

SAFETY COMMITTEE MEETING MINUTES

October 2, 2006

Members of Safety Committee present: Brett Baxter, Ron Stake, Doug Joseph, Donna Shirey.
Other members of Council present: Preston Stearns, Mel Clemens, Antoinette Newman, Council President William L. Hills.

The meeting was called to order at 7:30 p.m.

Mr. Baxter: Are there any additions to the agenda? (No response). Hearing none, they'll stand as submitted.

Approval of the minutes, September 18, 2006 Safety Committee meeting. Any changes or additions?

Mr. Stake: Chairman Baxter.

Mr. Baxter: Councilman Stake.

Mr. Stake: Thank you. I'd just like to clarify a couple of things in regards to the minutes of 9-18. I think on page 10 about 2/3 of the way down in this paragraph under item number 6 which was the revisiting of the legislation on the police officers, you say that the first thing I want to make a comment of is, I had suggested that we had brought this up in one of the committee meetings, and I was wrong about that. And you were talking, I think about, the statement you made in the September 5 minutes, in there you say that a discussion was specifically based around an agreement we made, all of us made, back in June, that we would revisit this. And you also say that that was not part of a Safety Committee meeting. I just want to make the record clear that I did not participate in a meeting where that was agreed to. If you had a meeting, I wasn't there. I just want to make the record clear that I did not participate in any meeting outside of these Chambers.

Mr. Baxter: Thank you for your comments, Councilman Stake. Unfortunately, I disagree with you. It was in Executive Session that we had discussed it. And since it was Executive Session, I'm not at liberty to discuss it. And you were in attendance during that discussion. And that's where we had the conversation. The second discussion on it was also held in a meeting at the Mayor's house that we had in caucus. So, yes we did discuss it. And it was not in this meeting, and you're absolutely right.

Mr. Stake: No. What I am objecting to in the meeting, I did not agree to revisit that. I was not in a meeting where I had agreed to revisit that.

Mr. Baxter: Alright. We'll disagree on that point then. Thank you. And thank you for your comments.

With that said, are you looking for any changes to the minutes?

Mr. Stake: No. I just wanted to make my position clear.

Mr. Baxter: Alright. Thank you so much. Any changes to the minutes? (No response). Hearing none, then they'll stand as submitted.

Item number 4 is Discussion to Amend the Various Code Sections as a result of the Property Maintenance Code. I've been looking forward to this conversation for some time.

Mr. Hopper: Good evening, Mr. Baxter, members of Council. There are 7 items in your packet concerning the ordinance and some of the changes I would like to make that would better fit with the Property Maintenance Code that's now in place. First one is 351.18 "Parking Motor Vehicles on Lawns". The current ordinance prohibits parking in the front yard only. It allows parking on the side and back yards. I would like to scratch the word "front" and add some additional language that would make it acceptable to park a vehicle as long as it was on an improved surface such as concrete, asphalt that would completely encumber that size of vehicle. You want to discuss these individually, or if you want to discuss them as a group?

Mr. Baxter: I think that's a great question. And the way I'd like to handle this is, have you present each one. And if there are any questions or concerns, I'd ask that the members of the committee submit them in writing to me. And then we can address them at the next meeting.

Mr. Hopper: Okay.

Mr. Baxter: Sound fair?

Mr. Hopper: Yep. Item number 2 is 521.06. "_____ Keep Sidewalks in Repair and Clean". That is addressed in the Property Maintenance Code. There's no sense in having it in two different locations. I'd prefer to keep it in the Property Maintenance Code and strike it out of the ordinance.

Number 3 is 543. A lot of changes in here. In a nut shell, what I'm proposing is, right now the ordinance requires us not only to post the property, but to send notification through certified mail, wait for certified mail receipts to come back, in order for us to enforce the grass cutting issues when grasses are over 6 inches in length. I have proposed to do away with the notification by certified mail that the posting is in a conspicuous location on the property, seven days. And at the end of seven days, we have the authority at that time to have the grass cut in a manner we see fit.

Mr. Baxter: I'll make one other comment if I can. If we do have some comments or concerns, I'm okay with addressing them here during committee meeting. But if you have, if you think of something after the meeting and you want to address it, by all means that's my point with putting it in writing. Because I'm not trying to limit the conversation tonight at all. So don't misconstrue my comments on that. Councilman Clemens, if you wish to ask, if you would like to you certainly can, yes.

Mr. Clemens: I'll comment on the first one you did. And I think that's a good one. We've been trying to do that for a long time as far as cars parked everywhere. And I think that's a good one. This one, this has been one that's been really important as far as I've been concerned. There's been a lot of problems on that as you know. Not having to mail out and wait on the return, that'll cut a lot of time on that. Because I know now, it ends up going two weeks, three weeks. You never know how long.

Mr. Hopper: It certainly ties our hands.

Mr. Clemens: I was in favor, and I'll think about it as we go along, I was in favor more of it being four days. I mean, somebody can't get up off their lazy rear end and cut grass in four days after you notify them, I think it's time we cut it. But by not having to send the mailing and so forth, by only posting it, that may take care of the problem and get it done within seven days instead of having to wait so long. So I think that's a good change.

Mr. Hopper: I thought seven days would give homeowners and residents an opportunity to have a weekend in that time period. If somebody can't get their grass cut over a weekend, I think that it's a time for us to take care of it.

Mr. Baxter: My only concern with that, if I could make a comment, is we notice in the last four weeks, we've had quite a bit of rain. And if you notice, during that weekend, it rained to beat the band. And I was one of those people, I could guarantee, going out with a ruler, would have had at least close to 6 inches. Now I got it cut as soon as it dried up enough to cut. But it started growing like a bungee here during the fall. And of course I like to keep my house looking nice. My concern is with seven days. That may be really tight. And I can see causing our residents some real expense by having the city go out there for seven days and cut it. What I would put into that to resolve that item is, if you get a phone call, or at least somebody contacts you saying, we're trying, we'll get it resolved, then you're not going to come out on the eighth day and cut it.

Mr. Hopper: We're certainly willing to work with anybody that makes contact with us. There's a lot of time constraints that we put on as Code Enforcement Officer's. And if the citizens of Reynoldsburg are willing to communicate with us, we're more than happy to work with them. Those are time constraints that we can extend. We're very willing to work with whomever has a situation. Be it grass, be it something else. But if we get no communication, we're left just to kind of follow the law.

Mr. Baxter: And I think you're right Councilman Clemens. That at seven days, if you're not hearing anything from residents, if you want to do something about it, and I wanted to make sure we knew, we will work with the residents if they call in and say, my lawn mower's broken. I don't get paid until the 15th. You know, all these other different issues that can come up. We're willing to work with them.

Mr. Hopper: We currently do that.

Mr. Baxter: Certainly. Councilman Clemens.

Mr. Clemens: My only problem is, and I can understand what you're saying, it's already too high when we notify them. I mean, seven days is plenty of time. The only problem I don't like is, putting the decision in our employees hands to change the code. In other words, I'm going to let you do it but I'm not letting him do it. We get back into that situation. I think once the code's there, we enforce code. Now certainly, we have senior citizens calling and they can't handle it, we should cut it for them. I have no problem to get the arrangement. You know, we arrange things like that. A guy with a broken lawn mower, he's had that broken lawn mower. I don't feel really, that bad about it. He could make arrangements to have it cut before that. But I think where we bump into our problem, and you correct me if I'm wrong, it's usually the same property, or vacant property that we bump into.

Mr. Hopper: We currently have approximately between 100, 120 vacant houses. Whether they're in a foreclosure, or they're a rental that's vacant, or something. But you know, that's a lot of work for us to do on a weekly basis just looking at those houses.

Mr. Clemens: I would think that on the rentals and the vacant ones, even though you post it and you cut the grass, I think a letter also should go to the property owners and let them be notified of what you did or what's being done. I mean, you're going to go ahead and cut it but I mean, I think because a lot of these rental properties, they don't really care. They don't take care of them any way. And that's why we did notify the owners.

Mr. Hopper: During our research, and with the fees that are in the Property Maintenance Code, we do find out who owns the property and we're in close contact with them once we know who it is. And we do send letters out that notifies them that not only are they going to pay the 100, \$150 to cut the grass, but there's reinspection fees that could incur to the point where we could write a citation citing them into court.

Mr. Clemens: I think it's a good change.

Mr. Baxter: One other question I have, and this is for our Law Director. What we're proposing here, are we going to run into any type of legal issues by not having certified mail sent to them and notifying the resident that we're going to charge them if they don't adhere to the law?

Mr. Hopper: They reviewed...

Mr. Hood: Chet worked with my office and spoke with me about the proposed changes. Posting in a conspicuous place on the property is an acceptable form of service process. So I don't think the way that he's proposing it violates the law.

Mr. Baxter: Okay great. Well, I don't see a problem with what we're talking about Chet at all. I just want to make sure we're looking at it from all perspectives here. Any other question on this item? (No response). Okay. Go ahead.

Mr. Hopper: The fourth item deals with container regulations. It's 731.02. I simply struck part

of one sentence out of there. Because there was a couple of sentences in there that kind of contradicted themselves. So by eliminating that one sentence, I think it cleans things up for us. It's going to be a challenge for us to educate. But you know, I mean, it's one of those things that people put the trash cans out every week and it's a challenge for us to make sure that they're not out at a certain time and they go back in a certain time. And it's just, it's an educational thing I think we need to work on.

