

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
September 13, 2004

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

Members of Council present: Ron Stake, Preston Stearns, Brett Baxter, Eric Gilbert, Mel Clemens, Antoinette Newman, Lane J. Beougher.

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

Minutes of the regular Council meeting held July 26, 2004 were approved without objection.
Minutes of the special Council meeting held August 2, 2004 were approved without objection.
Minutes of the special Council meeting held September 7, 2004 were approved without objection.

Mr. Stake moved to amend the agenda by adding an ordinance to repeal and replace Ordinance No. 88-04 concerning the Graham/Main intersection improvements. The amended agenda was approved without objection. Mr. Hills stated the item would be Item 13a.

Communications- - Clerk read report from Clerk of Courts: total monies collected from courts held during July, 2004, \$20,589.20. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- - \$1,126 for the Computerization Needs Fund and \$50 for the Enforcement and Education Fund.

Clerk read report from Clerk of Courts: total monies collected from courts held during August, 2004, \$22,998. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- - \$1,295 for the Computerization Needs Fund and \$100 for the Enforcement and Education Fund.

Reports- - Mayor McPherson thanked all of the departments with the City of Reynoldsburg that participated in the Reynoldsburg Tomato Festival. He said they did a fantastic job and they were very enlightening to the residents; the Police Department did an outstanding job, as always. He said Brett Baxter was with the Knights of Columbus and they did all the parking and cleanup. He said it was spotless over there and parking this year was phenomenal. He said they did an excellent job. He said the Lions Club was there the whole time; and all the local service organizations did a tremendous job. He read a plaque for the City that was presented to him at the opening ceremonies.

Chief Miller introduced new Police Officers: Michael Binder, Adam Daron and Michael Loyszczyk. She also introduced new Lieutenants: David Suci and Kim Nuesse. Chief Dennis Rees, Loveland Police Division, presented Lieutenant Nuesse with her retired badges from that Division.

Motion(s)

Clerk read motion changes, saying: THAT COUNCIL RULES OF PROCEDURE BE AMENDED AS

FOLLOWS: Article V - Committees, Section 5. Committee Agendas. The sentence that starts "Prior to the submittal of a legislative request for contracts or expenditures exceeding the State of Ohio limit for competitive bidding as of 6/1/92", new language, **OR FOR EXPENDITURES FOR ANY PURPOSE WHICH HAVE NOT BEEN INCLUDED IN CURRENT BUDGETS, THE LEGISLATIVE REQUEST SHALL BE SUBMITTED TO: A. THE CITY AUDITOR FOR CERTIFICATION IN WRITING OF THE FOLLOWING: (1) AVAILABILITY OF UNENCUMBERED FUNDS (2) ACCOUNT IN WHICH SAID FUNDS ARE HELD (3) IF SUCH FUNDS ARE NOT IMMEDIATELY AVAILABLE, THE SOURCE OF THE NECESSARY FUNDS AND THE DATE SUCH REQUESTED FUNDS ARE EXPECTED TO BE AVAILABLE. SUCH AUDITOR'S WRITTEN CERTIFICATION SHALL BE SUBMITTED WITH THE LEGISLATIVE REQUEST.** Those words deleted in the next section are: ",the legislative request shall be submitted to", and the word **THE** begins that section.

Mr. Gilbert moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed.

Clerk read motion changes, saying: THAT COUNCIL RULES OF PROCEDURE BE AMENDED AS FOLLOWS: Section VI - Council Agenda, Section 4. Changes, the spelling of the word "Morion" to the proper spelling of **MOTION**.

Mr. Gilbert moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed.

Clerk read motion changes, saying: THAT COUNCIL RULES OF PROCEDURE BE AMENDED AS FOLLOWS: Article VIII - Legislation, Section 6, Definitions. The definition of Motion was expanded to include **RESOLUTIONS OF EXPRESSION BY THE COUNCIL**.

Mr. Gilbert moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed.

Clerk read motion changes, saying: THAT COUNCIL RULES OF PROCEDURE BE AMENDED AS FOLLOWS: Article VIII Legislation, Section 10, Reconsidering. The additional language is **A MEMBER OF THE PREVAILING SIDE IS DEFINED AS A MEMBER WHO VOTED FOR AN ACTION THAT PASSED OR AGAINST AN ACTION THAT WAS DEFEATED.**

Mr. Gilbert moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed.

