

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
September 14, 2009

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

Members of Council present: Fred Deskins, Jr., Leslie Kelly, Doug Joseph, Mel Clemens, Barth R. Cotner, Donna Shirey, Ron Stake.

The Invocation was given by Mr. Cotner. President Hills led the Pledge of Allegiance.

Minutes of the regular Council meeting held July 27, 2009 were approved without objection.

Mr. Hills said the Administration had requested that Item 12, "Legislation regarding transfer of funds concerning inspection/material testing services - Rosehill Road - - - additional information needed; ordinance should be available by beginning of Council meeting- -nf" be removed from the agenda and returned to committee. Mr. Joseph moved to amend the agenda by removing the item; Mrs. Kelly seconded. The amended agenda was approved with all voting "Aye". Mr. Hills said an Executive Session would also be held at the conclusion of the agenda items to prepare for, conduct, or review collective bargaining strategy. Mr. Stake moved to amend the agenda by adding the Executive Session; Mr. Cotner seconded. The amended agenda was approved with all voting "Aye". Mr. Hills noted that once Council reconvened, it would be for the purpose of adjournment only.

Community Comments and Requests:

Clerk's note: Recording equipment malfunctioned and did not record Larry Wiles, Sr., 436 Brice Road, when he commented on the issue regarding vicious dogs, pit bulls, Staffordshire Bull Terriers. Mr. Wiles said it would be unconscionable to have their dog removed or destroyed; and did leave documents with the Clerk of Council, which were copied and distributed to Council.

Mrs. Wiles: Okay, my name is Nikki Wiles and my family and I have owned, loved and registered our Staffordshire Bull Terrier for nine years. We have been recently asked to get rid of our pet who is more than just a pet, she's a family member; or we will be faced to pay fines or even have her killed. We are not here today to start problems, we just simply want to fight to keep our family member safe where she has lived for nine years with our family. As I've said, she's more than just a pet. My daughter calls her, her sister, my niece calls her, her cousin and my mother-in-law sitting back there, has a Mother's ring with her stone put in it along with her five kids. Statistics and studies prove that Staffordshire Bull Terriers or any of the vicious breeds listed, are not really vicious because of their breed, but by how they are raised and trained. They also show that Pit Bulls are not really a breed of dog whereas Staffordshire Bull Terriers are mistaken as Pit Bulls; often any dog breed can be vicious or dangerous if they are raised or trained to be that way. Such as Michael Vick training dogs to fight and kill each other while only serving a few months in jail with fines to pay then re-entered back into the spotlight with no remorse, while my family and I who will be devastated for years are being forced to destroy a family member. So my question is should it be the breed of the dog punished or the owner? Who is to say that all dog

attacks will be stopped after all vicious dogs are banned. What kind of message are we telling abusive and irresponsible individuals when legislation makes the dogs pay for the price of their action. So why do the law-abiding and responsible dog owners have to have their home invaded and watch their beloved family member drive away in front of their children to be killed. Not because their dog was unstable or mean but because of their breed. The bottom line is our family has been responsible pet owners and have grown to love our pet as a family member who has been without incident for nine years and if you decide to force us to get rid of or kill our dog, then how do I explain to my children that the dog that they have grown up with and loved as much as their own sister has to be killed and that we can't have her any more. Please take into consideration the devastation that will be caused to our family if she has to be destroyed. I have lots of letters in here, documents from people that's been around our dog. If you would like to have them, we have petitions in here that we walked around, had people sign in our neighborhood. Also a bunch of statistics and studies that show that these dogs are not vicious. It is all in how they are raised.

Mr. Hills: If you want to turn those in, you can....

Mrs. Wiles: Okay.

Mr. Hills:and we can make copies of them, the Clerk can, or if you just want us to note that you do have them since some of the petitions were already turned in.

Mrs. Wiles: If it'll help, I'd like to turn them in.

