

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
October 13, 2008

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

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

The Invocation was given by Mr. Hills, who also led the Pledge of Allegiance.

Minutes of the regular Council meeting held September 22, 2008 were approved without objection.

Minutes of the Special Council meeting held October 6, 2008 were approved without objection.

The agenda was approved.

Clerk read report from Clerk of Court - total monies collected from courts held during September, 2008 - \$47,303. Monies collected during that same period pursuant to City Ordinances 146-94 and 104-02 - \$2,640 for the Computerization Needs Fund; and \$115 for the Enforcement and Education Fund.

Reports:

City Auditor Harris said the Auditor of State Mary Taylor had presented the city, for the third time, with the Auditor of State's "Making Your Dollar Count" Award - for excellence in financial reporting. Mr. Harris said fewer than 5% of government agencies in Ohio are recognized as being excellent in public financial reporting. Mr. Harris said he would like to thank the people on his staff, and the people who work in the city, who handle all the paperwork there is, because without the cooperation and the hard work of all those people, the award certainly would not have been possible. Mr. Hills and Mrs. Newman congratulated Mr. Harris and everyone in the city who contributed.

Mayor McCloud reported that "the Maronda Trailer issue was brought up a couple of weeks ago. As recently as today, the Chief Building Inspector and the Development Director were there on the property. We also have a phone call in to the supervisor for Maronda to engage in some discussions about that trailer and in sum, that trailer is permitted. The permit was taken out in 2002 and that permit is good for as long, I understand it, Luke, please correct me if I'm wrong, but as long as development activity is occurring, that is a valid place to be under the circumstances, that it is permitted. Maronda has pulled five permits for building activity so far this year. There are two more pending so, as I understand it, that's a criteria for allowing that trailer to be there.

The electrical box issue, that electrical box is deactivated, it is not hot. It is my understanding that at some point in the future, when building resumes, they may reactivate that and I don't know any more about the timing of that. It's probably going to be situational. The Code Enforcement folks have been there to the property in the past. There's a history of two written

notices that were issued for high weeds, grass was cut. Today a sign was removed from the right-of-way and the grass now is just at six inches so tomorrow morning there will be a written notice to cut the grass and remove a small trash can that's visible, from the street to the back. I think that's probably where we are unless Luke or someone has something else to add.

Mr. Hills thanked the Mayor for the report.

Mr. Hills asked if someone could give the status of Wesley Road and the infamous two week project that's now in it's eleventh week, that he believed had some commercial businesses shut down and was creating difficulty for retired people to get back and forth to the center.

Director of Engineering Miller: Thank you President Hills, members of Council. I met with Elford Construction right after lunch time today to find out what has happened with their schedule and when Taylor Park Drive is going to be open. Originally, Elford Construction and Target met with business property owners that were affected by this proposed construction which includes Wesley Ridge, the Fitness and Nutrition Center, Rite Rug, Valmer Title, McDonald's and Shell and others on the opposite side of the street, and they had proposed to them a schedule that showed Taylor Park Drive being open during the month of October, October 17th specifically and as a result of utility relocations, as a result of utilities not being properly marked, poorly marked, and numerous delays as a result of there being utilities where nobody thought there were any, that were encountered during construction, has accounted in the last two ____ alone for approximately a week's delay. There was also an issue making the water tap to a 12" water main on the west side of State Route 256. There was a concrete AT&T duct that was improperly marked concerning its proximity to the water main and when they dug up the water main to make the connection and they saw how close this duct was, they couldn't make the connection with the equipment that they had so they had to order new tapping sleeves and valves and connection equipment to make their tap to the water main. That water tap was made last week and the temporary lane closure on Route 256 was then removed. I have been told that the road is anticipated to be open no later than November 3rd so they're going to be done on the 31st. That is, in their opinion, the only way now, the only thing now that is standing in their way now that just about every utility imaginable has been encountered and relocated out there. The only thing that can slow them down now is rain. With the exception of inclement weather, they're going to be working six days a week, on Saturdays, to get this done by October 31, 2008 so that on November 3, 2008 the road can be opened.

