

COMMUNITY DEVELOPMENT MEETING MINUTES

September 7, 2004

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

Other member of Council present: Council President William L. Hills.

Mr. Beougher: I'll call the Community Development Committee meeting to order at 7:30 p.m. First thing on the agenda, approval of the minutes of the July 19, 2004 Community Development Committee meeting. Are there any corrections to the minutes? (No response). Hearing and seeing none, they will stand as submitted.

The next item is the approval of the agenda. Are there any additions or deletions to tonight's agenda? (No response). Hearing none, it will stand as submitted.

Number 4, is a Discussion of the Authorization of application to Franklin County Community Development Block Grant/HOME Program, Streetscape Phase II. Mr. Brandt.

Mr. Brandt: Thank you, Mr. Beougher, member of Council. This is merely a request to authorize the Mayor for us to make an application to the Franklin County Development Department for their Block Grant Program for funds to augment our Streetscape funding issues. In our discussion with the county, they indicated some support for this project via the Block Grant Funds. And inasmuch as to my recollection, maybe some of those have been around a little longer may remember, but we haven't applied for any Block Grant's and there is availability. This I kind of liken to the project we did down on 256 where we got the entranceway and all that via of our good friends at ODOT a couple of years ago. There is some match required in this but at this point the application has not been finalized. You'll see on the front page, the line drawn through indicates the deadline of October 31, 2004 application. They being, the county development group has not received their final documentation from the federal government to update this. However, they don't expect any significant changes to the application. But we wanted to get it started and would provide additional documents upon receipt from that agency because the date will still be somewhere in the late October range. And with the possibility of acquiring the funds, we thought it was too good an opportunity to leave on the table.

Mr. Beougher: And that would be for the 2005 year? Fiscal year.

Mr. Brandt: That's correct.

Mr. Beougher: There is a sample attached from last year and obviously it's going to take some work to prepare the grant and get the application under way. And since they don't have an application form available for you yet, I assume that's going to take some time for you to get put together. And I don't see an emergency or rule suspension so we're just going to just send this forward for first reading and get the process started.

Mr. Brandt: That's correct, sir.

Mr. Beougher: Okay. Any questions from members of the committee? (No response). Alright.

Thank you, Mr. Brandt.

Mr. Brandt: Thank you, Mr. Beougher.

Mr. Beougher: I'd like to just move this forward for a first reading at our next Council meeting and get the process going. I make that motion. Is there a second? Mr. Stake with the second. Any further discussion? (No response). All in favor of sending this forward for first reading, signify by saying aye. (All voted "Aye"). Any opposed? (No response). Motion carries.

The next item is, ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Chapter 160 Employee Compensation - SECTION 160.02 "AUTHORIZED POSITIONS, PERSONNEL, CLASSIFICATION AND PAY GRADE" SUBSECTION (c) "Department of Development" and SUBSECTION (g) "Service Department" AND TRANSFER OF FUNDS. Since our last meeting on this topic, I've received some phone calls, had some conversations, and I'm under the understanding that this is, the Administration desires to rescind this request. Is that correct?

Mayor McPherson: That's correct. We'd like to have it removed from the agenda.

Mr. Beougher: Thank you. I'd like to make a motion to table this item indefinitely. Is there a second? Mr. Clemens with the second. Any further discussion? (No response). All in favor of tabling indefinitely, please signify by saying aye. (All voted "Aye"). Any opposed? (No response). Motion carries.

And that ends the Community Development Committee meeting at 7:34.

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

September 7, 2004

SAFETY COMMITTEE MEETING MINUTES

September 7, 2004

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

Other member of Council present: Council President William L. Hills.

Mr. Clemens: I'd like to call the Safety Committee meeting to order at 7:35. The first item on the agenda is the approval of the minutes of the July 19, 2004 Safety Committee meeting. Do I have any adjustments? (No response). If not, they'll stand approved. The next item is the approval of the minutes of the August 2, 2004 special Safety Committee meeting. Do I have any additions or deletions? (No response). If not, they'll stand approved.

The next item on the agenda is the approval of the agenda. Are there any additions or deletions? (No response). If not, the agenda will stand approved.

The next item is Discussion, Authorization of contract for Graham and Main intersection improvement project and appropriation of funds. Mrs. Reichard.

Mrs. Reichard: Thank you, Mr. Clemens. As you know, we went out for bids and they came in with Columbus Asphalt Paving being the lowest bidder. The contract bid is 264,527 with a contingency of engineering and inspection services for a total of \$324,000. We would like to expedite this to get it done as soon as possible. Therefore, we bring it to you this evening for your approval.

Mr. Clemens: Are there any questions for Mrs. Reichard on this subject? (No response). This is a project that we've all sponsored and hoped to get done as soon as possible.

Mr. Baxter: Just one question. Mrs. Reichard, if approved tonight, then when would we be looking at the start of construction and then the completion?

Mrs. Reichard: We have an anticipated pre-construction meeting of September 14. We've sort of moved ahead to expedite it as quickly as possible so they would start soon thereafter. But the finish date, I would have to yield to Mr. Parkinson.

Mr. Parkinson: Good evening. I'm going to speak off the cuff. There's three completion dates set in the contract documents. One is for asphalt. We're going to get the asphalt done before the patch plants close which is generally around the middle of November. There's a secondary completion date for the poles. The poles take 16 to 20 weeks for delivery. So we provided, which puts it somewhere in January or February to get the new signals up and energized. And of course, you can't plant grass or anything like that after about November. So we've got a final completion, completion date in April or beginning of May for the restoration. They'll clean it up but they won't get the grass in.

Mr. Baxter: Thank you. One other question if I might?

Mr. Clemens: Yes. Go ahead.

Mr. Baxter: Thank you. I'm also looking at there's going to be a disruption of service to that area obviously with the construction. I think my question was leading down to that time frame so that we can make sure that our residents are aware of the construction in that area and how long that's going to take. I think that was what I was trying to frame my question around.

Mr. Parkinson: The biggest disruption will be with the pavement. When they go to put the new pavement in they'll plane down the existing to match it up and put it down. So the biggest disruption will be between the middle or end of September and beginning of November.

Mr. Baxter: So you're looking at about maybe a 3 or 4 week time frame then?

Mr. Parkinson: Yeah. It's not a lot of work. The other work, they can work around.

Mr. Baxter: Well, thank you. Thank you, Mr. Clemens.

Mrs. Reichard: And we will of course, alert the schools at such we find out exactly what that is so that it doesn't interrupt the service too much.

Mr. Baxter: Very good. Thank you.

Mr. Clemens: Mr. Gilbert.

Mr. Gilbert: Thank you. The sheet here, Permissive Tax Fund, is that provided from, it had a breakdown of balances and costs, does that come from our Auditor's Department or is that from the county?

Mrs. Reichard: I believe that's from our Auditor's office. Yes.

Mr. Gilbert: Okay. There at one point in time, there was an approval from Franklin County to provide a percentage of assistance on this project. Have they instructed us to take that all out of Permissive Tax, or is that what we have done at this point to fund the project, and then we're looking to get reimbursed from the county for their portion?

Mrs. Reichard: We have received \$288,500 in Permissive Tax and put that in the Capital Improvements Fund for this project. The rest of the money comes out of the Permissive Tax that's within and transferred to the CIP.

Mr. Gilbert: Okay. So that's how it was broken down?

Mrs. Reichard: That's correct.

Mr. Gilbert: So we're still getting the help?

Mrs. Reichard: Yes, sir.

Mr. Gilbert: Great. Thank you.

Mr. Clemens: Are there any other questions for Mrs. Reichard? Mr. Stake.

Mr. Stake: Thank you, Mr. Clemens. I'm not sure this is for Mrs. Reichard. But I was just looking at the fund balance in the Permissive Tax Fund. That is the fund 230, Permissive License

Tax Fund? Is that correct? Mr. Whitney, that's correct?

Mrs. Reichard: Yes.

Mr. Stake: And I notice we have as of I guess, my last fund balance report, we have \$328,744. Correct?

Mr. Whitney: That is correct.

Mr. Stake: Okay. So that would leave us with about \$4,000 in that fund?

Mr. Whitney: Well, we have funds continually flowing in. After we take the \$324,000 out of this, we'll have \$21,000 left.

Mr. Stake: I'm sorry. How much?

Mr. Whitney: \$21,000.

Mr. Stake: \$21,000?

Mr. Whitney: The bottom line lined in yellow.

Mr. Stake: Okay. Thank you very much. Thank you, Mr. Clemens.

Mr. Clemens: I thought at one time, and I could be mistaken and you can correct me on this and the Mayor can, that the county was going to help fund \$170,000? Am I correct on that?

Mayor McPherson: That's part of the...

Mrs. Reichard: That's part of the 288.

Mayor McPherson: 288.

Mrs. Reichard: We had to ask for more because the project got held up.

Mayor McPherson: 170 was actually increased to 288 and that's the portion that they're giving us.

Mr. Clemens: But that's Permissive Tax.

Mayor McPherson: Yes. Yes. Well, they're both Permissive Tax. Just separate Permissive Tax Funds.

Mr. Clemens: I mean, they're not helping us any. That's our money. I thought we had secured other funding of \$170,000.

Mr. Gilbert: Mr. Clemens. Mr. Parkinson, you had once shared with me a meeting that the county

had had, and it might not have been '03. It might have been '02 where they, Franklin County followed through and approved, and I know you're off the cuff again, but some times I think that's when you're at your best. The county had approved at one point, specific funds for this particular project and there was a timing issue.

Mr. Parkinson: The County Engineer has a discretionary fund. I don't know if we call it a rotary fund but he has a fund that is, I don't know if it's fed by license plates, but it's separate from our fund. Our license plate fund. That was the money that the County Engineer had originally agreed to to offer us. Now we're, I don't know if we're mixing terms here and kind of blending them all together and if they're still kind of separate but together now. I don't know.

Mr. Clemens: Well there is two separate funds.

Mr. Parkinson: The County Engineer. Yes. He has your money that he keeps and he has his own discretionary funds. And when this project came to _____ at the integrating committee, the County Engineer committed, at that point I think it was \$177,000 of his discretionary funds to this project. And then that has grown to 288 because the project's been delayed and so forth.

Mr. Gilbert: So your sense is that this fund we're looking at here is from that discretionary fund and the secondary is our Permissive Tax?

Mr. Parkinson: That's my sense. Yes.

Mayor McPherson: That's our thought on it too.

Mr. Clemens: Yeah. But if it is, if it's from the other one, then how come we're using 288 or whatever we're using out of our Permissive Tax which would only leave \$21,000. I mean, if we're getting \$170,000 from the county on the other Tax Fund, why all this came in ours?

Mr. Whitney: The 288 was provided to us back on December 31, 2003. They had given us that. That's half of our Permissive Tax balance right now.

Mr. Gilbert: So that's above and beyond the normal, the monthly in-flow that you note here?

Mr. Clemens: Okay. I want to question this because how much did we have in our Permissive Tax Fund? Because I know we've been saving it for years because we were going to save it and use it in Rosehill Road. We had it built up or was trying to build up. Is this the fund that we're taking all of our money out of?

Mayor McPherson: That's a separate fund, Mel. That money's still setting down at the county. We haven't touched that money.

Mr. Clemens: Okay. That's all I'm asking.

Mayor McPherson: That's still down there. We'll eventually ask for it and we'll get it. Right

now they still have it. They have it set aside for us but we haven't taken it yet.

Mr. Clemens: Okay. That's all I wanted to clear.

Mayor McPherson: Right.

Mrs. Reichard: We received \$288,500 from the county and then we have some local Permissive that comes into the fund on a monthly basis. And what you're talking about is separate and apart.

Mr. Clemens: Okay. That's all I wanted to clear.

Mrs. Reichard: We've still got the money for Rosehill Road.

Mr. Clemens: That's fine. That's what I wanted to clear up.

Mr. Hills: Mr. Clemens.

Mr. Clemens: Yes. Mr. Hills.

Mr. Hills: If I could ask, you bring up a question because that 170 has been committed, or had been committed by the county. They have not released those monies for our account, have they Howard?

Mayor McPherson: Yes.

