've been able to pay for with it. My intention was when the account was set up and we made the additional percentage off of it, I thought it could be used for streets and park improvements and such things as that. But it's in kind of an account that it cannot be used for anything other than what it's being used for. My thought was that possibly we could give a quarter where people do not have to pay for a quarter, one of the quarter that we would pick, one of the three month periods that we would pick, and that would save the homeowners that cost, and the city would pick up the cost for the trash hauler and still leave us a balance of \$350,000. That's just how I felt. Since we've been collecting it that way that, it would be a good idea to possibly return that. I couldn't think of any better way than to give it back to the public. That's where it came from. Like I said, I thought when the account was set up and we did it, that we could be spending it, and collecting it, and building it up to do major projects. But that's not the way it operates. So that was just my suggestion. I approached Eric if he would put it on for discussion.

Mr. Gilbert: Thank you, Mr. Clemens. Does that raise any questions from members of Service at this point? Mr. Hills.

Mr. Hills: It is just here tonight for discussion, is that correct?

Mr. Gilbert: Correct.

Mr. Hills: I can't remember, was this a 10%?

Mr. Clemens: Yes.

Mr. Hills: It was 10% wasn't it? And it was to pay those people since we did the billing ourselves...

Mr. Clemens: Yes. That would be a 10% reduction. We kept the 10%.

Mr. Hills: We're going to be looking at the contract later on tonight. Is it still in there?

Mr. Clemens: Mrs. Reichard, is the 10% still in there?

Mrs. Reichard: Yes it is.

Mr. Clemens: Possibly when it came up we were going to discuss that too. Do we do it to a lesser amount?

Mr. Hills: We should be taking advantage while we, well we shouldn't be taking advantage, I don't want to take any citizens money, but what it was if I remember Mel, when we did this 7 years ago or so, by doing it ourselves it was going to in essence, cost the tax payers less because then the company picking it up would not be handling the billing. The billing would be done through the

water billing already and so they wouldn't be on a monthly collection of the billing.

Mr. Clemens: It was a cheaper way to do it. The companies did not want to bill. They really like the way we do it and they get paid every month.

Mr. Hills: And I guess the other thing, and while we're discussing it, and what I would like before we bring it up for any readings tonight, I want to be sure that we have used the account properly here because I think we do have to transfer money from that (Tape Change)

Mr. Clemens: To take care of that, we do the same thing in the Storm Water Department. Half of the money comes from the Storm Water Department and half of the money comes from the trash collection part that pays for the one clerk in the Water Department. Because we handle the billing for both of them.

Mr. Hills: I guess the dumb question, if we transfer it at the end of the year, is that into the 100 accounts for the next year to supplement the budget? Or do we budget the payroll for that individual any way and this other goes into a, I'll go out and buy something funds? That little account, I don't like too well. We'll get that answer so we can move forward with this. Because it is to go in to pay the payroll of those people who are processing the billing.

Mayor McPherson: It does go in. That's part of the transfers that you do at the end of the year. And again, that's out of the Water/Waste Water Department. So it really doesn't effect the General Fund at all.

Mr. Hills: Okay.

Mr. Gilbert: And that's why it was our intent to leave a significant balance in the account to allow for that type of a transfer and I guess as a safety vow. Mr. Clemens.

Mr. Clemens: And I am correct on that aren't I Howard? I mean, we've discussed this that that money can't be, I can't use it like I'd have liked to have used it for a different program.

Mr. Whitney: Yes.

Mr. Clemens: So that's why I had talked to Howard about this, like I said, a year ago. Because I would have liked to have got the money out and used it for this, when we first discussed it I thought we could use it like for the Street Program and stuff like that. But it's an impossibility and it just seems like we are building this fund up. Like I said, we've built it up to \$750,000 and I'd like the Council to think about it and that's why I asked Eric to bring it up for discussion as possibly of the residents not having to pay a quarter of their bill. Whatever we decide.

Mr. Hills: Any time we can give something back, it would be nice.

Mr. Clemens: That's correct.

Mr. Hills: We're all paying for it.

Mr. Clemens: That's right.

Mr. Gilbert: Well, without any other members of Council, questions or comments? (No response). Mayor, any questions or comments at this time?