Mr. Hills: I appreciate the update and let me just, because this is the first time I heard this October date other than I think the October, the road that you're referring to is the new road going back into the Target location, right?

Mr. Miller: No. That's the road, the road I'm talking about is from State Route 256 west, past the Wesley Ridge entrance drive.

Mr. Hills: And back to Target.

Mr. Miller: And back to Target, correct.

Mr. Hills: So let's put things in the real world, because I got involved with this as the Mayor knows when he was out of town and I was Acting Mayor, and you and I had some discussion. It was to be a two week project on what do you call the Taylor, it's not Taylor, what do you call it?

Mr. Miller: Taylor Park Drive.

Mr. Hills: Taylor Park Drive. It goes back to Wesley, it goes by some commercial businesses and whenever the Mayor was out of town the first week the project came up and there were some people that were all upset, didn't know and all these things and I'm sure there's communication. I heard about how great Target was, I heard about how great Elford Construction was and I heard about how great EMH&T was, and this was a two week project and that section of road would be open again, okay. It is now the 11th week and the road's still cut out down deep, I mean it's just dirt, there's some gravel being put in maybe 200 feet back from Route 256. It confuses me because now I guess we talked about it on a couple of different occasions, the last was three weeks ago of which it was going to be two weeks from that time so now we're talking, we're one week past the last two week deadline and I gather, everybody's saying it's now utilities. Utilities were at those pre-construction meetings, they sign off on them don't they? Did I miss something here?

Mr. Miller: The utility companies were not at the pre-construction meeting.

Mr. Hills: Why not? If EMH&T, if Elford, if Target are such good people and pay attention to details, why weren't they there?

Mr. Miller: Prior to plan approval, Elford Construction and EMH&T contacts the utility companies. The utility companies verify the location of their facilities on the plans that they are presented with from EMH&T and Elford. That

Mr. Hills: And they signed off on the plan.

Mr. Miller: They did.

Mr. Hills: Were the plans wrong?

Mr. Miller: Once construction started, the location of the facilities shown on the plan was not correct. The locations that the utility companies had okayed on the plans, was not correct so were the plans wrong? Yes.

Mr. Hills: Were the plans wrong based on the utilities own records? That's probably yes, too.

Mr. Miller: Correct.

Mr. Hills: I don't know, I guess the confusing part is that a two week project is now eleven weeks and I'm not sure, from what I keep hearing, the city didn't do it, Elford didn't do it, EMH&T didn't do it, Target's a great customer so that only leaves the utilities and I'm not a big believer in utilities. I mean, they, we get, I'll be tactful, we pay for an awful lot of what we don't get out of utilities. Prime example is the electric service we get. Obviously, Columbia didn't know a gas line was there, but now we've added AT&T that we didn't know for ten weeks into the project, that they were even there.

Mr. Miller: You know, it's been very frustrating. I agree and it's a ..

Mr. Hills: It's been more than frustrating. It's a comedy of errors that a simple two week project can go eleven weeks, and I guess this is just me on my soapbox, but I think whatever happened here, we need to design, we're designing all kinds of new things we're doing as a city and different standards and guidelines and everything, we ought to do one that we can't screw up a construction project so bad and I don't think we did it, but let me assure you, the customers out there on Route 256 who can't get to the businesses and businesses who have customers who can't get there and the people going back and forth to retirement center, they don't care about Elford, they don't care about Target, they don't care about EMH&T, they care that they live in the City of Reynoldsburg and they're being inconvenienced for no good reasons. And folks, that's how we do it. We do our job here in the City based on their tax dollars but Jim, I appreciate that you'll stand up there because you and I have not had kind words about this on all given days and I appreciate the fact that you want to stand up and say that everybody's good people and I guess I'll stand here and say that if everybody's good people, then the utilities must really suck, because they don't even know where there equipment is.

Mr. Miller: In a nutshell, they don't. That's been

Mr. Hills: Let me give you a clue. I'm going to say it again, P U C O. Mayor, do you need legislative action to file something with the PUCO? Can you file the letter, the comedy of what they've done?