Mr. Hills: We have the 170?

Mayor McPherson: Yes. They increased it Bill, from 170 to 288 in '02.

Mr. Hills: Okay. That's great.

Mayor McPherson: We've had that money.

Mr. Hills: State doesn't give you any money. They just want yours up front but the county will go ahead and give it. Let's do business with the county.

Mayor McPherson: We work well with the county.

Mr. Hills: Thank you, Mr. Clemens.

Mr. Clemens: Are there any other questions for Mrs. Reichard? (No response). If not, I'd like to make a motion to send this to Council at our special Council meeting tonight and also send it to the Finance Committee for approval. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you. This will move on to the Finance Committee and then the special meeting this evening.

The next item on the agenda is Discussion, Authorization of application for Ohio Public Works

Commission funding for Taylor Road Reconstruction Project, Main Street to Windsor Drive.
Mrs. Reichard.

Mrs. Reichard: Thank you, Mr. Clemens. If the questions get too detailed, I'm going to ask Mr. Parkinson to come up here. But what this is, I think we've all discussed, what this does is permit us to submit an application to OPWC for construction funds for Taylor Road that lies within the City of Reynoldsburg. That's what this particular ordinance does.

Mr. Clemens: Alright. Are there any questions for Mrs. Reichard on this subject? (No response). This is something else that we're going to send on to Council for the special Council meeting this evening. It's important that we get this moving too. If not, I'd like to make a motion to send this to Council on the special Council meeting as an emergency. Do I have a second. Second by Mr. Gilbert. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you, Mrs. Reichard.

The next item is the Discussion, Authorization of application for Ohio Public Works Commission funding for Summit Road Bridge. Mrs. Reichard.

Mrs. Reichard: Okay. When I spoke with Bob Lowler at Mid Ohio Regional Planning Commission and some of the folks from the state, and asking them if they thought the Taylor Road construction, reconstruction, would be eligible for OPWC funds, the Summit Road Bridge discussion ensued simply because it is a badly deteriorated bridge. One that does need repaired or replaced. And from what I've heard in the presentation, bridges are probably a little more easy to get through for OPWC funding. However, if we were to submit both of these pieces, both of these projects for OPWC funding, one would not necessarily effect the other. Wherein, if we do not receive funding for, let's say if the, please Mr. Parkinson if I screw this up let me know, when they're looking at you know, assigning points, Taylor Road obviously is the one we really want sort of to win, but if it's not going to make it, there's every chance that the bridge funding would go through. However, if it in any way jeopardized the Taylor Road funding, we would just simply pull it. And from what I understand from Mr. Lowler, this is a common practice. So we have decided to submit both, to ask you to submit both to see if we could get funding for one or the other.

Mr. Clemens: Are there any questions for Mrs. Reichard on this? Mr. Stake.

Mr. Stake: Thank you, Mr. Clemens. Thank you, Mrs. Reichard. So are you saying that we would have an advantage by sending them both together? Because we really haven't had much time to think about the Summit Road Bridge.

Mrs. Reichard: It is in deplorable condition. I think probably Larry Ward or Mr. Parkinson can speak to the issue. Dave?

Mr. Parkinson: It's a bridge that was built in the early 40's I believe. And it's a single span slab. The rebar, there are 5 or 6 rebars underneath that are exposed where the concrete has fallen and chipped off exposing the rebar. It's not dangerous yet. It's in poor to terrible condition. But it's something we're going to have to do. And that's the condition of the bridge.

Mr. Stake: Okay. I guess my question really wasn't answered though. Is there an advantage by sending both of these at the same time? If you're telling me the bridge is deteriorating and it's becoming unsafe, I don't have a problem with seeing what we need to do to fix it. I just, I guess the suddenness of this thing, I guess I have a problem with.

Mr. Parkinson: Yeah. I didn't do a good enough job in briefing you on this. Is there an advantage to the application process? No. No. Submitting the Summit Road Bridge does not help the Taylor Road project, nor submitting the Taylor Road project help the Summit. Submitting two doesn't help either one. Is there a disadvantage? No. And that's what Mrs. Reichard was trying to articulate. If we submit to where the Summit Road Bridge could effect Taylor Road, we'd simply withdraw it and ask that it not be considered any further. And it'll be taken out of the mix and then Taylor Road would be the only Reynoldsburg project that they will consider. If on the other hand there's an opportunity to succeed here and Taylor Road doesn't happen. Taylor Road doesn't score high enough to get some funding, maybe we can score high enough on Summit Road and get a needed bridge.

Mr. Clemens: I have a question. How would we know if it interfered with Taylor Road or not?

Mr. Parkinson: They do have preliminary screening in December where they issue preliminary rankings of the scores and then we'll know.

Mr. Stake: Excuse me, Mr. Clemens. Would we be held to, should we obtain this funding, would we be held to a time period in which we need to complete this project? I would imagine we'd need additional funds for that.

Mr. Parkinson: You must complete, you must start construction by May 31, '06. Yeah, that sounds right.

Mr. Stake: Okay. And one other question, Mr. Clemens please. Not having fully digested our CIP, is this on the CIP?

Mr. Parkinson: Yes.

Mr. Stake: And what year is this on there for?

Mayor McPherson: '07 I believe.

Mr. Parkinson: That's about right.

Mayor McPherson: I don't have it with me but I believe it's '07 when we put it in.

Mr. Clemens: Mr. Baxter.

Mr. Baxter: Thank you. I think the question I was looking forward to hearing is, if it is approved, "it" being Summit Road Bridge was approved, and Taylor Road was not, would that impact us at a certain time frame later to re-submit? Are we going to be able to re-submit for funding for Taylor

Road?

Mr. Parkinson: It would have no impact on future submissions.

Mr. Baxter: You're able to re-submit in the future then?

Mr. Parkinson: Yes.

Mr. Baxter: Very good.

Mr. Clemens: Mr. Stearns.

Mr. Stearns: Mr. Stake asked my question concerning the time limit. That's what I was concerned about.

Mr. Clemens: I think...

Mrs. Reichard: If I may just say, per the application, our part on the Summit Road Bridge would be \$22,000.

Mr. Parkinson: Ten percent.

Mrs. Reichard: Ten percent.

Mr. Gilbert: It would be what?

Mr. Parkinson: We've asked for 90% assistance on the Summit Road Bridge and only 10% local share. If we're successful, at the competition, we're getting a lot of help.

Mr. Clemens: And I have no problem. I've seen the Summit Road Bridge. I had the problem with it always at the last minute. We've never even heard of Summit Road Bridge until this evening. I mean, that's the only thing that bothers me.

Mr. Parkinson: Well in fairness, and with great apologies. What brought it to our attention and refocused it on our attention was, we got a notice from ODOT in the middle of July reminding us that we had not done our annual inspection and turned it in on the bridge. So we marshalled our troops and we went out and did our inspection and it came back the same as it did last year and a little worse. And that refocused our attention on, oh yeah, the bridge, the bridge. And so we were in the process of working up the Issue 2 application for Taylor Road and the discussion ensued, should we include Summit Road as well? And yes, let's do that. It's your, and we placed it before you. It's your decision and if you choose, this is not the appropriate time then we will certainly honor it.

Mr. Clemens: I have no problem with it as long as it doesn't interfere with Taylor Road. And God forbid it does.

Mr. Stearns: Thank you, Mr. Clemens. I have one more question. I'm finding the maps and the pictures that were submitted to us, and is this the location just to the north of Firstgate? Is that Summit Bridge there?

Mayor McPherson: Yes.

Mr. Stearns: Is that the one?

Mayor McPherson: That's it.

Mr. Stearns: That's Summit Glen. That location.

Mr. Parkinson: Yeah. Across the street.

Mr. Stearns: Across the street. Okay. That's what I was thinking.

Mr. Clemens: Any other questions for Mr. Parkinson or Mrs. Reichard? Mr. Gilbert.

Mr. Gilbert: What's ODOT's time frame? They're obviously going to review your inspection and see that it's in need of repair. What is their time frame requiring us? Obviously you have a mind set for that because in the CIP you listed it 2007.

Mr. Parkinson: ODOT doesn't have a time frame. They simply, I want to say they simply assemble the information. It's your bridge. It's our bridge. It's our bridge to take care of. It's our bridge to manage in good, bad, or indifferent. We're just obligated to submit the report to ODOT.

Mr. Gilbert: Right. Because I guess I'm just a little thrown off at how many teeth some of us at this table had to pull to get moving on Taylor Road. And we've got a bridge now at 2007 that we want to submit with this OPWC. And I guess the trust factor for me, that this may not impact some of the funding that could be provided isn't there at this point. So, I'll follow your CIP. This catches me off guard. I don't want to oppose this because obviously you've attached Taylor Road to it. And so it's kind of a catch, or you've attached funding for Taylor Road to the request to OPWC. Correct? Or for Issue 2.

Mayor McPherson: Are you saying Taylor Road's attached to this? No. It isn't.

Mr. Parkinson: On the agenda they're bundled but these are really separate issues.

Mayor McPherson: Yeah. Separate legislation and everything.

Mr. Gilbert: There was just discussion as to whether or not it would impact the request for funds for Taylor Road.

Mr. Parkinson: It will not.

Mr. Gilbert: I understand that. And I'm saying it's just a concern for me that it took, I'll say years to get to this point to where we're even pursuing funding, or even making an effort on Taylor Road. And holy cow, we've forgotten an inspection in here, Summit Road Bridge. I don't understand the setting of priorities here. It confuses me some times. And I'm a little hesitant to believe at this point that adding Summit Road Bridge would not have some type of impact on us being awarded funding. Who sits, this is Issue 2? Potentially Issue 2 funding? Correct?

Mr. Parkinson: They're _____ at the local level. What's called a district integrating committee which is comprised of, which is, facilitated by the MORPC people. There is a, the committee is comprised of some township representatives. There's some people from the County Engineer's office. There's a...

Mr. Gilbert: Truro Township representatives?

Mr. Parkinson: Truro had a representative at one time.

Mayor McPherson: I think they still do.

Mr. Gilbert: Who would that current representative be?

Mr. Parkinson: I don't know.

Mr. Gilbert: You don't know at this point?

Mr. Beougher: Is it...

Mr. Gilbert: I'm not finished, Mr. Beougher.

Mr. Parkinson: It's readily available information. I just don't know it.

Mr. Gilbert: Okay. Is there a representative from the county as well? From Franklin County?

Mr. Parkinson: I think the County Engineer is on the board.

Mr. Gilbert: Okay.

Mr. Clemens: And many members from Columbus.

Mr. Parkinson: There are a number of members from Columbus.

Mr. Clemens: That's correct. Mr. Beougher.

Mr. Beougher: Thank you, Mr. Clemens. I believe Vern Waggoner sits on that committee. Would he possibly be the Truro representative still?

Mr. Parkinson: He was on the committee at one time and I believe he was the Truro representative at that time. I just don't know...

Mr. Beougher: I had a conversation with him in the past few weeks and he indicated he's on that committee.

Mr. Parkinson: Okay.

Mr. Clemens: Are there any other questions for Mr. Parkinson or Mrs. Reichard?

Mr. Stake: Mr. Clemens, if I could just ask one more question. I'm sorry. Would you all have a problem with us just sending this on for a first reading and submitting this separately so we could have time to evaluate this?

Mrs. Reichard: The reason we brought it tonight was because it has the same time frame as the Taylor Road. It has to be submitted. And I guess maybe in my mind, I had thought that you all had discussed this before at some time because the bridge is in such bad disrepair. But this was just an opportunity. Mr. Lawler made it very clear to me at MORPC. And he's the one that does the initial screening and grades and tells us whether it's a good application or a bad application. He said we would probably have a greater chance of getting the bridge than Taylor Road. One would not effect the other because it's done on a point system based on a variety of things. So if we didn't get Taylor Road, at least we would get the bridge because they look very favorably on bridges. They're looking for bridge projects to complete. So that's why this was brought to you. If it catches you unaware, I do apologize.

Mr. Stake: Okay. Thank you.

Mr. Clemens: Do I have a motion to send this on to Council?

Mr. Gilbert: As an emergency?

