

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES
September 20, 2004

Members of Community Development Committee present: Lane J. Beougher, Eric Gilbert, Mel Clemens, Ron Stake, Brett Baxter, Antoinette Newman. Councilman Preston Stearns was absent. Other member of Council present: Council President William L. Hills.

Mr. Beougher: I'll call Community Development to order at 7:35. The second thing on the agenda is the approval of the minutes of the September 7, 2004 Community Development Committee meeting. Are there any corrections to the minutes? (No response). Hearing and seeing none, they will stand as submitted. Item number 3 is the approval of the agenda. Are there any changes to the agenda tonight? (No response). I have none and hearing and seeing none, they will stand as submitted.

Item number 4 is ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT APPLICATION TO THE FRANKLIN COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT FOR COMMUNITY BLOCK GRANT/HOME FUNDS FOR THE PROJECT KNOWN AS THE "REYNOLDSBURG MAJOR COMMERCIAL CORRIDORS STREETSCAPE PROJECT - PHASE II". This item did have its first reading on September 13 and I don't see Mr. Brandt in the audience. And I know he's received the materials for this year's application and the Clerk tells me he's working on it. Is there any other news on that front? (No response). Okay. So assuming by the time this goes up for its third reading we'll have the completed application to review; if not, we'll hold it for a while until we do. And looking at the old application for 2004, it looks like the deadline fell on October 31. Assuming a similar deadline for this year, we do have the ability to maybe hold it for two weeks. So I'd like to send this forward for its second reading. I'd make that motion. Is there a second? Second by Mr. Baxter. Is there any further discussion? (No response). All in favor of sending this forward for a second reading, please signify by saying aye. (All voted "Aye"). Any opposed? (No response). Motion carries. This will go forward to next week's Council meeting for its second reading.

Community Development stands adjourned at 7:37.

Community Development Committee
- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
September 20, 2004

SERVICE COMMITTEE MEETING MINUTES
September 20, 2004

Members of Service Committee present: Eric Gilbert, Lane J. Beougher, Ron Stake, Brett Baxter, Mel Clemens, Antoinette Newman. Councilman Preston Stearns was absent.
Other member of Council present: Council President William L. Hills.

Mr. Gilbert: I'll call the Service Committee meeting to order at 7:37. The second item on the agenda is the approval of the minutes of the September 7, 2004 Service Committee meeting. Are there any additions or deletions to those minutes? (No response). None being heard, they will stand as read.

Item number 3 is the approval of the agenda. I would like to make a motion to hold items 8 (Discussion, Commercial Revitalization Project/Phase II Utilities; authorization of attorney services and appropriation of funds), 9 (Ordinance to enact a comprehensive right of way management policy, Chapter 907), 10 (Ordinance to amend the official zoning map of the City of Reynoldsburg adopted by Ordinance No. 131-95 on November 27, 1995 and as subsequently amended - 9613 Taylor Road and 9807 Taylor Road; from unzoned to AR-1c; applicant, Robert Fiorita), and 11 (Ordinance to amend the official zoning map of the City of Reynoldsburg adopted by Ordinance No. 131-95 on November 27, 1995 and as subsequently amended - 7559 Cherrybrook Drive; from R-1 to PD; applicant, Preferred Real Estate Investments II. LLC, by Jill Stemen Tangeman, Esq., 14.01+/- acres). I'll just note there's additional, in relation to items 10 and 11, there's additional discussion ongoing with item 10 in regards to the overlay text. I look for discussion at the table on that in two weeks. And the same holds for item number 11 where the developer was kind enough to be meeting with the Development Director and myself in regards to implementing an overlay text for this development. The members should be in receipt of minutes from the Planning Commission. And also the developer has provided us an updated (Tape Change) Storm Water Management Plan for the development. The residents on Palmer have requested a copy of that. We can provide that to them after the meeting.

Mrs. Frazier: What was it?

Mr. Gilbert: The new site plan showing the storm water management at the development. Any additions or deletions to that motion? (No response). Do I have a second? Second by Mr. Beougher. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 4 is a discussion. Final Plat, Summit Ridge Section 8. The members should have received this stamped copy. Are there any questions or comments from members of Service in regards to this at this time? (No response). None being heard, is there a time issue with this Mrs. Frazier or can this just move forward for its first reading?

Mrs. Frazier: No.

Mr. Gilbert: Very well. I'll make a motion that we forward this to Council for its first reading on the Consent Agenda. Do I have a second? Second by Mr. Clemens. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 5 is discussion added to the Service Committee agenda in response to some flooding

issues in two neighborhoods in the city. Mr. Clemens had made some comments on this in the month of August and we had added this for additional discussion on the Service Committee. That is the jurisdiction for Storm Water and I believe the Administration has some comments and a brief presentation to provide to us. I know Mr. Parkinson, Mrs. Reichard, and Mr. Clemens were able to meet on this. I was unable to attend but received an update from Mr. Clemens and we'll just ask you to add the update for us for the record. Mr. Parkinson.

Mr. Parkinson: Thank you. Director Reichard asked that I speak to this. We are still trying to get our arms around it. We don't have a presentation for you tonight. It's a big area. There's a lot of issues. It sounds simple but it's anything but. And what we're trying to do is give some initial thought to consequences. We won't call them unintended consequences yet. I'll just say consequences of doing something. Where do the waters go? What would happen there? And we're trying to do it without spending any money. We're not ready to come to you and say we need to do a big study and its going to cost a lot of money. We're trying to think this through before we get to that point. And to come up with some good ideas that we can then if we do need some additional study, we can better define that as opposed to just coming in with a wish list of things we'd like to look at. And that's what we're currently embroiled in right now is that undertaking. And we'll certainly have something for you in two weeks.

