

MINUTES REGULAR COUNCIL
REYNOLDSBURG CITY COUNCIL
September 22, 2003

President of Council Bradley L. McCloud called the meeting to order at 7:49 p.m.

Members of Council present: Ron Stake, Sarah Cannella, Jim Wade, Eric Gilbert, Mel Clemens, William Hills, Lane Beougher.

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

Minutes of the regular Council meeting held September 8, 2003 were approved without objection.

The agenda was approved.

Community Comments and Requests- - Jerry Robbins, 7368 E. Rich Street, Reynoldsburg, Ohio said: "This isn't on the agenda, but I live over off Lancaster Avenue and for four years I moved back into the City of Reynoldsburg, and I've had some issues with a neighbor that happens to be on the city police department, with code violations and other issues. Some people in this room may know about it and some may not. I don't know what the procedures are for City Council to deal with it, but I am bringing a formal complaint, and I need some advice on what to do, and how to do handle these situations from past Building Inspectors to whoever's retired from Dana Miller to George Mussi to Mayor McPherson to the Chief of Police to the Attorney Underwood. I've had some conversations with each and every one of these individuals and still these issues aren't resolved; they just seem to be covered up; permits been issued after the fact that some of these violations were built and established. And I feel like I'm being harassed by certain individuals in the community from the police department, and I have no hope. I seem to be at my wits' end. And I'm to the point where I'm stressed out and I'm facing legal issues on some statements I have made to the police department and I would like to get some direction from City Council on how to handle these things and where to go with them. And some of the things I feel have been covered up by city officials such as, improper ham radio towers that have been erected by my neighbor and how it was covered up and why it was covered up. From other issues to building a privacy fence without permits; started building a screen house porch without a permit, and other things; running electric to these facilities and nothing was given as far as inspections and all that. I'm nervous and I don't know how to handle this situation so I'm asking for help in bringing it forward for the first time cause I am facing a litigation and a law suit and this is my first step to start my procedures.

Mr. McCloud: Mr. Robbins, let me ask; first of all, it's difficult for us to deal with this when we don't know exactly what it is and it is a little bit out of our bailiwick anyways as the legislative body of the local government. But have you had conversations, I guess you have, with the Mayor and the Chief and...

Mr. Robbins: With the Mayor McPherson, I've only talked to him once on the phone that I can recall; with the Chief, Mrs., Chief Miller, she has tried her best to help me. At one time, about a little over a year ago she sent me information in the mail about how to fill out complaint forms and a postage stamped addressed envelope back to me to send in. I didn't do that because I felt it wouldn't go any further than just in writing. Maybe it was my fault for assuming that. She even

volunteered to get a Gahanna Police mediator, that they had a mediation process, and she offered her assistance to get me and my neighbor who is an officer in the police department, to go to mediation. She was ordered not to go any further with that. At the time I didn't know why; it wasn't explained to him clearly until this past Thursday, I believe it was, that she explained to me in more detail why she was ordered not to. And I believe it was by Mayor McPherson not to go any further with the mediation. She's since told me she has found a new mediator and is willing to do this process all over again, but right now I don't know if that's the best option because I am facing, like I say, charges against me for some things I said in the heat of the moment.

Mr. McCloud: Let me go back to something you said. If the Chief offered to help you, that probably would have been a good thing to follow up with. She doesn't have a reputation for sending people on wild goose chases.

Mr. Robbins: I understand that.

Mr. McCloud: I don't know the exact extent of these issues, and I said earlier I'm not sure entirely this is a City Council matter. At the same time, I would like, to the extent possible, to give you some help and direction. Chief, is that door of mediation still open in some capacity somewhere?