Clerk read motion changes, saying: THAT COUNCIL RULES OF PROCEDURE BE AMENDED AS FOLLOWS: Article IX Rules of Discussion, Section 1, Policy. When an ordinance, resolution or motion is before Council, **OR WHEN A MEMBER OF THE PUBLIC WISHES TO ADDRESS COUNCIL**, an adequate opportunity must be provided for all members of Council to be heard. However, in order to expedite business, the rules of discussion contained in ~~the following sections of~~ this Article are set forth as the official policy of Council. **SPEAKER SLIPS SHALL BE FILLED OUT COMPLETELY INCLUDING NAME, ADDRESS,**

ORGANIZATION REPRESENTED IF ANY, THE AGENDA ITEM TO BE ADDRESSED, THE SUBJECT IF THE PERSON WISHES TO ADDRESS A NON-AGENDA ITEM, AND SHALL BE FILED WITH THE CLERK OF COUNCIL PRIOR TO THE START OF THE MEETING.

Mr. Gilbert moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake “Yea”; Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Yea”; Mr. Clemens “Yea”; Mrs. Newman “Yea”; Mr. Beougher “Yea”. Motion passed.

Clerk read motion changes, saying: THAT COUNCIL RULES OF PROCEDURE BE AMENDED AS FOLLOWS: Article IX Rules of Discussion, Section 2, Duty of Presiding Officer. New words in the second paragraph are **OR WHEN A MEMBER OF THE PUBLIC WISHES TO ADDRESS COUNCIL: A. All MEMBERS SHALL SPEAK ONLY FROM THEIR PLACE AT THE COUNCIL TABLE, AND ALL OTHER** persons addressing Council shall do so from a place so designated. B. No member or person shall be permitted to speak longer than three minutes at any one time **OR LONGER THAN A TOTAL OF FIVE MINUTES; C. No** member or person shall be permitted to speak more than two times, ~~for or against the proposition under consideration;~~ D remains the same. E. No member or person shall be permitted to speak the second time, until all members have been **GIVEN THE OPPORTUNITY TO BE** heard at least once; F. ~~The Presiding Officer, subject to challenge by a majority of Council, may refuse the floor to any member or person where the tactics are obviously dilatory, and not in the best interest of Council.~~ **IF THE SUBJECT DOES NOT CONCERN THE LEGISLATIVE RESPONSIBILITIES OF THE COUNCIL, THE PRESIDING OFFICER MAY REFER THE PERSON TO THE PROPER ADMINISTRATIVE OFFICER, ANOTHER PUBLIC FORUM OR DENY THE REQUEST; G. The above rules may be suspended to permit unlimited debate, by a vote of three-fourths majority of Council. NO MEMBER OR PERSON SHALL USE LANGUAGE OR SUBJECT MATTER CONTAINING OBSCENITY OR PARTISAN POLITICAL PROPAGANDA; H. NO MEMBER OR PERSON SHALL CONDUCT THEMSELVES IN A DISORDERLY MANNER OR ENGAGE IN DISRUPTIVE BEHAVIOR; I. ALL MEMBERS AND PERSONS ADDRESSING COUNCIL SHALL BE SUBJECT TO THE DUTY OF THE PRESIDING OFFICER TO PRESERVE THE ORDER AND DECORUM OF A PUBLIC MEETING.** The last two sections remain the same.

Mr. Gilbert moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Stake “Yea”; Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Yea”; Mr. Clemens “Yea”; Mrs. Newman “Yea”; Mr. Beougher “Yea”. Motion passed.

Clerk read motion as follows: That the following request form as referred to in Article 5, Section 5 be and is hereby amended as follows: The Reynoldsburg City Council Committee Legislation and/or Discussion Request Form remains the same down to the information requested. In this instance, it will include why the emergency is being requested **FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH OR SAFETY; FINANCIAL NEEDS OF THE CITY’S GOVERNMENT.** It will also include a statement of necessity which will support one of those items. Under the contracts, it repeats the words: Contracts or expenditures exceeding State of Ohio limit for competitive bidding as of 6/1/92 -and then new words- **OR FOR EXPENDITURES FOR ANY PURPOSE WHICH HAVE NOT BEEN INCLUDED IN CURRENT BUDGETS.** Following the City Attorney action requested

section, the **CITY AUDITOR ACTION REQUESTED** is included as well which will be to mark **(1) UNENCUMBERED FUNDS AVAILABLE IN ACCOUNT # _____**. **(2) FUNDS EXPECTED TO BE AVAILABLE ON _____ (DATE) FROM _____ (SOURCE).** **(3) ADDITIONAL COMMENTS FROM CITY AUDITOR.**

Mr. Gilbert moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed.