Mr. Gilbert: Mr. Parkinson, I think that dilemma that you're speaking of right now is specific to the Bartlett/Parkinson area problem.

Mr. Parkinson: Yes.

Mr. Gilbert: Because the Broadwyn issue has been identified, studied, and engineered as to a potential solution. Correct?

Mr. Parkinson: We have a solution for the Broadwyn sump flooding problem that I believe protects up to the 25 year storm event. It entails a storm sewer to the north between two houses across Main Street and into French Run. That project was somewhat stymied for need of an easement. As a reminder to Council and to others, there were four easements required. Three from private property owners and one from Columbia Gas. We have secured the easement for Columbia Gas. We had in 1999, 2000, whenever the project...

Mr. Gilbert: 2001.

Mr. Parkinson: 2001. It seems longer ago than that. We had negotiated with two property owners for the purchase of the easements. Those deals were never consummated. We simply came to terms but monies were not exchanged nor were easements actually obtained. So at this point in time we are still in need of three easements.

Mr. Gilbert: So you could say in regards to that particular project, it might just be us reinvigorating our efforts to obtain those easements.

Mr. Parkinson: Yes.

Mr. Gilbert: Okay. In regards to the Bartlett and Parkinson issue, can you give us a road map over the next two weeks, three weeks? What's your time frame here? I know the problem's been identified in our storm water study. What do you need from Council or what do you need to do as the city's engineer to provide us with some type of direction where Council can move to solve this problem?

Mr. Parkinson: And that's exactly what we're trying to define at this moment. We basically, you have correctly articulated that we have defined the problem within the storm water utility study but we never defined a solution. We have looked in the past at some possible solutions. Some of them simply move the flood waters from one location to another for a given intensity of the storm. Anything greater than that of course would still have flood waters within the roadway. One solution was to take a storm sewer all the way down right-of-way and streets and into Huber and into the Blacklick Creek. And that was a very expensive proposition. So there's a balance of, and again, what we're looking at right now is this idea of moving the flood waters say to the north into that low area behind the houses. What really happens when we do that? And we want to make sure that we understand that. That we have a good sense of that before we do. If to really, if we want to focus our attention on that and we want to present to Council that we do, we want to understand what tasks we have to undertake to fully be able to define that so that there are no surprises when we do it. In which case, that would be an unintended consequence. And that's what we don't want to have happen. And that's what we're trying to more fully understand. I think in two weeks, I can tell you which approach we would like to pursue with interest and why we think that that's the better alternative to pursue. If you as a body think we need to look at more things, we'd be happy to do that. But we want to try to render this down to getting the biggest bang for your buck if you will.

Mr. Gilbert: So realistically at that point, once you have that identified, or some options for us, Council could expect some type of request for an appropriation for you to begin some type of engineering work. Correct?

Mr. Parkinson: Yes. Whether we feel we need to do more study or whether we feel we're in a position to design an improvement for you. Or a combination of both if you'd like.

Mr. Gilbert: More study in regards to where you send the water?

Mr. Parkinson: Yes. And what impact that has when we send it over there.

Mr. Gilbert: Mr. Clemens, anything you want to add in regards to this at this point?

Mr. Clemens: No. I think that's what we're asking for. We want a solution and we want a correct solution. I know that Dave needs time to do it. It's not something that you just do over night. I appreciate you doing that and bringing it back to us in a couple of weeks. I know that if you need financing we will gladly approve it. If you need to do extra work that's going to cost you money. We are interested in getting a solution as soon as possible. But we want to, as you say, we just don't want to shift it some place else and be in the same situation. I have no problem. I think it's something that will take time. It's not just something that we're just going to jump out

and do without doing the proper study on it. So that's fine.

Mr. Gilbert: What were your, maybe Mrs. Reichard can help with this in regards to the other issue. Is the administration going to begin overtures to some of the property owners or reinvestigate overtures to property owners in regards to the Broadwyn project?

Mrs. Reichard: I think there's been a change in ownership in a couple of the properties there. In our discussions I think that's come up. But we would need to, if we are serious about going ahead with this and using the storm water money for it, I think we need to look at some prioritization within the Storm Water Fund. But we would need to get those easements, and I don't know that they're going to be any more amenable now than they were before. But that's the direction that we need to move in.

Mr. Gilbert: Mr. Clemens.

Mr. Clemens: It was a priority at that time so I'm sure it's a priority right now. I think the only reason that stopped us last time was we couldn't get the easement. That was it. So I think it's something Eric had brought up before and I'm sure it's something you intend to pursue. So I would think that we would set aside some as far as the Storm Water Fund is concerned. I think it's important that both projects, and that's what it's there for is project. We've spent some and did very little. We're doing more that we didn't really intend to do. That's what the money is coming in for. Two dollars a month from everybody. I'm sure they would like to have their money spent on some project and not strictly on personnel and on management. I think that with the, my understanding is that we're bringing in about \$500,000 a year now since we've increased it to \$2. And with our carry-over and plus what our management costs our department, I think we'll have the money to do these projects and other projects because it will enable us to bond the money and be able to pay it with the money we're bringing in. So I think it's important that we move on with the Broadwyn Drive as far as I'm concerned.

Mrs. Reichard: The anticipation is that we begin the negotiations with the property owners to get the appropriate easements.

Mr. Gilbert: Prior to that, I'd like to meet with you. I've been given some information from different residents as far as some background. That might be helpful to you before you begin those efforts and then we can move forward from there.

Mrs. Reichard: Okay.

Mr. Gilbert: So, I do have two speakers, I'm sorry.

Mr. Hills: Mr. Gilbert, if I could. Maybe Bob will have to, or maybe the City Engineer will remember, but if I remember, when we talked about this there were three easements needed for a project. One of which we knew we could not obtain.