Mr. Hills: You certainly may. You can give them to Clerk, and I guess I would like to note, I haven't, we haven't had a discussion on the Pit Bulls in quite a while, and the vicious dogs. What I think, what was it, seven or eight years ago, Mayor, that this went in or certainly sounds like this proceeding is somewhere within the citing system, and I'm sure the City Attorney and the Mayor's Court are dealing with it, but we appreciate you coming in and citing that and we did have a long discussion a number of years ago, and I am aware that there is legislation that's been entered and I think all cities do monitor the State Legislation so, but, I do appreciate you taking the time to come in and I'm sure you all will have the opportunity to look through what they've presented. Okay, thank you for making copies of that for us Mrs. Frazier.

Clerk read report from Clerk of Court: total monies collected from Courts held during July, 2009 - \$38,157; monies also collected during that period pursuant to Ordinance Numbers 146-94 and 104-02 - \$2,933 for the Computerization Needs Fund; and \$50 for the Enforcement and Education Fund. (Report for August will be coming; there was a discrepancy that still needed to be resolved according to Assistant Clerk of Court Leslie Clark.)

Reports:

Report regarding Summit Road and Rosehill Road - -Director of Engineering Miller said: Thank you President Hills, members of Council. I submitted a report that was written to the Mayor and copied you to on September 9th, covering two issues; the first Summit Road, the second Rosehill Road, Phases I and II. I'm not going to read the report back to you verbatim but I want to hit some

of the highlights. On Summit Road is what I'm going to cover first. That application was submitted on September 8th and the project submitted did vary from the project that was discussed to pass the motion to submit the application. The application we discussed was a project from Refugee Road South to Main Street that included partners with Licking County, Etna Township, the Schools and a private landowner on the west side of Summit Road. At the eleventh hour, right at the end of August, Etna Township and Licking County pulled out of wanting to participate in the application due to issues of annexation and utility services to the schools. A decision was made to reduce the project scope from Refugee South to the City of Reynoldsburg's corporation limit which is about halfway to Main Street. That project has three participating partners; the landowner on the west side of Summit Road, the Reynoldsburg School District and the City of Reynoldsburg. The project is smaller at a \$3.4 million dollar project cost which includes the same components it included last year which is three lanes, curb and gutter, storm sewer, street lighting, sidewalk and an eight-foot leisure path. Our match which is anticipated to be funded at 0% over ten years is just over \$831,000. Of this, the Reynoldsburg School District has provided the intent to participate in the value of \$230,000. The landowner on the west Side of Summit Road has donated the land and right-of-way necessary to construct the improvement which is valued at \$120,000. The school's participation and it was important that I cover this with you is a result of improvements that they would have had to construct as part of their site plan for their new schools on Summit Road regardless of whether we were building a roadway project or not. Their participation in this grant application for them is a cost savings compared to the cost of improvements had they built them on their own as part of their own site plan. So you see that \$230,000 figure in there which is the same as it was last year and is for the same reasons is because that is the grant share percentage of the cost of the improvements that they were going to be building regardless. So participating in the grant application provided the schools an opportunity to save cost to build such things as turn lanes, leisure path, pedestrian facilities and driveway aprons and curb and gutter in front of their new facilities. Where that puts us in the end is that puts our share just above \$600,000 which was approximately \$250,000 less than our share last year and the reason I'm giving this report is because it is a different project than was discussed during the motion to submit the grant application. If City Council feels that this needs to be discussed further or if the feelings on the grant application have changed, if it is decided that we are to withdraw this application, we can do so before the month of November before we know any outcomes. It is of course, not our desire to do that and I'll be happy to entertain any questions on Summit Road. I don't know if you want to ask them tonight or if you want to wait until next week or whichever.

Mr. Hills: Any questions on Summit Road? Councilman Stake.

Mr. Stake: Thank you President Hills. First let me say that I'm not opposed to this. I think we need to make the road safer around the new schools there, absolutely. I guess I'm a little concerned about not being informed about it. I think it was made quite clear in previous discussions that we had that, you know, if people weren't participating, we certainly want to know. And this application was sent in on September 8th. We had a meeting here September 8th. I got this in my packet over the weekend. Can you tell me why we're just being informed about it over the weekend?

Mr. Miller: Absolutely. And if I made an error here, I apologize. The Thursday before the application was due is when I was told officially that Etna Township and Licking County were not going to participate. Then we had our meeting on the 9/1 or I'm sorry, on the 8th which was the same day that the applications were due. I elected to give a report during the normal Council meeting rather than putting it on a Committee agenda.