Mr. McCloud: I'll do it tomorrow and copy Council.

Mr. Hills: I appreciate that. I think at least that way, we're moving in the right direction. Any other questions or comments on that? I don't have anyone else who has any reports so we'll move to legislation. Thank you Mr. Miller.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT TO PURCHASE ROAD SALT; REPEALING ORDINANCE NO. 53-08 PASSED SEPTEMBER 8, 2008; APPROPRIATING FUNDS; AND DECLARING AN EMERGENCY- - --Clerk read ordinance by title for the one required reading. Mr. Joseph moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea". Motion passed; Ordinance No. 63-08 adopted.

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY- - -(Licking County). Clerk read resolution by title for the one required reading. Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea". Motion passed; Resolution No. 64-08 adopted.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (1737 Brice Road, proposed use - childcare center); applicant, Shana Jackson- -Clerk read ordinance by title for the first reading. Mrs. Kelly asked if Ms. Jackson was present to answer questions. Mr. Clemens said 'we've been contacted that she's withdrawn, but we don't know for sure, because she hasn't sent a letter. So we should know by the next meeting, what's going on if there's a no show or we see the letter, then we'll withdraw'. Item referred to Service Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AGREEMENT WITH THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY (Director's Final Findings and Orders)- -Clerk read ordinance by title for the first reading. Mr. Hills said this was a good thing and he was thankful to the City for being instrumental in working with the EPA on this. Item referred to Service Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 543.02 "Trimming/Pruning." Subsection (d) AND SECTION 543.04 "Noxious Vegetation to be Removed or Destroyed." Subsection (d) OF CHAPTER 543 TREES AND NOXIOUS VEGETATION - -Clerk read ordinance by title for the first reading. Mr. Deskins asked if there was any kind of discussion or anything that was going to try to deal with repeat offenders in mowing grass. Mr. Clemens said the issue would be discussed in Committee. Item referred to Service Committee.

ORDINANCE MAKING TRANSFER FROM BRICE-MAIN STREETSCAPE FUND (440) TO GENERAL DEBT RETIREMENT FUND (310) AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the first time. Item referred to Finance Committee.

ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF .5+/- ACRES IN TRURO TOWNSHIP, COUNTY OF FRANKLIN, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Kenneth and Christine Rose)- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR COLLECTION, TRANSPORTATION, AND DELIVERY FOR DISPOSAL OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS AND YARD WASTE AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the second time. Item referred to Service Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: REPEALING SECTION 351.05 "DISPLAY OF ITEMS FOR SALE NEAR STREET." of Chapter 351 PARKING GENERALLY; and adding a new SECTION 1171.08 "OUTDOOR DISPLAY OF ITEMS FOR SALE" to Chapter 1171 GENERAL REQUIREMENTS- -Clerk read ordinance by title for the second reading. Mr. Hills said he would note that he had some discussions with the City Attorney regarding the last Committee meeting on this, with the possibility of some of these coming to Council for review and he would be drafting some legislation that Council will see by the next Committee meeting. Item referred to Safety/Service Committees.

ORDINANCE TO AMEND CHAPTER 174 PROCEDURE FOR SELECTION OF DESIGN PROFESSIONALS AND DECLARING AN

EMERGENCY--Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance to the redraft date of 10-9-08 and to also reflect verbiage contained in the Director of Engineering memo dated 10-7-08 and received by Council on 10-8-08. Mr. Joseph seconded.

With the roll called, members voted: Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea". Motion passed; Ordinance No. 65-08 adopted.

ORDINANCE AUTHORIZING CITY AUDITOR TO MAKE REIMBURSEMENT FROM THE FEMA FUND TO THE STREET FUND, AND TO THE GENERAL FUND, FOR THE MARCH SNOW EVENT- -Clerk read ordinance by title for the third reading. Mr. Stake moved adoption.

Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea". Motion passed; Ordinance No. 66-08 adopted.

Meeting adjourned at 7:59 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council