Number five is 1171.06. Simply, it's just getting the height of the fence around the depth of the water to coincide with what the Property Maintenance Code says. Pretty simple.

Number six is 1351.01. It talks about fences, fence location. This is basically, there's a couple of changes. What we're asking to do here is to put in the ordinance that would have anybody that installs a fence that the better part of the fence face away from the property so that the good side's outside and we're not looking at rails and stuff like that. We're actually looking at the better part of the fence. The neighbors and stuff like that. And then, it's more of a zoning issue so it would be something that's dealt with through the Zoning Department.

Mr. Baxter: The question I have here is, today our residents come into the Building Department and get a permit to build a fence, correct?

Mr. Hopper: They get a Zoning Certificate.

Mr. Baxter: And that's all they need?

Mr. Hopper: Yeah. Yeah.

Mr. Baxter: Is a Zoning Certificate? They don't need a permit? Any permit to build, right?

Mr. Hopper: Once we adopted the State Residential Code, the State Residential Code took some of those things away from us. We do not regulate anything under 200 square feet. So sheds and stuff like that are simply Zoning Certificates. Any more, once we get above 200 square feet, they're more like one car garages, then we deal with them with a Building Permit.

Mr. Baxter: Okay. And what would the turn around time be if somebody walks in here and says, I want to get a Zoning Permit to put a fence up?

Mr. Hopper: We tell everybody a week to 10 days. Certainly, we turn things around much quicker than that. But that gives us an opportunity to review things. I look at a lot of that stuff for flood plain issues. And then Luke certainly looks at that for all the zoning regulations.

Mr. Baxter: Okay. Good deal. Thank you. Councilman Clemens.

Mr. Clemens: And you do re-check it? You go out and check it, do you?

Mr. Hopper: We will have to. We'll have to try and do something to look, to make sure that they are getting that.

Mr. Clemens: Do you check and make sure? I mean, I know how it used to be. I didn't know whether you did or whether Luke does. I know the post holes have to be certain depth and so forth. Do you check that out ahead of time? Or don't we do that any more or what?

Mr. Hopper: That hasn't been done since I started here.

Mr. Clemens: (Inaudible).

Mr. Hopper: Left up to the homeowners. That's something we can certainly look at and possibly start doing again. But at the time when I started, we were building 300 houses a year so we were quite busy. And that was one of the things that I guess, Dana and Stephen agreed that we could do without doing inspections and keep up on everything else.

Mr. Clemens: I mean, somebody puts a fence in and puts it a foot deep, it's going to come down. We've always checked them. That's what I wondered before. I think that's something we better think about. Because you put up a lousy fence if you don't put it down where it belongs. Thirty inches down.

Mr. Hopper: We can certainly look into that.

Mr. Stearns: Mr. Baxter, thank you.

Mr. Baxter: Mr. Stake. Oh, I'm sorry. Go right ahead. I thought Councilman Stake raised his hand. Councilman Stearns.

Mr. Stearns: Okay. Thank you. My question is, when the fence goes up, and if the drainage is blocked, I mean, I guess what I'm trying to get at is, there's an inspection done on it right? To make sure that the drainage is not blocked?

Mr. Hopper: Anything in a storm water easement, we have the Storm Water Department come in and take a look at it. They may go out on site and take a look to make sure that if it's in an area where there's a lot of water, they require the fence be 2, 3, 4, or 5 inches above grade so that the water still flows.

Mr. Stearns: Okay. If that water does not flow, then say the person that put the fence up, are they responsible to turn it out so the drainage does take place?

Mr. Hopper: It would be their responsibility if it's a true drainage easement.

Mr. Stearns: Okay. Thank you.

Mr. Hopper: Item number seven, 1363.036 talks about fence requirements around a swimming pool. And that's covered under the Property Maintenance Code. So I'd just like to strike it out of the ordinance and have it all under the Property Maintenance Code.

Mr. Baxter: You're going to eliminate that completely then?

Mr. Hopper: Yes.

Mr. Baxter: And allow that to remain inside the Property Maintenance Code.

Mr. Hopper: Yep.

Mr. Baxter: Okay.

Mr. Hopper: And that's it.

Mr. Baxter: Sounds good so far. Nice work. Well, at this point, if there are any questions after you've had a chance to think about this, by all means, shoot them to me and we can talk about it at the next meeting. I assume you would like me to move this forward to Council.

Mr. Hopper: Please.

Mr. Baxter: For it's first reading.

Mr. Hopper: Please.

Mr. Baxter: Then I so move. Second by Councilman Joseph. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries. Thank you.

Mr. Hopper: Thank you.

Mr. Baxter: The next item on the agenda is Discussion of the barrier at State Route 256 and Main Street, listed as a request of Councilman Chairman and was held on 9-18. And since last week, I've had some conversations with other Council members and there are some ideas that have been floating around about this. And one of those discussions, and Councilman Joseph and I spoke about last week, and I thought it was a great suggestion, you might want to take a look at that, and it's going to have us, I guess to work with ODOT to do that. And the suggestion, just so you're aware of it that came up was, the 256 is believed to end right at the street. At Main Street. So if by having 256 end in a different location i.e. at 70, then we would have resolved the issue of truck traffic, blocking truck traffic from going down that street. If it's not a state route, then we have a right then as a city to stop that traffic from going that street. It's the truck traffic which is one of the concerns about making large right turns there. And we also have a little bit better control of our streets. So one of the things I would like to do is move forward with working with ODOT and with the city to see what we could do about seeing if that's an option, an inexpensive option and a way to solving this problem. At least my biggest concern was truck traffic flowing down state route and going by the schools. So that's one of the thoughts here. So Mayor, I look forward to meeting with you and your Administration to see what we could do to work toward that direction. Comments? Councilwoman Newman.

Mrs. Newman: I'd just like to ask a couple of questions here. Who currently bears the cost of maintaining Route 256?

Mr. Baxter: That's a great question. I don't know that answer. I would assume the city does in the city limits, but I don't know that answer. Mayor.

Mayor McPherson: The city takes care of all the state routes within the city limits.

Mrs. Newman: Okay.

Mayor McPherson: It doesn't matter what it is.

Mrs. Newman: So that wouldn't make any difference. Alright thanks.

Mayor McPherson: But also, you need to understand, we always try to get them to chip in on projects too. Like we are on Main Street. You've probably seen some of that come forward. We're asking them to also help us out on that. And they've been very good about helping us out on some of the major streets like Main.

Mr. Baxter: Councilman Clemens.

Mr. Clemens: Yes. Mayor, isn't it true that the state controls the traffic signalization and so forth so many feet from the freeway?

Mayor McPherson: Yeah. That's correct. If you're referring, especially to the 256 intersection there, the intersection itself is kind of shared by Reynoldsburg and Pickerington. But all the signalization is controlled by the State of Ohio.

Mr. Baxter: That's good information. Councilman Stake.

Mr. Stake: Chairman Baxter, if we would eliminate truck traffic, and I guess truck traffic going west coming up 256 would be eliminated because they can't go west. So you just have it going east.

Mr. Baxter: Great point. I'm talking about actually from the point of the 5 way intersection and going down the, heading north on what is now known as 256.

Mr. Stake: It's 256 I think that splits off to Jackson. But if we were to eliminate truck traffic going that way, then it needs to go on Graham Road....

Mr. Baxter: I would recommend that it would go down Livingston which is wide enough to handle the truck traffic. And Brice which is wide enough to hold the truck traffic. As well as, I believe Main and Brice is able to hold that truck traffic going both to the east and to the west. Which is a better solution than what we have today with Graham Road. Although it has been approved to

handle truck traffic. It's also better than by the middle school in my opinion.

Mr. Stake: We do have signs out on I-70 directing trucks to Brice Road.

Mr. Baxter: Right. And so we're already looking to do that. This would be a way of even improving it further in my mind. And it's not a direct cost to the city. So that's an even bigger benefit. Councilman Clemens.

Mr. Clemens: If I'm not mistaking, all of 256 from Livingston north is not in Reynoldsburg.

Mayor McPherson: You're correct.

Mr. Clemens: I thought so. A lot of it's in the township.

Mr. Baxter: Is it?

Mr. Clemens: Yes. It's a good thing to talk to them about but I don't know how they look at it to be the state highway, I mean being a state road that's not in Reynoldsburg and so forth. I don't know.

Mr. Baxter: Right. It just makes sense it stops right there at Main Street. And does it gain any value for our truck traffic or citizens stopping there or stopping at 70? At least at 70, it gives them an opportunity to go in a different direction. And it doesn't prevent our local traffic from continuing utilizing our roads. What it will do is prevent truck traffic from going down a direction that leaves them at a dead end to heading west. They can't head west and make that left turn. And thereby, leaves them in a quandary. How do I get there? Make a right hand turn, turn around some where in a parking lot. These would be obviously for truck drivers who don't know that area. Once they've done it once, you can assure they won't do it again. Then they'll go down Graham Road. Or they'll go down another direction which is what I'm trying to prevent. Trying to reduce the traffic on Graham Road and reduce the traffic going across from the middle school. All those things are positives. Comments? (No response). With that said, then I'm going to recommend we place this discussion back on hold again for two more weeks. Give us an opportunity to work with this Mayor, and the Administration, and with ODOT and see if we can make something like this work out. Do I need a second on that Nancy? Second? Councilman Joseph. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries.