Mrs. Reichard: It would not be freely given and we did not take.

Mr. Hills: We could not obtain without going for a take.

Mrs. Reichard: Correct.

Mr. Hills: We could not negotiate. There was one. So you kind of look at it, why go ahead and obtain two if we don't have the third, you still can't do your project. Now it's my understanding that the one that there was difficulty obtaining now has had a change in ownership. Am I correct on that?

Mr. Gilbert: Incorrect. The change of ownership came from one of the properties that is directly effected by the flooding. Ms. Houtachez was in here to speak last week. The other parties to my understanding, remain the same.

Mr. Hills: So do we still have the same, the one we were unable to obtain before, do we still have that same situation?

Mr. Gilbert: Correct. Let's just say we have the same individuals. But I would say that it's a situation that could be resolved and there's probably more to the...

Mr. Hills: Are those things that you'd like to talk to the administration about?

Mr. Gilbert: Yes.

Mr. Hills: Because certainly it was at a deadlock before. If somebody's got something that can get rid of the deadlock, then we can move forward.

Mrs. Reichard: We'll get together with Mr. Gilbert.

Mr. Gilbert: Mr. Baxter.

Mr. Baxter: Thank you, Mr. Gilbert. The question I would have is, is the easement you're having difficulty with, is this one of the properties that are flooding?

Mr. Gilbert: No.

Mr. Baxter: So hence, there's no reason for them to move forward other than negotiations.

Mr. Gilbert: No. I think they have a great deal of conscienceness in regards to their neighbors. There's just some misunderstanding that had occurred in the past and I think we have an opportunity to rectify that.

Mr. Baxter: Okay. Great. Thank you.

Mr. Gilbert: Anyone else? (No response). I'll move on to our speakers. Our first speaker in

regards to this, thank you Mrs. Reichard and Mr. Parkinson. Is Ann Thomas. If you could come to one of the microphones.

Mrs. Thomas: My name is Ann Thomas. Regarding the flooding issue, I keep hearing and reading in the paper about Bartlett and so forth. I don't hear that anyone knew about our issue. I'm in Huber Heights also on Hentz Drive. It's right before Wendy's. My house sits right in front of an intersection at Hentz and Clymer. Two months ago when we had all this flooding issue, we have only been there for three years so we had not seen it until now, but I have a couple of 80 year old neighbors in two houses right beside me. Ever since this development in the 60's has come about, apparently this problem, flooding problem goes on every 3 years. I witnessed this flooding a couple of months ago and there's two houses to the left of mine, actually three. One to the right of mine and then the street across from us, you can see the water is coming down where it should be on the drainage on each side of our properties, but apparently the issue is, they've only built something, forgive me I don't know my technical terms, but 21" sewer pipes which is not up to code. Apparently, throughout the years they've tried to piece meal this project. It has not worked and something needs to be done more drastic than I think what we're considering here. It's a very serious issue. I don't hear anyone talking about Hentz Drive. I think it's all through Huber homes. Bartlett was a concern. I don't know what's been talked about in the past meetings. Apparently they lost manholes and water went through some vents in homes and children were playing in the water with these manholes uncovered. I think it's a more serious issue than what we're talking about here and we need to take priority on it.

Mr. Gilbert: Okay. Thank you, Ms. Thomas.

Ms. Thomas: Thank you.

Mr. Gilbert: Next is William Pitts. Yes sir. If you could just go to one of the microphones and state your name and address.

Mr. Pitts: My name is William Pitts, 7039 Bartlett Road. I've lived there for 30 years. Every since I retired from the military. This has been a constant problem down there at Bartlett and Parkinson as such. I commend Mr. Clemens there and Mr. Gilbert there for saving the children from getting perhaps drowned or injured there in the water in the last go around here. I'm hearing tonight the fact that there is money available in the storm water issues. I know that there's some planning that has to be taken into considering in doing that where the water goes. I hasten to say that I think that we should move on with this in post haste and get it done. I've been here over 30 years. The same thing's going on. So, thank you very much for your consideration and I look forward to this issue coming to an end. Thank you.

Mr. Gilbert: Thank you, Mr. Pitts. With that said, we will look forward to Mr. Parkinson's report in two weeks and also we'll have a meeting with Mrs. Reichard in regards to the Broadwyn project. And thanks to the residents for your comments.

Item number 6 is an Ordinance to accept an application for an annexation of 3.2 acres in Truro Township. Any questions or comments in regards to this item at this time? (No response).

None being heard, I'll make a motion that we forward this to Council for its second reading on the Consent Agenda. Do I have a second? Mr. Stake with a second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 7 is an Ordinance approving Special Exception Use Permit. 7354 East Main Street. Proposed use of land, this is for a retail, motorcycle assembly, storage and sales. This item did have a great deal of discussion last week. Are there any members that care to add at this point? None being heard, I just would like to try and clarify a few things in regards to this. I've been here since September of '97 and I don't think I've ever tried to clarify or correct a publications report of the proceedings at this table. I do so with great hesitancy because I'm aware of who buys ink by the barrel and paper by the roll. However, in regards to the Special Exception Use Permit, and then I'll make these comments and we'll make a motion to move this forward. It was reported that a permit may have been improperly granted with an exception to the traffic code. And with that in mind, I think the best way to address this is to just read Section 2 of the Special Exception Use Permit which outlines the guidelines that were put in place. And that is, the Special Exception Use Permit in this particular business will have the following stipulations: Gasoline on premises shall not exceed 5 gallons. Welding equipment shall be electric only. Hours of operation, week days 8 a.m. until 8 p.m. Hours of operation Saturday, 10 a.m. until 6 p.m. Sunday 12 p.m. to 6 p.m. Item number 5, congregating or motorcycle club gatherings at this location are limited to the hours of operation. That's the end of Section 2. Nowhere in this Special Exception did Council improperly grant any type of variance in regards to parking nor did it attempt to. And I think that needs to be clarified for the public. I think what happened is there were two different issues that were discussed last week. Number one, the permit here is for a 6 month review. And so the parking issue being separate came up at the same time as the review. And I think the issues were intermingled together. And if any member wants to address the parking issue, from this point it will need to be a separate issue. But as far as the Special Exception from this table's standpoint, from the actions of this table, and from the vote of this Council, nothing was improperly granted to the applicants for this Special Exception. And so I probably should have done a better job of separating the discussion last week so this type of misunderstanding is not put out in the public's eye. The situation as I've noted, is difficult enough because of the applicants and the Council. That isn't meant as any disrespect to the table or to the applicant, but it's a difficult situation. I think we've tried to handle it fairly, carefully, and as well I'll note, in regards to those items listed out in Section 2, the applicant has maintained those guidelines as has been pointed out for the record. So with that clarification in mind, are there any comments, or anyone else care to add anything in regards to the Special Exception that we have before us? Mr. Baxter.

