

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

September 2, 2008 Tuesday

Members of Community Development Committee present: Antoinette Newman, Fred Deskins, Jr., Donna Shirey, Leslie Kelly.

Other members of Council present: Doug Joseph, Mel Clemens, Ron Stake, Council President William L. Hills.

Mrs. Newman: Ill call the Community Development Committee meeting to order at 7:30 p.m. The second item on the agenda is its approval. Are there any additions, or deletions, or changes? (No response). Hearing and seeing none, it will stand as submitted.

Also, number 3 is approval of the minutes of the July 7, 2008 Community Development Committee meeting. Are there any changes to those minutes? (No response). Hearing none, then we will accept those minutes as they have been presented.

Item #4: Discussion: Rejection of bids, and authorization to readvertise for bids for roof replacement at Senior Citizens Center.

Mr. Shamblin: Thank you Councilwoman Newman, Council. We would request that the four bids be rejected - three of those were non-responsive, and one was over our ten percent engineer's estimate; and have authorization to rebid that project.

Mrs. Newman: Does anyone have any questions or comments. I believe...Mr. Stake.

Mr. Stake: Thank you, Chairwoman Newman. My question is, what does non-responsive mean?

Mr. Shamblin: In the bid package they were supposed to return it to us completed and they didn't - three of them did not return the campaign contributions affidavit, so they simply didn't fill out all the paperwork and return it to us.

Mr. Stake: And when that happens, you can't accept the bids?

Mr. Shamblin: We spoke to the Attorney's office and they told us that we needed to reject that.

Mr. Stake: City Attorney's, I guess, back there.

Mrs. Newman: Mr. Hood.

City Attorney Hood: We do require, when we do our advertisements - we do put together a bid packet like any project that we undertake at the city. There's basically a checklist that the contractors must go through. This is a new requirement - that's why I'm not very surprised that contractors missed it even though it was included. It was relatively new for 2008 and unfortunately there are

non-conforming bids and my recommendation to City Council is to reject them and to readvertise for bids again.

Mr. Stake: Okay. Thank you.

Mrs. Newman: Mr. Hills.

Mr. Hills: If I could and as I look at these bids - two of these bids could be within the ten percent and we don't know specifically, but obviously there were some forms, I think our hands are tied, and this is about all we can do, is to reject and say rebid. I guess as these people come in and pick up their bid packets, could you take a little ruler and tap them on the head and say "all these forms must come back". Can they be coached coming back, not after they've submitted it, but before their packets go out to them, can you kind of remind them?

Mr. Hood: We have a closed-bid process and we have a bid opening, which all the bids are opened at the same time. So there's no way for any City official to know that the bid is non-conforming until the bid opening.

Mr. Hills: No, I think you missed what I was saying Jed, but when these people come in and get their bid packets...

Mr. Hood: When they pick up the bid packet, we will be sure to instruct them on the new changes.

Mr. Hills: That was the little ruler and the tap on the head - these five forms must be filled out.

Mr. Hood: We actually color-coded them all this time. That way they'll know specifically...

Mr. Hills: How about a four-letter sign that says "read". Okay. I guess that this is basically administrative, why we're having to do this, and I'm certainly not, don't get me wrong, I'm not saying anybody did anything wrong. You did everything that needed to be done, but they were non-compliant. They didn't fill out the forms. The only help we can give them is to say 'be sure that these are filled out'. I think maybe we can get your roof on before it gets cold.

Mr. Shamblin: Certainly. We hope so.

Mrs. Newman: Anything else? I move that we send this on to Council with a recommendation for approval. Second by Mrs. Shirey. All in favor, say aye. (All voted "Aye"). All opposed, nay. (No response). Motion carries. It goes to Council. Thank you.

Meeting adjourned at 7:33 p.m.

Community Development Committee
- - Nancy C. Frazier, Clerk of Council
September 2, 2008
(Transcribed/S. Cochran, Ass't. Clerk of Council)

SAFETY COMMITTEE MEETING MINUTES September 2, 2008 Tuesday

Members of Safety Committee present: Doug Joseph, Ron Stake, Leslie Kelly, Fred Deskins, Jr.

Other members of Council present: Mel Clemens, Antoinette Newman, Donna Shirey, Council President William L. Hills.

Mr. Joseph: I'll call the Safety Committee meeting to order at 7:34 p.m.

The second item on the agenda is the approval of the agenda. Are there any changes, additions or deletions to the Safety Committee agenda tonight? Seeing none, the agenda will stand approved.

Item three is the approval of the minutes of the July 21, 2008 Safety Committee Meeting. Are there any additions, deletions or changes to those minutes? Seeing none, those minutes will stand approved.

Item #4 - Discussion: Liquor Permit Request - STCK - G S K Enterprises Inc., dba Milligans Pub, 2100 Brice Rd, Reynoldsburg, Ohio 43068.