Chief Miller: Mr. McCloud, out of.... Mr. Robbins indicated to you that he made some comments when he came into the police department approximately two or three weeks ago and made some comments to a Sergeant, and out of those comments we now have some, an individual criminal filing that's been made against Mr. Robbins on the part of the department member, who is his neighbor. Yes, there is a mediation service that's available. And let me be very clear that when we offered the mediation service a couple of years ago, what happened was, there were complaints and counter complaints going between Mr. Robbins and his neighbor. And at some point an attorney was hired by his neighbor, who is our department member, and it was at that point that because the attorney was hired and it was getting more and more murky, the Mayor said to me at that point, really we just can't go forward with mediation. Now I was not ordered but it was because it was getting more and more complicated legally. We did not think that mediation was the best course of action. With a criminal charge now pending, that certainly is something that Mr. Robbins could always suggest to the judge if it gets that far. As you well know in many instances in Franklin County certainly the courts try and plead these cases out. And that could be part of a conclusion to the case, but there are criminal charges pending. Let me be very clear, this has been going on... Mr. Robbins, you moved in in 1999, and starting in 2000, I think it was a barking dog that kind of initiated some of this ongoing problem over the last four years, but I can tell you that the department has not taken any formal action in terms of a citation, or a ticket, or any kind of criminal charge, being brought against Mr. Robbins in any way, shape, or form. When Mr. Robbins came to see me last week, he made a public records request, and what records we do have, indicate over and over again, that we provide him with information regarding the ordinance that his neighbor is claiming he has violated, and in every indication, or in every instance, there does appear to be an indication that the ordinance was, in fact, being violated. But rather than citing Mr. Robbins, we've simply given him a copy of the ordinance, or informed him that whatever the complaint was about was a violation of an ordinance, and asked him to comply. So up until this charge that was filed a couple of months ago, a couple of weeks ago, and it is a private filing on the part of his neighbor, there has been no action that the police department has ever taken against him.

Mr. Clemens: Certainly I don't think it's our part as legislators to get in between two neighbors and their disputes. But as Mr. Robbins said, if there has been favoritism shown as far as, through any

of our departments, I think that's a point for City Council. And I think the way to handle that would be to put the complaints in writing to me and I will get with Mr. McPherson and I'm sure the Mayor Bob will look into it and give us a report on it. I think that's one thing we could do because that is one thing that we don't allow is anything like that going on, as far as our building department's concerned, if you feel there's been...

Mr. Robbins: Well from where I stand from, Mr. Clemens, is that yes, some of the things seem and appear to be in violation. I can give you one instance where I bought a used vehicle and had three cars in my driveway; my wife came home early and I didn't have time to rearrange all my vehicles; she parked on my front lawn for a few minutes. My neighbor, somebody through his household had made a call, or drove by and made a statement to a police officer; police officer come out without even going through the dispatch at this particular instance and was threatening to give me a citation unless I moved my vehicle. Well, at that time I didn't know I was under any violation of any code or ordinances because she was only on the parking lot, or the front grass for 30 minutes. Yeah, it's a direct violation if there's an ordinance against that, but it wasn't parked there overnight and it wasn't going to stay there all day. But when I have made other complaints on this man's instance with past noise violation after the curfew of 11:00 on weekends or whatever your ordinances are, there's no response in an immediate proper time that's being done to me by the same individual making the complaints. Clearly it seems to be two...one-sided and that's why I'm standing here tonight, frustrated that it seems to be one-sided.

Mr. McCloud: Okay, and...

Mr. Clemens: Basically, I was speaking of, you had mentioned permits and so forth through our Building Department,

Mr. Robbins: Yes.

Mr. Clemens: ...and if you feel that there's been a failure there, I'm sure you can report it to the Mayor. He would investigate it and see what you're speaking of, but I think it has to be in writing so that we understand what we're talking about.

Mr. Robbins: Sure.

Mr. McCloud: Will you do that?

Mr. Robbins: Yes, I will do that this week.

Mr. McCloud: Thank you so much. Mayor, did you want...

Mayor McPherson: Well, we do have an extensive history in the Building Department going back probably two years or more regarding violations, his attorney's letters. So we do have an extensive file on that. Mr. Robbins has made a public records request to my office also for any and all information relative to his neighbor. We are complying with that. He's made the same request to our Service/Safety Department; to our Police Department, and I'm not sure who else for the public records. So we are compiling a file; we'll have it available for Mr. Robbins to come in and look at and copy whatever he wants. We would again encourage Mr. Robbins to fill out the complaint form that the Chief gave him quite some time ago. If in fact he's lost that form, we'd be more than happy to provide him with another one. He can document specifics on his complaint against the police department as a whole.

Mr. McCloud: Thank you, Mayor. Any other discussion from the table?

Mr. Wade: Just a comment. I think, in fairness to Mr. Robbins, at least for the time being until this is resolved, he should have another means of negotiation for these events that are happening other than the police department. Is that something that the Safety Director or anyone can do?