Mr. Baxter: Councilman Gilbert, I will refrain my comments to the Special Exception permit under discussion here. In my mind, and I've looked at this and I've seen that our applicant has followed over the last 6 months, the request that we've asked of them. And now that it's up for review, in my mind, we do not need to continue forward with any additional reviews 6 months from now or a year from now or any other time at this point. We wish to pass a variance to allow certain operations, hours, what type of equipment he can use or cannot use, I would be totally against those type of things. The applicant has spent money to run a business. It's now in my mind, if there's anything that needs to be looked at, is let the applicant run his business. With that

being said, that's my _____.

Mr. Gilbert: Mr. Hills.

Mr. Hills: Mr. Baxter, let me ask to clarify, is your statement that Section 2 of this ordinance assuming this past go away? That these restrictions aren't on that business?

Mr. Baxter: Some of those restrictions, yes. Example, hours of operations.

Mr. Hills: Then you're asking to modify this ordinance because this ordinance has been, is that what your statement is?

Mr. Baxter: That's what I'm stating. I had a problem with it when it was written.

Mr. Hills: Because certainly, the fact that it's a 6 month review, which is why it is here, it's a 6 month review of those conditions. This isn't a rediscussion of the conditions on the permit unless I misunderstand where we're coming from. Those conditions were put on the Special Exception Use Permit that were granted 6 months ago. It was set for review. Now if the applicant would choose to come in and make a request to modify that, that may be a different, that's a different situation. But I don't think that's modifiable by Council. It was set and the 6 month was only to review those contingencies that were put on this document. And there was nothing, if you read carefully here, Mr. Gilbert you're absolutely right, there was nothing coming out of BZA that did anything other than they included a section, no starting, testing, operations after 8 p.m. When it came to Council there were discussions and concerns that members of Council certainly decided this Section 2 needed to be added to further clarify what BZA put on as the only restriction they thought was appropriate. But I didn't realize we were here talking about modifying this. I haven't heard the applicant say, I want items 2, 3 and 5 deleted. I haven't heard him make a comment one way or another. I'm under a misconception if we thought we were doing that. What we are looking at here is, the 6 month review, you have some options, you haven't complied, we're going to take your Special Exception Use Permit. We can do nothing and we don't see him again but these conditions are still here. Or we could have established another review period of some given period of months. I don't think we're modifying what has been codified as this ordinance.

Mr. Baxter: Thank you for your comments. If I may respond?

Mr. Gilbert: Yes. Mr. Baxter.

Mr. Baxter: I'll respond to those comments to, when I read it was under review, it meant that the legislation was under review and all the components under which was written. So if I misunderstood the review being, we're just looking at the legislation for carrying forward with the specifications of 6 months, or allow the applicant to come in and make that request for changes, then I misunderstood how it was the intent for review. My understanding is, when it's under review, you're looking at the entire legislation.

Mr. Hills: What is under review is the 6 month cycle that we said you must come back to us in 6 months and we look at the situation. And I think as Mr. Gilbert has said, he complied with those things that are here. There are other issues, but certainly as why this is front of us, I think Mr. Gilbert separated it out well. That it is on these 5 contingencies were added on the Special Exception Use Permit recommended by BZA for approval.

Mr. Gilbert: I would note, you certainly have the option of offering an amendment at the regular Council meeting to stricken whatever you'd like to see stricken provided you have the votes regarding passage. I would note, in regards to the hours of operation, that was one item that was passed down, Mr. Brusk is here, he could probably confirm this, that was one of the items passed out for BZA that was suggested from the board in regards to the hours of operation. I think part of that was just initially to protect the historical nature of the neighborhood in what has been a consistent pattern of business there. Mr. Clemens.

Mr. Clemens: As Bill said and Eric said, this is just to review the Special Exception Use Permit that we passed and put regulations on. I think this has been handled correctly by Council but its been handled with an awful lot of scrutiny for the applicant. I mean, we've been tough on the applicant and I think people should understand that. That we probably have treated the applicant different in some respects than we would have somebody else to be fair about it. To be fair about the whole situation. I think the building has been remodeled. To me it's probably the nicest looking building that's handled in that section of town. It's a surprise to me how it came out. I think it's a real nice job that they did on it. I think it benefits that section of town on the way they remodeled it. And I think they ought to be, we ought to be thankful of that. The applicant has met all of our requirements. We've had some complaints. You always get complaints. We get complaints about everything. We've had complaints, naturally. But I don't think it's anything that hasn't been handled. I think everything's been handled correctly. There were some misunderstandings. That falls under my committee as far as some parking situations are concerned. But that's been handled and agreed to. I think we would move this on, get it passed, get it behind us so the applicant can run his business. That's just the way I look at it.