Mr. Stake: You didn't need to put it on a Committee agenda. I just think it's a disrespectful action to Council not to let us know about this when we had discussions about this before that we certainly want to know what was going on. And Jim, quite frankly, you call me about little things, this is a pretty big thing and again, I'm not opposed to this and I can't speak for everybody here, but I don't anybody else is opposed either, but I certainly would have liked to have known about it and I think probably other Council members would have also.

Mr. Miller: Certainly no disrespect meant and my apologies.

Mr. Stake: Okay.

Mr. Hills: Any other questions on Summit for the City En..... Mr. Clemens.

Mr. Clemens: And thanks for the report Jim but I understand what Ron means on this too. On a situation like this, like I said, you can bring it up to Committee. You don't have to make a report to Council, you can make a report to Committee, you know, any time you want to, same way but anyhow, I think it ought to be known the reason that the situation we're in is because of Licking County and Etna Township, has to do with the water and sewer really. Am I correct on that?

Mr. Miller: Yes.

Mr. Clemens: On who's going to furnish water and sewer to the School District and they're in a situation where I guess they're going to go to Court on it or do something on it but that's what, that's why they've changed the situation on why they don't want to widen the road and not putting money in and so forth, so, as we had told Jim, at least held to this, we're not doing anything out of Reynoldsburg to help, we can't. Financially, we can't extend that road or put the traffic signal in. It's not in Reynoldsburg and we can't spend the money to do it. Am I correct?

Mr. Miller: Yes.

Mr. Clemens: Thank you.

Mr. Hills: Any other questions? Well, I want to take the opportunity to add that Councilman Clemens' statements that besides the water and sewer, they, apparently I read in the paper they were

after a commitment of no zoning or no annexation and just for a general statement so people understand, Reynoldsburg doesn't go out and annex land everywhere. People come to Reynoldsburg and say we would like, we have this land or control this land, we'd like to annex to Reynoldsburg. Can you provide the services? We're not sending out people up and down the roads to annex land so it's a little bit of a mixup. The unfortunate thing here, and I, it's always nice to hear about something before we read it in the paper. That can be a general statement that as Council people, it is nice to hear it before we read it but we, we're working ourselves in which we have a duty as a city, we have a school going up, in a road that the corporate portion of the road that's in Reynoldsburg, certainly needs reworked and it needs to be rebuilt and we're, I think there's a willingness to do that. We've done this before, we did it on Taylor Road so those people who drive Taylor Road to Old Taylor back into Reynoldsburg Taylor, I think it's just impressive how jurisdictions of government can just so totally get along that they can't even work together to get a project. I will note and just take the opportunity to note that we've had the Etna Township Trustees come in here and we want to work together. We'll you didn't see much working together going on in this project. In fact, you're saying we want to prevent private citizens from coming to Reynoldsburg to annex. So, it's unfortunate that we all talk, I wish people were in public service to serve the public and not for personal gain, and I just see these things. I think we as a city are doing what we have to do to work with our school systems and unfortunately we were trying to make it better for a whole lot of other people and it doesn't look like it's going to happen and that's unfortunate but that was, better get off Summit Road and go to Rosehill where everything is bright and cheery, right? Except for people living on Rosehill.

Mr. Miller: Well, there is a lot's of bright and cheery news on Rosehill Road as far as I'm concerned. I'm going to start with Phase II which is nearly complete. Last week during the Service Meeting, Mel, I told you that a punch list is going out to our contractors. That is supposed to happen this week. The grading on the street curbs is included on the punch list like I said. There's nothing on the punch list that is substantial, that's going to take substantial time to correct or fix or is going to be expensive to repair and replace. I feel comfortable in saying that the work is very nearly complete. The project has finished approximately \$50,000 below budget and a very small percentage of the \$70,000 contingency that Council appropriated towards this project has been used. The exact figure, the last time I looked and there still are a couple of things coming in, I don't believe we've spent \$10,000 of it. I want to say a big "Thank you" to a lot of people. Namely, others in the Administration that helped make this project a success, the Safety/Service Department, the contractor, our inspector, CT Consultants, and Mannik and Smith and most importantly, the businesses and residents along that Phase II section of Rosehill Road were a joy to work with, they were very helpful in letting me know any issues that arose that inconvenienced them. We were able to address the issues quickly and I have received just lots of glowing compliments from all the residents along Phase II about how much they like the project. So a big thank you to everybody on that. That project is, in my book, a huge success.