Mr. Underwood: Well, Jim I think you have to be careful and don't get into it too deep because we do have a criminal prosecution. And I don't want you tampering with that.

Mayor McPherson: At this point, at this point, there are no other issues that I am aware of that are pending in the Building Department or Zoning, I can check, but I don't there's anything at this point pending, other than the criminal action.

Mr. Wade: Mr. Underwood, do you have a recommendation that way?

Mr. Underwood: There's criminal charges pending and we are prosecuting.

Mr. Clemens: We're not speaking about the ones that have been filed. We're speaking about his complaints.

Mr. Wade: I'm talking about a future outlet if he's not comfortable going to the police department for his concerns.

Mr. Underwood: Well, I think the complaint form that the Chief provided gets it started, then he can go to Mel, and he can, whoever he wants, talk to whoever he wants to about favoritism and that, but stay out of the criminal element.

Mr. Clemens: I agree.

Mr. Wade: So where would you, if you were him, Mr. Underwood, where would you recommend that he...

Mr. Underwood: I think it's already been recommended. Fill out the complaint form and get with Mel and start there.

Mayor McPherson: It should be forwarded to me if that's what you're asking.

Mr. Wade: It would what?

Mayor McPherson: It would come to me. Have him send it to me.

Mr. Wade: Okay. That's exactly what I'm saying.

Mr. Robbins: That's what I'm afraid of. You're right, Mr. Wade, and I thank you for checking out, for watching out for my best interest. Because in the past, some of these violations not, didn't always deal with the police department because this individual is a police officer with the City of Reynoldsburg. I've gone to them because of the harassment charges I thought was being done. For instance, the ham radio tower; it was erected clear before 1999, before I moved back into the city. When I approached Dana Miller, at the time when he was in office, when this was issued, he said he knew nothing about it, and this was in 2000, somewhere between 1999, June of '99 to the Spring of 2000. After two years of this going on and nothing was done about it, I had talked to a neighbor that lives behind both me and this neighbor I'm having problems with, and he said, 'that's funny, if Dana Miller's telling you he didn't know anything about it, four years ago, the day after this was erected, I made a call complaining about it and he said he didn't know anything about it then but would check into it'. I, myself, called FCC and got information and it went back to, from FCC to the City of Reynoldsburg that it was their problem to handle it. This man, I've got tape that shows he's been over my computer speakers, over everything else, so if I got city officials telling me they don't know anything about it, and four years prior they had been notified by another citizen of the City of Reynoldsburg, then I don't know who I trust in the city department any more. And that's where I'm here tonight to say I don't have a proper source of outlet that I feel comfortable with because I feel like everyone's covered up. One of the reasons that Chief Miller told me just this past Thursday is why she was told that it is getting hairy with the legal issues was because the City of Reynoldsburg's ham radio tower, their police tower was erected illegally too, and this police officer that I'm having problems with was filing charges against the city and that is why they backed off of it.

Mr. McCloud: And once again, Mr. Robbins if you'll write these things down, we'll be happy to take a look at them. The criminal element, we will not touch, but these other issues we'd be happy to take a look at them if you'd make those addressed to Mr. Clemens and we will take it

from there.

Mr. Robbins: Thank you.

Mr. McCloud: Thank you so much.

Mr. Brett Baxter, 7901 Windrift Place, said he would like to thank the city for the work that they did with the Tomato Festival.

Mr. McCloud stated that the following Monday was a 5th Monday of the month and Council would not meet. He stated that Council would then meet the following week on Tuesday, October 7 instead of Monday, which would be Committees followed by a Special City Council meeting.