Chief Suci: Yes, Chairman Joseph. This is a stock transfer request again for the Milligan's Pub. If you recall, we were successful in appealing this stock transfer back in June and they have dropped one of the, I guess we'll call them applicants to the stock transfer, but I would again ask that Council entertain also appealing this stock transfer. I've conferred with City Attorney Hood and I think that would be a prudent measure on the City's behalf to again challenge this transfer.

Mr. Joseph: Okay. We'll go ahead and have that - proceed with that appeal. I'll make a motion that we proceed with that appeal. Is there a second. Oh..reject it - ask for appeal. Second by Councilman Stake. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you.

Item #5 - Discussion: Repeal of Section 351.05 "Display of Items for Sale Near Street". Councilman Clemens wanted to talk a little bit about this tonight. I'll let him go ahead and explain this.

Mr. Clemens: Our Director and our Zoning Officer, we've discussed this issue. There's two items - to repeal it, and the change that will come on the Service Committee. Basically, the reason we're just asking it to be removed as far as the Safety Code's concerned. It's been a problem, and it's a problem for the Safety Department to enforce. I think most of you remember some years ago, Mayor Bob and I used to argue about this continually, because it wasn't enforced and it is in the code and it

should have been enforced. I have no problem changing it - the problem is to get it in the correct committee, so we can handle it properly through the Zoning Officer, so basically that's all we're asking on this one; and Luke's here to discuss this item, too, is just to have this repealed and sent to the Zoning Department here, and it would be handled by our Zoning Officer/Planning Administrator - the enforcement of the Code. That's how it would be enforced; so that's all we're asking is to be repealed, send for first reading, then when the item comes up on mine, we'll discuss it on how we want to change it, and these two can go together and be passed together and be enforced at the same time. Luke, would you like to speak on it or if like I said what we're really trying to do is get it into the other Committee, so we can discuss it on how we would change it.

Mr. Joseph: Any questions by members of Committee, or Council, on this?

Mr. Hills: Just one question then, just for clarification. We are in Safety for only the part that is saying "let's take this out of the traffic code enforced by Police and put it over in the Zoning Code which is enforced by Building Department or Zoning....

Mr. Clemens: It would be by Zoning Administration.

Mr. Hills: And then as far, whatever footages or anything else is in the Safety - in the Service Section correct - but yet they'll run parallel so we won't repeal something without having something in it's place.

Mr. Clemens: Yes, that's right.

Mr. Joseph: Any other questions, comments of either Mr. Clemens or Mr. Haire? Okay. I have one speaker slip on this tonight. Oh yes, Mrs. Newman.

Mrs. Newman: Yes, I just wanted to know, I know why we're doing this, primarily for the used car lot down on Main Street. That's probably going to be okay on Main Street where we have the walls, because everything will be behind the walls, but what about the other sections of town you know, like on down Brice Road and Livingston where we have some....

Mr. Clemens: That'll be discussed under the next, when it comes before the Service Committee here.

Mrs. Newman: Okay.

Mr. Clemens: I'll explain that one.

Mrs. Newman: All right. Thanks.

Mr. Joseph: Okay. I have one speaker slip. Bruce Sowell, if you could come up to the mike and give your name and address for the record.

Mr. Sowell: My name is Bruce Sowell. I live at 2003 Baldwin Road. The reason why I came down to Council tonight was that I do really take the opportunity to read the Agendas either on line or whatever I get in the mail, and when I saw this come up, it didn't specifically clarify what it is that pertains to the Code itself, and when I have used this code when I worked as Code Compliance Officer, and it's been an effective tool especially in our area - the West end of the City, that prevents these used car lots from suddenly appearing. We have the Big Bear lot - the K-Mart lot - the Nishi's Carryout and a number of times somebody will park a car out for sale and it will grow from one car all the way to five - six - eight cars. I can see the point of moving maybe the - some of the stuff that deals with the car lots and stuff, and we can put that in the Building Code and then can apply for a permit, but I believe that the 351 Section A Section should stay the 25 foot setback because it has been such an effective tool.

The other question I had was - okay - if we do move this to Zoning - who's going to enforce it. So you are saying that's the Zoning Officer, okay. If the Zoning - if somebody calls in a complaint, who now handles that? Do we have to wait a week - two weeks - three days - if the Zoning Officer has time or whether it's the Code Enforcement Officer that would do it and then that depends on what day of the week it is. So if it's on a section of the town where the one Code Compliance Officer happens to be off that week do we now have to sit there and look at this car lot for another week. What we have here is an effective tool and I believe that - you know - that it needs to be specified who handles the complaints. Now if the guy on Main Street wants to operate his car lot and stuff - he can come in and get his variance and stuff and anything like that but when it comes to the open lots that we have down there, Nishi's has been a problem about the number of vehicles parked for sale, then we should - as a citizen I should be able to pick up the phone - call somebody specific and have something done about it. I realize that the public safety part of our community is - they're busy and they have a lot of stuff to do and this is just one less item for them to take care of, but me as a citizen and the citizens where I live - we've made some progress on the West end of town trying to bring the Community back to a certain standard that it was. By removing this tool away from the citizens and supposedly moving it and creating more red tape to get a problem fixed, I don't think it's in the best interest of the citizens. So my question is - like I said - having read that thing I didn't know whether they were going to move it to the Building part of it, but then it gets down to who enforces it. Who do we call to enforce it. How long do we have to wait to get it taken care of. These are things that I believe that needs to be thought out before we go ahead and make a wholesale change like that. I, myself, try to keep up with the City Codes and different things - that's why I take the time to research the matter and ask the question and that's the question that I had for Council before they move this - we need to set up who's going to enforce it - how it's enforced and who do we call.