Mr. Clemens: Do I have a motion to send this to Council? Do you so move to send it to Council as an emergency this evening? Motion by Mrs. Newman to send this on to special Council meeting this evening as an emergency. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response). This will be sent on to special Council meeting this evening.

Next item on the agenda is the application from the Reynoldsburg Special Olympics Organization to collect money September 25, 2004 for the Special Olympics. They requested this and they sent in the time and date they want to have it, and also the different intersections they wish to have it. They're going to collect money from 9 a.m. to 1 p.m. on a Saturday. I had marked off one. Taylor Road and State Route 256 because I felt that we have too much congestion at the present time since we're doing the intersection and doing work down there and we have a lot of problems on this right now and I also mentioned to the Chief that that wouldn't be a logical one to have. The other intersections are Lancaster and Main, Briarcliff and Main, Rosehill and Main, Brice and Main, and Brice and Livingston Avenue, east side only. It's been requested by Lori _____. This is something that we do. I think it's something that we're going to work on to possibly have this changed. Mr. Hills had suggested that the Administration can handle this without

having to come to Council unless it's appealed or something like that. But I would like to send this to the regular Council at the next Council meeting as an emergency because we do have to get it passed if they're able to do it the 25th. Are there any other comments on this? (No response). If not, I'd like to move this on to our regular Council meeting as an emergency. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response). So this will move on to our regular Council meeting as an emergency.

With that, I'd like to close the Safety Committee at 8:04.

Safety Committee

- - -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Smith)

September 7, 2004

SERVICE COMMITTEE MEETING MINUTES

September 7, 2004

Members of Service Committee present: Eric Gilbert, Lane J. Beougher, Ron Stake, Preston

Stearns, Brett Baxter, Mel Clemens, Antoinette Newman.
Other member of Council present: Council President William L. Hills.

Mr. Gilbert: I'll call the Service Committee meeting to order at 8:04 p.m. The second item on the agenda is the approval of the minutes of the July 19, 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 do have several changes. I'd like to hold items 8 (Discussion, Commercial Corridor 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), and 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). Just an update, there were several utilities that contacted me that they were going to be providing information to the City Attorney and just request that in another week or two, get that information to him. We will entertain additional discussion on this at the next Service Committee meeting. That's items 8 and 9. Item number 10, I just received information regarding the zoning at 9613 Taylor Road and 9807 Taylor Road that includes and incorporates an overlay text to this request that I will have the Clerk provide to the members this week. So I will hold this so you have two weeks to review that information. I also have rezoning request at, just had a Public Hearing last Thursday and then subsequent to that, a meeting with Planning and was approved with some suggestions. I'll say suggestions instead of requirements because they weren't incorporated in the actual motion to move this forward. And I thought at this point it would be best for the members to be able to receive the minutes from the Planning Commission to look over that discussion prior to entertaining any additional discussion at the table. I would also ask for the Development Director's input over the next two weeks as to whether this might be another opportunity for an overlay type text to be incorporated since that seems to be our new norm with residential type developments. So I will add that 7559 Cherrybrook to the agenda at the next Service Committee meeting. Are there any additional additions or deletions to the agenda for this evening? (No response). None being heard, I'll make that motion (Tape Change). Mr. Baxter. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 4 is a Discussion. I had requested that we add this to the agenda at the request of Mr. Clemens. This is a discussion regarding flooding issues in two neighborhoods in our city. I might also note that some of these flooding issues are older than some of the ordinances we might be discussing in Service Committee this evening. I do have two speaker slips. Just a brief overview. There was some flooding in the Broadwyn Drive area as well as the Bartlett and Parkinson areas. I would note that these are two areas that were highlighted on the Storm Water Utility Study that our City Engineer provided to us I believe, and correct the record if I'm wrong, but I believe it was 1999 as our two most troubled areas. And there's been some efforts to improve the situation that in certain circumstances where you have the rain that we had that weekend obviously aren't enough. And some of you are here to speak about that and to update us on the situation and then it'll be our job to take things from here and look at some solutions. I know in regards to the Broadwyn Drive area, we came very close to resolving that situation.

There was some issue as to an easement and that's where things stand at this point. But I think that's at least one of the two areas where we can make some progress. As we move forward, we'll look forward to hearing comments from the resident in that neighborhood. Mr. Clemens, if you'd like to add anything at this point, then we can hear from the residents.

Mr. Clemens: I have discussed this somewhat with the Mayor and the Safety Director. I think this is an issue that has to be looked into but I don't know how we'll correct it but I'm sure that there is a way. But I think it's something that we have to look into and follow through it. This is something that happens and then two weeks later we forget about it until it happens again which it's happened numerous times. Like I said, last time I'm part of that. I served for the city all these years and it just seems like once we have the problem, we worry about it for a couple of weeks, then we walk away from it until it happens again. I think it's time now that we seriously look into the situation on Bartlett and Parkinson. Possibly have our engineers devise or look at different ways that it could possibly be corrected. The cost issue of it. And I know some of the cost issues are quite tremendous. But I think it's something that it's just not one of those deals that once it happens you look at it and say, well it may not happen again until 5 or 10 years. People that have it run through their house, I don't think they appreciate that. Because they don't want to wait 5 years and know it's going to flood again. So I think it's something that we seriously should look at and have the Mayor, and like I said, our City Attorney and Mrs. Reichard look into it and come up with some options and some possible costs and see what we can do to help the situation and help the people that's involved in it.

Mr. Gilbert: Okay. Thank you, Mr. Clemens. Our first speaker this evening is Gabrielle Houtachez from 7655 Broadwyn Drive. Ms. Houtachez, thanks for coming.

Ms. Houtachez: Good evening, members of Council. Again, my name is Gabrielle Houtachez. I purchased the property of 7655 Broadwyn Drive, the end of May. In horror, I watched the street water rise, go up my driveway, into my garage, and then into my house from under the door in a matter of moments. I've come to understand by a number of neighbors, residents, that this has been an ongoing problem. I'm less concerned about why it's been an ongoing problem, but rather when will the problem be rectified. Thank you Mr. Clemens for addressing the fact that it's one of those problems that it's there and then it goes away. I'm not going anywhere since I just bought the property. So I'm not going to go away and I wanted to let you know that I'll keep on it so that members of Council won't forget that I'm out there. I do have photographs of the property. I've gotten several different stories from my neighbors and I have to leave everything as heresy at this point. But I understand that there were surveys that had gone out some years ago. Whatever reason, there's been a standstill at it. I'd like to know when can you get started and how soon. If you'd like to see the photographs.

Mr. Gilbert: Yes. If you can bring them up.

Ms. Houtachez: Thank you.

Mr. Gilbert: This will be an ongoing discussion Ms. Houtachez. And we'll hope to have some answers for you by the next Service Committee meeting. We'll make sure that you get your pictures back. Thank you.

Next is Diane Shields, 1552 Parkinson Drive. Diane.

Ms. Shields: Thank you members of the Council. I want to first of all thank Councilman Clemens for bringing this up and of course recommendation that we improve the storm water drainage systems here. I also want to thank you all for recognizing the severity of the problem. It really is not just a one time problem but a very serious chronic problem. I own the property at the corner of Bartlett and Parkinson that's flooded so bad recently. And as Councilman Clemens quoted in a recent news article, "Serious flooding occurred here 5 times in the last 25 years". I've been able to document that with some data, although I haven't finished doing that. But there's also moderate floods that occur about every other year and floods rise up onto the lawns that effect our foundations several times a year. So this is really serious for us. We also think it's a huge safety concern. There's a problem, the last flood on July 31, manhole covers were blown off and there was a huge flood. About 3 feet of standing water. And I understand that Councilman Gilbert and Mayor McPherson chased some kids away from about 3 feet of standing water on the corner. And there were, I hear from neighbors, they're very concerned. There was a 3 year old girl playing around there. Other kids were playing, and they were very concerned that there was going to be a very serious safety issue. Is that correct?

Mr. Gilbert: Well, at the time, I was in between back and forth to New Concord, Ohio and I stopped off at Parkinson and Bartlett and toured the residences on my way back out of town. And I was the only one there at the time. I think some of the residents made contact with the Mayor. Mayor, you can correct me if they reached you by phone, I'm not sure. But it was after the water had subsided, so I'm not aware of..

Ms. Shields: I've got some photos of the flood on July 31. May I pass them? The area of Bartlett and Parkinson really is not in the flood plain. When I bought it 4 years ago, of course I checked this out. So I didn't expect it to flood. But apparently it does this very often. On July 31 it flooded again. It came into my back yard. And as I understand, it was coming up the vents through my air conditioner, spurting up in the house. I've got several thousand dollars in repairs I need to do to the house here. The problem is that, if you're familiar with the street at Bartlett and Parkinson, it's halfway up a hill. And the hill goes down. It slopes down and then it levels out a little bit. There's a little rise and then it goes down again. And it creates a little lake there. You've got water running down the hill and you've got water coming from other subdivisions. Then the drains just don't handle it. I know there have been efforts to try and contain that. But it's just not working. So I wanted to let you know how it's effecting people. It's costing me right now, several thousand in repairs to fix this house and I have some very good tenants that were in the house. Chris and Ilene who are here tonight. They lost their car because the water came up above their windows and totaled their car. The real serious thing is 4 days later, 4 very stressful days later, Ilene miscarried and lost her baby. This is having some very serious emotional as well as financial concerns. And families are being kind of devastated. I've gone around and talked to a lot of the neighbors and they say the houses are un-sellable there. You can't sell them because it floods all the time. So they just stay there and they endure flood after flood, year after year, and they don't have any way to fix this. So we're asking you please, can you put it on your agenda and fix this. I do want to say one more thing, and that is that it floods so much that the soil underneath the foundations is giving away. It's actually eroding. Next door to me, my

neighbors house has been sinking. And you can tell on her garage door, it's all warped where it wasn't years before. It's actually sinking down. My foundation has sunk considerably. Even over the last year. And so have several others. So this is an ongoing problem. And we've had several experts out to look at the property and they tell us that if the flooding was corrected, the houses would stop sinking. This is a real serious and costly problem for people and they can't afford it. So we're asking once again, that you make this your first priority and pay the damages, make the improvements, and let's get this together. Please upgrade the storm drainage. Thank you.

Mr. Gilbert: Thank you Ms. Shields. Any questions from members of Council at this point? (No response). Some of you were here for the proceedings with Broadwyn and I know there are still plans in place for that improvement. I mean in particular to Bartlett and Parkinson. I don't think we had moved forward on that yet where we had any type of plans or specifications and that would be the next step for it for your flood area. And I think working on, Ms. Houtachez, the easement situation over there is the area that will need to be concentrated on with that. What I'd like to do is to ask the Administration to give us some update on where things last stood with the Broadwyn project and how best to, your recommendations or thoughts on how to move forward with that. And then to get some numbers, facts, and figures together on the Bartlett and Parkinson problem that would reference the information that was provided in the Storm Water Utility Study where it identified that area. And then that information should be readily available if we could get that back prior to the next Service Committee meeting and keep this moving forward. The nice thing is, is that we do have a means to pay for these projects in place. There has been more, the requirement for us to provide some of that funding for mandates from the federal government with Phase II Storm Water requirements, those fees do come in monthly from residents and businesses in the city. And the funding source is there. So I don't think we are too far off. And that's what we'll be looking at over the next two weeks. So with your patience and your understanding, we'll ask you back in two weeks to discuss this further. Mr. Baxter.

Mr. Baxter: Thank you, Councilman Gilbert. I'd also like to address the fact that these can't be the only two locations that had problems during this period. And do we have other sites that have been addressed and are part of those conversations. I'd hate to have to go and redo these efforts again, and again, and again and take them all one at a time. I would like to know the assessments from a city prospective. Where are all of the areas? They may not be here tonight and might not be aware that they have that avenue to address these issues.

Mr. Gilbert: That was identified in our Storm Water Utility Study. Now, back yard flooding, that sort of thing, through my discussions, brief discussions with the City Engineer, I think we were looking at 100 year storm. There was a numerous _____ of water in I think 28 or 29 minutes. And so normal areas where there wasn't flooding, there was. However, with the information that we've compiled, the two areas that were a priority were Broadwyn Drive and Bartlett and Parkinson. I think there might be one or two others on there. It's been a little while since I've looked at the study that were identified. But we can, there's a copy of that on file in the Clerk's office and some of those other areas would be listed on there. These are the only two that I became aware of out of this particular storm. Mr. Clemens.