Mr. Gilbert: Okay. Well, we're moving it on. This is the second reading this evening. I would take issue that the applicant's been treated differently. I know we've had some other Special Exceptions where we've been exceptionally tough. The situation is unique. With that being said and not going into any further discussion, the issues are separate and if other members wish to look into the parking, that would be an issue that would come before Mr. Clemens' committee. Any one care to add anything at this point? (No response). None being heard, I'll make a motion that we forward this to Council for its second reading on the Consent Agenda. Do I have a second? Second by Mr. Stake. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

With that, I'll adjourn the Service Committee at 8:07.

Service Committee
- -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Smith)
September 20, 2004

FINANCE COMMITTEE MEETING MINUTES September 20, 2004

Members of Finance Committee present: Ron Stake, Mel Clemens, Eric Gilbert, Lane J. Beougher.

Other members of Council present: Antoinette Newman, Brett Baxter, Council President William L. Hills. Councilman Preston Stearns was absent.

Mr. Stake: I'd like to call the September 20 Finance Committee to order at 8:08. The second item on the agenda is the approval of the minutes of the Finance Committee meeting held September 7, 2004. Are there any changes to those minutes? (No response). None being heard, they'll stand as submitted.

Item number 3 is the approval of the agenda. Do any members have any changes to the agenda? (No response). I have some changes. I'd like to add 4a, Council Speaker Form as 4a. And I apologize for that being left off of the agenda. 4a is the Council Speaker Form. You should have those on your desk here tonight. The three versions that we asked the Clerk to type up for us. 4b is the transfer of funds for the Civil Service Commission for testing. 4c is a resolution to accept the amounts and rates authorizing the necessary tax levy's, Franklin County. And 4d would be resolution accepting the amounts and rates authorizing necessary tax levy's, Licking County. Also I would like to hold item number 5 (Discussion, Commercial Corridor Revitalization Project/Phase II Utilities; authorization of attorney services and appropriation of funds) and 6 (Resolution adopting the Revised Capital Improvements Program for the City of Reynoldsburg, Ohio for the years 2004 through 2008). Holding 5 because of the same is being

held in the Service Committee. Six, until we figure out the financing for some projects, we'll hold the Capital Improvements Program. Any other changes? (No response). I make a motion that we make those changes. Do I have a second? Second by Mr. Clemens. All in favor, state aye. (All voted "Aye"). Motion passes.

Item number 4 is Discussion, Authorization of Contract with Scott Warrick to Conduct an Audit of Human Resources Related Areas. Contract period would be from 10-1-04 to 12-31-04 and transferring of funds. Mayor's not here. Mrs. Reichard, would you like to address this?

Mrs. Reichard: (inaudible response)

Mr. Stake: For the members' benefit, before the Mayor gets here, this is to contract with Mr. Warrick to, I guess evaluate our Human Resources Department, since Ms. Milam is not here any longer. See if we could make any improvements or maybe see where we're doing things right. Also I guess, would provide guidance on - - - (Mayor then present in Chambers) and Mayor we're talking about Mr. Warrick and the contract with him - - - provide guidance on the running of the Human Resources Department. So Mayor, would you like to address this?

Mayor McPherson: Well you've pretty well summed it up. If you've read Mr. Warrick's credentials, I think it's very obvious that he can help us; will benefit the City of Reynoldsburg. And hopefully take us in the right direction that we need to go. And of course, you'll notice that the contract was for 90 days. Originally I had talked about 6 months. This is to coincide with our budget process so that whatever these recommendations are, then hopefully we'll be able to get it into our budget process early on and just kind of see what he comes up with.

Mr. Stake: Okay. And I believe Mr. Warrick is familiar with how we're doing things here in Reynoldsburg. He's provided services to the city before?

Mayor McPherson: He's provided services for a couple of years. Done all of our training, not all of our training, but a bulk of our training and has consulted on various issues over the past couple of years. So he's very familiar with the way we operate. It's just now getting the whole picture and then telling us what's the best way to run it.

Mr. Stake: Okay. And you're requesting authorization to transfer and appropriate funds in the amount of \$9,000 from Human Resources to the Mayor's Miscellaneous Contract Services account?

Mayor McPherson: That's correct.

Mr. Stake: And you'd like an emergency on this?

Mayor McPherson: I would. I'd like to move it forward right away.

Mr. Stake: So we can have this in place by October 1.

Mayor McPherson: That is correct.

Mr. Stake: Okay. Mr. Clemens.

Mr. Clemens: I just have one question for the Mayor. I was looking over the expenses and it says when Scott is charged a fee for conducting research on behalf of Reynoldsburg, the fee will be passed onto Reynoldsburg with prior notice and approval. You'll do the approval? You'll check it out?

Mayor McPherson: Absolutely. Yes. He'll be working directly under my...

Mr. Clemens: I didn't exactly want that. That could cost us a lot of money if you didn't.

Mayor McPherson: Well, no. Because we wouldn't approve it.

Mr. Clemens: Okay.

Mayor McPherson: No. It's going to have to be very limited. First of all, we're not asking for that much money. So it would have to be very limited in whatever he was passing on to us. But he would have to get that approval before he actually contracted to get any research materials.

Mr. Stake: And any expenses would come out of this \$9,000?

Mayor McPherson: Yes, that's correct.

Mr. Clemens: If not, you would come back to us, if it's something big?

Mr. Stake: Come back for additional funds? Okay.

Mayor McPherson: Well he knows we're on a very tight budget.

Mrs. Newman: Can I ask a question?

Mr. Stake: Yes.

Mrs. Newman: At what point would we expect a report from him?