Reports- -Mr. Brandt gave an update with respect to the gas aggregation program. He said he has already verified with Mr. Sloan that he has no exhibits for his contract. He said the gas/electric process has been an ongoing long saga of government versus government. He said it seems as though we are at some resolution which we hope will be beneficial to our residents. He said in addition to the contract with Mr. Sloan from Amp Ohio who has been working with us as well as a number of other communities in Central Ohio on this process, it has been suggested that we form a COG (Council of Governments) which is authorized under the Ohio Revised Code which basically provides a buying group and is also used as a lobbying group. He said the formation of it provides for no dues or anything of that nature, but is basically a buying group under utilities. He said we discussed this with Mr. Habig of MORPC and he encouraged it as well. He said it's an issue that does fall under the purview of MORPC but Mr. Habig did indicate that he would recommend other communities in the area coming in touch with the 5 communities that are currently involved: Dublin, Arlington, Bexley, Gahanna, and Reynoldsburg. He said Reynoldsburg is the first community that has the PUCO authorization for both gas and electric. He introduced Mr. Sloan to give an overview of the proposal for a municipal aggregation contract from IGS. Mr. Gilbert thanked Mr. Sloan for coming in. He said we are entertaining that for discussion at the next Service Committee meeting. He said the natural gas has had two readings. He asked if Mr. Sloan could provide Council with the revised contract prior for the Friday packets. He said it would be beneficial for the members to have a week or two to review the contract. Mr. Hills asked if the other 4 cities are at the same point we are yet? Mr. Sloan said at this point, the only two that have already been certified by the PUCO are Bexley and Reynoldsburg. He said it's not clear if Bexley wants the percent off or a fixed rate. He said he thinks they may be interested in a fixed 1 year rate. He said Dublin will be the next one to be certified. He said he just filed their application a week ago. He said they will be certified about the middle of October. He said they have had some informal discussions but of the 5 communities, we're farther along here than any place else. He said Gahanna and Upper Arlington will just be putting it on the ballot this November. He said they would be going through their approval process this winter.

Mr. Beougher said the new station for West Licking Joint Fire District will be dedicated at 851 East Broad Street, Pataskala, Ohio on Saturday, October 11 from 1:00 to 5:00 p.m. He said Grant Hospital Life Flight will be there at 2:00. He said the ceremony will be at 1:00. He said Jerry Robinson is the Deputy Fire Marshall for the State of Ohio who started his career at the district as a volunteer. He said he will be the key note speaker. He said the fire safety house will also be set up for the kids and refreshments will be available. He said they invited everybody to attend and all elected officials from the City of Reynoldsburg should receive an invitation in the

next few days.

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- - Clerk read resolution by title for the one required reading. Mr. Hills moved adoption. Mrs. Cannella seconded. With the roll called, members voted: Mr. Stake "Yea"; Mrs. Cannella "Yea"; Mr. Wade "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mr. Hills "Yea"; Mr. Beougher "Yea". Motion passed; Resolution No. 74-03 adopted.

ORDINANCE MAKING APPROPRIATIONS FOR REPAIRS TO THE REYNOLDSBURG MUNICIPAL BUILDING AS A RESULT OF STORM DAMAGE THAT OCCURRED ON JULY 7, 2003; AUTHORIZING AGREEMENTS FOR ROOF REPAIRS, AND WINDOW REPAIRS, AND WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Hills moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Abstain"; Mrs. Cannella "Yea"; Mr. Wade "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mr. Hills "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 75-03 adopted.

ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF .94+/- ACRES IN TRURO TOWNSHIP, COUNTY OF FRANKLIN, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Harrison W. Smith, Jr., Agent for Petitioner Irene A. Rausch)- - Clerk read ordinance by title for the first reading. Item referred to Service Committee.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR (1) VEHICLE MAINTENANCE DEPARTMENT ACCOUNTS AND (2) STREET DEPARTMENT ACCOUNT AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the first time. Item referred to Finance Committee. Mr. Hills stated that he would like to commend Mr. Ward for a great amount of detail provided, and also Miss Milam has started conversation on some of the insurance proceeds. He said we need to check the minutes to see exactly how those numbers were confused on liability insurance.

ORDINANCE RETURNING FUNDS TO THE CAPITAL IMPROVEMENTS PROGRAM FUND FROM THOSE ORIGINALLY APPROPRIATED FOR THE ESTIMATED COST OF THE CITY'S PORTION OF THE WIDENING OF STATE ROUTE 256 AT INTERSTATE 70 EXIT RAMPS- - Clerk read ordinance for the first reading. Mr. Hills moved suspension of the CRC Section 4.04 three reading rule. Mr. Gilbert seconded. With the roll called, members voted: Mr. Stake "Yea"; Mrs. Cannella "Yea"; Mr. Wade "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mr. Hills "Yea"; Mr. Beougher "Yea". Motion passed; rule suspended.

Mr. Hills moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mr. Stake "Yea"; Mrs. Cannella "Yea"; Mr. Wade "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mr. Hills "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 76-03 adopted.

Meeting adjourned at 8:15 p.m.

Bradley L. McCloud, President of Council

Nancy C. Frazier, Clerk of Council