Mr. Clemens: If you look at these two, these aren't two normal situations. These are two things

that were engineered this way and this has nothing to do with the way they were engineered. They were done 40 years ago, 45 years ago. And the lines were too small for the present day. At that time they weren't. At this time now it wouldn't happen because of the specifications, regulations that we require. Especially the one on Parkinson. I'm glad to say that Dave didn't do this. He wasn't even born then I don't think. I know he wasn't. But the way it was installed and the way it was laid out, it caused a big problem. The problem's there and that's why it takes engineering to get it done to change it because it's just not one of those situations where the water runs across your back yard. This is done by a situation that was man made and I think it's something that it's a possibility that we can find a correction to it. I'm sure the Mayor's interested in it. We've discussed it. It's just a fact whether we can come up with something that's feasible. And I think that that's something they can look into and come back to us on.

Mr. Gilbert: Mr. Baxter.

Mr. Baxter: I just want to make sure and address, I was out on Livingston and Brice when the flood was happening and the water was up to the top of my tires on my truck. And I've got a big truck. So with that being said, I just wanted to make sure that we would recognize that there must be other places that had this issue. Yes, it was a lot of water that came very quickly and I recognize that. But I just want to make sure that if there are other residents that have these issues, that they are aware that they have an avenue to come to the city and let us be aware of their situations. Thank you.

Mr. Gilbert: Will do. Thank you, Mr. Baxter. Any other questions or comments from members of Council? (No response). None being heard, Ms. Shields, Ms. Houtachez, thank you for your time. The residents that are here, thank you. And I'll hold this item and wait for the Administrations response and discuss that at the next Service Committee meeting.

Item number 5 is a Discussion, Amend Ordinance No. 118-03. This was passed December 22, 2003. Approved street trees. I'm not sure, is that Mr. Walsh? Mr. Brandt.

Mr. Brandt: I don't know anything about it.

Mrs. Frazier: Development Department's on the legislative request.

Mr. Brandt: I never saw it.

Mr. Gilbert: Okay then we'll just assume it's a...

Mayor McPherson: This came to our attention. This is a correction to Ordinance 118-03. It refers to Appendix A in the legislation. Appendix A was never attached. So this is Appendix A that should have been attached to Ordinance 118-03. Thereby giving us when it says refer to Appendix A, it'll be there.

Mr. Gilbert: Great. Any questions or comments from, thank you Mayor, any questions or comments from members of Service regarding this? (No response). This is a verbiage change.

Mayor McPherson: The tree ordinance.

Mr. Gilbert: No sense in clogging the agenda. Mr. Baxter.

Mr. Baxter: I kind of agree. We don't want to clog the agenda. But is this the Appendix A that was there at the time the legislation was approved or the changes?

Mayor McPherson: The Appendix A? Yeah. It's the same Appendix A but it didn't get attached to the ordinance.

Mr. Baxter: Okay. Thank you.

Mayor McPherson: And it has not been changed.

Mr. Gilbert: Mrs. Frazier.

Mrs. Frazier: The Appendix A is the list of street trees and it's the last known approved street tree list. It was never submitted with the original documentation. That's why it was omitted. So in looking at it, I think Stephen discovered that it wasn't there. So you just simply need to send an ordinance amending the other ordinance.

Mr. Gilbert: I'll make a motion that we forward this ordinance to Council to amend 118-03. I'll do that as an emergency. Do I have a second? Mrs. Newman with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 6. This is a proposed annexation of 3.2 acres out of Truro Township. And Franklin County Commissioners approved this on June 8. And the 60th day will be August 8, 2004. That was the waiting period prior to this being able to come to Service for consideration. Are there any questions or comments in regards to this? (No response). I think we saw this briefly back in the spring. None being heard, I'll make a motion that we forward this to Council. Let me just double check. Mrs. Frazier, is this an expedited annexation?

Mrs. Frazier: This is already done. This is just simply accepting it.

Mr. Gilbert: Very well. We'll just send this to Council for a first reading. I make a motion that we forward this to Council for a first reading. 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 7 is a Discussion, Review by Council of a Special Exception Use Permit, 7354 East Main Street. This item was approved by Council earlier in the year under several conditions. One of them being that there would be a 6 month review. I believe we have the applicants here this evening. Any report they want to give us on the progress of the business. Mayor.

Mayor McPherson: Thank you. Really, no comment. The requirements that Council put in the

Special Exception Use Permit have been met. And I guess that's really all I can say. We've complied with all the requirements of the Special Exception Use Permit.

Mr. Gilbert: Very well. Any question or comments from members of Service at this time? Mr. Stearns.

Mr. Stearns: Thank you, Mr. Gilbert. I just wanted to say some of the things that have been brought to my attention concerning parking in the area. One of them has been parking in handicap parking spaces. The city ordinance, the city traffic ordinance says, vehicles are not supposed to be within 25 feet of the right-of-way. And I understand that's been happening. So does the Administration have anything to say about that, or the owner have to say about that?

Mayor McPherson: Sure. If there were any vehicles parked in the handicap, the people were handicapped. And believe it or not, people that ride motorcycles that are handicapped. They have handicap stickers on them. You're welcome to stop by any time you see a car in the handicap and you'll find that there's a handicap plate on it or there's a handicap sticker on it. As to the parking, I think there was a misunderstanding when the Special Exception Use Permit was granted. It was our assumption because we discussed with the BZA that we would be putting the motorcycles out. As a matter of fact, we were specifically asked if we were going to be setting them out there and we said we were. Because of that, when Council adopted the ordinance and the recommendations of BZA, we assumed that we could set them out there. Mr. Underwood agreed to meet with me last Friday. Mrs. Reichard and I went in and talked to him and he informed me that this was a traffic code. Traffic code cannot be overridden by Council or BZA. And that was about 4:00 on Friday. And as of 4:30 our bikes that are for sale were put inside and they will remain inside. So it's not an issue. At least not at our shop.

Mr. Gilbert: Any other questions, Mr. Stearns?

Mr. Stearns: Well, actually there is. I really don't want to make this thing an issue where it's just me and nobody else that's saying anything about this. It's a situation that's been happening for a couple of months now. And I think that some other members of Council have seen the same thing that I've seen and I don't know why I'm the only one that's going to sit up here and ask any questions. One thing I've got right here is an e-mail from the Chief of Police saying that the officers are not allowed to do this. I mean, I think we need to have more than just the owner of the shop coming up here and saying something about this is the way BZA said or I got the impression. That's not the way you as the Chief Executive Officer, operate the city. And have your police department follow suit. My point is right now, the City Council needs an explanation as to why this e-mail was put out. Why it says that City Council gave the permission to do this and I would think that my questions are going to be just moot here. I think that somebody else on this Council should have something to say besides me.

Mr. Gilbert: Well Mr. Stearns, I was granting you the first questions on this.

Mr. Stearns: Thank you.

Mr. Gilbert: I will have some comments but I think some of this needs to be put into context. First

and foremost, there's not confusion with the Special Exception Use Permit. It's very clear. There's two sections. And in Section 2 there's 5 items with, to my understanding Mayor, you've complied with all of them.

Mayor McPherson: True.

Mr. Gilbert: For those 6 months and we appreciate that. I also know that it's been past practice of this Council to have a review, 6 month review for businesses that aren't of the normal nature of the business that goes on in a particular district and I think that was consistent of this Council. Let's be honest. This is a difficult situation. You're the Mayor of the city. We've got to deal with you on Mayoral issues. And as you made your comments today in the newspaper, you shouldn't be precluded from being able to do things that you want to do if you're legal and within the confines of the law. But I would say this, I'd like to find out, just so we have a good understanding, I'd like to find out who these people are that you talk about in this article that are out to get you. Your quote is, "it's now an issue because I'm the Mayor". And I want to make it clear, you and Mr. Myers haven't been treated that way from this Council. And I also want to make it very clear to the public that this review this evening is not because of any parking infraction or violation of the code. It's a 6 month review. And I'm not going to let the perception be put out there that this Council's out to get anybody that's trying to do business in this city. Whether it's you Mr. McPherson, or you Mr. Myers. We try to be very clear with this. I think you've tried to abide by the guidelines with that was set forth in the Special Exception. Where maybe, and you can help eliminate some of the confusion here. What I'm not going to allow is for the police department or the Safety/Service Director to be put in the middle of this. Because the initial response based on a complaint was that the police department responded. That's the important fact that we need to note. And there was some efforts from that point forward, confusing or not, to try and clarify as to whether or not the bikes should sit there. The BZA minutes do talk about some parking out front. Council minutes talk about the business being by appointment only. And I ask myself then, why do you need the bikes parked out front if it's by appointment only? I'm not the business owner so I have some flexibility with those concerns. There was an e-mail that was sent out to the officers and I think this was in response to the Chief Executive Officer of this city of what you thought was your understanding that the parking was provided for with the Special Exception and that was the information that was then carried down the chain of command. Is that an accurate way to portray this, Mayor?

Mayor McPherson: That is correct.

Mr. Gilbert: And you're stating that came from you?

Mayor McPherson: That's correct.

Mr. Gilbert: Very well. So the police department is out of it?

Mayor McPherson: That's correct.

Mr. Gilbert: And the Safety/Service Director?

Mayor McPherson: That is correct.

Mr. Gilbert: So the only thing we have left to do is to clear up the confusion that evolved from this Special Exception Use Permit. Which I think that's possible for us to do this evening.

Mayor McPherson: Right.

Mr. Gilbert: What I would, and feel free to answer this any way you'd like to. It stated in the article, you lived up to 110% of these requirements. When you talk about you being singled out as a business owner in this city, and Mr. Myers, by individuals, are you referencing this Council?

Mayor McPherson: No. I'm referencing Mr. Sowell who we presently have litigation with. And that's about all I can say about that particular issue.

Mr. Gilbert: Very well.

Mayor McPherson: But in no way was that directed at City Council.

Mr. Gilbert: Okay. And I would just state also for the record that we have, you've been Mayor...

Mayor McPherson: Eighteen years give or take.

Mr. Gilbert: Yeah. A long time. This is a question that's been put to me by some residents. I might have asked it myself in my sleep. But how do you not know after this long in office that City Council can't grant a variance to effect the parking code?

Mayor McPherson: Probably the same way when Mr. Clemens and I talked about it. I didn't even think about it being a traffic code. I know when Mel and I talked about it, I don't think Mel thought about it being a traffic code. But when we were informed it was a traffic code, we got the opinion from Mr. Underwood. We assured him that we would comply with the law and we did within 30 minutes. And that was it. It was just, I guess I never had parking as an issue with the Special Exception Use Permit in the 20 years I've been here. So I never had an opportunity to look at it as to whether it was a zoning issue or a traffic code. I never had to look at it. This time I had to look at it.

Mr. Gilbert: Right. And we've had some instances where other businesses have had things within the 25 feet at different points in time. Some have been addressed. Some haven't. I don't sense that your intent here was malicious but that can be determined by others. I just wanted to get it out on the table so I understood where you were coming from. And if other members have questions at this point, I just want to keep this in context because I'm not going to allow other individuals to be put in the middle of this when we can get the answers right here between the applicant and the table. Mr. Clemens.