Mayor McPherson: No. Other than I'll look at it also. One of the things I'm not sure, if we have this kind of money in this, whether or not it can be used, one of the things we've talked to Council about is the ability to pick up leaves. Have a machine to pick up leaves and all, to substantially reduce our yard waste that goes to the yard waste facility. And with this kind of money we might want to look at doing that. As we mature as a city, we're starting to get more and more trees and more and more leaves, especially in the Briarcliff area and places like that. So, you know, one of the things that we've talked about internally is how all these leaves go down in our storm sewers and plug up stuff. So if this money can be utilized to perhaps help us out in some of those areas as well as give a refund. With that much money in there, maybe we can find a multiple uses if you will, for it and including reducing the amount that the consumer pays for the service. Thank you.

Mr. Clemens: Mayor, I have no problem if that can be worked out.

Mayor McPherson: I don't know.

Mr. Clemens: If anything can be worked out as far as employees or as far as equipment. Things like that. I've just never been able to work anything out and I have no problem with that. But I think we have plenty in there to do both.

Mayor McPherson: Yeah. I had no idea we had that much.

Mr. Clemens: I've been following it. And if something like you discussed can be worked out, that would be like another department and we could have personnel and we could keep collecting that 10%.

Mayor McPherson: Exactly.

Mr. Clemens: Because that 10% does save the public money because if we did not do the billing, their bids would have been higher. None of them want to bill because buddy, we pay them once a month.

Mayor McPherson: Exactly.

Mr. Clemens: They don't have to worry about collecting that money each month from everybody. They were glad that we deducted this 10% from them.

Mayor McPherson: That's absolutely correct Mr. Clemens. It saves money on the bid.

Mr. Clemens: That's correct.

Mr. Gilbert: What I'll do, I'll take the questions and comments into account and we'll write up a formal legislative request for our next Service Committee meeting to look into this and touch base with Mr. Underwood. I appreciate the members comments and the Mayor's as well. Thank you, Mr. Clemens.

Item 5 is the Discussion, Authorization of contract, collection of refuse. Our Safety/Service/Disaster Director's here. Thank you, Sharon.

Mrs. Reichard: Thank you, Mr. Gilbert. You do have the bid sheets with you included in your packet. You will see that Rumpke came in with the lowest bid at \$1,431,819. This is effectively \$1.29 more per month for our refuse collection. However, also included in this bid is the taking care of the trash facilities, the receptacles on Main Street. And we've not had that before. We knew that we had to take care of that with the Streetscape because we have all of those fine looking receptacles out there and they need to be emptied. So we included that in this bid and spread that across for everyone to pick up. Effectively, it's \$1.29 more per month. It's \$11.47 ½ per month, and for Senior Citizens it is \$10.12 ½ a month.

Mr. Gilbert: Mrs. Reichard, when you brought this forward there were some, you had some I guess, serious concerns in regards to service and equipment. At the time we had met on this, you had pointed those out to me, and you had indicated that this is the reason you wanted to begin a bid process rather than look at an extension. I didn't see anything included in the packet where these issues have been addressed with you. Are you comfortable that those issues have been addressed?

Mrs. Reichard: Over the last several months since we began this bid process there's been, to my understanding, there was two representatives here tonight from Rumpke that can answer some of your questions. However, the service has, I know they have had a change in personnel, and a variety of things going on at Rumpke. And as a matter of fact, our service representative is even different now. I'm not exactly sure who it is at this point, but I'm sure those two gentlemen can tell you. The service has been better. The problems that we were having before with the oil leaks, and the trucks, and the missed pickups, I keep a regular check with Erin, who's at the front desk and who gets the vast majority of the calls, and they are down considerably. I think a week or so ago we had maybe two calls. So the service has improved. Obviously, we hope it stays that way. But when you look at the bid spread, you know, it was, they were \$230,000 less than the next bid. So we felt compelled to move ahead with that and we have been assured by Rumpke that their service will continue and continually improve as it already has.

Mr. Gilbert: Okay. Thank you. Members of Service? Mr. Stake, then Mr. Hills.

Mr. Stake: Thank you, Mr. Gilbert. Mrs. Reichard, I believe that when we talked about doing the bids that there was going to be some penalty, financial penalty for trash not being picked up. Is that in this?

Mrs. Reichard: Yes sir, it is. There's an extensive penalty clause in the contract if you all have

had a chance to take a look at it. It's something that was based upon and built upon what we had in the past. A little more defining. A little stiffer than has been in the past. I can't stand here and quote it chapter and verse to you but at the Mayor's request we did look at that very seriously and defined those penalties and laid them out. So, we're happy with that.

Mr. Stake: Is it in the information that we have here tonight?

Mrs. Reichard: You have the contract.

Mr. Hills: We thought we did.

Mrs. Reichard: I'm sorry. It was in the bid specs. I can get that for you.

Mayor McPherson: I'm not sure if we, did we copy Council with the bid specs? If not, we'll copy with the bid specs because the contract refers to the bid specs, and it is in the bid specs.