Mayor McPherson: Within the 90 days. When we went back and talked to him and shortened the period from 6 months to 90 days, but I would imagine, in our conversations, it's going to be close to the 90 day period before he can get us anything. It's a lot of work. So I would say within 3 months.

Mr. Stake: Okay. Mr. Hills.

Mr. Hills: Mr. Stake, if I could. We've used the term a couple, three times, conduct an audit. And so, and I know I had the opportunity to talk to Mr. Warrick and I was impressed with his

knowledge of our entity, but conducting an audit is like going in and saying, let's be sure if you're current, if everything's up to date and where we stand as far as our Human Resources policies, procedures, or whatever. Is that correct?

Mayor McPherson: That is correct. That is part of what he's looking at.

Mr. Hills: Okay. Because we had historically, one time Downes & Hurst had worked with us to get us current and also Clemans/Nelson did a number of recommendations of which this administration, and then worked to modify those to keep them current. And I take it we're doing this audit to be sure where we stand right now? Have they been kept up to date? And where we need to improve, there's a confidence level you have that may not be where you had hoped it would be?

Mayor McPherson: Well, we're looking at it from the standpoint, we believe we're current. But we want to make sure we're current. And if we're not, where we're deficient and what we have to do to correct any deficiencies. Again, my feeling is, we're current. But I think everyone on Council's aware of Human Resources laws and things change almost on a weekly basis. And is it possible something slipped by? Sure it is. I don't believe we have. I believe everything is current. I believe since we adopted the Clemans/Nelson work, any changes have been taken care of or we've already, we even had some foresight on some of them when we did that. So I think we're current, but the audit will tell us for sure whether we are or we're not.

Mr. Hills: This expenditure is to verify where we are and hope that we are, and you're under the assumption we are, correct? Then the goal then that you would have from administration is find some method to keep this current.

Mayor McPherson: That's correct. And that's also part of what Mr. Warrick's charged with telling us how we do that.

Mr. Stake: If I may, so he may come back with a recommendation that we out-source Human Resources functions or maybe bring somebody in-house.

Mayor McPherson: Or part of it, maybe have a three-day-a-week person and out-source the balance, or out-source the whole thing. I would have no idea. I'm giving him no direction on that. He is to tell us. We're just going in as if, we're starting from scratch, look at us, tell us what we need to do, tell us where we are, are we current, which direction should we be going.

Mr. Stake: And I'd just like to note, we all know, but maybe the public doesn't know, there weren't any big problems with Ms. Milam. That's not why this is happening. This is just to try and get a feel for where we should go next. Correct?

Mayor McPherson: Right.

Mr. Stake: Mr. Baxter.

Mr. Baxter: Mr. Stake, thank you. I agree with some of the comments made here. We met with Scott and I thought he was a very smart, very intelligent person at HR and I think he'll do a great service for us. With that being said, what I would like to see in the contract is exactly the list of deliverables we're going to get. What it states here, underneath services and fees, attachment "b" or section "b" it says, "Attachment 1, Outline the services being provided to Reynoldsburg under this agreement". And when you look at it, it says 20 hours of audit service. I think it would behoove us to add to that auditing of existing benefits, auditing of process and training procedures, audit of HR requirements and recommendations on ongoing HR needs. So I would think it would behoove us to specifically state what we're looking at as deliverables out of this contract. So when he's done, we'll receive a report back, we should anticipate seeing those types of recommendations from him. That way it's clear in the contract and when we're done with the process, we have received what we've asked for. At this point, all I see is an audit of services and I don't know what that means. After the contract's over, what will we receive? It's kind of vague. And I know you've spoken about a few things you'd like to see. I think it'd help if we put it in writing.

Mayor McPherson: Yeah. We've kept it somewhat generic because we didn't want to limit his scope. We kind of wanted to open it up, let him audit everything he feels that we should be auditing. I can go back and I can ask him to tell us item, by item, by item. But I think that would limit us. I realize you can also put in not a total list, but that's why it was written that way. To not limit the scope, but to broaden the scope.

Mr. Baxter: I guess there's two ways of looking at that. My concern is what deliverables would be.

Mr. Stake: That concern's noted, Mr. Baxter. Mr. Hills.

Mr. Hills: I know that Toni had made a statement about when we will receive a report. And Mr. Baxter, you bring up this issue of a report. You do anticipate a report at the end of 90 days?

Mayor McPherson: Within 90 days. Yes.

Mr. Hills: You may want to have that inserted somewhere in here by next Monday. Because I just glanced through this and we're talking about conducting an audit. We don't talk about reporting the results back. And I think that may be, I don't think it needs to be detailed. Because I certainly am not going to hire a specialist to tell me what kind of form he's supposed to give us a report in. But I don't want to pay \$9,000 for services and \$10,000 for a report. So we can see what his audit came up with. I don't see the term in his work performance or in the contract, we're going to give you a report of what our findings are. I guess we can make the assumption an audit would do that. But I'm not sure, assumptions some times get us all in trouble.

Mr. Stake: I agree with that. Yes, Mrs. Newman.

Mrs. Newman: I have been in disagreement with the majority here about the way this whole thing was handled. I think if you're going to audit the Personnel Department or your Human Resources

Department, you don't make a decision such as letting the director go and then have the department audited. You have it audited first and see what the Auditor recommends. I would also like to know if in this report after he does this audit, if he plans to give us a cost breakdown. You know, alternative choices and the cost of those choices. Because that seems to be something that's of major importance. And I think before we decide to do anything, we should know what it's going to cost the citizens of this city. Thank you.

Mr. Stake: Thank you. Any other questions from members of the committee? Mr. Gilbert.

Mr. Gilbert: Mrs. Newman, I think the Mayor told us he was going to break down those costs and do that analysis.

Mrs. Newman: Well, somebody should.

Mr. Gilbert: I agree.