The Clerk asked if Mr. Hills could ask for a motion to amend Item 10a where it says "Revised March 2000". She said that refers to the legislative request form that was just adjusted, and if someone could amend that, it could be changed to "Revised Sept 2004". Mr. Gilbert moved to amend the motion for the legislative request to the revised date of September 2004. Mr. Beougher seconded. All voted "Aye". Motion passed. Motion amended.

ORDINANCE AUTHORIZING THE ISSUANCE OF A PERMIT TO THE REYNOLDSBURG SPECIAL OLYMPICS TO SOLICIT DONATIONS ON SATURDAY, SEPTEMBER 25, 2004 AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 91-04 adopted.

ORDINANCE AMENDING EXHIBIT "A" OF ORDINANCE NO. 118-03 PASSED DECEMBER 22, 2003 THAT ADDED CHAPTER 1180 Landscaping and Buffering Standards TO THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO - TO INCLUDE APPENDIX "A" AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Gilbert moved adoption. Mr. Beougher seconded.

Mr. Stearns asked why the legislation was an emergency. Mr. Gilbert said it was his understanding that it was to be able to apply the appendix to the code since Council had already passed the legislation, and to be able to maintain enforcement of the new Landscaping and Buffering Standards.

With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 92-04 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR VEHICLE MAINTENANCE DEPARTMENT AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Stearns seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 93-04 adopted.

ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 88-04 PASSED SEPTEMBER 7, 2004 THAT AUTHORIZED THE MAYOR TO ENTER INTO CONTRACT FOR THE GRAHAM ROAD AND MAIN STREET INTERSECTION IMPROVEMENTS PROJECT AND APPROPRIATED FUNDS THEREFOR; AND DECLARING AN

EMERGENCY (CIP #83)- -Clerk read ordinance by title for the one required reading.

Mr. Stake moved to waive the mandatory committee referral rule. Mrs. Newman seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed. Mandatory Committee Referral and Recommendation Rule waived.

Mr. Stake moved adoption. Mr. Gilbert seconded. Mr. Stake said the action cleaned up the accounting for the project. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 94-04 adopted.

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"- -Clerk read ordinance by title for the first reading. Item referred to Community Development Committee.

ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF 3.2+/- ACRES IN TRURO TOWNSHIP, COUNTY OF FRANKLIN, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Harrison W. Smith, Jr., agent for petitioner, Paul F. Smith)- -Clerk read ordinance by title for the first reading. Item referred to Service Committee.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - 7354 East Main Street; proposed use of land/structure: retail, motorcycle assembly, storage, sales; AND REPEALING AND REPLACING ORDINANCE NO. 9-04 PASSED FEBRUARY 23, 2004- -Clerk read ordinance by title for the first 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 - 7559 Cherrybrook Drive; from R-1 to PD; applicant, Preferred Real Estate Investments II, LLC, by Jill Stemen Tangeman, Esq. (14.01+/- acres)- -Clerk read ordinance by title for the second reading.

Mr. Gilbert stated there will be a meeting with the Development Director to work on overlay text on the legislation to address some of the issues and concerns that have arisen; as well as with the developer to work on some other aspects of their plan.

Item referred to Service Committee.

RESOLUTION ADOPTING THE REVISED CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF REYNOLDSBURG, OHIO FOR THE YEARS 2004 THROUGH 2008- -Clerk read resolution by title for the second reading. Item referred to Finance Committee.

Executive Session requested by City Attorney to discuss imminent litigation; and requested by the Mayor and President of Council to consider the employment, dismissal, and compensation of public employee(s).- -Mr. Clemens moved to recess for Executive Session. Mr. Beougher seconded. Mr. Hills said those attending would be elected officials, the Clerk of Council, Sharon Michael; and Mr. Scott Warrick will be called in after discussion of some other business. With the

roll called, members voted: Mr. Stake “Yea”; Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Yea”; Mr. Clemens “Yea”; Mrs. Newman “Yea”; Mr. Beougher “Yea”. Motion passed. Mr. Hills said following the Executive Session, Council would reconvene only to call the roll and adjourn. Council recessed at 8:06 p.m.

Council reconvened at 9:13 p.m. With the roll called, members responding were: Mr. Stake “Present”; Mr. Stearns “Present”; Mr. Baxter “Present”; Mr. Gilbert “Present”; Mr. Clemens “Present”; Mrs. Newman “Present”; Mr. Beougher “Present”.

Meeting adjourned at 9:13 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council