Mr. Clemens: Let me speak on this a second. I have spoke with Mr. Stearns and the Mayor on this. I discussed this with the Mayor quite a few months ago when all this was taking place. And my opinion to him was, the situation was Mayor, until this is enforced throughout the city on all commercial, and I don't think I have a right, that you should not be able to have your bikes out

front. And if I had been in the situation he was, I would have had my bikes out front. Because this is an ordinance we've had on the books since 1964. It's only been handled and enforced piece meal here, piece meal there. And at that time, I don't think either of us figured it was under the traffic code. Now I found out it was under the traffic code through our Clerk of Council. I asked her for it and she gave it to me. Here it was in the traffic code. Then at that time I didn't realize it was in the traffic code, you can't get variances to it. Council can't. Planning Commission can't. None of us can. At that time, I had talked to the Mayor and we discussed it could be done no longer because there's no way we can grant it. And then I think he discussed it with Bill. And I still had the same feeling. And I've got the same feeling right now. If it's not going to be enforced throughout the city, why would we enforce it on one business? And until it is enforced, and we do have it on the books, and it is in the traffic code, and there are violations, and I could go down the street and people would say, well there's not. I drove by two of them today and both of them were used car lots. Reynoldsburg Motors. They said, well that's not in Reynoldsburg. Well I'll tell you this, the right-of-way is in Reynoldsburg. And they park those right out next to that sign out there every Saturday. Every day you'll see a van or you'll see a truck for sale or a car for sale. The right-of-way's in Reynoldsburg. Now, their business isn't in Reynoldsburg but the right-of-way is. So that's a violation. There's a violation across the street. Another used car lot. They're all out there on the telephone poles. Wheel Sports up here, I didn't see any today because I came back from the lake but they usually are. That's a violation. We've got violations all over the city. We've got the code that says it's illegal to be within 25 foot to sell anything. Produce or anything. And if we're going to enforce it, let's enforce it. If we're not going to enforce it, let's change the law. But until that time, let's don't single out the Mayor or let's don't single out any car lot or let's don't single out Gene Johnson. I used to go up there and say, hey Gene, get these cars back where they belong. And he'd move them. We used to get on K Mart. That's how we corrected K Mart. That's how we corrected over here by Kroger and all. Put the cars back 25 feet. They used to line them up along the road there for sale. Now they don't. They're back. Those are some of them that's doing it. We have other violations we're not taking care of. It's my understanding after meeting with the Chief and meeting with Mrs. Reichard, this is going to be taken care of. We're going to start handling it that way. And if we are, that's fine. But I don't want to be the one to have to turn them in every week. I don't want to be the one that has to ride around because I don't think it's my responsibility. If we're going to do it, we have people to do it and I expect it to be done. The law's there. I don't care if you're selling tomatoes. I don't care if you're selling corn. It says produce. It say back 25 feet from the right-of-way. That means back 25 feet from the right-of-way. One ear of corn is no different than one motorcycle. So we found out now that it's illegal. The Mayor said he's going to handle that situation. Let's handle all the other situations. And if we don't feel like we want to handle it, then let's change the law. That's all I've got to say about it.

Mrs. Newman: I looked up the city code reference in Mr. Sowell's memo, Code 531.05. He referenced Item A, "Display of items for sale in the street". Okay? Is that the code we're talking about here?

Mr. Clemens: The traffic code.

Mrs. Newman: Alright.

Mr. Gilbert: The traffic code in general. Not any one specific.

Mrs. Newman: But then it goes on, Section B, "Notwithstanding the provisions of Division A, this section shall not be construed to prohibit the display or sale of merchandise for sale within the limits above mentioned where a building or structure is presently erected or is authorized to be erected under the zoning and building laws".

Mr. Clemens: That's right.

Mrs. Newman: "And the display for sale is no closer to the right-of-way than the front building line of the building". Now, I think that where the Mayor and his partners have those motorcycles was within the front building line of the lot.

Mr. Clemens: You're wrong. They're speaking about a building. The building that sets, like we have them sit along Main Street.

Mrs. Newman: It says, "Or is authorized to be built". Are you trying to tell me that never in the history of the world could anybody build a building up abutting that sidewalk when the building right next door is there?

Mr. Clemens: That building was authorized to be built probably back in 1910. That building, it sets back the 25 feet. They're talking about a building that sits up, if you can't put it out front and you put it back in your building, the building setback line. This is not the setback line...

Mrs. Newman: It's the front building line is what it says.

Mr. Clemens: Right. It would be beside his building. Not in front of the building. It would be beside it. Now the ones that sit up right next to the street, could be behind their building line. Okay. They sit right on the street. So they could be back maybe 5 foot from the street. It doesn't include buildings that sit back.

Mrs. Newman: Could somebody tell me what the front building line is? Some engineer? Define that for me.

Mr. Clemens: Yeah. You're talking about your building line. The setback of his building line.

Mrs. Newman: Well, but if it's authorized to be built.

Mr. Clemens: What do you mean if it's authorized?

Mrs. Newman: For example, that's what this code says.

Mr. Clemens: We didn't authorize his building to be built.

Mrs. Newman: "Where the structure is presently erected or is authorized to be erected". Does that not mean that if someone wanted to build a building there, they could build it up to the sidewalk?

Mr. Clemens: I don't think we'd authorize it. No. Why?

Mrs. Newman: Even though the building next door is abutting the sidewalk?

Mr. Clemens: His building's not built up next to the street. He's got a building setback line. It's beside his building.

Mrs. Newman: Then why do they call it the front building line if it is the side of the building?

Mr. Clemens: Because it is the front.

Mrs. Newman: I'm _____ showing my ignorance here. I just want to know.

Mr. Clemens: The front building line, here's your building, that's the front of the building. That line that follows right across like that. The side yard and everything like that. It's just like our ordinances in our residential where we have a setback or front building line which means the front of your house, your building line would be the length of that through your side yards.

Mrs. Newman: Okay. But if I built my house 10 feet back from that authorized front building line, could I not later build 10 feet forward on my house?

Mr. Clemens: No. If you built 10 foot back, your building is set 10 foot back, your building line is where your building's at. The front of your building.

Mrs. Newman: And that's determined by that one building forever?

Mr. Clemens: By the front of your building. Wherever it sets. Whether it sets back 5 foot, 10 foot, 15, 30 foot. Whatever it...

Mrs. Newman: Well it just seems unfair to me that they can't put motorcycles out there when the people next door can put stuff in their windows.

Mr. Clemens: That's what that covers right there. The building code, you can ask Mr. Underwood about that. I don't want to judge on the code.

Mr. Gilbert: Thank you, Mr. Clemens. Mr. Stake.

Mr. Stake: Thank you, Chairman Gilbert. And I appreciate your comments and fellow Council members comments and discussion on this. But I'd like to get back to, I guess the subject at hand and that's the Special Exception Use Permit. As you stated, the Mayor has complied with the requirements in that Use Permit and I guess I would ask the question, does this go on or do we, since he's complied, I'm okay with him just going forward with his business as a small business owner. Him and his business partners just continue to do business. They still own it because I guess...

Mr. Gilbert: What happens is, we would just move it out of committee for a vote at full Council and that's where members can vote their conscience. With the 6 month guideline, Mrs. Frazier, do I...

Mrs. Frazier: You can take that out.

Mr. Gilbert: I'm sorry?

Mrs. Frazier: You wouldn't have to put that in if you don't want. You would remove that. That's the difference.

Mr. Hills: The same restrictions stay on the Special Exception but the 6 month further review can be removed because it has now met the 6 month review if you choose to remove for future review.

Mr. Gilbert: Well, I've thought about that and if the Mayor isn't opposed to it, I think it's a good, considering that it's a unique situation and I think it's a good check and balance at this point to maintain the 6 month review. I think, the members disagree? You know, I'm open to your, Mr. Stake, go right ahead.

Mr. Stake: Mr. Gilbert, I do disagree. I don't think we should, just because he's the Mayor, he does have business partners, he's a small business owner. They are small business owners. I don't think we should make them jump through any hoops that we're not making any other people jump through. That's my feeling.

Mr. Gilbert: Very well. Mr. Stearns.

Mr. Stearns: Well, I'm in agreement with you Mr. Gilbert. I think that some questions have arisen over this particular shop and I think that in the best interest of the city, some violations were created. In terms of that, I think that way was anything else compared to what other people are doing. I think what we need to do is to continue for another 6 months and then review it as we did this first 6 months.

Mr. Gilbert: Okay. Thank you, Mr. Stearns. Mr. Baxter.

Mr. Baxter: Thank you, Chairman Gilbert. I'll _____ my end on this as well. I understand what has been brought up here is violations, or discussions of violations, but they had nothing to do with the special permit. And again, I see that the Mayor and his partners have lived up to their obligations and I would not support adding another 6 months to that. If there are violations, we'll deal with them like any other business owner who had violated the law and we'll deal with them in that retrospect. So with that being said, I would not agree with having it continued. Thank you.

Mr. Gilbert: Mr. Beougher, anything to add?

Mr. Beougher: You would have to do that to me.

Mr. Gilbert: I take great pleasure.

Mr. Beougher: Thank you, Mr. Gilbert. This is a tough one. And as you know Mr. Gilbert, I was hesitant to grant this in the first place with a 6 month review because whether or not he's the Mayor is, I don't look at that. I can't. I was concerned that we had a review on it because they're going to make an investment of substantial monies and then we're going to turn them down in 6 months. I had a problem with that. Whether he's the Mayor or not, whether we're imposing that on another business owner, I know we've done it in the past. I have to say that when this was first brought forward, I thought it was a really bad idea. I really did. But they've cleaned up the building. It looks nicer than it did. They have a business in there that is improving of the quality of our historic district and I've go to tell you I have a problem with that because I didn't think it would. Putting a motorcycle, custom motorcycle shop in there I thought was the very worst thing for the historic district. But the traffic has increased down there and it's causing a lot of comments, and I sometimes resent having to defend our positions and the Mayor running the cycle shop. But you know what, it's business. It is what it is. And I would support taking off the 6 month review. But once again, since he is the Mayor, we get adversarial on issues relating to the city and I hate to see us get adversarial on an issue where we are dealing with a persons interests and there's a whole host of issues there. But any way thank you for calling on me Mr. Gilbert.

Mr. Gilbert: Do you care to follow up, Mr. Beougher? Mr. Hills, go right ahead.

Mr. Hills: As President of Council I won't have a vote unless one of you decides not to show up. But certainly, in my 10 or 11 years now on Council I do remember that we have put the 6 month restrictions. In many cases the business didn't make 6 months to come back if you'll remember with some of these. This one certainly has. And the purpose was to set a standard and set some restrictions at the time. And I do believe BZA didn't just send it forward without any restrictions. Restrictions were established after some comments made here and comments made to Council people. So I would have to say at the top of my head that I'm not sure the extension of restrictions is appropriate but it's good to clear the air on a couple of things. First of all just out of curiosity, Bob how old were you when you moved to Reynoldsburg?

Mayor McPherson: Probably 12.

Mr. Hills: Okay. I just wasn't sure you were riding as a teenager around here.

Mayor McPherson: I think I was about 12 years old.

Mr. Hills: Okay. But the thing that is a little bit of a concern here is it appears from the information I've received, that a citation for a warning was issued and then the Mayor sent out something to the Chief that says, don't give me, in essence, and this is paraphrasing but, don't give me any more of these because I had an exemption. Now that was in June and I guess unfortunately we've waited now until early September and said, wait a minute, that exemption wasn't there. So it's like a comedy of errors at times in the way things are done. Obviously I assume that with the direction from the Mayor through the Chief to all the officers, nobody's going to issue any other citations. And that apparently hasn't been done. I do very much agree with Mr. Clemens. Nothing against any businesses. We've made references to different car dealers

and Gene Johnson, but I now Mr. Clemens tried for year after year after year to move the lawn mowers off Wheel Sports and he could never get it done. So this has been an issue that needs to be addressed. Now is there something wrong? Do we need to look at the ordinances? Not the ordinances of traffic code. Maybe we do. But in this specific case though, the concern that I have is just Bob being in the position of the Mayor says, don't cite me any more and so no cite's have been done until we adjust it now. Now we're saying that nobody can be anywhere. So that's a touchy one. And I appreciate Mr. Beougher's statements and everybody else's. It's a dual role. I certainly hope, I'm not here every day but I hope the Mayor is here during the day more than he's down at this motorcycle shop, but I don't know. Because I work downtown so I'm not often out here. But I do notice some comments about owning other businesses and things and certainly Mayor, the only thing that I'm going to say is that when you're paid \$83,000 a year I want you to be Mayor more than I want you to be a motorcycle salesman. I think the general public knowing that you make that amount of money would expect you to be more of a Mayor than a motorcycle salesman. But with that, I think that we basically hammered this and beat on it a number of different ways. I think there's going to continue to be some mixed feelings. Mr. Gilbert, if you choose to send it up with the 6 months or without the 6 months, that'll be something you'll decide in Service Committee and it'll be addressed next week in Council. And again, I will probably be able to sit back and watch because I don't think anybody will miss that vote. Thank you very much, Mr. Gilbert.