Mrs. Reichard: Mrs. Frazier just said we did copy you with the bid specs.

Mayor McPherson: Okay. I thought you had a copy. All the details are in that bid package. If for some reason you don't have one or you've misplaced it, just let me know and we'll get you a new one.

Mr. Stake: Okay. Thank you.

Mr. Gilbert: Mr. Hills.

Mr. Hills: Mr. Stake, I don't remember seeing the penalty clause in what we did receive. I agree with you. You didn't see it either, right?

Mr. Stake: Right. Correct.

Mr. Hills: Whatever we do have, does not have the penalty clause in it.

Mrs. Reichard: We'll make sure you get it.

Mr. Hills: This was only for clarification purposes, and I want everyone to know that we would have been bidding this contract at this time in a given two or three year period. Because this contract expires. Our current contract with Rumpke expires November 30, 2003.

Mrs. Reichard: That's correct.

Mr. Hills: We weren't doing anything out of the usual when we bid this contract. We are just bidding, which is one of the requirements we do as a city on any contract over \$10,000. So where there may have been concerns or comments, we were bidding regardless of whether the concerns or comments were out there. Is that correct?

Mrs. Reichard: Correct. It just gave us the opportunity to shore up the penalty clauses.

Mr. Hills: Thank you.

Mr. Gilbert: Mr. Clemens.

Mr. Clemens: Yes. I'd just like to say one thing. The years that I've dealt with Rumpke I've had no problems as Service Director. I think the service has been, for what we pay for has been _____ and so forth. I did want to say one thing, my wife was here and she just left a few minutes ago and I did not tell her this was going to be on here. So you're lucky in that respect. Because you don't have to listen to what I have to listen to about once every two weeks. That is the hydraulic fluid on the street. My wife's very intense on how the neighborhood looks. And we've had an awful lot of problems on that. And I know, Sharon knows we've talked about this, and I expect that's something to be corrected. We used to have, she's called many times about this and we've got no response. I don't know whether Shaun's still there or not. I don't know what the organization is or anything like that. But if you look at our streets after collection day, they have looked bad. We've been doing the Street Programs and our street looks real nice and it wasn't a month later that they broke down two trucks on my street. One, one day and one the next. And she had to go out there and throw sawdust on it. I caught all kind of _____. I don't want to do it any more. So I think this is one thing that I know I'm going to keep an eye on. Because I hate to see us put a million dollars a year into a Street Program and see black spots all over and black marks that run down maybe two blocks. And I just want to warn you. I'm going to keep my eye on it. Okay?

Mr. Gilbert: Other members of Council?

Mr. Hills: Not now.

Mr. Gilbert: We have until, what's the date?

Mrs. Reichard: December 1.

Mr. Gilbert: I'll just make a motion that we have time to just initiate a first reading on this. Move this forward for a first reading on the Consent Agenda. We can deal with your rule suspension or your emergency request at the second reading if that would be alright.

Mrs. Reichard: That's fine.

Mr. Gilbert: Without any objection, I'll make that motion. Second by Mr. Hills. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 6, Discussion, 732.01, Rates for Residential Collection and Disposal. This is just an extension of the contract.

Mrs. Reichard: This is just actually to clean up some of the verbiage, some of the language in the code. Apparently, in '95, or some such time, that's what it looks like it was...

Mayor McPherson: July of '95.

Mrs. Reichard: July of '95, it was put in the code just exactly what the amount per month was. And we just need to strike that sentence and just leave fair and reasonable charges for the residential service. And leave out the amounts because they do change with each bid. So it's just a matter of cleaning up some of the language.

Mr. Gilbert: Okay. And that is in the second paragraph, 732.01 you'll see on your legislative request.

Mrs. Reichard: Last sentence, second paragraph.

Mr. Gilbert: Right. It says \$7.50 per month effective September 1, 1995. Is this the 10% we were talking about earlier? Or this is a different...

Mrs. Reichard: No. That's the rate it was back in.

Mr. Gilbert: Any questions or comments from members of Service on this? Mr. Beougher.

Mr. Beougher: Why don't we just update it with the new cost? Doesn't it make sense? Don't we have our water rates in the code? In the Codified Ordinances?

Mrs. Reichard: No, we don't. According to Mrs. Frazier. If you don't mind my quoting.

Mr. Beougher: No? Okay.