The third item under discussion is the Registered Sex Offenders, residency. It was held 9-5-06 and then held again on 9-18-06. And since that time, we've received quite a bit of information in our packets. And I don't know if we've had enough time here yet to actually absorb all of it. I've been able to read quite a bit of it and get a good understanding of it. And at the table tonight, we received a registered sex offenders. And by the colors, I'm going to make the assumption they're the same colors that are on the map that we received as well. Is that a good assumption? This equals this?

Mr. Hood: Not quite. Let me just....

Mr. Baxter: Okay. Then that was a bad assumption.

Mr. Hood: Well, not necessarily bad. I just want to make sure they're all clear. On the registered sex offenders spread sheet if you will, the blue is addresses that are not within the city limits. The pink, there are two of them, those are registered sex offenders that live within 1,000 feet of a school that's existing. The green are addresses that are not within any of the buffer zones on the maps that we provided.

Mr. Baxter: Are not?

Mr. Hood: Correct.

Mr. Baxter: Thank you.

Mr. Hood: Which leaves the plain, or the white, that are within 1,000 feet of a buffer zone. And I do apologize getting that information to you late this afternoon but it is hot off the press. It's our second version of this.

Mr. Baxter: And I'm quite thankful that you're able to get this. This is exactly what we need to at least understand the problem, and then try to move forward with some type of legislation to make things a little better. So from what I can see here, there are 13 that would be impacted by any legislation we would consider and have discussed. So far talking about using parks, schools. The schools actually are already handled by the state I understand. Daycare center, and what are the other ones? Library. And those are the buffer zones you were talking about that these white ones are within.

Mr. Hood: Yes.

Mr. Baxter: So 13 people would be impacted by that. And 24 would remain outside of it. I should say 22 because you said 2 that were in pink that are already in violation to the state law.

Mr. Hood: Right. We found that out, actually we were made aware of the 940 Matterhorn Drive on Wednesday of last week. I got with the Chief of Police and we sent a cruiser out there to measure. And he is in violation of the O.R.C. statute. We're going to make contact with him and go forward with an enforcement action on that case. And this evening, I was made aware of Mr. at Victory Meadow Lane. He was also, he is in the Licking County portion of Reynoldsburg, but is also in violation of the O.R.C. We'll be contacting that gentleman as well. I haven't prepared a statement but I am willing to answer any questions you happen to have.

Mr. Baxter: President Hills, go right ahead.

Mr. Hills: I have one question, Jed. Should "B" be green?

Mr. Hood: Yes. Thank you for bringing that up. That is a mistake. As you see in the note, it is

not within any buffer zone. So that designation should be green. And I think when Chairman Baxter was speaking of his math, I think that's why I had a problem grasping it. I knew that the math was a little off....

Mr. Baxter: I was counting that right square as one of those squares. So, yes. So there are only 12 then that would be impacted.

Mr. Hood: Plus the 2 pink.

Mr. Baxter: Plus the 2 pink. Correct.

Female: We cannot hear you back here. You are not speaking into the microphone. We can't hear it.

Mr. Baxter: Councilman Stearns, go ahead.

Mr. Stearns: Thank you, Chairman Baxter. Mr. Hood, the question that I've got is, the 2 pinks, is there a time limit on when these offenders must move?

Mr. Hood: I haven't made contact with either of the gentlemen. As I said, I was made aware of one last Wednesday. Made aware of the other one this evening. Obviously, this will take top priority in my office. But I do want to assure Council that these gentlemen both have lived there for some period of time. I know the Matterhorn Drive address, that gentleman's lived there for no less than 4 years without any incident. And he is in compliance with his probation and post release control. And obviously, there's been no incidents that we're aware of. But this will take priority in my office. However, I don't have a time frame now. This is the gentleman, with his wife, they bought this home. They're not renters. So they own the home. So there will have to be arrangements made to either, he separate from his wife and move out of the house, or they sell the house altogether.

Mr. Baxter: Understood. And those are the same types of activities you would expect as we move forward with some legislation from this desk.

Mr. Hood: Yes.

Mr. Baxter: And include these additional areas to be part of the city's legislation.

Mr. Hood: It would be the same. But for the fact I would be suing under our city ordinance as opposed to the Ohio Revised Code.

Mr. Baxter: Right. Very good.

Mr. Hood: But the enforcement would actually be almost identical.

Mr. Baxter: Okay. Do we have any other questions from Council or committee? Councilman

Stake.

Mr. Stake: Thank you. Mr. Hood, does the state differentiate between convicted sex offenders involved with minors versus sex offenders involved with an adult?

Mr. Hood: Yes. If you look on the web sites, that is not privileged information. That's information that is available to the public. There are three classifications. There are sexual predators who are the worst of the worst. There are habitual sexual offenders which is probably the middle tier. And then sexually oriented offenders which would be the low tier. However, in my research, I've discovered that you may be classified as a sexually oriented offender, but still have _____ violated with a child victim. The child victim is also designated on that information that's available on the web site under the County Sheriff. So there are three different classifications but they don't necessarily mean that there was a child victim involved or an adult victim involved.

Mr. Baxter: And does the state law stipulate if it's a child or not? Determining if a sex offender should live within 1,000 feet of the school?

Mr. Hood: I want to make sure I understand your question. If you have any three of those designations, regardless of your victim, you're not to live within 1,000 feet of the school.

Mr. Baxter: So it doesn't matter if it was with a child or not is what you're saying?

Mr. Hood: No.

Mr. Baxter: Okay. And the legislation that we looked at from other cities, did it not make a determination between age of the victim?

Mr. Hood: No. They spoke silent to that. In fact, they're all worded the same, and they take the language right out of the Ohio Revised Code. It's the first paragraph in the ordinances. They all copy the first paragraph in the Ohio Revised Code.

Mr. Baxter: Very good. And considering this discussion was based around the fact that we were looking specifically to protect our children, is that something we should look at? And is it something that would be legal to put into the legislation based upon sexual orientation to children rather than just sex offenders?

Mr. Hood: Well, that's obviously open to discussion.

Mr. Baxter: That's why I'm bringing it up. I'm not making a suggestion, just for discussion.

Mr. Hood: To be candid, I don't know why you would narrow that scope. If you're worried about impact, there may be liability issues there. Because what if the information that we receive is incorrect? He is a sexually oriented offender but had a child victim but we thought he, it was silent to that. It just said that he was a sexually oriented offender and maybe we didn't know that it had a child victim. So I think that, off the top of my head without thinking it through, I don't

know that I would narrow that scope. It think that I would....

Mr. Baxter: The reason I suggested that is because of the locations we've looked at, and have added to be discussed as buffer zones, that based around where children are located at. And that's why I addressed the argument. Also Councilman Stake was addressing the same idea. So that's why I was bringing it up.

Mr. Stake: I was curious whether the state differentiated or not.

Mr. Hood: They do. And like I said, they fall under these three categorizations but they don't necessarily correlate whether or not there was a child victim involved or not. So is that clear enough?

Mr. Stake: Let me see if I understand what you're saying. What you're saying is, that we may not know whether there was a child victim or not?

Mr. Hood: Well, I don't know that we wouldn't know, but I think that it would, it could open itself up to error. It could open itself to not having enough information to make a determination. And like I said before at Council, that if we believe that this ordinance is needed strongly enough, I don't know that we should narrow the scope to just people who have had child victims in the past.

Mr. Baxter: Councilman Clemens.

Mr. Clemens: Yes. I think if you look at it, the regulations have already been made and stated. I don't think it would be up to us to change it and make our decision on what crime was more or less than the other. It states on what the sex offenders are. It gives the three categories that's state wide. I don't think we would want to make any change. That would put us in the position of deciding which is less legal and which is more legal. I think, Mr. Stake and I brought this up for reasons that we felt it was a necessity. Other cities have pursued it. I commend people that have had problems and try to upgrade their lives after their problems. But the safety of our children comes first. And I think that that's the important. That's what we're here to look into. I've got 16 grandchildren and 4 7/8 great grandchildren and I worry every day about them walking up and down the street. It's got to be that way any more where we have to watch them. I think we all do that when they're outside. I can't blame these people individually but it's the way life is now. And I think the first thing we think about when we speak about our children, I'm thinking about the ones that are 17, 18, 19 years old too. I mean, those are problems. Not only the little ones but as they grow older. I think it's our duty to see that we do protect these children as much as possible. And I would even be for, and I was going to bring it up, if we would include swimming pools on this. That's a public swimming pool loaded with children day in and day out. I would think that would be something we would think about also adding to that list. I think it's....

Mr. Baxter: _____ I think it's already pretty much included from what I can see here.

Mr. Hood: It's very close to the city park.

Mr. Clemens: (Inaudible. Two persons speaking at once).

Mr. Baxter: It's pretty much included at least what I can see from this.

Mr. Clemens: I think it's something we really have to look at.

Mr. Hood: In conjunction with that Councilman Clemens, we did add number 34 which is a green space off of Main Street across from the cemetery. It's not a city park but I think it's designated as the Reynoldsburg Youth Football fields. We don't own that. We don't maintain it. We all know what it's used for. There's a huge conglomeration of children that use it primarily. Mr. Parkinson asked me if he should include that in his map and I thought you could at least discuss it. Whether or not that reaches outside of the boundary of our ordinance, I don't know. I don't know the answer to that question yet. But I thought I'd at least include it in the map for discussions sake.