Mr. Gilbert: Okay. Mr. Stearns. Then I'll conclude and Mr. Clemens.

Mr. Stearns: Okay. I've got one last thing to say and I don't want to make a partisan issue or anything like that. But the point that I would like to get over from this, you said he is the abiding by the Special Exception Permit. But there are some other things that occurred during this time. There are some things (Tape Change). What about the incidents that we have that led up to these infractions that we have? How many other decisions like that have been made that is probably causing an embarrassment to the city and cost the city money. Our city money is especially for the, litigations is a no bid, what I'm trying to say is that it's not competitive bidding. The monies are used there. So in other words, the decisions that we would get from the Mayor and things like that, he should put a halt to some of the _____ as you look at them a lot quicker. But I think this incident needs to be investigated a little more. Now, that's all I have to say.

Mr. Gilbert: Okay, Mr. Stearns. Mr. Clemens, and then I want to wrap this up.

Mr. Clemens: Yes. I'd like to say I agree with Mr. Beougher, but I don't understand what he said, so I'll agree with Mr. Stake.

Mr. Beougher: It was off-the-cuff, Mel. It's when I'm at my best. It's like Mr. Parkinson.

Mr. Gilbert: Do you want me to have him send you a memo?

Mr. Beougher: No, No. I can put together 10 pages or so.

Mr. Hills: Mr. Gilbert, we've just come back from break and I think everybody – this is a difficult situation for everybody, but some of the statements – all of the statements have some merit that are

being made. They absolutely do, and I'm glad to see Council express some of those feelings, and some aren't easy to express. But I think what we saw earlier this evening, for what it's worth to Administration, it's much smarter to let Council know up front than it is just to pop it in at the given day. And I think what we've shown – what I'm seeing from Council members sitting up here now, is don't bring these forward without letting us know, and the same type of thought concepts can be used here. You know, keep Council informed. I think that maybe this whole thing could wrap up just by saying we're not here day-to-day, 8 hours a day, or 24 hours a day, but we certainly have a role that we need to portray within the City, and keep us informed when there's things that are changing, or updated, or need to be done. Thank you, Mr. Gilbert.

Mr. Gilbert: Thank you, Mr. Hills. I can count to six or seven. Let me just – I'd like to clarify my concern for the Mayor and, I guess, for the Mayor's position. We leave-- I think you have complied with the Special Exception Use Permit. I think your shop has added character to the district. I give you a great deal of credit for that. One point I would like to make for the members to consider with the six month review, is aside from the points – very effective points that you've made this evening, is whether or not the applicant wants to be singled out as being the Chief Executive Officer of this City, it is a reality. And with that reality, upon us dropping the six month review, the final arbiter for inspection or enforcement, or maintenance as far as maintaining compliance, is not only the applicant but the Chief Executive of the City. Now everything I've ever learned in civics is that the whole foundation of our process is to protect the public from the failings of human nature. That is why we have checks and balances. And I think in this particular situation it is important, not because of any particular individual, but just out of basic civics, that we provide some type of a check and a balance, which is the six month review. That'll be the last thing I have to say on that as far as why I support it. That isn't directed at any particular individual. It's directed at the situation, but no matter how you feel about it, is unique. So my quandry at this point is how to move this forward without a six month review. I think all the other guidelines – I think I'm finding all the other guidelines should stay in place as far as the Special Exception, is that correct? But to drop the six month review?

Mr. Hills: Those others are a condition of the Special Exception Use Permit which granted the business the authority to open.

Mr. Gilbert: Mayor, are the hours and those items working well for the business?

Mayor McPherson: Yeah, we don't even keep those hours. We're much less than that. We're open 5-8 during the week and 10-6 on Saturday, closed Sundays and Mondays. Most of our service or anything we do is by appointment. So those hours are fine.

Mr. Gilbert: So somebody will have to make the motion to move this forward and omit the six-month review. Correct, Ms. Frazier:

Ms. Frazier: If that's the way you want to move it forward, yes.

Mr. Gilbert: I sense that's the way the membership wants to move it forward.

Mr. Hills: You can move it forward that way or you could move it forward with it, and then if it

fails, the Special Exception Use Permit's still granted, just what fails is the six-month review. Either way, the vote's going to go on whether – the vote that is going to be coming to Council is whether you do or do not keep a six-month review, if that's how you want to pull it up.

Mr. Stake: In consideration of what President Hills has just said, I really would like to keep it simple. If we're going to remove the six-month, let's put a motion forward with the removal instead of voting for a negative or whatever. I'd just like to keep it straight forward.

Mr. Gilbert: Are you making that motion, Mr. Stake?

Mr. Stake: I certainly will.

Mr. Gilbert: Is there a second?

Ms. Frazier: I'd like to hear the motion, please. What are you moving?

Mr. Stake: I guess the motion would be to move the Special Exception Use Permit forward without the six month preview.

Ms. Frazier: Okay, thanks.

Mr. Gilbert: We have a motion on the floor. Is there a second? Ms. Newman, you still second that?

Ms. Newman: (Inaudible)

Mr. Gilbert: Ms. Newman with the second. All those in favor, please signify by saying aye. (Mr. Gilbert, Mr. Beougher, Mr. Stake, Mr. Baxter, Mr. Clemsn and Ms. Newman voted aye. Mr. Stearns voted nay.)

Ms. Frazier: I have one question. Is that for first reading?

Mr. Gilbert: Certainly. That was keeping it consistent, moving things to the floor for consideration of full Council and that will have – you can make a motion to add rule suspension language at the next committee meeting if you so choose to the sponsors.

With that I'll adjourn Service at 9:03.

FINANCE COMMITTEE MEETING MINUTES

September 7, 2004

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

Other members of Council present: Council President William L. Hills

Chairman Stake: I'd like to call the September 7th Finance Committee to order at 9:04.

The next item on the agenda is the approval of the minutes of Finance Committee meeting held July 19, 2004. Are there any changes to those minutes? (No response.) With none being heard, they'll stand as read.

The next item on the agenda is approval of the minutes of Special Finance Committee meeting held August 2, 2004. Any changes to those minutes? (No response.) With none being heard, those will stand as read.

Item number three is approval of the agenda. Are there any changes to the agenda by any members of the Committee? I have a change. I'd like to make 3a the Graham/Main Appropriation – or add the Graham/Main Appropriation as 3a, and also would like to hold Item number 6. Any comments or questions from members of the Committee on those? (No response.) Do I have a second on that? Second by Mr. Beougher. All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes.

Item 3(a) is the Graham/Main Appropriation which was considered by Mr. Clemens' Committee, Safety Committee. I think we got all that ironed out in the Safety Committee, so I'm fine with that. Any comments or questions from members of the Committee? (No response.) Members of Council? (No response.) Okay. Then I guess we can move forward the Ordinance authorizing the Mayor to enter into a contract for the Graham/Main Road and Main Street Intersection Improvement Project, appropriating funds therefore, and declaring an emergency, CIP #83. Is there a second on that? Second by Mr. Beougher. Any further discussion? (No response.) Any comments or questions from members of Council? (No response.) All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes.

Item number 4 is Discussion of Proposed Amendments to the Council Rules. First of all I'd like to thank the Ad Hoc Committee – Ad Hoc Council Rules Committee. In reading the minutes of those committee meetings, I know that there was a lot of discussion, a lot of things happening there in regards to this, so I would like to thank everybody, thank Mr. Gilbert's chairmanship on that committee. For discussion purposes, I'll turn this over to Mr. Gilbert.

Mr. Gilbert: Thank you, Mr. Stake, for the opportunity to present these at committee. First off, I would like to thank Mr. Hills for organizing the Rules Committee to consider a least a semi-annual review of our rules and guidelines that guide us through the parliamentary procedure. First and foremost, I'll also thank the members of the committee, Mr. Beougher, and in particular our freshmen members, Ms. Newman and Mr. Baxter, for all of your hard work, and the proposals that were submitted, and Mr. Beougher's knowledge was a great help in bringing all of these together

at the end of the process. So thank you for your efforts and time that you put in. I think we have some good proposals.

In keeping with tradition, most of these suggested changes evolved out of particular situations or circumstances that Council was faced with over the course of the past 12 or 24 months, as well as some verbiage changes that needed to be corrected for grammatical purposes or to enhance the intent of a particular sentence, things of that nature. I guess that's code for this is very mundane work.

So to get on with it, the first proposal was to ask the – or actually require that with any legislative request for expenditures for any purpose which have not been included in current budgets, the legislative request shall be submitted to-- Prior to this change it was only required to be submitted as to form to the City Attorney and now the Rules Committee is suggesting that we also have, on financial matters, the City Auditor sign off for certification on legislative requests, that funds are available or at least are expected to be available. That is in Article V, Section 5, end of the first paragraph, you'll see the upper case script, and Section A

Some verbiage changes Section 6, Definitions, this is referring to motions. The change would be to add resolutions of expression by the Council to our other list of items that allows us to make motions for consideration from the members.

Also a member of the prevailing-- This is in Article 8, Section 10, Reconsidering. We had a situation and, Mr. Hills, you have the institutional memory, but we had a situation maybe late last year where we weren't exactly sure how to define "prevailing side." I forget what type of issue that was on. Mr. Beougher, maybe you have some knowledge, or Mr. Hills?

Mr. Beougher: It was the car lot—

Mr. Hills: The car lot on East Main Street.

Mr. Beougher: We were granting them a half way to the right-of-way.

Mr. Gilbert: And to prevail on that case, you actually had to have been defeated.

Mr. Beougher: Yeah, and it required a super majority and that's where the confusion came in.

Mr. Gilbert: Right. And I think we passed that confusion then on to Mr. Underwood, so hopefully we're able to clear this up and cause him a little less stress upstairs. The wording that came out of the committee was, "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." So, hopefully, we've been able to simplify that.

Another change was Article IX, Section 1 This is in regards to instituting some guidelines as to the public participation in our meetings. Historically Council has always provided for the opportunity for the public to participate at our committee or our regular Council meetings and the Rules Committee went to good length to ensure that that was maintained and, actually in some

small ways, expanded as we were able to identify at our last meeting. The members can sort out those changes with the packet that was provided to you. Just a brief overview, to not take too much more time, basically outlines the information to be provided for on the speaker slips, it better defines the role of the presiding officer as they conduct a public meeting, whether that be the President of Council at a regular meeting, or a Committee Chairman at a committee meeting. It also allows some additional time aside from the two minutes, up to five minutes, for public participation, which I know was a concern to some. It also provides some additional authority for the presiding officer and defines conduct for individuals for individuals that participate at a public meeting, which prohibits conducting themselves in a disorderly manner or engaging in disruptive behavior, which we were unanimous that that puts you in thin ice, Mr. Clemens. Just kidding. And then all persons and members addressing Council shall be subject to the duty of the presiding officer to preserve the order and decorum of a public meeting.

All of these items that we mentioned in this section was authority that was there for Council to utilize, we just had not defined it as clearly as other entities had and we attempted to do that in the process, while also expanding somewhat the public's role. If I misspoke on something, let me know. I'll finish up and then, Mr. Beougher, you can add anything you'd like to.

We incorporate a new section onto the legislative request that provides for the Auditor certification of funds. That's to assist us when we deal with appropriations and the information that's provided to us.

Then there's – some of the guidelines where one of the suggestions from the committee was to print out some of the guidelines on the speaker form so that they're readily available to the general public and that is the example that you see on the last page of the packet.

Sorry to take so much time, Mr. Stake, but I think overall they're relatively minor, but important suggestions from the committee.

Mr. Stake: Thank you again, Mr. Gilbert. I know there were some other comments from members of your committee. Mr. Beougher, did you have something?