Mr. Gilbert: Any other questions or comments, members of Service? (No response). None being heard, I'll make a motion that we forward this request to Council for its first reading on the Consent Agenda. Do I have a second? Second by Mr. Stake. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 9 is Ordinance authorizing Mayor to purchase a perpetual nonexclusive easement from the estate of Lena Rose Clark. This item did come before Council for its first reading on October 13. Are there any questions or comments on this? (No response). I believe there is an, I had a note here, on item 9, this will need to go to Finance. Mrs. Frazier, if that's correct and my note is correct, I'll make a motion that we forward this to Council for its second reading on the Consent Agenda. But first it will need to go to Finance. All those in favor, please signify by saying aye. Can I have a second? Mr. Stake with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 10, Resolution of intent to appropriate permanent right-of-way and temporary

easements for construction of Main Street and Graham Road. This item did have its first reading October 13. Anything you care to add with this? Mr. Underwood, I believe we did receive some additional information in our packets in regards to this.

Mr. Underwood: No. I think we just put together a new packet so that it was complete.

Mr. Gilbert: Okay.

Mr. Underwood: Instead of piece meal.

Mr. Gilbert: Does this raise any questions from members of Service? (No response). Other members of Council? (No response). None being heard at this point, I would make a motion that we forward this, Mr. Underwood does this need to move on a fast track, or are we okay with the three readings at this point?

Mr. Underwood: I think we're okay with three readings. There's been no rush on it so far.

Mr. Gilbert: Okay. It will need to go to Finance and I'll make a motion that we forward this to Council for its second reading. First it will need to go to Finance. That's on the Consent Agenda. Do I have a second? Second by Mr. Stake. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 11, Ordinance ratifying Mayor's execution of partial assignment of easement. This item had its first reading on October 13. Any questions or comments from members of Service? (No response). None being heard, I'll make a motion that we forward this to Council for its second reading on the Consent Agenda. Do I have a second? Second by Mr. Hills. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 12 is Ordinance to accept an application for annexation, .94+/- acres in Truro Township. This item has had its two readings. Any questions or comments from members of Service or other members of Council? (No response). None being heard at this time, I'll make a motion that we do forward this to Council with a recommendation for adoption. Do I have a second? Mr. Beougher with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And with that, I'll adjourn the Service Committee at 9:25 p.m.

Service Committee
- -Susie Smith, Assistant Clerk of Council
(Transcribed - Susie Smith)
October 20, 2003
FINANCE COMMITTEE MEETING MINUTES
October 20, 2003

Members of Finance Committee present: William Hills, Mel Clemens, Eric Gilbert, Sarah Cannella.
Other members of Council present: Lane Beougher, Ron Stake, Council President Bradley L. McCloud. Councilman Jim Wade was absent.

Mr. Hills: I'll call Finance to order at 9:25. Ask for approval of the minutes of the Finance Committee on October 7. Any additions or deletions to those minutes? (No response). Seeing and hearing none, they'll stand as submitted. Tonight's agenda, I need to add two items, 3a being an easement, Perpetual nonexclusive easement for the estate of Lena Rose Clark, and item 3b is an easement of Graham Road and Main Street and appropriating some funds. Any other additions or deletions to the agenda tonight? (No response). Seeing none, yes Mr. Gilbert.

Mr. Gilbert: The two...

Mr. Hills: Adding 3a and 3b, I just did it.

Mr. Gilbert: Okay. I'm sorry.

Mr. Hills: So I will move to add 3a and 3b. Is there a second? Second by Mr. Gilbert. All in favor, state aye. (All voted "Aye"). It is amended to add 3a and 3b.

3a will become the need to appropriate \$3,000 from unappropriated CIP Fund to account 410.091.5622. Mr. Gilbert, you would like some money I take it.

Mr. Gilbert: Correct. That is the request from the City Attorney and its up for its second reading from the Service Committee.

Mr. Hills: Okay. Any comments or questions by anyone on Finance? (No response). And this will, I think the City Attorney's estimates cover those costs then. So I would move that we do appropriate those funds and be attached as you send it forward for second reading. Is there a second? Second by Mr. Clemens. All in favor, state aye. (All voted "Aye"). So it will go forward.

Moving on to item 3b, the Resolution of necessity to appropriate public right-of-way of Graham Road and Main Street obtaining some easements that obviously are not, they're not walking up and signing them over to us. And I think we've just learned that we won't be starting projects without easements. So we need to complete this. Is that correct, Mr. Underwood?

Mr. Underwood: That's correct.

Mr. Hills: Graham Road and Main Street has been on our plans and our long term plans for a number of year. Is this going to slow down, or will this stop any of the commitments we have from other federal or county funds? They will obtain until we obtain this information?