Mr. Joseph: Yes, Mr. Clemens.

Mr. Clemens: You're ten minutes early - like I said it comes before my Committee and it will be discussed.

Mr. Sowell: Okay.

Mr. Joseph: Thank you, Mr. Sowell.

Mr. Sowell: Thank you.

Mr. Joseph: Any other, any questions by Council, or the Committee tonight on this issue, before we make a motion? Seeing none, I'll make a motion that send it to the Service Committee and to Council for the first reading. Second by Councilwoman Kelly. **All in favor say "Aye".** (All voted "Aye") **Opposed.** (No response) **Motion passes.** Thank you.

Item #6 - Discussion: Rodebaugh Road Repaving - listed at request of Councilman Stake. So I'll just turn this over to Councilman Stake to explain and let him go from there.

Mr. Stake: Thank you, Chairman Joseph. Yes, it was brought to my attention back in July just before we broke that we still had an opportunity to participate in the repaving of Rodebaugh Road, between Waggoner Road and Lancaster Avenue, and it would actually be from Brightstone to Waggoner Road. There's portions and Council members have a map that was distributed earlier; there's portions of Rodebaugh Road that fall both in Truro Township's jurisdiction, and in the City of Reynoldsburg, and I didn't think it would be wise for us to miss this opportunity if anybody's been down Rodebaugh Road between Waggoner and Lancaster - you know that road is in bad - bad shape, and have Truro Township pave their portion and not us, would not be very wise. So I do appreciate the information provided by the City Engineer, Mr. Miller. He's had some conversations with people at Truro Township, as well as I've had conversations with people at Truro Township, and Mr. Miller proposes two options here. One is to do just the mill and fill - or just the paving, and the other one is to do the full-depth repair on some portions that need it, as well as paving, but basically, you've got some sections by Brightstone that fall into the jurisdiction of Reynoldsburg and then over by Daugherty Drive just east of there and west to where the "S" turn starts if you're going west and for the...just the paving, the price is \$16,971.80; for the paving and the base repair is \$57,851.80. I was in Mr. Miller's office today when we had a conversation with the Township administrator and he indicated that the Trustees were going towards doing the base repairs on their portion as well, but we don't know that for sure as of yet, because they have not met and made that official. So I want to bring it to the attention of Council Safety Committee and Council members that this is an opportunity. It's a bad road. This is the only East/West corridor we have between Main Street and Broad Street from Lancaster to Waggoner Road, and there's a Middle School on Waggoner Road just North of there. There's a Junior High at Waggoner Road just North of there and I believe in October there'll be a light - a traffic signal light put in at Rodebaugh and Waggoner Road which will probably make it more appealing for people to go East/West from Lancaster Avenue and Waggoner Road. So with that, I

don't know if Jim has anything he'd like to add. Are there any questions for me from members of the Safety Committee or members of City Council?

Mr. Joseph: I guess only one question I have for you personally, Councilman Stake, since you're familiar with that area up close, do you think we should go with the full repair? Is that what you'd like to see happen or are you more comfortable with just the patch?

Mr. Stake: Well, it wouldn't be just the patch. It would be - they would mill it and fill it with pavement, but I guess what I'd like to see is what Truro Township ends up doing. They have most of the road. I don't think it's wise for us to do the full-depth repair if they're just going to mill and fill. I think we ought to do what they're going to do.

Mr. Joseph: Do we know when they're going to make a decision?

Mr. Stake: I think I heard they have a Trustee Meeting Thursday night.

Mr. Joseph: Okay. What's our timetable on this if we want to wait on them making their decision. What kind of time frame do we have? Does the Engineer know that?

Mr. Miller: I know that Truro Township has a pre-construction meeting scheduled with their contractor on the 8th. I don't know currently what the contractor's schedule is to fill and pave Rodebaugh Road. That's only one street of several in their Street Program for this year.

Mr. Joseph: Because I'm of the opinion that we should, you know, follow their lead on, I mean if they're going to do a full repair, it's going to last a while. No use in tearing up that road in just a couple of years and you know, us having to do it again. If they're going to do a full repair that's going to last a while, we should probably do the same thing. That's my assessment of it. Yes, Councilperson Newman.