Mr. Stake: And Chairman Baxter, if I could just add, I agree whole heartedly with what Mr. Clemens said. And I think my reason for bringing this up was I saw other communities talking about this type of legislation. And obviously, if they're leaving those other communities, they're going to be looking for a new community to live in. And I didn't want our children to be an easy mark for them.

Mr. Baxter: Certainly.

Mr. Hood: With that said, remember the _____ of the ordinance only prohibits where they live or domicile or reside. It doesn't mean they won't be walking down the street or walking into that swimming pool, or walking into Huber Park. You have to balance that in your minds when you have these discussions. All we're eliminating is where they are to live. That's legally all we can do.

Mr. Baxter: Certainly. And where do we stand at putting legislation together that formulates what we're looking at here?

Mr. Hood: Well, obviously I've had sample ordinances attached to packets in the past. I've spoke to, it's interesting you bring that up, I spoke to the Newark Law Director. In my research, I found out that Hilliard actually modeled theirs after Newark. And I spoke to him this week and I got his ordinance that he drafted. And I haven't reviewed it. I just got it today. But I'll review it. And putting an ordinance together should not be that difficult because it's very narrow in scope. But as we go forward with the discussions, you can see the white areas on the map. So there could be discussions on including swimming pool, or other places that you may deem necessary. But I would caution Council that there is a caveat to the map. The only thing that we're not 100% sure on are any other private schools that may be in Reynoldsburg. We have all the registered, state licensed day care facilities that are included. We have all the known public schools and all the Catholic schools. But if there's a private school in the city that we may not be aware of, it's not on the map yet. So we're going to double check to make sure we get those included if there are any.

Mr. Baxter: And we are talking about schools such as K through 12, correct?

Mr. Hood: No. Not necessarily. It may be any school. There's no designation. It wouldn't be K through 12 necessarily.

Mr. Baxter: Or preschool.

Mr. Hood: It could be a community college.

Mr. Baxter: And that's what I was looking for. Community college or...

Mr. Hood: Technical school, preschool....

Mr. Baxter: Technical schools. Okay. Anything that we're looking at down that pike could be discussed. So for example, would a driving school be one of those?

Mr. Hood: I don't know.

Mr. Baxter: That's why I'm bringing that up.

Mr. Hood: I don't know. If I had to....

Mr. Baxter: Because we've had driving schools in the City of Reynoldsburg and we want to make sure we know what we're discussing here.

Mr. Hood: I don't know. But I know it doesn't make the designation K through 12. I would have to research that but....

Mr. Baxter: One other thing I have a question on is cost to the city to enforce this legislation. And obviously, there's going to be legal costs that you're going to run into for known people who are falling within the wide areas as we see on our spread sheet. It also is going to have to be reviewed on a monthly basis to see who has moved in and registered in the city. And do we have anything that insures that a sex offender comes to the Police Department and registers so that the Police Department can verify that with a new legislation, they're not moving into an area that's already been then, been deemed acceptable?

Mr. Hood: That will have to be enacted as part of the ordinance.

Mr. Baxter: And that's why I'm bringing it up. We want to have an enforcement side of this as well.

Mr. Hood: As far as enforcement officers? That would be your decision whether or not this would be a Code Enforcement issue, this would be a police issue. Obviously, I would be doing the prosecuting. But as far as the law enforcement, for lack of a better term, that would have to be discussed.

Mr. Baxter: Okay. Mayor, do you have any opinion on that?

Mr. Hills: Mr. Baxter, if I could.

Mr. Baxter: Mr. Hills.

Mr. Hills: Just clarify for my own mind. You're indicating that this sex offender is going to go over to our Police Department and register. I'm not sure that's the case. The offender, the sex offender must register with the Franklin County, Licking County, or Fairfield County Sheriff.

Mr. Hood: Correct.

Mr. Hills: As to his residence. And then the city may or may not be notified that we now have had a sex offender move into the city. I don't think any of the ordinances that we have here are indicating that we are seeing, and others that are in practice, whether it be Newark, or Hilliard, or whomever, has a requirement of now you also have a second place to go register. And that's our Police Department. The State of Ohio has said, if you are categorized as a sex offender, under these 1 to 3 categories, all they said is you cannot live within 1,000 feet of a school. And what many cities are using under home rule and their own Charters is, we want to restrict that to a greater amount than just schools within our community. Are these ordinances requiring registration from these other cities? Registration is required by the Revised Code through the Sheriff's Department of the appropriate county. Right?

Mr. Hood: Correct. As far as I know, none of the cities that have enacted these type of ordinances maintain their own roles.

Mr. Baxter: Do we today, ask felons to register with the city before they move in?

Mr. Hood: There is an ordinance that they are to register with the Chief of Police. I'm not sure how old the ordinance is, and whether or not it's enforced. But I did come across it....

Mr. Baxter: And so therefore, is this not a felony as a sex crime? Is that not a felony? And then should they not be required to register with the city?

Mr. Hood: Well, in the strictest....

Mr. Baxter: And that's where I'm heading with this. Do we not already have laws on the books that say they would have to register?

Mr. Hood: In the strictest sense of the terms, yes they would be felons. And yes they would be required to register on the felony role if such term is allowed. However, I think that the more important question is the enforcement. They're going to be required to register with the Sheriff. We're going to have the address. It's going to be accessed through the internet. We have access to it right now. That's not the issue. The issue is, who's going to enforce it?

Mr. Baxter: Right.

Mr. Hood: Who's going to see that address, just like we had last Wednesday, see that address, go out and measure, and how we measure, and then once we measure and find out it's within 1,000 feet, what do we do then?

Mr. Baxter: Right. And that's where I'm going with this at this point.

Mr. Hood: But as far as relying on....

Mr. Baxter: We've already talked about the legislation and have to enforce it.

Mr. Hood: The felony roles, I don't think that I'd do that. Because I don't know how....

Mr. Hills: Jed, to follow up a little bit on that Mr. Baxter, and I've got to say, I did not realize we have an ordinance _____ as a felon you must register. Because I don't know that the fellow moving into town, unless he has been found one of these three categories, now in an idea world, he'd go to the Franklin County Sheriff and say, this is where I live. And they're going to say, oh by the way, that city has a, you're a felon, you must go register here ordinance. Because I'm not sure where else that felony would _____. He's looking for apartments or homes to live in, I'm not sure he's reading the local laws.

Mr. Hood: That's why I would....

Mr. Baxter: I'm sure he isn't either.

Mr. Hood: That's why I would caution you in relying on that. However, I think that, I spoke to Council about it, when they're released, they're in charge of within 5 days to register where they are living.

Mr. Hills: In the county they're living.

Mr. Hood: Sorry?

Mr. Hills: In the county they're living.

Mr. Hood: Yes, sir. And the County Sheriff is directed to notify them of that upon release.

Mr. Baxter: Certainly.

Mr. Hood: So there are safe guards in place if we follow that procedure that's already in place.

Mr. Baxter: And again, to the execution point, and this is about the discussion here, how and who would be responsible to verify that there's been a new name added to that list or one of those names have moved to another location? Would we make that a function of the Police Department? A function of the Administration? Where would that fall? And that's what I'm

looking for. And should that not be part of the legislation?

Mr. Hood: Well, I don't know that necessarily needs to be part of the legislation. I think....

Mr. Baxter: It's a legal action. A police action. I'm wondering if it does. If it's not, then I agree with you. Maybe not.

Mr. Hood: Well, and like I said, this is, part of the ordinance that's enforcing, the enforcement is the injunctive relief that allows me the power to sue. However, as far as who in the city will actually do the foot work before it gets to my desk, I think that would be a question for the new Mayor. Or the next Mayor. Or the Mayor now. Whether or not he would ask the Police Chief to delineate that or whether or not we might have to create a new position. I'm not sure.

Mr. Baxter: Okay. Councilman Clemens, you've been dying to get that.

Mr. Clemens: It's a safety issue. And it certainly would fall under the Police Division. And I don't think we'd have to create another department to handle that. But we do have a lot of policemen over there. And we do have a lot of people in office over there. And as far as what you're looking at here, it isn't that many that moved in a year and so forth. I mean, we hope there isn't. We have no _____ now. But I'm sure that would be a police function. They have the authority. And they're probably contacted from Franklin County when somebody moves in any how. I've talked to the Chief about this and he knew where they were at and so forth. So he keeps in contact with the Sheriff's Department.

Mr. Hood: He didn't know those two were within 1,000 feet of the school. I'll tell you that much. That was a surprise to both of us.

Mr. Clemens: He knew they lived here. But, he hasn't been here that long. I mean, maybe our other Police Chief didn't walk it off and see how far it was. But any how, I think it's a safety issue. It would fall under the Police Department and another jurisdiction. I think we'd be putting too much on the Code Compliance in the Code Department to start handling issues like this.

Mr. Baxter: I don't think I would disagree with that. I think, especially it being a sensitive of an issue, you want your Police Department who's well versed in the law to be executing on any type of measurements or things like that to make sure that it's accurate. Mayor, you wanted to say something?