Mayor McPherson: Yeah. The money will still be held there for that fund even though it's been delayed.

Mr. Hills: Okay. And these are always not pleasant things to do. That's why it is \$83,500. This is when we're going to go in as a city and say, unfortunately we need the land more than you do, and try to make a fair and equitable arrangement through the court system to say that we're going to be able to use your land for not just our needs, but for all of the citizens. So these are not always nice, and I do know I believe negotiations had been ongoing for a period of time and they've sort of came to the place and then fell apart. So it is one of those unfortunate things we have to do when we're trying to serve the city as it grows. So I would move we send this forward along with the ordinance and appropriate \$83,500 from the CIP Fund to account 410.083.5651. Is there a second? Second by Mr. Gilbert. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Seeing none, it will go forward.

Mr. Gilbert: I was just thanking you for your assistance with that.

Mr. Hills: You're welcome, sir.

Moving on to item number 4. I guess the first thing I'd ask for those Council people that have looked at this, don't panic. It does mean something and I'll try to explain what it is. This is discussion, Various supplemental appropriations. Mr. Whitney, do you want me to try to give a little summary or would you like to do it?

Mr. Whitney: You always do an excellent job on these, Mr. Hills. Please feel free. If you have any questions.

Mr. Hills: What we have here is, Mr. Whitney and the Mayor met and there's some shortages in our 100 accounts. 100 accounts as we know are our benefits and payroll accounts. Some of those are due to new insurance coverages. Some are due as to part time seasonal help that was hired in the Parks & Recreation Department but yet had been cut out of the budget but were hired during the summer. Another one on insurance. As they came to me and said, we need to appropriate about \$90,000, I said I'm not real big on taking money out of the General Fund and just giving it into the 100 accounts. Where do we have 100 accounts that are not going to use what has

already been appropriated? And so your first four items if you'll notice, the 6,000, 70,000, 3,500, and 1,000 happen to equal the same amount as the bracketed 60,500 from the police and 20,000 from the Clerk of Courts. As they looked at their records, there is money that has been budgeted and appropriated for '03 that will not be used. And I said rather than just appropriate funds, dollars from the General Fund to put more money in the payroll accounts and benefits accounts, let's do a legislative transfer from those, the police and Clerk of Court to the appropriate account numbers equaling the amount of shortages that are needed. So that takes care of the top items. I suspect that will have to be a separate ordinance. Correct, Mrs. Frazier? We can do them all together?

Mrs. Frazier: (Inaudible).

Mr. Hills: That would be Section 1 of some ordinance we'll see that looks a little different than this. But that is just asking the authority to transfer money from the accounts that have excess 100 Funds into those accounts that need additional dollars. Then as we get down into the last item, the \$15,000 request into Fund 260.268.5105, that's \$15,000 to the Street Fund, Street Department, and the appropriation there would come from the unappropriated Street Fund. I'd asked Mr. Ward to put together a summary of why we're short the \$15,000 because we did all hear about the FEMA reimbursement on our winter. We appropriated almost \$20,000 in overtime. We had FEMA reimbursement of \$11,000. So approximately \$31,000 in overtime availability. Overtime used to date is \$42,000. And then he has detailed that out for us. So in essence, I believe your feelings are that there will be overtime used by the end of the year that equals the \$15,000 that he has asked for. And I think the documentation is here and I'm not sure if everyone got a copy of this. It was at your place this evening. Certainly I see no reason why we wouldn't be appropriating to keep our people out. We did have an unusual winter and I am willing to bet you're probably going to see that your vacuum is out a little bit more on Main Street between now and then in the year too.

Mayor McPherson: In the evening.

Mr. Hills: And maybe you may want to do some shift adjustment on hours. But I think there we can participate and I appreciate those comments being made that that would be a suggestion on how to solve some of the dust. Does this explanation raise any questions with anybody on Finance? (No response). Is there an emergency needed on this, Howard?

Mr. Whitney: If we want to pay the Parks & Recreation Department this next month. Yes.

Mr. Hills: I bet next year you all let us know ahead of time that you hired them, won't you? I will then recommend that we send forward with recommendation as an adoption, we'll try to summarize this for purposes, it will come to us detailed by Mrs. Frazier, transferring approximately \$80,500 from those accounts who have excess into the needed accounts within the appropriate departments that need those funds. And also the appropriation of \$15,000 from the unappropriated Street Fund, and send that forward with recommendation for adoption as an emergency to be able to continue to have sufficient dollars in the 100 accounts to pay our employees. Is there a second on that? Second by Mrs. Cannella. All in favor, state aye. (All vote "Aye"). Opposed? (No response). It will go forward.