Mrs. Newman: I agree with you, Mr. Joseph, and with Mr. Stake. I've been down that road and believe me, it's quite a thrill to drive over that road. That's scary to say the least.

Mr. Joseph: Okay.

Mrs. Newman: So I think we really, you know, I'm no expert, but it feels like it needs some real repairs, not just paving.

Mr. Hills: I don't disagree as to what we're going to do. I think I will say, before I jump on board one way or the other, we both need to do the same thing; and where this was a month ago, is they were, and we weren't, and that doesn't make sense, because let me assure you the citizens driving Rodebaugh are in the city limits of Reynoldsburg. They really don't care who owns it or who

maintains it; they want the same road, but I do have a question - if we go to the full-depth can we do it on this magic word of a Change Order type thing. I'd ask our City Attorney there. I mean, there's a bid out there that Shelly & Sands gave for this length of road to do a mill and fill - this amount of money. Now of that amount of money so much was going to be Reynoldsburg and so much was going to be Truro. Now I have no idea how Truro could authorize us to go expend funds without talking to us, but that's a whole different story. I think we are talking now which is all good, but can that bid that was accepted be modified through a Change Order by basically 150%? Mr. Hood, I guess.

Mr. Hood: I would be hesitant in doing that. That would be a tremendous shift in the policy of City Council and it's history - making a Change Order of that magnitude. I'm not saying it can't be done. You all have the power to do it, but I would be hesitant in doing so.

Mr. Miller: I'd like to add the bid prices that you have is for Rodebaugh Road only. This is only part of a larger street program. I have the....

Mr. Hills: With Truro Township.

Mr. Miller: With Truro Township - that's correct.

Mr. Hills: They haven't come by with any other joint-owned roads have they?

Mr. Miller: No. No. I have the number up in my office. I don't remember what it is off the top of my head. It was just shy of \$300,000 Street Program.

Mr. Hills: Okay. So we're making a \$25,000 rough and change or a \$50,000 change and a \$200,000 - \$300,000 program.

Mr. Miller: And as a courtesy to Truro Township, we measured the areas that I also felt should be full-depth repairs on their section of the road because they wanted to know. So I went out there and I measured up the whole thing with our Street Superintendent and as luck would have it Truro Township has approximately 500 square yards of full-depth pavement work to do as well. So net for their project, if we do move forward with the full-depth repair, it would be approximately an \$80,000 Change Order on a nearly \$300,000 Street Program project for them.

Mr. Hills: I don't see Mr. Hood saying "gee - that's ok" but it may be more palatable. I guess the key thing - we don't know what Truro's going to do yet if I understand that correctly. We should know by next week.

Mr. Miller: Correct.

Mr. Joseph: You're saying Monday the 8th we'll know?

Mr. Miller: I think you said - Ron said you think their meeting's on this Thursday?

Mr. Stake: Didn't the Administrator say that they're having a meeting this week and they would decide that at that time?

Mr. Miller: The Administrator needs approval from the two of the three Trustees to expend the extra money for the full-depth repair.

Mr. Joseph: If they make a decision Thursday, we could do this next Monday.

Mr. Miller: I don't see why not.

Mr. Joseph: If we decided we wanted to proceed with the full-depth repair, and then all of a sudden they decide that they're going to go with the lesser route, and we want to follow suit we could amend that next week, could we not?

Mr. Stake: Sure, I don't see why we couldn't amend it.

Mr. Joseph: We could. All right. Yes, go ahead Councilwoman Kelly.

Mrs. Kelly: What kind of time line would we be looking at if all this gets approved say within the next couple of weeks, say we're going to do full-depth repair or we're going to do the milling. What kind of time line would we be looking at for this to be complete?

Mr. Miller: Again, I don't know what the construction schedule is. I won't until after the 8th. You know, a \$300,000 Street Program, I can't see it taking much longer than 60 days if all they're doing is milling and repaving streets. I think that's pretty conservative time line and that's only a guess.

Mr. Joseph: Councilman Clemens.

Mr. Clemens: I don't know why we don't do it the proper way. I can't see jumping into something that's going to be \$57,000 or whatever we're talking about when we didn't even bid it out or anything like that. I think we should do it, but I think it should be done properly. I don't know about this tagging on and passing as quick as we can. I don't know whether it's legal or not legal. I think Jed has the word on that, but I'm in favor in doing whatever they do, but this should have been handled - we all knew about this a month and a half ago. It should have been handled then or a month ago or during our vacation we should have come in and handled it and got it out of the way and we could have did it the way we're supposed to. So I'm not that quick on jumping on something that comes before me on something like that. If it can be handled properly, I'll go for it; if it can't be, well I'm not really.

Mr. Joseph: Yes, Mayor.