Mr. Beougher: Thank you, Mr. Stake. I do have something and I know Mrs. Smith has done an excellent job of transcribing all of our comments, however, I did find one thing that I think might be an error. In the version that we passed on Article IX, Section 2, Duty of the Presiding Officer. In the version that we voted to send forward, letter B should say, "No member or person shall be permitted to speak longer than three minutes—" I think we made that change, and I just conferred with Ms. Newman and she agreed with that.

Mr. Hills: From my memory of reading the minutes, it was increased from the old of two to three.

Mr. Beougher: Yes, it was. And if you're only permitted to speak two times at two minutes, then that's a total of four minutes, not five. So I believe the version that we sent to Council was for three minutes.

Mr. Gilbert: And change the five to a six?

Mr. Beougher: No, the five stays the same. No longer than three minutes at any one time, and a total of five. So you can speak three minutes and two minutes, or two minutes and three minutes, two-and-a-half minutes and two-and-a-half minutes.

Mr. Gilbert: I think it's important to note, even with that guideline, it's always been a general rule of the presiding officer to have some flexibility with that. It's just important to have some type of a specific structure in your rules and that's what we were trying to capture.

Mr. Beougher: And that would apply also to the rules stated on the speaker form as well.

Mr. Stake: Thank you, Mr. Beougher. Is it the pleasure of the Committee to go ahead and deal with this tonight, or would we like some more time to review this? Mr. Clemens?

Mr. Clemens: No, I'm fine with it.

Mr. Stake: Mr. Gilbert, I would think you're fine with it. You were Chairman of the committee. Mr. Beougher, you served on the committee. Members of Council, any comments?

Mr. Stearns: Thank you, Mr. Stake. As you know, I'm not on the committee, nor was I selected to be on the Ad Hoc Committee and I'm wondering why. But, at any rate, I just wanted to say that will these items be voted on individually, or voted on as a whole, or how will we go about voting on them?

Mr. Stake: Mrs. Frazier, I believe we would vote on these – the Finance Committee would vote on these recommendations individually, is that correct?

Mrs. Frazier: You do it both ways. Out of Committee you vote on them individually to send them to Council, and those that make it to Council, you vote on them individually.

Mr. Stearns: Okay, thank you.

Mr. Stake: Thank you, Mrs. Frazier. Okay, well, then, let's deal with them. Article V, Committees, that section there I'm fine with. Are there any-- Mr. Gilbert, since you chaired the committee, if you'd like to make the motions on these ones you feel comfortable with, I guess, it would be fine with me.

Mr. Gilbert: I guess – I mean at this point I would just ask if there's any one of the rules that members have – if we identify the problem area, maybe we could just eliminate those or work with those first and go from there. I know Mr. Stake mentioned at one point he had one area that he was going to address. Other members at this point on Article V? (No response.) With no objection being heard, I would make a motion that we-- Is there a time issue on this or is this—

Mrs. Frazier: It's a motion. You're sending a motion.

Mr. Gilbert: So it's the first time we read it it goes into effect. Great. I make a motion that we

forward this to Council with a recommendation for adoption. Do I have a second? Second by Mr. Stake.

Mr. Stake: Mr. Gilbert makes the motion, I second the motion. Is there any further discussion? (No response.) With none being heard, all in favor state aye. (All voted aye.) Opposed? (No response.) Motion passes.

Mr. Stake: The next one, I believe, Mr. Gilbert, would be Article VI and that's just a correction of spelling, I believe.

Mr. Gilbert: Correct. Any objections? (No response.) With none being heard, I'll make a motion that we forward the amendment to Section VI to Council with a recommendation for adoption.

Mr. Stake: Second. Any further discussion? (No response.) All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes.

The next one would be Article VIII, Legislation, Resolutions of Expression by the Council. Mr. Gilbert?

Mr. Gilbert: I think I might have read the wrong section on that last motion. We'll correct that. This is Section VI, Resolutions of Expressions by the Council, including that into the definition of a motion. Any objections from members of Council? (No response.) With none being heard, I'll make a motion that we forward this to Council with recommendation for adoption.

Mr. Stake: Is there a second? Second by Mr. Beougher. Any further discussion? (No response.) All in favor, state aye? (All voted aye.) Opposed? (No response.) Motion passes.

Article VIII, Legislation again, "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." Hopefully that clarifies things.

Mr. Gilbert: I'll make a motion that we forward this to Council with a recommendation for adoption.

Mr. Stake: Is there a second? Second by Mr. Beougher. Any further discussion?

Mr. Beougher: Yeah, I want to say one thing. It sounds simply now, but it was not that, was it?

Mr. Stake: Thank you, Mr. Beougher. All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes.

Next is Article IX, Rules of Discussion. We had a correction in spelling there and also in Section 1 for when a member of the public wishes to address Council, included in that a speaker slip shall be filled out completely and so on. Mr. Gilbert?

Mr. Gilbert: Can we tie those all together since they're under Article IV?

Mrs. Frazier: Susie, are those three separate ones?

Mr. Hills: It's actually Section 1 and Section 2, I think.

Mr. Stake: Yeah, that is Section 1, then we'll be dealing with Section 2 next.

Mrs. Frazier: We want to do them separately. I think there's a total of eight. I think Susie said there were a total of eight, so you should end up with eight and you should be on number five.

Mr. Gilbert: So Article IX, the first and second sentence of Section 1, and then the addition of the sentence at the end of the first paragraph, those are three separate changes?

Mrs. Frazier: Are you on 10f?

Mr. Gilbert: I'm at 10e.

Mrs. Frazier: Then 10e, that's your section where it goes down, "That Council rules of procedure be amended as follows:" and then your section, that's what you're going to send on to Council.

Mr. Gilbert: Very well. So those are all incorporated together. I'll make a motion that we forward 10e to Council with a recommendation for adoption.

Mr. Stake: Thank you, Mr. Gilbert. I will second that if that's okay. Any further discussion? (No response.) All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes.

Okay, we're at 10f. Again Article IV, Rules of Discussion, "when a member of the public wishes to address council," we're describing what the members of public are expected of. Mr. Gilbert?

Mr. Gilbert: I make a motion that we forward 10f to Council with recommendation—

Mr. Hills: Because of the three minutes, you may want to modify.

Mr. Gilbert: Good point. 10f to Council with recommendation for adoption as modified? Would that work?

Mr. Hills: From the two minutes to three minutes?

Mr. Gilbert: From two minutes to three minutes, correct.

Mr. Stake: We're replacing two minutes to three minutes. That would be the only correction, I believe.

Mr. Gilbert: Correct. With recommendation for adoption. Is there a second? Second by Mr.

Beougher. Any further discussion? (No response.) All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes.

Mr. Stake: 10g is the legislative request, I believe we're incorporating in there – we're incorporating the certification by the City Auditor of the funds being available. Mr. Gilbert, correct?

Mr. Gilbert: Correct. I make a motion that we forward 10g to Council with recommendation for adoption.

Mr. Stake: Mr. Gilbert makes a motion, seconded by Mr. Clemens. Any further discussion? Mr. Beougher?

Mr. Beougher: Thank you, Mr. Stake. I would point out that this also adds the statement of necessity for the reason for an emergency. That wasn't stated before, but that is an addition to the form and we're kind of running out of room for the explanation, but we think that's necessary and it also helps us to craft the legislation once it comes to us.

Mr. Stake: Thank you, Mr. Beougher.

Mr. Gilbert: Good point. Thanks for following up with that, Mr. Beougher.

Mr. Stake: I think that's a great addition there as well.

Mr. Gilbert: There was just some general concern in regards to emergency language. I think the intent was to try and better define that for members.

Mr. Stake: Thank you. There's a motion and second on the floor. All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes.

Next would be 10h. This is a change to the speaker form and I did mention to Mr. Gilbert that in looking at this, my eyes are crossed anyway, but they crossed twice as bad when I looked at all this. I was just wondering if we could maybe have this policy available for people when they come in to fill out a speaker form and just have the speaker form in its present form, or this form down here at the bottom. I just think that's an awful lot there. That's my only suggestion. Again, I think the Rules Committee did an excellent job. I appreciate all the hard work and the fine work, and that is my suggestion. Mr. Gilbert?

Mr. Gilbert: We came in with this open to suggestions and comments and criticisms. Mr. Beougher?

Mr. Beougher: I would just point out that it's printed in bold capital letters and when it's in regular text, upper and lower case, it should be much more readable. It's about 9 point text right now and that's probably where it's going to have to stay. It is a lot of language, but we felt it was important to let the public know what's expected when they speak before Council and that way there's no question.

Mr. Stake: Okay. Well, I was just thinking it could be referenced on the speaker form. President Hills?

President Hills: One thing, and I'm just looking at this and suggesting, one thing we may want to look at is in the middle of the long paragraph starts with an "A", what if we did left margin the A, B, C, or A-K? That may break this up to make it more readable. You have a two paragraph introduction, this policy, and then a listing of A-K. It may – just from a sight purpose, may make the form easier to read.

Mr. Stake: I was just thinking that on a separate piece of paper you certainly would have enough room for people to see it. It could be out there with the speaker slips. It also would be in the Council Rules that we print out. So I'm flexible—

Mr. Gilbert: So you're saying like a separate sheet of paper adjacent to the current speaker slips?

Mr. Stake: Yeah, or even stapled to it would be okay with me.

Mr. Gilbert: With this write-up. Does that require a rules change to write up A-J, which is basically what is on this form? Mrs. Frazier, could we repackage with the suggestion of Mr. Hills and Mr. Stake without—

Mrs. Frazier: If you adopt the speaker form, it's going to be a motion. If you're going to send it forward like this and you're just going to adjust the way it's typed up, that's really no big deal. If that's what you want, you just need to say, "Council hereby adopts the following speaker form," and you can have the speaker form like it normally is, and then say, "with the attached list," and attach the list. You can do it however you want.

Mr. Gilbert: If we don't change the speaker slip?

Mrs. Frazier: Okay, you're just going to save the slip and then you just want a policy attached to it?

Mr. Giblert: Can we attach the policy to the speaker slip without making this particular change here? Or does that require—

Mrs. Frazier: All right, is all this language referred to in the rules already?

Mr. Gilbert: It's referred to in the rules—

Mrs. Frazier: No, you wouldn't have to do a motion on that necessarily. I mean you could just direct us to do that.

Mr. Gilbert: So we can accomplish the same task without the rules change.

Mrs. Frazier: We can type it the way you want it and then attach it to the speaker form if that's

what you want to do. You wouldn't have to have a motion on that.

Mr. Gilbert: I would open that up to the other Rules members.

Male: That's okay with me.

Mr. Beougher: I'd also point out that we've got some language, including the line for the motion. The language says that "City Council hereby adopts the following form." Things that will allow the form to be pushed out, and I think Mr. Hills' suggestion that maybe we align the letters and have a little more white space on the page. What I might suggest is perhaps that we ask the Clerk's office to create a mock-up without the adoption language in the type style and case that it's going to be eventually so we can get a look at it, and that might ease our comfort level. Then if we need to go to two pages, we can.

Mr. Gilbert: We can hold 10h until the next committee meeting. We've got the rest. We can get them out of the way next week. That okay, Mrs. Frazier?

Mrs. Frazier: Sure.

Mr. Stake: That okay with members of committee? Members of Council?

President Hills: If you could do 10h in two different ways, a single form changed as now, or a speaker form and as Mr. Stake said, the attachment broken out so it's a two-page stapled form. That way we get to see what it looks like. The purpose of this is to be sure that the people wanting to speak understand the guidelines they need to speak, but it's to encourage and not discourage speaking.

Ms. Newman: I'd just like to say that I think we should make it as legible and as easily read as possible.

Mr. Stake: I agree. And that's my whole goal here, trying to get something that people will-- Instead of looking at it and saying, "Well, I don't want to read that—" and don't take the time to read it.

Ms. Newman: I agree with you. If you have more spaces, you can organize what you're reading a little bit better.

President Hills: So, Mrs. Frazier, this is like, "Susie, go get creative."

Ms. Smith: (Inaudible)

Mr. Stake: Okay. Mr. Beougher?