Moving on to item number 5, Discussion, Supplemental appropriation, Income Tax Department. Brenda. And Brenda I would note, she called me and asked me about this and I asked her to provide some additional information, and I do appreciate that page and a half of detail. Bottom line, unlike most legal fees, when we pay this attorney a legal fee of 5,000, we're getting three times that much in income.

Ms. Browning: Yes.

Mr. Hills: So we're actually paying, when we pay him 5,000, we're getting 15,000 in in taxes that had not been collected.

Ms. Browning: Right.

Mr. Hills: I'm an attorney, but that's a nice legal fee.

Ms. Browning: And 25% for a collection attorney I feel, is a very reasonable fee. But just to continue on, with the subpoena program, to be perfectly honest, I was too optimistic. We had taken care of so many delinquent accounts with it last year that I expected the amount to be lower this year. And I was wrong. Unfortunately, we still have a high delinquent factor that we have to deal with. So that's where the \$2,600 is coming into account for the Miscellaneous Contract Services. And as you can see, it more than pays for itself in doing this. I've provided you with 2001 and 2002 figures. And then with the Nonreimbursed Legal Fees Account, we've got the collection attorneys. I've given you some figures on our municipal court cases and some of our court costs, and I gave you what I thought the estimate would be which was \$3,626 but I'm requesting an additional 5,000 because there's just no way to pinpoint that that closely.

Mr. Hills: Let me catch up with you here. So you, which one is that you're asking for?

Ms. Browning: That's the legal fees account. The 5379, the 5,000. So I've given you what my estimate of what I think it will be, but because it is such a volatile, I mean I don't know how much the attorneys may collect for the next three months. So I popped it up to the \$5,000.

Mr. Hills: \$5,000. You're asking for 2,600 and 5,000. You aren't increasing that right now though?

Ms. Browning: No.

Mr. Hills: Okay. I wasn't sure I understood that part.

Ms. Browning: And then taking into account, this next year I will be increasing the legal fees in my budget so that hopefully I won't have to come back to Council unless you prefer me to play it closer to the...

Mr. Hills: The best we can do is what your track record is showing and I appreciate that. This is

one of the, again as we're dealing with the Tax Administration, my concern is always spending little or no dollars out of the General Fund and this one comes out of the unappropriated Income Tax Fund. It's sort of off the top and because taxes are how cities survive, so you kind of have a priority rating there. If it's a bankruptcy situation, you call it the super priority loans. It's up on top. So as we appropriate these monies, it is coming out of the Income Tax Fund and not the General Fund. So it's there for this purpose. Does this raise questions with anyone on Finance? (No response). There's not a need to have this as an emergency, is there?

Ms. Browning: No. That's why I put it in now so that it wouldn't have to be an emergency.

Mr. Hills: I appreciate that. Because any time we can let them run their full courses, it's always nice. If no one has any question on Finance or no one on Council, I'd recommend we send this forward for first reading on the Consent Agenda. Is there a second? Second by Mrs. Cannella. All in favor, state aye. (All voted "Aye"). Opposed? (No response). See, I remembered the Consent Agenda. Thank you, Brenda.

Moving on to item number 6, Discussion, Refunding of 1993 Bond issues. Mr. Whitney.

Mr. Whitney: I had some help with this one. Mr. Franzmann, our bond counsel is here.

Mr. Hills: Mr. Franzmann, sorry you had to wait so long.

Mr. Franzmann: That's quite alright.

Mr. Whitney: The basic message is, we have some bonds that were issued back in 1993 which are callable as of December 1 with rates down, although they're going back up again, it still benefits us to issue bonds to refund that debt at a lower rate. The savings on a present value basis will be somewhere in the neighborhood of, depending on what rates are when we do issue these bonds, hopefully on December 4 we'll be saving somewhere in the neighborhood as an absolute minimum, \$150,000, up to maybe \$250,000. Probably around \$200,000. So it's a, I would suggest it's kind of a no brainer. We're going to save the city money.

Mr. Hills: Okay. Mr. Franzmann, did you have anything to add to that?

Mr. Franzmann: I really do not. This is a very straight forward refunding that's tantamount to what we all experience with refinancing our home mortgages. Interest rate environment's lower now compared to the interest rates on the 1993 bonds. And as Howard mentioned, the underwriting firm that has been working with Howard is projecting probably a minimum of \$150,000 in savings assuming the market stays where it is today over the course of the next month. And if it improves, the savings would just go up.

Mr. Hills: Because bottom line, I think the original bonds were 4.3 and 3.8 million, and they've been paid down now and this would be a 4.750 bond.