Mr. McCloud: Yes, Mr. Clemens - I called Bob Stapleton the first half of August and I said what is it you need from us and how soon do you need it and he said as soon as I know I will call.

Mr. Clemens: Yes, I'm not blaming you; I'm blaming them. too. I mean, we knew that the process, that they were going to do the road, and I don't know how they move it. I don't know how we're going to go out and measure and they get free engineering from us either, but that happens. I'm just saying that let's handle it like we're supposed to at Council. Let's get the correct information before we decide we're going to jump on something.

Mr. Joseph: Yes, Councilwoman Newman.

Mrs. Newman: I was just curious if Mr. Miller was going to send Truro Township a bill for his services, and the next thing is, where do we get the money for this? Do we have the money? Nobody's spoken to Mr. Harris.

Mr. Joseph: Mr. Harris, could you speak to that?

Mr. Harris: At Mr. Stake's request, I put some information together there. There is about \$800,000 in the Street Fund and \$1,400,000 in the CIP (Capital Improvement Program) that would be available to use on the project so there is no problem with coming up with the financing for it.

Mrs. Newman: Thank you, Mr. Harris.

Mr. Joseph: Okay. Question for Mr. Hood. Do you see a problem if we don't bid this out and would proceed - you know - in the next week on this?

Mr. Hood: Legally, you as City Council have the right to enter into intergovernmental agreements, which this would be. The way I understand it, this was the Township bidding out their entire street program, not street by street, much in the fashion that we do; and then the opportunity arose for us to join in with them so, no we did not bid this project out. It's not that it hasn't been bid, but it hasn't been bid by the City of Reynoldsburg.

As far as the question about Change Order and the original bid packet, that is a question that deals more with the types of projects that were prepared in the bid documents and set out for competitive bid. Now as you all know as well, you have the right to waive competitive bidding under certain circumstances. So as far as the Change Order - that's signed by the Mayor without legislative action. I would be hesitant as far as waiving competitive bidding. Entering into an intergovernmental agreement to get this project done, you have that authority. Does that answer your question?

Mr. Joseph: Yes. Thank you.

Mr. Clemens: That's good.

Mr. Joseph: Yes, President Hills.

Mr. Hills: Which is what we've done with Franklin County and others when we jointly do a road.

Mr. Hood: Absolutely.

Mr. Hills: I was just going to suggest Chairman Joseph that we're sort of waiting on Truro - at least we're now all in the same room other than Truro didn't show up tonight, but I believe we have a special Council - Committee Meeting set for next week - do we not Ms. Frazier?

Ms. Frazier: That's correct.

Mr. Hills: Safety Committee Meeting - there's been a request.

Mr. Joseph: That's right.

Mr. Hills: You know - what we could do is send this to that Committee Meeting with the anticipation of going to Council if all these questions are answered to everybody's satisfaction. I would certainly suggest that we need to know what Truro's going to do and if they could, I think it would be most appropriate for them to be here at the next Safety Committee meeting and this would just be added to the agenda with the other items we know are going to be there. I think I'm hearing that there's a desire we need to do something but we didn't put us in this position. We got put here. We want to do the same thing you're going to do as long as it's adequately servicing the road.

Mr. Joseph: That's a good idea. Yes, Mrs. Newman.

Mrs. Newman: I get the feeling that we're buying into that whole \$300,000 joint road program with Truro Township. Is that correct?

Mr. Stake: No - how are we buying into that?

Mrs. Newman: Well - it seems to be discussed you know at the same time we discuss Rodebaugh Road.

Mr. Miller: When this started Councilwoman Newman, Truro was requesting from us \$17,000 to mill and pave the Reynoldsburg section of Rodebaugh Road.

Mrs. Newman: Period?

Mr. Miller: Period. That was included in the original Street Program package.

Mrs. Newman: Of which I do not have a copy. We used to get copies of all the new updates to the CIP package and I didn't see any come through this year.

Mr. Stake: This is Truro Township's Street Program.

Mr. Miller: This is a Truro Township project.

Mrs. Newman: Well but our portion of it should be in the CIP - should it not?

Mr. Miller: It should be - well it could be - it could be. I - updating the CIP books is something on my list of things to do. That has not been done yet but traditionally yes - if there was a project that was added I would normally consider this part of a Street Program but since this is a partnering opportunity with a neighboring township - yes I suppose I could make a page in the CIP book for that.

Mrs. Newman: Well - do you plan - if this is inside - to deliver to us the updated pages to the Capital Improvement Program.

Mr. Miller: Yes I do. Yes I do.

Mrs. Newman: Thanks.

Mr. Joseph: Other questions or comments on this by Committee or Council.