Phase I is still ongoing. If you've driven Phase I from Main Street to Broad Street, it's not easy; however, I will say that the project is progressing nicely. The contractor is scheduled to be

substantially complete by the end of the year. I see no signs or see any indications that that's not going to happen. The sub-grade work which is going on now is going to finish this month whereupon you will also see curbs starting to be placed and stone placed on the finished sub-grade which is certainly going to make traveling up and down the Phase I section of Rosehill Road much easier. I'm looking forward to asphalt being placed the end of October, mid-November and again being substantially complete by the end of the year. I do want to cover with you that there have been changes on this project that have effected its progress. Not greatly, we have had Change Orders. The one that is most significant is the condition of the sub-grade when we removed all of the old pavement and material. It was very wet. It was much wetter than originally inspected and we've had to stabilize that sub-grade with lime. They're doing that work now. It's working very well. The lime is pushing the water out of the soil, the soil is stiffening up. The lime itself is not very dusty. They're using pellets rather than powder and our portion, due to the grant dollars, our portion of that change order has been less than \$15,000 and we need to stabilize the whole entire project so, though it's a significant change in the amount of work that they're doing, it's going to provide a better product, minimal cost, saves our contractor some time, effort and energy and it's certainly going to assist in getting the project done on time, on budget and by it's schedule. To date, our changes, our total changes in the project have been less than 4% of the total project cost. Our share of that 4% is only 12% due to the grant dollars that we've received from OPWC. So, for the City of Reynoldsburg, these changes and costs have been minimal, and again, I want to take this opportunity to thank everybody here on the administration that's helped make this project, thus far, a success. Again, tremendous amounts of help from the Safety/Service Department, keeping things up on the internet, keeping the weekly postings current. Sometimes the postings and the notifications change daily. The printing and distribution of door hangers, all of the public information and correspondence that we've had. Thanks to the inspectors again from CT Consultants, and Mannik and Smith and a big thank you to all the residents, including the Mayor who lives in the middle of the project in the wettest, most kind of inconvenient portion of the project for our contractor - thanks for all your patience and just know that we're doing everything humanly possible to keep inconveniences to a minimum.

Mr. Hills: Any questions on Rosehill for the City Engineer. Jim, thank you very much. We'll move to report 9b. Parks and Recreation Director Shamblin - recognition of the Livingston House Volunteers who helped set up the Civil War Encampment and they are also I would note, are happy that our air conditioner's working tonight.

Mr. Shamblin: Yes, and we'll try to keep this short. They are I'm sure, a little warm. The, this is one of the most rewarding parts of my job, is working with the community and the volunteers who really make our community what it is so June 27th this year, we put on, for the first time, as a stand-alone event, a Civil War Re-enactment at Civic Park. It really is the only one of it's kind in the region so it's really something for us as a community to be proud of. We had over 200 re-enactors out there for the weekend, seven cannons, cavalry, we had over 1,000 spectators throughout the weekend out there. So for a first year event, really it was very successful. We had over twelve

volunteers who tirelessly put in a lot of effort to make sure this event went off without a hitch and it was really rewarding working with them. They also in their effort, helped fund this by getting out in the community and securing in-kind sponsorships and donations, about nineteen different sponsorships. So what we'll do now is we have a real quick slide show that I will go over and play and let you all see a little bit of what went on out there and then we'll recognize them all. (slide show not available)

Mayor McCloud presented Certificates of Recognition for the following individuals: Jim Boggs, Terry Hassel, Bernie Hocke, Richard Kannard, Robert Lewis, Bob Mergel, Nancy Mergel, Elizabeth Reeb, Mike Shirey.