Mr. Stake: This is something we've been discussing for a couple of weeks anyway. So this contract's been around. Really the only change to the contract I believe is the time period. Originally request of 6 months as the Mayor stated and we asked if he could do that in 3 months and Mr. Warrick has accommodated us. To go back and start negotiating this contract, Mr. Warrick I think is, I don't think that's something, I see Mr. Baxter shaking his head. So I guess he doesn't want us to do that. So that's my feeling on, I guess my feeling would be to move forward on this. Are there any other questions from members of Council? Members of the committee? Mr. Beougher.

Mr. Beougher: Thank you, Mr. Stake. I do note that the Mayor has used the new form for the first time. And I guess I'm a little concerned because both reasons for emergency are noted. Immediate preservation of the public peace, health is accentuated, or safety, and financial needs of the city's government. And the statement of necessity says, "Safety and well being of the employees at the City of Reynoldsburg and further to see if savings can be realized and for employee matters to be maintained". And I guess, to me that doesn't smack of the heart of the issue. Financial needs we could say, I'm not sure that the employees are all going to be deprived of health benefits or anything by this not being implemented. So I guess I have a concern and I'd like to see this form be used a little more judiciously. And that's all I'm going to say.

Mr. Stake: Mr. Beougher, just so I understand. You're objecting I guess to the way the form's filled out but not to the concept of...

Mr. Beougher: I'll go with the emergency, but I think we need to be careful in how we make the statement of necessity and how we execute emergencies. And we've always left it up to the Clerk, and we're taking some pressure off of her by asking the submitter to fill this out.

Mr. Stake: I think the Clerk has something to say.

Mrs. Frazier: The submitter came down and I worked with the submitter. Now I've written these

things for 17 years...

Mr. Beougher: So you wrote it?

Mrs. Frazier: And there's not a lot of direction when you send a motion out of committee and say, okay I'm going to do that and move that forward. The Administration's never had to do this and so Sharon came down, we worked on that together. And I said, I don't know what the reason is for an emergency. But when you have to sit in there, sometimes I think, well maybe it's an emergency because I said so! But I don't really put that down on paper. But some times you have to stretch it. If you need it quickly and you can find a reason, then fine. But this is going to take a little bit of trial and error on their part. It's just not something that you spit out and it's hard to do. So if you want to blame someone for the way it's worded, you blame me because I'm the one that guided her through that. So, that's the reason.

Mr. Stake: Mr. Beougher.

Mr. Beougher: It wasn't my intent to assess blame but rather to just advise some caution as we go forward using this new form.

Mr. Stake: Thank you. Okay. If there's no further comments or questions, I guess I will make a motion to send this forward as an emergency. Do I have a second? Second by Mr. Clemens. Any further discussion? Yes, Mr. Hills.

Mr. Hills: The only further discussion, I want to be sure I was clear on the point. I'd like the City Attorney, I appreciate the comments he's made. He has redacted a couple of statements out of the contract but if he could also between now and next week, look to see if we have to have something in there of an anticipated product out of this audit. And if he says we're fine, we ought to be getting it, I will back up on my statement of the report, I don't think there needs to be any detail. If we're paying someone for an audit, we would anticipate something. I just think maybe it's an oversight that the contract doesn't refer it, at the end of the audit I'll give you a report. But if it's not, and everybody's comfortable to enter into it, enter into it. But just to me, I'm not sure why you'd write a contract that does an audit and doesn't ask for some reporting to come out of the document. But I would like the City Attorney to take a look at that and see if he agrees or disagrees.

Mr. Stake: Mr. Underwood, are you okay with that?

Mr. Underwood: Well, I could certainly do that. My approval was to form and that's what my approval always is. Not content. I try to stay out of the content and leave that to the administration, but I'd be glad to work with them.

Mr. Stake: Mayor, how about if you speak with Mr. Warrick and see if you can get some kind of statement or some kind of insert in there as to the finished product.

Mr. Hills: The intent is to give that...

Mayor McPherson: You would never have an audit without a report but we'll put it in there.

Mr. Baxter: Just for clarity, it is an attachment, so the contract would not have to be rewritten. Just the attachment.

Mayor McPherson: Yeah. We'll have something for you.

Mr. Stake: Thank you. Okay. There's a motion and a second. Any further discussion? (No response). All in favor, state aye. (All voted "Aye" except Mr. Gilbert and Mrs. Newman who voted "Nay").

Mr. Stake: Okay. We've got two for, two against.

Mr. Hills: You've got enough to take it out of committee.

Mr. Beougher: You have three for, one against. Mrs. Newman's not on the committee.

Mrs. Frazier: She can't vote.

Mr. Stake: Okay. Motion passes. (Tape Change).

Speaker Form - - - (Mr. Stake described the three proposed documents).....Rules of Discussion as well as the section for name, address, topic, title and date on one page. The other one is with the policy and rules of discussion on the front side of one page and then the form on the back of that page. I'll note that it says, "See Council Rules On Reverse Side", which is at the bottom in bold print on the speaker form. And then the third version you have are two pages. One again, with the speaker form, "See Council Rules On Second Page". Policy rules of discussion are there. Mr. Gilbert, this came from your, you chaired this committee. We had these suggestions. I think I stated last week that I was more inclined to have the speaker form on one page and then the printed version on another page. I like the front and back because it saves paper instead of the stapled parts. That's my opinion on that.

Mr. Gilbert: I think that would require then, the speaker to speed memorize the guidelines that are on the form for their benefit, whereas if we have the two sheets, you can tear the speaker slip off to submit that, then you still have in your possession guidelines that are put forth for participating in the public opinion.

Mr. Stake: That's a good point.

Mr. Gilbert: That's from my standpoint.