Mr. Stake: Chairman - I have no problem waiting until next week but I would like to at least see the mill and fill done while they're doing it. I think that if we wait - the price is going to go up. The road's going to deteriorate even more with the school buses up and down that street we're going to have a lot more traffic and for us to just leave it crumbling while Truro Township fills in their portion to me makes absolutely no sense whatsoever and I would also like to add that this was bid out by Truro Township and Shelly & Sands was the bidder they chose. It was all done - you know - with the bidding process on their end. We didn't bid it ourselves but they did bid it out. Correct.

Mr. Joseph: Yes.

Mr. Stake: You have documentation attached to your memo here in regards to that.

Mr. Joseph: Okay. Any other questions or comments. All right. I'm going to recommend that....

Mr. Hills: Just one question. I guess I'm after more clarification. I don't think I've heard any here that we're not.....there seems to be a tendency that yes - we need to do it but we all need to be on the same page whether it be the full-depth or whether it be the mill and fill. Something's going to get done and you quit pouring asphalt in mid-November so it's going to be done between now and mid-November because this is an '08 contract with Shelly & Sands - correct. So I don't think there's a chance of them going forward and us not doing anything. I think it's just a matter of if they're going to go full-depth - we're going to go full-depth. But we're not going to go full- depth if they're not going to go full-depth. I think that.....and that's why I ask and I'm going to ask Administration and Clerk of Council to please let somebody at Truro show up next week. It's nice to see the person here to say "yes, we're on board - we voted on it last night - that's great". But you're asking us to do something on actions that hasn't been - that the other partner hasn't taken the first action and it's up to them. It's their project - not ours.

Mr. Joseph: Yes, Councilman Clemens.

Mr. Clemens: I think it's very simple really, like you said and like Jed said we could do. Just get the information from them. Get a letter from them - this is it. Have the information ready for us to pass Monday night. Either direction - I'm for it. All I want is the information correct and the ordinance drafted up by what we have to do. Waive the competitive bidding and pass it. I think it's that simple really. Find out and that's what you can do - find out what they're going to do and let us know and we can get it all prepared and pass it. It's that simple. I would think.

Mr. Joseph: Okay.

Mr. Clemens: I know where their office is and I know that Ron does too.

Mr. Joseph: Any other questions or comments on this. I'm going to recommend that we hold it until the 8th at the special Safety Committee Meeting - we'll bring it back up then and hopefully we'll have additional information from Truro at that point so I'll make that motion. Is there a second. Second by Councilman Stake. **All in favor say "Aye". (All voted "Aye") Opposed. (No response)** **Motion passes. Thank you.** Okay - that was our final item on Safety Committee Agenda for tonight. Safety Committee is adjourned at 8:05 p.m.

Safety Committee

- - -Nancy C. Frazier, Clerk of Council

September 2, 2008

(Transcribed/S. Cochran, Ass't. Clerk of Council)

SERVICE COMMITTEE MEETING MINUTES

September 2, 2008 Tuesday

Members of Service Committee present: Mel Clemens, Leslie Kelly, Donna Shirey, Fred Deskins, Jr.

Other members of Council present: Doug Joseph, Antoinette Newman, Ron Stake, Council President William L. Hills.

Mr. Clemens: I'd like to call the Service Committee Meeting to order at 8:06 p.m. The first item on the agenda is approval of agenda. Do I have any additions or deletions to tonight's agenda? If not, it'll stand approved.

The next item is the approval of the minutes of the July 21, 2008 Service Committee Meeting. Are there any corrections? If not, they'll stand approved.

Item #4 - Discussion: Addition of Section 1171.08 "Outdoor Display of Items for Sale". As we discussed and as I discussed, the whole principle behind this is not to change the ordinance, but to shift the ordinance from the Safety Committee Meeting to the Zoning, am I correct on this Luke, and what this would do would be the same ordinance only it would be handled by our Zoning Administrator. Now, if he's not there and which he would be there, but if he's on vacation or if he is sick, I'm certain that the Administration has the right to appoint or assign somebody to handle that duty, which is no problem. Anybody that works here can be assigned any duty by the Administration or by the Mayor to handle these kind of things. The item is to get it away from the Safety Department. They don't have the proper time to handle this and it has been brought to our attention, and it should have been handled a year ago, year and a half ago, because of the used car lot, we have all parking against our brick walls, our Streetscape, because of our commercial areas being these items for sale, they had to be back 25 feet from the right of way. Now I have no problem with them being parked against the brick like CVS and all along Main Street. The object is that we have a law that says you can't do it. Now, by putting it in the Zoning Department, it can be asked to have, it can go before the B&Z and ask for a variance. It can be handled by a variance. Also if somebody wants to come and build a little cafeteria and have an outdoor eating garden and comes within that 25 feet, they can get a variance. The way it is now, they can't get a variance by having it under the safety code. So what the code is there for, and Bruce is correct, and I don't want to change any of that, because we did have the problems with the cars parked along these different businesses, K-Mart, Big Bear and these different places. They just line them up for sale on the weekends, when we had to pass this ordinance they had to move them back 25 feet and we corrected all that. That will still be there and if the B&Z will give those people a variance then I would have to come to their meeting and ask them all to resign really, and I don't think that would happen, but this does clear the way for businesses to come in on our Streetscape and ask for variance if there would be such a thing as an eating area and such things like that. I want to keep the 25 feet because this keeps these places like Speedway and these different places from stacking mulch out along the curb as high as you can see, in the Spring time. They would have to get a variance to do that and I don't think that would be suitable either, but this corrects all those issues by they have to be back 25 feet. We're not changing the ordinance. We're just shifting it from the Zoning Code, I mean from the Safety Code into the Zoning Code and it will be under the direction of our Zoning Administrator. I've discussed it with him, I've discussed it with Luke and Luke would you like to speak on it too before there's any questions. Correct me if I'm wrong on anything, because a lot of times I'm wrong.