Mayor McPherson: Well, the Police Department would be the point of contact. We also get, when a convicted sex offender moves into town, there is an e-mail that comes to the Police Department. At this point, I can assure you that, I don't know what happened 4 years ago when the last individual moved in, but clearly within 1,000 feet, and the City Attorney is addressing that issue now. We have a means that we can go out and visually measure how far a residence is from any of these sites that Council chooses. So as you go down the road, once we know what the parameters are, what you're going to say, 1,000 feet from whatever these colors are, when we get

notification if there's a sex offender moving into town, and we know where that location is, we can go out and shoot the area and know whether or not the person's within 1,000 feet relatively easily. So it's not manpower intensive. It's a simple procedure that we can do. And if they are within 1,000 feet, then it would be, as City Attorney Hood said, it's something he would come in on at that point.

Mr. Baxter: Councilman Clemens.

Mr. Clemens: Yes. Just to correct the issue. It wasn't 4 years ago the last sex offender moved in. It was 4 years ago this one person that....

Mayor McPherson: The one within 1,000 feet.

Mr. Clemens: Yeah. That's what we're talking about.

Mr. Hood: And once we were made aware of that, what the Mayor was speaking of, we have technology to measure these distances. And once I'm made aware that there may be a problem, what I did, is I contacted Dave Parkinson and he gave me a GIS map that measures very scientifically. And should it come to this, I can call him as an expert witness and testify on how he did this. And like I said, if it comes to that. _____ our first case, we're slowly going through it and we're taking it very seriously. And I want to make sure that there's no loop holes that we can fall through here.

Mr. Baxter: Certainly. One other thing I would recommend, and I don't think it would be needed as part of the legislation, but it's part of the enacting that legislation, I think it would behoove us, and have the Administration send letters out to those renters areas like apartments and what not, that do fall within the buffer zone (Tape Change). Aware that they are now within a buffer zone where sex offenders aren't to be living. And it may make them add that to their application. Have you been convicted of? And be aware, you're not allowed to live in this area. Just to make it easier for those who are trying to move in to understand that they can't be in it and we can solve some of the litigation problems before they happen. Just for being informational. Councilman Joseph.

Mr. Joseph: Thank you, Chairman Baxter. Mr. Hood, a couple of questions. Assuming we would approve an ordinance that covers these areas, day care centers, schools, parks, etc., as additional schools and parks and day care centers open up, would they automatically be covered under an ordinance? Or would we have to re-visit it? Or is the buffer zones on this map, the set ones under this ordinance?

Mr. Hood: No. The map is purely illustrative at this point. The ordinance would speak to any future infrastructure as built. I think that the way that they're drawn, I'm sorry, the way that they're drafted, it would speak to, it would cover all of the future buildings of a different day care. Or if we should happen to come upon another city park, and if the law's there, it can be enforced.

Mr. Joseph: If a day care center were to close, would that buffer zone continue to exist?

Mr. Hood: No. Not unless it was in, you can notice, on some of the buffer zones overlap each other. Yeah. I think it's rational to think that schools and day care centers may be closely proximity. You know, if you look at Taylor Road Elementary and Taylor Station Day Care is right across the street. So all the Taylor Station may go out of business and shut down, the Taylor Elementary's still there. So the 1,000 foot proximity from it would still exist.

Mr. Joseph: Okay. And as you've done the research on the other cities that have passed ordinances, what type of time frame did they give offenders that fell into these new buffer zones to move? Was there a generic date? Or was it, did it widely vary between cities?

Mr. Hood: I haven't got that far into it. What I can tell you is, I was asking actually number. How many should I expect? How many, obviously there's going to, if you enact this law, there's going to be an initial surge of these that I'm going to have to deal with. And then it will tailor off into maybe a couple a year depending on who moves. But Newark did 44 actions when they passed their ordinance. And like I said, they were the first that I know. Hilliard only did a couple because they only had a couple living in the vicinity in the buffer zones. So I don't know how long it would take. Like I said, these laws are new. Obviously, I would try to gain voluntary compliance in anything that we do in the city. As far as Chet with Code Enforcement and cutting grass, and Police Officers with speed enforcement, we're trying to gain voluntary compliance so it doesn't always fall upon the city to be hostile.

Mr. Baxter: Certainly. Okay. I think that's some very good discussion. I want to thank you for the efforts you and Mr. Parkinson went through to get this information for us. And your Administration Mayor for helping out however you may have done so. Thank you. It has given us a lot of information. Something to think about over the next two weeks.

Mr. Hood: You know, I'm always in my office to answer questions.

Mr. Baxter: Certainly. Mr. Wright, I see your hand coming up. If you would like to come to the mike please and state your name and address please.

Mr. Wright: Yeah. My name's Ken Wright. And I live on Roselawn Avenue in Reynoldsburg. And I just wanted to mention that in the paper, I read that Upper Arlington is considering banning all sex offenders from their city. And I think we should, I know that it was discussed here that it might be unconstitutional. But why are they looking at it then? And I think we shouldn't do anything unless we see, I mean, if they're able to ban them all outright, then that would be the best way to go. Absolutely. And so, and it said that in the paper that they are looking at that. So we should try to do that too if it's possible.

Mr. Baxter: Thank you for your comments, Mr. Wright.

Mr. Hood: To address Mr. Wright's concern, I am aware of that. I think I made the Council aware of that. My personal feeling, and my, I guess expert opinion would be that it would be an unconstitutional ordinance. However, if it does pass constitutional muster, there's nothing that

says that we can't enact that ordinance some time in the future. We can make it more restrictive after we pass this ordinance. Just like all laws, they're changeable. So if UA's ordinance passes constitutional muster and goes through a challenge and that's what you want to do, we can do it in the future.

Mr. Baxter: Certainly. And right now, I think our focus is, let's go ahead and look toward protection the best that we can right now that if we know we'll pass muster. Get our kids safe right now. And in the future, if we can make it even more restrictive to make them more safe, if you can even say that, then we'll look at that then. So with that said, I'll go ahead and put this on hold for two more weeks and give us an opportunity to look at what type of legislation you can come together with. And if you can get it to us as soon as possible, then it will give us a chance to look at that and begin discussion on that.

Mr. Hood: Chairman, I just want to, if the committee's satisfied with my research, then I can move on to drafting an ordinance. But if there's more things that need to be discussed, I don't know, maybe you want to hold this for two weeks and let the committee and the full Council maybe absorb the information. I mean, we've bombarded you with a bunch of information tonight. Maybe you want to absorb that before we go forward in drafting an ordinance because there may be questions before I start writing the law. Just a suggestion. I'll do whatever you ask.

Mr. Baxter: Certainly. And any comments from Council or committee that have any suggestions? (No response). Hearing none, I would recommend that, it looks like this is the way to go.

Mr. Hood: Okay.

Mr. Baxter: So go ahead and get started on that and if there are comments and questions, then I'd hate to make you revise it but that may be the direction we have to go.

Mr. Hood: Very good.

Mr. Baxter: Thank you, sir. With that said, I'll go ahead and recommend we place this on hold for two more weeks. Do I have a second? Councilman Stake. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries.

And the last item on the agenda is an ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT TO PURCHASE ROAD SALT. It had its second reading on 9-25-06. And this is pretty much something we do every year. It's a little bit of Administration work here. I guess you would say, making sure we have the road salt we need for the winter. And so unless there's any questions or concerns, I'm going to recommend that we send this back to Council with the recommendation that it is adopted. Do I have a second? Councilman Joseph. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries.

And with that said, I will end the Safety Committee at 8:25.

Safety Committee

October 2, 2006

- - -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Lyday, Asst. Clerk of Council)

SERVICE COMMITTEE MEETING MINUTES

October 2, 2006

Members of Service Committee present: Mel Clemens, Doug Joseph, Preston Stearns, Donna Shirey.

Other members of Council present: Ron Stake, Brett Baxter, Antoinette Newman, Council President William L. Hills.

Mr. Clemens: I'd like to bring the Service Committee to order at 8:26.

The first item is the approval of the agenda. Do I have any additions or deletions? (No response). If not, it'll stand approved.

Item 3, Approval of minutes of September 18, 2006 Service Committee meeting. Are there any additions or deletions? (No response). If not, they'll stand approved.

Item number 4 is Discussion, Special Exception Use Permit, 2014 Baltimore-Reynoldsburg Rd., proposed use, retail sales with drive-thru, Cord Camera. I have no discussion on this to bring any ordinance to bring before Council unless any member of Council wishes to. Any member of the committee, members of Council? (No response). If not, we'll let it go and it will be approved.

Item number 5, Discussion, Zoning of East Broad Street between Annett Drive and Summit Ridge Drive, Lots 3, 4, 5, and 6 of Summit Ridge Heights Subdivision, from unzoned to CS, applicant, Voelker - Belz Co. I think we have a representative here. Mr. Hodge, if you would please.