Bob Mergel: I promise not to read the Gettysburg Address or anything like that. It's been a little time since the event and we've been to several re-enactments and the first thing, comments that we have was that many of the re-enactors noticed how well and how we worked with the City of Reynoldsburg and the Parks and Recs. Their efforts were not lost on the re-enactors and quite frankly, Reynoldsburg is sort of on all the re-enactors lips for next year and I definitely want to thank them, for all the support we got out of the Parks and Recreation. It just seemed, their efforts made everything seem like it was just seamless. There was, all, everything just happened to be at the right place at the right time and I want to really thank Jason for going forward on this effort on our behalf. It is the largest of it's kind in the Central Ohio area and now as we approach the 150th anniversary of the Civil War, I think you're going to see a lot more of these types of events come to the surface and it's nice to know that we're associated with a real premier event here in Reynoldsburg.

Mr. McCloud: Thank you.

Mrs. Kelly: President Hills, can I say something?

Mr. Hills: Yes Councilperson Kelly.

Mrs. Kelly: My family, we went to the Civil War re-enactment and I've got to be honest, my plan was just to go for a few minutes and check it out and I ended up staying for about 2 ½ hours. So it was the first event I had ever been to and it was wonderful. I have a seven-year-old daughter and a ten-year-old son and they were just absolutely thrilled. I could not get over how authentic it was, how into character, even the children that I saw, there was a little boy who couldn't have been more than two and he was dressed in a, looked like a gown and he came over with a toy that children had used then and sat down and played, you know, played the toy, played with the toy. So it was, it was a tremendous event, I was so impressed and we will definitely be there next year. Thank you.

Mr. Hills: Thank you all again. Jason, thank you for your help on that one.

MOTION:

Clerk read motion: That the Council of the City of Reynoldsburg does hereby designate Councilman Mel Clemens and Councilman Doug Joseph as its representative members to the Incentive Advisory Board. Mr. Stake moved adoption. Mr. Deskins seconded. With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens

“Yea”; Mr. Cotner “Yea”; Mrs. Shirey “Yea”. Mr. Stake “Yea”. Motion passed.

ORDINANCE ACCEPTING NINE UNRECORDED DEEDS OF EASEMENT (drainage easements; sanitary sewer easements; highway easements) (Rosehill Road Reconstruction Project)- -Clerk read resolution by title for the first reading. Item referred to Service Committee.

ORDINANCE ACCEPTING THREE UNRECORDED DEEDS OF EASEMENT 1) sidewalk .012 ac; 2) sanitary sewer .375 ac; 3) sanitary sewer .064 ac. TR/Taylor Development, LLC- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (1762 Brice Road, proposed use - place of worship/semi-public use); applicant James E. Strausbaugh- -Clerk read ordinance by title for the second reading. Mr. Clemens said he had been asked by the applicant for a rule suspension, but after discussion with some members of Council, it was felt that it was not the proper situation to do; and asked that the item be returned to Service Committee. Item referred to Service Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1115 Preliminary Plat; Chapter 1119 Final Plat; Chapter 1127 Standards; Chapter 1143 Zoning Certificate; Site Plan; Plot-Grade-Utility Plan; and Table 1155 “Zoning Code Fees”- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

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 - 7375 East Broad Street, Blacklick, Ohio 43004; from Unzoned to R-3; applicant, Wesley Hawk and Ann Lane (3.795 ac.)- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

Executive Session to prepare for, conduct, or review collective bargaining strategy- -Mr. Stake moved to recess for the Executive Session; Mrs. Shirey seconded. Mr. Hills said those attending would be elected officials, Clerk of Council, Human Resources Director Megan Kish. With the roll called, members voted: Mr. Deskins “Yea”; Mrs. Kelly “Yea”; Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mr. Cotner “Yea”; Mrs. Shirey “Yea”; Mr. Stake “Yea”. Motion passed. Mr. Hills said Council would reconvene only to call the roll and adjourn. Council recessed at 8:11 p.m.

Council reconvened at 8:23 p.m. With the roll called, members responding were: Mr. Deskins “Present”; Mrs. Kelly “Present”; Mr. Joseph “Present”; Mr. Clemens “Present”; Mr. Cotner “Present”; Mrs. Shirey “Present”; Mr. Stake “Present”.

Meeting adjourned at 8:23 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council