Development Director Haire: I just want to address the automobiles for sale, where people are putting their cars out for sale. Typically how we handle that is that we contact the landlord of the building, the owner of the building and let them know that's not a permitted use of their zoning district, that they need to remove the cars. Most landlords have a sign hung up that says

unauthorized vehicles can be towed and no overnight parking, things like that so they go ahead and take care of that on their own and have those vehicles towed out of there so that's typically how we handle and prevent that from happening.

Mr. Clemens: But I still do want to keep, because we still do have semis pull up and things like that. The point was eliminating it so the Police do not have to worry about it and like I said this was supposed to be done a year and a half ago, but the ordinance was never brought to Council, so this is just the change we're asking for and as we go through the process, if there's changes that members of Council want to make, do it; they have three readings, or people in the audience want to speak on it, but the only thing we're doing is changing it from the Safety Code and putting it in the Zoning Code. That allows them to apply for a variance before the B&Z. It can be corrected that way. Are there any questions from the Committee pertaining to this subject at the present time. Members of Council. Yes Mr. Hills.

Mr. Hills: Chairman Clemens and this is just a question and I think what you're saying is we want to use the same language we had in the Traffic Code and move it to the Zoning Code.

Mr. Clemens: Right.

Mr. Hills: And let's just put this up for discussion, because I can see a good argument could be made that on Main Street where we have put in the walls on somebody else's property, we basically have said "we got you back to here and you can do whatever you want in there and I don't think, I think all of us agree that may not be a bad idea, but that certainly can't work at the corner of Brice and Livingston when it became an instant used car lot and also Nishi's and some other places when that 25 feet wouldn't be enforced, but would it make any sense to put it all, and I think it all ought to be in Zoning as long as it could be enforced in Zoning. Can fines be levied, because that's one of the key things folks, people listen when they have to come and write a check. Until they do that, they usually don't listen a whole lot. So I have no problem with it being there, but in that we and this code that was drafted we accept the historical overlay district, I don't know what the setback is there. Is there something that's different, but any time you write an ordinance, I guess what my point is, any time you write a piece of legislation, an ordinance, it needs to be fairly specific. You can't just refer to something else, you've got to say what's in that something else.

Mr. Clemens: That is why I've said over the period of time, there are changes to be made and Luke can speak on that right there.

Mr. Hills: But I was wondering is there any thought to Main Street we've established that boundary and that boundary is the wall. All the other streets in the City are 25 feet unless an exception has been granted through BZA and the Historical District is what the Historical District is if it's different. If it's different than 25 and I think it must be, but...

Mr. Clemens: They still have to be back the 25 feet from the right-of-way.

Mr. Hills: On Main Street, you're saying, okay, on Main Street regardless of what the wall is they still have to ask for a variance if they want to come up to the 15.

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

Mr. Hills: Okay.

Mr. Clemens: Now it can be changed if we want to change it during the process and allow them to park against the wall, but you've got to realize that there's no wall on the other side of the street in a lot of these places.

Mr. Hills: Some there's not.

Mr. Clemens: Most of them there's not on this side. So I mean that's something to look at, but the situation was getting it out of the Committee, and get it in this Committee, so it could be handled in that direction with variances and also be handled by the Zoning Department, not the Building Department...

Mr. Hills: What you're saying is just take the 25 feet and move it from one Code to the other Code. If anybody wants to get a variance, can apply at BZA and you'll show up if they grant one until...

Mr. Clemens: That's correct. It all depends on what they grant it for, I mean, you know, but I'm not a variance person either, but I can understand that there comes a situation, if a restaurant or somebody did come in and they, it is in other cities, that they're along the sidewalks etc., it might be a good thing for the City if you find somebody walking down the street. I don't know if people walk down the street here or not but as far as the sidewalks, sidewalks are on their property but, you know, they're in the right of way like....the only difference between this one and others is we're responsible for them this time where usually the property owner's responsible for the sidewalks, but we entered into some kind of an agreement that we weren't around, what happened, we were here, but we weren't around when they accepted it, let's put it that way, so we are responsible for all the flowers and all the mulch and the sidewalk and things like that in the Streetscape. Now it's not that way any place else in the City of Reynoldsburg but no, that's all, I'm just trying to get a load off the Police Department really. They don't want to be out there measuring and when they could be doing other things and I think it could be handled much better with Aaron and with Luke since they are in the Zoning part of it and the Development part of it and like I said, during the period of time we were discussing it, I know Aaron has some things that there could be changes made to it as we go along. Just tonight I just wanted to get it started and just make it plain that whatever happens, we want to pass them both at the same time.