Mr. Franzmann: At the most. The ordinance provides for a maximum principle amount. My

guess is that it will be closer to 4 ½ million.

Mr. Hills: Okay. But this is after all expenditures, sales expenditures and everything else, we are anticipating a generation of income, or savings for the city of somewhere between approximately \$200,000 at our best numbers.

Mr. Franzmann: Yes.

Mr. Hills: Okay. Questions from anyone on Finance? (No response). Questions from anyone on Council? (No response). This is something we have historically done as the time is right and certainly with conjunction with Mr. Franzmann and I appreciate that. So with that, I would recommend that we send this ordinance forward, providing for the issuance of the sale of the bonds in the maximum principle, with recommendation at the amount stated in the ordinance, for the purpose of refunding the 1993 bond issues, and recommend adoption of that as an emergency so we can move forward for sale. Is there a second? Second by Mr. Clemens. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Seeing none, it will move forward. Thank you all very much.

Mr. Franzmann: Thank you.

Mr. Hills: Item number 7, Howard, I'd like to spend as little time as possible on this tonight as late as it is. Item number 7, Change in the City of Reynoldsburg Investment Policy, Treasury Investment Board. If you want to give a little quick overview, because I would like to just hold this for a couple of weeks because I didn't have an opportunity to talk about it some more with you.

Mr. Whitney: There's no hurry on this. I wouldn't be extending the portfolio beyond two years anyways. But this is for the future. Currently we are restricted by our investment policy to investing in a maximum maturity of two years. The yield curves on securities tend to be very much upward sloping. Longer maturities provide significantly higher rate of return. They're even doing that now, but under the circumstances we still wouldn't want it to go _____. So I'm asking that we change the investment policy to allow the maturity to go up to 5 years. I have put in the packet here some evidence for you that this should provide no problems for the _____ purposes because we do have a significant volume of stable funds. I think that's on the last page of the, we wouldn't want to go out further if there's a chance that we would need the cash. But the fact that we've got over 5 million dollars in our enterprise funds, of very stable money that the balances just don't fall below 5 million dollars, there's really no good reason at all to keep those invested in low yielding, short term paper. I see no increased risk in doing this. Only an ability to generate a high rate of return on our investment portfolio.

Mr. Hills: Howard, I guess just one question. If you had the opportunity to do it today, you wouldn't do it because of where the interest rates are, correct?

Mr. Whitney: That is correct.

Mr. Hills: So if you don't mind, with that in mind, we'll hold this for a couple of weeks and have a chance now after your explanation to look at it a little bit closer. Because I think the first page

investment policy change is the actual change you want to make in the policy and then the next five or six pages are the supporting data. Is that correct?

Mr. Whitney: That is correct.

Mr. Hills: Okay. I do appreciate the explanation. If you don't mind, we'll hold this for a couple of weeks. Is anybody on Finance opposed to that? (No response). If not, let's hold this for a couple of weeks and move on. Thank you, Howard.

Mr. Whitney: Thank you.

Moving on to item number 8, Discussion, Extension of Contract for Professional Consulting Engineering Services. And I think this is either the City Attorney, or Mrs. Reichard, or whomever. Mrs. Reichard.

Mrs. Reichard: Okay. Actually I could just explain 8 thru 13 all at one time. These are just extensions. One year extensions to the contract for all of our professional engineering services and architects. As you know, we have our consulting engineer and a backup. Structural engineer and a backup. And architectural services and a backup. There's only one that has an addendum to it that has any change at all. And I'm very pleased to tell you that that is, they're lowering the fee. And that is in our residential plan review for any addition or alterations in existing structure in family dwelling units. It was \$120, the same as it was for commercial. And thanks to an inquiring citizen here in Reynoldsburg, I apologize, I wish I could think of his name, called and said, wait a minute. This is just a small little thing I'm doing. Why do I have to pay \$120? And on and on and on. So I did speak with Asebrook & Company, and we decided that anything less than 200 square feet in a family, in a private dwelling, family dwelling, would only be \$60. So that's the addendum to the contract number 12. But all the rest of them are just one year extensions. No changes.

Mr. Hills: So on the Asebrook & Company fee sheet, the addition/alterations to existing structures less than 200 square feet, \$60 each.

Mrs. Reichard: That's it.

Mr. Hills: That is the only new language in here?

Mrs. Reichard: That's right.

Mr. Hills: Okay. I guess the one, I do have one question. That's the only amendment. However, exhibit "A" has been modified on the EMH&T contract and no replacement. Section 5 is gone. Is that by agreement of the parties?