Mr. Beougher: Yes, Mr. Stake, thank you. There was some discussion about printing this on the backside of the page and my concern at that time during our discussion was that no one would turn over the page. If it's stapled together, the stapled page may get lost. You know, there are a

whole host of things that can happen. When it's all on the same sheet of paper, same side, then someone can't say, "Well, I didn't see that rule." They might not have taken the time to read the rule, but at least we provided the rule to them in as simple a form as we possibly can. Anyway, I like the idea that everything's there. We also talked about having them sign it that they agree to the rules and that's, I think, a necessary. So that's my position, I guess.

Mr. Stake: Thank you, Mr. Beougher. Ms. Newman?

Ms. Newman: I'd just like to say that I'd like to see this just remain one page, whatever form it finally takes, simply to simplify for the Clerk's office the processing – just the making of these documents and processing the paper. It would be far simpler if it was one page.

Mr. Stake: Thank you. And I guess if it was two-sided, this could be the first page. And if they wanted to speak, they'd have to turn over and fill out the next page. That's just another suggestion. I don't know.

Mr. Gilbert: So we're looking at two options, one with the two sheets, and one with one broken down with the alpha order, so to speak. Correct?

Mr. Stake: I believe so. So I guess we can hold this one if that's okay with the committee.

Mr. Gilbert: We'll leave it up to Ms. Smith.

Mr. Stake: We'll let Ms. Smith go ahead and do her thing and we can see it next time. Then, Mr. Gilbert, I guess I would make a motion that we hold this.

Mr. Gilbert: Yeah, I'll second that.

Mr. Stake: Any further discussion? (No response.) All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes.

The next item on the agenda is Discussion: Transfer of Funds, Mechanic. I believe Mr. Ward is here to address this issue.

Mr. Ward: Originally when I started working on this request about three weeks ago, after speaking with the Auditor and the Mayor, we originally wanted to transfer some money from the 5213 account, which is the parts account for the mechanics, over into outside repairs. Back around the first of the year we had a major expense for the street sweeper, so we started off the year with a major expense in our outside repair account. Over the last couple weeks, especially last week, we had to order some expensive parts and I spoke with Mr. Stake this morning and also the Mayor and instead of transferring the funds from the parts to the motor vehicle outside of maintenance repairs, I would like to request transferring \$8,000 from the General Fund to that account. With additional costs in the purchase of parts over the last couple weeks, if we transferred the money from the parts account to the outside repairs, I'd probably have to be back in two or three weeks and ask for additional money anyhow for the parts. We tried to prevent any damage to the General Fund, but I just don't see it being as practical right now.

Mr. Stake: Mr. Ward, you're anticipating we may need some work done to our salt truck so we can keep our streets safe this winter when the snow comes, that kind of stuff? That's your reasoning behind this?

Mr. Ward: Yes, sir, we have one truck now that needs to go in. It has an oil seal leak and we have to wait until we get the additional funds before we can send it in, because we don't know right now how much it's going to cost.

Mr. Stake: In the last fund report I have here, the 5363 fund is showing a negative balance, I guess, in the combined unencumbered amount \$384.90, so that definitely needs some money in it.

Mr. Ward: Yes, actually with my records, which are a little more accurate – I double checked everything today before I left work. The outside repair account is negative almost 2,800. The total remaining in all of the 300 accounts is only \$789, and we have a blanket purchase order for 1,200. So we're talking less than \$2,000.

Mr. Stake: Okay. Any comments or questions from members of the committee? Mr. Hills?

Mr. Hills: I'm not a member of the committee, but I'm glad to hear somebody use the term "blanket purchase order for \$1,200." That's where you have notified the Auditor's Office, "I'm going to spend this \$1,200 somewhere with somebody on something." So when you just read your account balances to us, the account balance has taken into effect that you've got \$1,200 in a purchase – blank purchase order over here somewhere.

Mr. Ward: Yes, sir.

Mr. Hills: It's like a stash.

Mr. Ward: Well, that's because – the mechanics is a little bit different than some of the other – at least the street department or stormwater, which I work with, but the mechanics, we just never know from day-to-day what's going to break down, or what we need. So we try to keep blanket purchase orders open so if a need comes up they can make arrangements to have the vehicle shipped out, or if they need to buy a major part they have money to buy the parts with. They don't have to come running to me five or six times a day to see if they have the money.

Mr. Hills: I appreciate you making the statement. I just wanted to clarify for people if you have a purchase order out there, there is some purchasability under that blanket purchase order that you – so when you look at fund balances, what we don't know sitting up here only seeing the fund balance, is how much of those other things are sitting out there that you can draw from.

One other just quick question, just to clarify something way back when I was Mayor – Acting Mayor, excuse me, Bob, the street sweeper was rebuilt in January, had been broken down since, what, August or September?

Mr. Ward: No, it was in November.

Mr. Hills: Okay, thank you.

Mr. Ward: We sent it in to get an estimate and they were—once they got into it and saw what it was going to take—

Mr. Hills: And you waited until the new budget and just used the money out of there.

Mr. Ward: Until we got the new budget, yes.

Mr. Hills: Sorry about that, Mr. Stake.

Mr. Stake: That's okay, Mr. Hills. Mr. Baxter.

Mr. Baxter: Thank you, Mr. Stake. I have two points I want to get. First I have a question and then a statement first. Mr. Hills, number one, you are a member of the Finance Committee. Going through the Rules Committee has brought that to light. So when you said you're not a member, that was inaccurate. You are. By definition, you're on all committees. And I'm just giving you a hard time cause it's the first chance since I've been here that you've ever made an error.

Mr. Hills: Oh, I make a lot of them.

Mr. Baxter: And you definitely were a great mayor while you were here as acting, so we appreciate all that service as well.

To the question at hand, though, I'll quit wasting your time. A couple things in my mind when I look at the budgets and I'm looking at the organization of the administration here with the mechanics, I noticed that there were separate funds in each of the different areas and the different departments for mechanics. I also recognize that we only have one set of mechanics. So it just seemed odd to me that we would funnel funds to all these different departments and have those funds sitting there, may be used, may be not. I would question why we do that and maybe you can enlighten me, Mayor, yourself, since I'm taking more from an administration level why we have so many different funds just for mechanics when we only have one group that are mechanics. Should we not just have a single fund in which the mechanic is able to draw from regardless? He doesn't care if he's working on the Street Department or if he's working on a Parks Department vehicle, or if he's working on a police vehicle. It's a vehicle to him, so why does he have to worry about accounts and those types of things?

Mr. Ward: Well, because of the process of keeping track of everything. We went to this new process in '93.

Mayor McPherson: We changed the process in the early 90s, Mr. Baxter, so keep track of where the money was going. As you're aware there are certain funds that come out of water, certain funds that come out of street, certain funds – and it was done this way for tracking purposes so that we could tell which equipment, which department was actually getting the work done. It was just

an accounting decision to do it that way and that's the way we've done it.

Mr. Baxter: Okay. Then why would we want to move from the General Fund to get dollars when we can just transfer from one fund that's not utilizing it and move it to another. It's a tracking mechanism, so you're able to track that transfer.

Mr. Stake: I believe, and Mr. Ward, you can address this, but I guess initially we were trying to do that, but in talking with Mr. Ward today, he spent some money out of the fund – they're anticipating spending money out of the fund that we were going to transfer from, so he'd be here in two weeks asking for more money. Mr. Clemens, did you have something? (No response.) Okay. Any further questions or comments from members of the committee, members of Council? (No response.) Mayor, you okay with this?

Mayor McPherson: I'd rather do it just once and take it out of the General Fund than having to do it twice and end up with the same result.

Mr. Stake: Do you need an emergency on this?

Mr. Ward: I believe so. We've got vehicles that need some work done and it would be nice to have the money there pretty quick so that we can send the salt trucks in especially, and then if something happens to a police cruiser or someone else's vehicle, I think I saw on the mechanic's board today one of the Parks and Recreation Department trucks looks like it may have to be sent out to be looked at. So we don't like to leave them sitting around. If something happens we like to get them into the shop. If it's something that our mechanics can't take care of, we like to get them in and get them taken care of and back on the road.

Mr. Stake: Certainly sounds like a plan to me. I don't have a problem with that. Does anybody – any members of committee have a problem with the emergency language being added to this? (No response.) Members of Council? (No response.) Mr. Beougher?

Mr. Beougher: No, I don't have a problem, but I do have a question. How many diesel engines do you maintain, Larry?

Mr. Ward: Oh, off the top of my head, probably 12 throughout the city.

Mr. Beougher: And would it be advisable for us to get training and equipment to deal with those? Or is the workload such that it's easier for you just to send them out?

Mr. Ward: Most of the time it's easier. I really don't know how many hours, weeks, or months of training it would take to be a certified diesel mechanic, and the workload that the two men have now makes it pretty difficult for them to spend weeks and weeks away at training.

Mr. Beougher: Okay, thank you.

Mr. Stake: Any further questions or comments? (No response.) Okay, Mrs. Frazier, correct me if I'm wrong here, but I believe what we would need to do – or I would need to do is make a motion

to appropriate \$8,000.00 from the General Fund to Account 110.290.5363, Motor Vehicle Maintenance for Mechanic Division as an emergency?

Mrs. Frazier: That's correct.

Mr. Stake: Okay, I make that motion. Is there a second? Second by Mr. Clemens. Any further discussion? (No response.) All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes. Thank you.

Item number 7 is a Resolution Adopting the Revised Capital Improvements Program for the City of Reynoldsburg, Ohio for the Year 2004 through 2008. It had its first reading on 6/28 and was held July 6th until this meeting. Mayor, I believe you do want to move this ahead for a second reading, is that correct? I know we had some concerns previously with regard to this.

Mayor McPherson: Yeah, we would like to go ahead and move it ahead. As I indicated to you in our conversation, we do have a few questions left regarding the benefits of splitting the program (TAPE CHANGE) – losing money in the long run or gaining money.

Mr. Stake: You're referring to Phase II Streetscape, right?

Mayor McPherson: Right. So I hope that within another couple weeks-- We've got calls out to several different people regarding whether or not we would lose any of the funding, the OPWC money that we have right now if we split it, or can they just give us half of it? I recall that on Phase I we tried to start it from Rosehill Road and go to Brice rather than starting at Brice and going to Rosehill, the way it was scheduled, they told us we'd have to resubmit the entire project and that was a pretty minor change, really. And I think if we're going to go back to them and tell them we're going to split the project, I'm concerned that we're going to lose our Issue 2 money. So that's one of the issues we're dealing with and within a couple weeks we'll be able to have a cost comparison as to what it would cost for the whole project as opposed to splitting it in half and we should have all those numbers for you. But if you can move it forward, then by your next committee meeting we should have those numbers. If for some reason we don't, we can ask that it be held another couple weeks.

Mr. Stake: Okay. So I guess we would expect that you would have us new sheets for this?

Mayor McPherson: New sheets on the streetscape, or at least worksheets, because I think you already have the sheets that show the total Phase II and what we'll do is try to come up with some sheets for doing half of a project and where we split it.

Mr. Stake: And Taylor Road as well. We are moving forward on it.

Mayor McPherson: Yeah, Taylor Road, we're moving forward. You've authorized the engineering, you've got all the full road and the partial road that we requested, and that's moving forward. It's in engineering now.

Mr. Stake: I don't think that's reflected, though, in this, so we would need some new sheets on

that as well to reflect that. I know Mr. Gilbert had a concern about that. Were there any other, Mr. Gilbert?

Mr. Gilbert: No, I would just note I think as we received some information this week in regards to the overlay and some of the contributions that we'll be receiving or putting in place as far as funding for Taylor Road, it might alleviate some of those initial concerns that we had in regards to Phase II – or Taylor Road taking a chunk out of our ability to handle the streetscape. That will be in your packets this week.

Mr. Stake: Okay. Any further questions or comments by members of the committee? (No response.) Members of Council? (No response.) If nobody has an objection, then I would like to accommodate the Mayor and move this forward for its second reading. And by the next committee meeting if we do not have what we need, we'll go ahead and hold it at that time until we do get what we need. So I'll make a motion that we move this forward for its second reading. Do I have a second? Second by Mr. Gilbert. Any further discussion? (No response.) All in favor, state aye. (All voted aye.) Opposed? (No response.) Motion passes.

We will adjourn Finance at 9:47 p.m.