Mr. Stake: Okay. Any questions or comments from members of the committee on that? Mr. Clemens.

Mr. Clemens: I like the old one. It was pure and simple.

Mr. Stake: I agree. I guess you could have the rules up there on a separate page that people could grab if they want to have them in their hands so they know the rules. It makes no big deal to me as long as it's not all on the same page on the same side I guess is my thought. Any other questions or comments?

Mrs. Newman: Well, I prefer the one page one. Particularly the way they're set out here. I think it's a little more lucid. More easily read. When we have the form on one side and the policy and the rules on the other. That's the one I like the most.

Mr. Gilbert: We could, I guess accomplish both tasks, Mr. Stake by maintaining the same speaker slip that we currently have and then just having the Clerk put copies of the guidelines out along with the agendas and the speaker slips and we don't require any legislative action.

Mr. Stake: That would be fine with me.

Mr. Gilbert: That might help Mr. Clemens adjust.

Mr. Hills: Add to the existing speaker slip a reference to the Council Rules.

Mr. Gilbert: Sure.

Mr. Clemens: My problem, if you make it a little bit too difficult, sometimes people don't want to speak any way. As simple as we can make it. I think as long as we have something out there, that we have this out there, I have nothing wrong with what the committee did because that we should have something out there that explains the situation. But I think we should just be able to put the form up now. Because a lot of people don't want to speak any way and the more difficult we make it for them, I think that hurts a little bit.

Mr. Stake: Mr. Baxter.

Mr. Baxter: Thank you. I have somewhat of the same opinions that other Councilmen here have. I think Mr. Clemens hit it right on the head is that, we want to encourage speaking. I think the work that we did in committee helps that because by having, even if it's an individual paper just sitting out there for them to read, knowing the rules makes you more comfortable. If you don't know the rules, you're kind of concerned getting up there and speaking and looking kind of funny in front of Council. I know I sat on the other side there for a year and knowing the rules makes a big difference. So I would recommend same as Councilman Clemens, is have the speaker form as is, remain with maybe an additional note "See Council Rules", and have a separate paper at the same location where if they want to read them they could. A little different than what we were thinking in committee but I think the long term, what we ended up with is a little better. Thank you.

Mr. Stake: Thank you. Mr. Beougher.

Mr. Beougher: Whatever Nancy wants.

Mr. Stake: Mrs. Frazier, if we do it the way where we have the two separate sheets of paper, we have the rules up there, do we need to, we would need to "See Council Rules" I guess or whatever would be up there with the agendas. But would we need legislation on this to add that?

Mrs. Frazier: I don't think so. Your rules are contained in the document. So if we put it out there, that's just sort of like - your choice - and we do that, and we can make a note at the bottom of the speaker form that the rules are available in the box, or next to the box. We can also put it on the cover page of the agenda, because we list there -as the agenda is subject to the amendment... all meetings shall be held in accordance... and if you wish to speak... we could put a little note at the end of that paragraph as well. So that way they can't miss it.

Mr. Stake: Mr. Beougher.

Mr. Beougher: We also have it posted to the window, don't we?

Mrs. Frazier: Yes. I have one on there.

Mr. Stake: So I guess we could do nothing with this and it would be fine. Correct?

Mrs. Frazier: That's true.

Mr. Stake: So we would table this indefinitely and do nothing? Would that be the...

Mrs. Frazier: Just take no action.

Mr. Stake: We'll take no action then. Okay. Do we have to make a motion to take no action?

Mrs. Frazier: That would be good.

Mr. Stake: Okay. I would make a motion that we take no action. Do I have a second? Second by Mr. Clemens. Further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item 4b is The request to transfer funds, \$5,000 from account 110.593.5102, Clerk of Court, salary to account number 110.534.5339, Selection/Testing Expenses to fund testing expenses for the remainder of 2004. I will note that as we talked about the budget for this year, we did ask folks to try and keep things down and I did anticipate people coming back for a little bit more towards the end of the year. So I believe that they do need some additional funds, Mayor, for testing to finish out the year. Correct?

Mayor McPherson: That's correct.

Mr. Stake: Okay. And you'd like this as an emergency based on the financial needs of the city's

government. Are there any comments or questions from members of the committee? (No response). Members of Council? (No response). Okay. Then we'll move this along. I make a motion that we send this on to Council as an emergency. Do I have a second. Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item 4c is Resolution to accept the amounts and rates authorizing the necessary tax levy's, Franklin County. This is an annual thing we do. This is a request from Dr. Whitney, the Auditor. And this is kind of a routine thing. I guess we tend to get this at the last minute. Is that correct?

Mr. Whitney: Yeah. We got the Licking County one I think last Thursday and the Franklin County one the first week in September. They don't give us much time.

Mr. Stake: And we need these by?

Mr. Whitney: The date is October 1, but we can get an extension. But it says we've got to do it any ways, let's get it done. We have no choice.

Mr. Stake: Well, okay. Thank you. Mr. Whitney, the question was Fairfield. Do we get one of those from Fairfield County as well?

Mr. Whitney: We have not yet.

Mr. Stake: Not yet? We will be getting one?

Mr. Whitney: Probably not this year. We have very little presence in Fairfield County.

Mr. Stake: Okay. Thank you. Any questions or comments from members of the committee on the first one? (No response). Any problems with doing this as an emergency, members of the committee? (No response). Members of Council? (No response). Alright, then. I will make a motion that we send this on to Council as an emergency. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And here's the brother of this. Resolution accepting amounts and rates, authorizing necessary tax levy's for Licking County. It's the same thing. Any questions or comments? Members of committee? (No response). Members of Council? (No response). Like an emergency on this also. So I will make a motion that we send this on to Council as an emergency. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

We will adjourn Finance at 8:38.

Finance Committee
-- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
September 20, 2004