Mr. Hodge: Good evening members of Council. My name's David Hodge. I'm an attorney with Smith and Hale here tonight on behalf of Voelker - Belz Company. Just by way of introduction to the project and orientation, this is an existing conditions map. It is 4 lots in the Summit Ridge Heights Subdivision. It's east of Taylor Road. This is the Circle K Convenience Store out on Taylor Road. We're actually in Licking County here. And the East Broad Street right-of-way is in the City of Pataskala. The proposal is to rezone the tract from its current zoning which is either Unzoned or R-1. It was previously zoned in Lima Township in a General Business zoning designation. It's not come through the process since it was annexed into the City of Reynoldsburg. So I think that there is a section of your Zoning Code which automatically designates the property R-1. So it's either R-1 or Unzoned. Your zoning map says Unzoned. And I think that there is actually some case law out there that says it has to go through the process. And until it goes through the process, it retains it's previous zoning. Which would mean that it retains it's GB, General Business zoning. The reason that we are requesting this CS, Community Services designation is because that district most closely resembles the GB, General Business, Lima Township Zoning. When you go take a look at those CS permitted uses, there are some things in there which certainly are not appropriate. It's adult businesses, adult oriented uses. What we intend to do to address that potential concern is to submit some sort of a limitation text which is comparable to what was recently done with the, with another East Broad Street rezoning of the Giltz tract to address some of those use concerns. Certainly, we wouldn't want to have that in close proximity to some of the residential that's out there in the Summit Ridge Heights Subdivision. This is a conceptual site plan which I think was submitted in reduction, and also I

believe in full size with rezoning application. It is conceptional but we do show a 9,000 square foot retail center there which would be comprised primarily of retail shops with maybe a small restaurant, a Subway, a Quizno's, or something like that. We do meet the minimum parking requirement. We are not asking for any access onto East Broad Street just in case there could be a potential issue there. We do show the access as far south on to these east and west streets as we possibly can so the motorists would come on to the side street. Enter here, and this would be a parking field up north of the building. There is a slightly reduced setback to the south which the zoning code permits. We would have a 15 foot parking and building setback there, but as a buffer to those residences there to the south, we would do some sort of a combination of either a 6 foot fence or some landscaping. That's essentially what the proposal is, and I'd be happy to answer any questions.

Mr. Clemens: Okay. Members of the committee, do you have any questions for Mr. Hodge?
Mr. Hills.

Mr. Hills: Mr. Clemens, I'm not on the committee of course, but just a question. The only portion of this land that actually touches Reynoldsburg is the west portion, right? North is Pataskala. East is Pataskala. And south is Pataskala. This is just a little jut of land that Reynoldsburg runs along with a frontage on Broad Street that was purchased at the same time we got the water tower years ago.

Mr. Hodge: That is correct.

Mr. Clemens: Members of Council? (No response). If not, I'd like to send this on as a first reading and have President Hills set a Public Hearing for it at our next Council meeting. Then it will go to the Planning Commission. I'd like to make a motion that we send this to Council for the first reading. Do I have a second? Second by Mr. Stearns. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

Mr. Hodge: Thank you all very much. And if I could, we don't want to get into an issue with the use. We understand that there is some sensitivity to this Community Service zoning designation. So if there is some concern in that regard that you think can't be resolved through the use of a text which restricts those uses, we'd love to hear that now before we go down that path.

Mr. Clemens: And I think if you look it over, there probably will be some. I don't know whether you want to wait until the Public Hearing or speak about it now. I would like to take the tavern issue out of it.

Mr. Hodge: Okay.

Mr. Clemens: I mean, that would be one that I would be interested in.

Mr. Hodge: We'll certainly do that as well as some of the adult uses. And we'll put together a nice text which is comparable to what was done with the Giltz and then hopefully, that will take care of that issue.

Mr. Clemens: The adult stores and all that.

Mr. Hodge: Sure. Thank you very much.

Mr. Clemens: The next item on the agenda is item 6. That's possible legislation regarding reference to tent sales, sidewalk sales, listed at the request of Chairman Clemens. We had received our information from Luke, and I believe Mr. Harris here this evening. And I discussed it with him. He had had no more contact from anybody from Council pertaining to this. And we discussed it today. He is ready to have this go before us as an ordinance. He's satisfied with the draft that he gave us. I thought if Council or the committee was satisfied with it, Luke could get with Nancy and I could get with Nancy and maybe there's a few places that we would want to cut it down a little bit. But I think he has the main things in here that we're asking for. And it will be handled by the Zoning Department and no longer by City Council. And he has the time limits, and the qualifications, and the regulations and so forth. Does any members of the committee have any questions for Luke on this subject? (No response). Members of Council? Yes, Mr. Baxter.

Mr. Baxter: Councilman Clemens, the question I have is, we're calling this a tent sale. And I would recommend that we take it to the next level. Not just be tent sale, but sidewalk sale. Is that all covered there in each of these different types of discussions? Or do we have to address each of those types of sales that we're talking about?

Mr. Haire: What I've basically put in here as far as tent sales, sidewalk sales, seasonal sales with produce, firewood, or Christmas trees. So any of those types of issues would be covered.

Mr. Baxter: Okay. So if we have a guy that pulls up to the side of that parking lot over there by the old, what is that, that lot down here on the west side, and decides to sell corn on the side, he needs...

Mr. Haire: He would need to come in and get a permit.

Mr. Baxter: Get a permit?

Mr. Haire: Yes.

Mr. Baxter: Okay. Very good. Thank you.

Mr. Clemens: Any other questions from members of the committee or members of Council? (No response). I do have a speaker slip from Brandon Wright. Mr. Wright.

Mr. Wright: My name's Brandon Wright, 1740 Brice Road. I just have a quick question before this actually becomes legislation, and this is at the discussion phase. One, since we here in the audience cannot see exactly what's been proposed, is it possible that the proposal that, are you the, actually I don't know your position, I'm sorry Mr. Harris.

Mr. Haire: The Planning Administrator.

Mr. Wright: Could the Planning Administrator please read out loud what possibly the proposal is so we here in the audience can hear exactly what might go forth for a legislation for an ordinance?

Mr. Clemens: In other words, you want us to read the draft?

Mr. Wright: Or either supply us with a copy of it that the audience can read, I guess here. So we can see what exactly is on the floor to be passed.

Mr. Clemens: Would you care to read the draft? It's quite lengthy.

Mr. Haire: It is quite lengthy. So would you like me to read it?

Mr. Clemens: Go ahead. You do a good job.

Mr. Haire: Alright. Basically what we're proposing is, a temporary Use Permit. The Zoning Official or his designee shall have the power to grant permits authorizing temporary special land uses for 1. Tent sales, sidewalk sales, or seasonal sales of produce, firewood, or Christmas trees shall be permitted under the following conditions. A. Zoning districts where permitted. Temporary special land uses for tent sales, sidewalk sales, or seasonal sales of produce, firewood, or Christmas trees shall be permitted in the Community Commerce district and the Community Services district. B. Application, fee, submission of plot plan. Every person, firm, or corporation desiring to obtain a temporary Special Use Permit is required by this ordinance, shall file written application with the City of Reynoldsburg Zoning Department, or on a designated form provided by the department, together with an application fee as specified in Table 1155. The application for any temporary Special Use Permit shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following: 1. The shape, location, dimensions or the lot including the shape, size, location, and the use of all buildings or other structures already on the lot, and the off street parking layout. 2. The materials to be utilized in, in the shape, size, location or all buildings or structures to be erected or moved onto the lot including all tents, tables, stands, or display racks. 3. The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off street parking space if any, as well as anticipated flow of pedestrian traffic upon lot sidewalks. C is time limitations. 1. A temporary Special Use Permit for a tent or sidewalk sale shall by its terms be effective for no longer than 7 days, no more than 3 temporary Special Use Permits for tent sales or sidewalk sales shall be issued for a given location within a single calendar year. Temporary Special Use Permits for tent sales or sidewalk sales shall be issued for a given location within a single calendar year. Temporary Special Use Permits for tent sales or sidewalk sales shall not be issued for any given location for consecutive time periods except in the historic overlay district. See Chapter 1193. A temporary Special Use Permit for the sale of Christmas trees, shall by its terms be effective for no longer than 30 days. No more than one temporary Special Use Permit for the sale of Christmas trees shall be issued for any given location within a single calendar year. 3 is a temporary Special Use Permit for a vegetable, fruit, or produce stand, or the sale of fire wood, shall by its terms be effective no longer than 2 months. No more than one temporary

Special Use Permit for a vegetable, fruit, or produce stand, or for the sale of fire wood shall be issued for any given location within a single calendar year. D is regulations. 1. A temporary Special Use Permit shall only be granted if a Zoning Official or his designee determines that the proposed use, including the erection of any building or structure will a. provide adequate light and ventilation between buildings and structures. b. Provide adequate automobile and pedestrian traffic flow. c. Provide adequate off street parking. d. Will meet the intent of the Zoning Ordinance or otherwise not interfere with the protection of public health, safety, or general welfare. e. Not be incompatible with or otherwise adversely affect the physical character of the community, and in particular, the surrounding area within a distance of 1,000 feet. 2. When the proposed temporary Special Use is to be conducted on otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary Special Use is to be located including all requirements pertaining to lot size, height, setback, maximum percentage of covered lot area, and off street parking. 3. No temporary Special Use shall be permitted if it reduces the parking by bigger than 25%. 4. A Building Permit is obtained from the City of Reynoldsburg Building Department.

Mr. Clemens: Thank you, Luke. Thank you.