Mayor McPherson: That was by agreement. If you recall, that's when we were trying the in-house engineer and we ran a little bit short and we found that we really could get as good of service just by calling Dave up on the phone. And it was a mutual agreement that that be stricken.

Mr. Hills: Okay. And these have to be approved? There is no emergency marked on these, so there's plenty of time. Does this raise any question by anyone? (No response). If not, I'm going to ask, and I know Mrs. Frazier and Susie will probably yell at me, but with the explanation we've given as a minor change agreed upon on number 8, and number 12, the agreement of a reduced fee on a new section called anything under 220 feet, I'd like to move that we send recommendation to send forward for first reading 8, 9, 10, 11, 12, and 13 as different ordinances, but I'd like to do it on one motion. Is there a second for first reading? Second by Mrs. Cannella. All in favor, state aye. So they all will stay separate but they'll just go forward as six different motions.

Mr. McCloud: Mr. Hills, might you amend your motion to put those on the Consent Agenda?

Mr. Hills: Yes, sir. I'll be happy to put them on the Consent Agenda. I forgot that one again. I got one and missed one. I'm hitting 50%. We'll move on to item number 14. And there second is still there. Is it not, Mr. Clemens?

Mr. Clemens: Yes.

Mr. Hills: All in favor, state aye. (All voted "Aye"). And they will be on the Consent Agenda.

Moving on to item number 14. Ordinance to amend Ordinance No. 103-02 passed November 12, 2002 that waives competitive bidding for various exempted contracts and expenditures over \$10,000. This came to us, how would we say, back in my home state, just a tad bit late probably. I guess, this is the list of waivers of competitive bidding. It is approximately the same size as last years and Mr. Underwood has looked at it and says he feels they're appropriate. I guess I do have, I've got one thing that concerns me and I've got one request. And Mr. Whitney, Mr. Underwood, Mayor, I'd like to request you make a copy of this as we pass it. Can you give it back to us in January so we can do it right for '04. We'll do it timely.

Male: (Inaudible).

Mr. Hills: I think Mr. Underwood would like this taken care of. Ideally, you should do these things before the individuals ever expend \$10,000 with you and therefore, because we're waiving the competitive bidding. Do any of these individuals or companies raise any questions with anyone on Council? (No response). The only thing that I do have somewhat concern about in Section 3, I just don't like the word "retroactively". I don't think we of a legislative body can truly pass something and say, this went into effect 1-1-03. So with that, I'd like to try to make Section 3 a little bit more creative and state that certainly this will go into effect upon signature by the Mayor, or 30 days after. And then turn around and say, that for any of those items that their \$10,000 has been expended, that we will recognize that there was a certificate of authenticity available at the time that the funds were there. I want to put something in here other than saying "retroactive". We're certainly approving, I'm going to recommend that we as Council approve the fact that we should waive competitive bidding on these people. Mr. Clemens.

Mr. Clemens: Just put in there, Howard got it to us too late. How would that be? Would that work?

Mr. Hills: I bet Nancy will come up with something a little better than that. But does anybody have any opposition with that? (No response). I'm just not sure as a legislative body you can truly do things retroactively. So with that, I would recommend that we send this forward for, there has not been a, there's not an emergency request on this, is there Howard?

Mr. Whitney: (Inaudible).

Mr. Hills: Then send it forward for first reading, get the language the way we want it, then on second reading we'll pass it as an emergency if that's alright. So I recommend we send it forward for a first reading...

Ms. Smith: Mr. Hills, it's already had a first reading.

Mr. Hills: It's already had a first reading? Excuse me. Let's send it forward for second reading, and I guess I will say, all we're doing is going over, _____ many people the opportunity to, is anyone opposed as an emergency on second reading on this? (No response). With recommendation for adoption as an emergency, contingent upon the language being appropriate on the retroactive section. Is there a second? Second by Mr. Clemens. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Hearing none, it will go forward for a second with recommendation for adoption.

Item number 15 then, is Ordinance making appropriations for first interest payment on 2003 Capital Facilities Bonds. We've had first reading on this one 10-13. Again there is no rush. Is there anything additional on this? (No response). No questions from Finance or anyone on Council? (No response). If not, I'd just recommend we send this forward for second reading. Is there a second? Second by Mrs. Cannella. All in favor, state aye. (All voted "Aye"). It will go forward for second reading.

Mr. Gilbert left at 9:35.

We will adjourn Finance at 9:50.

Finance Committee
- -Susie Smith, Assistant Clerk of Council
(Transcribed - Susie Smith)
October 20, 2003