Mr. Wright: I have a second part to that. I think the legislation that he has read, it's a very good legislation. And compared to some of the villages, and even the townships that I've read, they weren't that intensive. And it outlines a lot. But I do have a couple of concerns. One would be, if we did pass legislation, and it passed as is, my big concern would be limiting tent sales, or limiting somebody who owns a store to three only in a year. And to me, I feel that I'm a pro business person. If they want to do 10, 12, as long as the city's getting the money for the permits each time, I think that the city should not have any restrictions on how many one commercial property or one person can have applying for permits. The second thing that I would like to see possibly in the legislation is if we can have a speedy due process I guess with these tent sales or any sidewalk sales so they don't have to go through the _____ proportion. And I think that sending it to the zoning committee is probably better than Council. But if you could just write in there that there's, something that's a little fast that when they go to apply for like these tents. Because a lot of times I have noticed, especially with the company that came in, they kind of expect you to, as soon as possible. So if that could just be addressed, that would be greatly appreciated. And I thank you for your efforts of researching that and putting that all together.

Mr. Clemens: This will not come before Council, period. This will be handled by the department here.

Mr. Wright: Okay. And it's going to be passed as an ordinance?

Mr. Clemens: That's why we're eliminating it. Taking it away from Council so they can walk in and speak to somebody and handle it through the Administration.

Mr. Wright: Good.

Mr. Clemens: They won't have to go through the zoning boards or through Council.

Mr. Wright: Perfect.

Mr. Clemens: Directly to him.

Mr. Haire: Typically, something like this would take maybe 3 to 5 days.

Mr. Wright: Okay. I think that's a much better process than we've had in the past.

Mr. Clemens: I do too.

Mr. Wright: As for the other question on the limitation of how many permits that a company could have, if Council could just address. Or I guess the committee, if they could just put that down as a great concern that I have about that. Thanks.

Mr. Clemens: Okay. Thank you, Mr. Wright. Thank you, Luke. We appreciate it and you did a good job. Go ahead.

Mr. Baxter: I just have one additional question, Councilman Clemens if I could please. When issuing the permit, is it to the person? The business? Because if you have two people in a business, you limit it to three, partner comes in, I get three more.

Mr. Haire: The way it will be tracked, is through the address. So if there's....

Mr. Baxter: _____ to location.

Mr. Haire: Correct. If the business has more than one address, then we'd have to issue two permits. Double them the number of permits in a year. If a person changes the location of the sale into another address, then they would be permitted another permit.

Mr. Baxter: Okay. Thank you.

Mr. Clemens: Thank you. And what we'll do, we'll get this in ordinance form and have it before the next Service Committee. There's really no hurry in this. We've already said we'd like to have this in effect in maybe a month or so. But we'll get it straightened around and have it before the Service Committee for discussion and it'll move on to Council as an ordinance. Okay? Is that alright with members of the committee? Thank you.

Item number 7. Item number 7 is the discussion, Amend Table 1155, Zoning Code Fees, held 9-5-06 and held 9-18-06. Tonight we're going to go over them. It shouldn't take too long. One member brought this up about, Mr. Joseph had asked about this possibly being put in the budget and not discussed here. And I discussed this with Mr. Stake and he didn't feel it should be. It should go this way, and I do too. It is a Service Committee matter. I thought what we would do, we'd go over them. There are not too many of them, and see if Council has any discussion as far as what the fees would be. The amendments to the districts change. The first one is the

district change. Chapter 1151. It was \$200 plus \$20 per lot, and now it's increased to \$500. Now what these are, he's checked these other cities, which we've got copies of and try to average them out. We've been low on a lot of these. And I think one reason we would like to do this is help finance, or help put some money in our Development Department. Plus, I don't see any reason for our tax payers to be paying, helping pay off the different development charges and so forth that aren't a benefit to people that are asking for them. So I think that's where we have a chance to gain additional funds by increasing our Zoning Code Fees. The first one would be, like I said, the district change would be \$500. Is there any discussion on that from members of the committee? (No response). Members of Council? (No response).

The next one would be Amendment of a Development Plan, Chapter 1151. It's a flat \$75. There's no change on that one.

PD, Planned Development, Chapter 1183. It was \$200 plus \$20 per lot. It's been increased to \$350 plus \$25 per lot. Is there any discussion from members of the committee? (No response). Members of Council? (No response).

The next one is Variance, Chapter 1147. It was \$30 for a variance. It's been suggested \$100 for residential, \$250 for other. I think that increase is a little too stiff for the residential. I would like to maybe, possibly make that \$50 instead of the \$100. As far as the commercial part of it, I don't think \$250 is too much to ask at all compared to what other cities are asking. Are there any comments from members of the committee on that one? (No response). Members of Council? Yes, Mr. Baxter.

Mr. Baxter: Councilman Clemens, I agree with you wholeheartedly. For the residents, I think \$50 would be fine. I think \$100 to have a variance on your property, especially if you're trying to improve your property.

Mr. Clemens: Yes, I agree.

Mr. Baxter: Thank you.

Mr. Clemens: The next item, Zoning Certificates, 1143.02. It was \$20, it's been raised to \$40. Members of the committee? (No response). Members of Council? (No response).

Special Exception Use Permits, Chapter 1145. It was \$75. It's been raised to \$250. I think we all know what those involve, and involve the time that's put in those by the different Zoning Officer and by the different committees and by Council. Is there any discussion on that item? Committee? (No response). Members of Council? (No response).

Sign Permit, temporary sign was \$10, moved to \$25. Building mounted sign, \$25 moved to \$50. Ground sign stays at \$50. Face replacement and existing sign was \$20, moved to \$25. Are there any questions from the committee pertaining to this? (No response). Really all this does is take care of our paper work. And it takes care of our inspections and so forth. It does cost us that.

The next item is Banner, \$25. Are there any questions on that? Yes, Mr. Baxter.

Mr. Baxter: That's commercial? Or commercial and residential? When you say banner, I want to make sure that if we're talking a homeowner who wants to say "Welcome Home", "Happy Birthday", "40th", those type of things. Are we going to be charging them \$25 to welcome their family home or to say happy birthday?

Mr. Haire: Under the current ordinance, it doesn't distinguish between a residential and a commercial banner. Since I've started here, I've not got one for a residential banner. And I know that people do put them up. But typically, they're up for one day for one day events. It's typically not an issue but that's something that the Code Enforcement people, would see that, they would say, if they did stop they would say, you would have one day to correct this or come in and get a permit. Which typically, they're just up for one day so it's not an issue.

Mr. Baxter: Certainly. I would say like for example, graduations. I've seen them up for much longer than a day. That's why I was, I was guilty of that then.

Mr. Haire: Right. Typically, the Code Enforcement will give you a certain time period that you have to take corrective action to actually obtain a permit.

Mr. Baxter: I would recommend that we eliminate it from a residential side. Or at least put a nominal amount on it and identify it as commercial.

Mr. Haire: It does give me the discretion to waive fees if I feel it's appropriate.

Mr. Baxter: That works for me then.

Mr. Clemens: So we should put, under banner, just commercial.

Mr. Haire: Commercial.

Mr. Clemens: Yes. Commercial banner.

Mr. Baxter: I think that's what we're trying to regulate here, isn't it?

Mr. Clemens: That's right.

Mr. Baxter: So let's just stipulate it.

Mr. Clemens: Next item, Fence Permit. It was \$10. It moved to \$20. Members of committee? (No response). Members of Council? (No response).

Next item, Certificate of Appropriateness. And it's Chapter 1103. It was \$25 now it will be \$50 plus \$10 for each 100 square feet or a fraction thereof. Gross floor area. Are there any questions pertaining to that? (No response).

Next item, Site Plan Review, Major Site Plan, 1143.03(c). It was \$50. It will be raised to \$400. Is there any comment pertaining to this? Yes, Mr. Baxter.

Mr. Baxter: The comment I would have is, if it was an internal review of the site plan versus an external view. And that we would pay potentially more for that site plan to be read that we would actually pass that cost on. So the cost is \$550, not \$400, then it should be the cost that we're paying for it. My understanding is we don't do all in house reads. Is that correct?

Mr. Haire: As far as the Major Site Plan, I do typically most of the reviews. But it is sent to all the other department heads including the engineer. So there are costs that we incur from EMH&T for their engineering services in regards to that.

Mr. Baxter: And that's the point I'm trying to make. Is if we have outside services, is \$400 going to cover those larger ones? And that's what this is about.

Mr. Haire: As far as if you include my time as well, then no. If it's just outside _____. Yes, \$400 would probably cover the time spent on it. I thought maybe Mr. Parkinson could talk to us in how in depth his review is.

Mr. Clemens: We certainly know \$50 never covered anything.

Mayor McPherson: Mr. Clemens, you need to understand that is also reviewed by the Water Superintendent, Street Superintendent. So there are several other people besides Luke that review it. This \$400 wouldn't probably come close to paying for all of their time. But it would pay for EMH&T's time.

Mr. Baxter: Thank you.

Mayor McPherson: Some times.

Mr. Clemens: Any other questions? If not, it'll stand approved. Residential Site Plan, 1143.03(d). It was \$25, \$50. Are there any questions pertaining to this? (No response).

Plot Grade Utility Plan Review, 1143.04. \$150 plus all engineering fees. Applicant will place \$550 deposit with the Service Director at time of application. This one's always been too cheap. It's \$150 plus engineering fees. We never had 150 before. And this is handled by all departments too that look into this. And a lot of the Service Director's time goes into this. And the 550 deposit, if the engineering company doesn't cost that much, then they refund it. They refund that.

Mr. Haire: Typically, after speaking with Mr. Parkinson, these almost always run over. So that \$550 deposit is never enough to cover the actual review. Maybe that's something we should consider to _____.

Mr. Clemens: I don't think I've ever refunded any. I think there has been times where we've refunded some money. Very few times though. Because it does, 550 doesn't really handle a lot of it but it makes it comparable to other places. Any other discussion on that part? (No response).

Next item, Home Occupancy Permit, 1187.02. From \$20 to \$50. Any questions on that? (No response). I think the reason on that, those are a little hard to track down. They do give us problems as far as finding out where they are a lot of times. And seeing that they do abide by what laws we do have. I would like to see that one enforced more than what it is really. Are there any other questions on that one? (No response). If not, thank you Luke. We'll have to draft up an ordinance. I'd like to send this to Council for the first reading and we'll have the

proper ordinance back and so forth for the next Service Committee meeting. Do I have a second on that? Second by Mr. Stearns. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you, Luke.

Mr. Haire: Thank you.

Mr. Clemens. That ends the Service Committee meeting at 8:55.

Service Committee

October 2, 2006

- - -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Lyday, Asst. Clerk of Council)

FINANCE COMMITTEE MEETING MINUTES

October 2, 2006

Members of Finance Committee present: Ron Stake, Mel Clemens, Brett Baxter, Antoinette Newman.

Other members of Council present: Donna Shirey, Preston Stearns, Doug Joseph, Council President William L. Hills.

Mr. Stake: I'd like to call the Finance Committee to order at 8:56.

The second item on the agenda is approval of the agenda. I would like to hold number 7 (Discussion: Authorization for City Auction). Are there any other changes to the agenda by members of the committee? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 3 is approval of the minutes of Finance Committee meeting held September 18, 2006. Are there any changes to those minutes? (No response). None being heard, they'll stand as submitted.

Item number 4 is Discussion, Transfer of funds from Pleasant View Sanitary Sewer Project to close out the project. Mr. Harris.

Mr. Harris: Thank you, Mr. Stake, members of Council. Prior to the middle of 2004, the way we used to do projects was, the money would be transferred from whatever fund it was in. All of it would be put in the CIP Fund and then the bills would be paid out of that. When the project was

over, any monies that were left, would be returned to the proper fund. The State of Ohio, back in 2004 said that we should quit doing that and that the monies as they are used, should be kept in the fund that they're in and the expenditures charged in. However, we still had a few that were done the old way. This was one of them. Ordinance 6-04 moved money from the Sewer Capacity Fund, \$620,254.85 from the Sewer Capacity Fund to the CIP to pay for CIP Project 93. The project is now finished, completed. The one year is over. The project now, the expendants were \$574,431.46 which leaves a residual of \$45,823.39 which should be moved from the unappropriated Capital Improvements Fund 410 back to the Sewer Capacity Fund 250 in order to close the project out.

Mr. Stake: Okay. Thank you, Mr. Harris. Are there any questions for Mr. Harris? (No response). Comments? (No response). Members of the committee? (No response). Members of Council? (No response). Okay. Then I will make a motion that we transfer \$45,823.39 from the unappropriated Capital Improvement Fund #410 to the unappropriated Sewer Capacity Fund #250. Is there a second? Second by Mrs. Newman. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you. We'll send this for its first reading.

Mr. Harris: I've got the next one too.

Mr. Stake: Okay. Go ahead.

Mr. Harris: The next one is the request Council pass a resolution to accept the rates from the Licking County Budget Commission. We had, a couple of weeks ago, the one from the Franklin County Budget Commission. This is the one from the Licking County Budget Commission. I still have not received one from the Fairfield County Budget Commission. If Council would, I would like to have this resolution passed as an emergency in order to get this back to Licking County in a timely manner.

Mr. Stake: Okay. One reading?

Mr. Harris: Yeah. One reading if we could.

Mr. Stake: Okay. Any questions for Mr. Harris from members of the committee? (No response). Members of Council? (No response). I'll make a motion that we send to Council, passage of Resolution Accepting the Amounts and Rates for the Licking County Budget Commission as an emergency. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you, Mr. Harris.

Item number 6 is Discussion, Authorization of Franklin County Board of Health Contract. And this comes from the Mayor.

Mayor McPherson: Thank you, Chairman Stake. This is an annual contract that we sign with Franklin County Board of Health. You'll notice that the only change this year from last year,

Section 4, the per capita rate is \$5.13 in this contract and the total sum is \$181,525.05. This will in fact, come in our 2007 budget process. But amazingly, they sent this in prior to December this year. So we're asking for authorization to enter into the contract. And then again, the amount will be in our 2007 budget. So this is to enter into the contract.

Mr. Stake: Okay. And this can go the three reading route?

Mayor McPherson: That's correct.

Mr. Stake: Okay. Are there any questions for the Mayor in regards to this item from members of the Finance Committee? (No response). Members of Council? (No response). Then I will make a motion that we send this forward for its first reading. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 8 is the ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS (Service/Safety Department; General Administration); and TRANSFER OF FUNDS (Building Department, Auditor's Office, Police Department, and Street Department). It had its first reading on 9-25-06. And I believe we're looking for a rule suspension with this, correct?

Mayor McPherson: That's correct.

Mr. Stake: And it did have one reading. So we want to send it forward for its second reading with a rule suspension. Are there any questions from members of the Finance Committee? (No response). Oh, I'm sorry. I was looking at the wrong item. This doesn't have a rule suspension with it. I'm sorry. I was looking at the auction item. This does not have a rule suspension. I think this can go the three reading route. Because I do not see emergency on here or rule suspension. But this is where the...

Mayor McPherson: You're right. I apologize. I was looking at the wrong one too.

Mr. Stake: That was my fault. We're probably both looking at the wrong one. We'd have an amount of \$37,715 in the unappropriated General Fund to be appropriated 16,000 to Service/Safety Wages and Staff. \$11,715, General Administration, Worker's Comp. And \$10,000, General Administration, Unemployment Compensation. Are there any questions from members of the committee? (No response). Members of Council? (No response). Then I'll make a motion that we send this forward for its second reading. Do I have a second? Second by Mrs. Newman. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 9 is ORDINANCE AUTHORIZING MAYOR TO EXTEND CONTRACT WITH EVANS, MECHWART, HAMBLETON & TILTON, INC., FOR PROFESSIONAL CONSULTING AND STRUCTURAL ENGINEERING SERVICES. It had its first reading on September 25, 2006. And this is an extension of, a two year extension of our professional engineering contract. Are there any questions from members of the Finance Committee? (No

response). Members of Council? (No response). I'll make a motion that we send this forward for its second reading. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 10 is ORDINANCE AUTHORIZING MAYOR TO EXTEND CONTRACT WITH DLZ OHIO, INC., FOR PROFESSIONAL BACKUP CONSULTING AND STRUCTURAL ENGINEERING SERVICES. It had its first reading on 9-25-06. And this is the second half of our engineering contracts. This will be the same thing. Extend it for two more years. I'd just like to note that the rates will be the same as they have been. So there is no increase there. Any questions or discussion from members of the Finance Committee? (No response). Members of Council? (No response). I'll make a motion to send this forward for its second reading. Do I have a second? Second by Mrs. Newman. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And item number 11 is ORDINANCE AUTHORIZING MAYOR TO EXTEND CONTRACT FOR PROFESSIONAL ARCHITECTURAL AND PLAN REVIEW SERVICES. And this is a one year contract. Are there any questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). This had its first reading on 9-25 also. So I will make a motion that we send it forward for its second reading. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Mayor McPherson: Mr. Stake, if I could, just a comment. The other architectural contract that we had, the issues with that have been resolved. I'm hoping to get that down to you by this Wednesday for it to start through its process.

Mr. Stake: Okay. Thank you, Mayor for that update. Item number 12 is ORDINANCE AMENDING RESOLUTION NO. 23-04 PASSED MARCH 22, 2004 ENTITLED "AMENDED AND RESTATED RESOLUTION OF THE COUNCIL OF THE CITY OF REYNOLDSBURG OF FRANKLIN, FAIRFIELD, AND LICKING COUNTIES, OHIO: (Pick-Up Resolution - Existing Pickup - Police Officers and Sergeants)" AND DECLARING AN EMERGENCY. It was read for its first time on 9-25. Mr. Harris.

Mr. Harris: Yeah. As I had stated a couple of weeks ago, this is for the folks at the police and fire fighters pension. This will take and redo this ordinance to, or this resolution to match what is in the police contract.

Mr. Stake: Okay. And we are under a time constraint on this, correct?

Mr. Harris: Yeah.

Mr. Stake: So we want to send this on for its second reading....

Mr. Harris: And pass it as an emergency.

Mr. Stake: And pass it as an emergency.

Mr. Harris: That is correct. Thank you.

Mr. Stake: Okay. Are there any questions for Mr. Harris from members of the Finance Committee? (No response). Members of Council? (No response). Then I'll make a motion that we send this on to Council for its second reading with a recommendation for adoption as an emergency. Do I have a second? Second by Mr. Baxter. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And I'll adjourn the Finance Committee at 9:05.

Finance Committee

October 2, 2006

- - -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Lyday, Asst. Clerk of Council)