Mrs. Kelly: I have a couple questions actually for you Luke. You said that currently the way that you handle it, is that there's a used car lot for example, you call the landlord and then let them know and then they can have cars towed. Who specifically handles it - say they don't tow those cars, they don't really, don't do anything about it and a week later the cars are still sitting there.

Mr. Haire: It depends on if they're within 25 feet of the right-of-way or not.

Mrs. Kelly: They're not within 25 feet...

Mr. Haire: If they're within 25 feet, it would be the Police currently and if they're not within 25 feet that it's handled typically by the Code Compliance Officer or the Zoning Officer or we'll draft a letter.

Mrs. Kelly: Okay. So this came over and we took it out of the Safety and it came over and it was in Zoning then you would draft a letter and the Code Enforcement people would handle it.

Mr. Haire: Typically, yes.

Mrs. Kelly: Can the Code Enforcement people, Bill brought up a really good point, can they levy fines?

Mr. Haire: Yes.

Mrs. Kelly: Okay then what if...

Mr. Haire: They can cite people in to court. The Magistrate...

Mrs. Kelly: Can they actually cite people into court, or does a Police Officer have to give them a citation?

Mr. Haire: They can actually cite people into court for Code Compliance issues.

Mrs. Kelly: Okay.

Mr. Clemens: This brings up another subject. I don't want this handled by the Code Compliance. I want it handled by you or the Zoning Department or the Zoning Administrator. We've got enough with Code Compliance and their problems. So we've got to work that into it and I spoke to the Zoning Administrator and he said that he would enforce it so I expect it to be that way and it shouldn't be that big a problem. We haven't had that big a problem to start with but as far as how it's administrated, we'll have to discuss that as we go along. So I mean that's something that you know, we'll have to work on. Are there any other questions. Yes, Mr. Stake.

Mr. Stake: Thank you Chairman Clemens. Just on the last page attached to the Legislative Request, down at the bottom of that last paragraph 1171.08, it refers to 15 feet, you're talking 25 feet.....do we scratch out 15 feet and put 25 in there?

Mr. Clemens: We've discussed it and discussed it and said 15 feet, but I didn't want 15 feet, why change it from 25. You get a variance if there's a problem. The 25 is there for a reason. It's so they don't block up like they did at K-Marts and these different places, Big Bear and all that. The variances should only be issued for legitimate reason for a business, not to let private owners line up the streets with cars for sale and that's why the 25 foot's in there so I don't see a reason to change the 25 and I discussed this with Luke and I don't think he really cares whether it's 25 or 15.

Mr. Haire: Mr. Stake, the reason that was drafted as 15 feet is some of the changes that we're looking at with some of the zoning overlays that we're looking at bringing to Council soon, we'd be changing some of the setbacks and some of the setbacks, that 25 feet would put it beyond where the building line would be so that was a concern there, but if we adopt all the legislation, put it over, including Section B of 351.05 "it says notwithstanding any areas inside of a building". So that would address that issue. Also the Historic Overlay District, the reason we put that in there is because many of those buildings aren't set back even 10 feet from the right-of-way so that would prevent you from doing anything outside of the building.

Mr. Stake : So you're okay with the 25 feet then.

Mr. Haire: Yes, yes.

Mr. Clemens: We do have people that, you know, they can have street sales, they can get a permit for that in their different districts, I mean, that would be proper on that. Like I said, this is the process that Council's been thinking about, if there's any changes that we should make to it, or I do, or Luke or anybody, as we go along, why we'll discuss it at each meeting and if there's any changes that the members think there should be.....If there's no other questions I'd like to move it on to Council for it's first reading, if I have a second. Second by Mrs. Kelly. **All in favor say "Aye".** (All voted "Aye") **Opposed.** (No response) Thank you. Thank you, Luke.

Item #5 - ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (e) of Section 1127.07 "Drainage" OF CHAPTER 1127 STANDARDS - - 2nd rdg 7-28-08. Are there any questions from members of the Committee for Mr. Miller, members of Council. If not I'd like to make a motion that we send this to Council for it's third reading, for adoption. Do I have a second. Second by Mrs. Kelly. **All in favor say "Aye".** (All voted "Aye") **Opposed.** (No response) Thank you.

Mrs. Frazier: This one will have to be amended prior to adoption.

Mr. Clemens: Then we'll amend it Monday night?

Mrs. Frazier: Monday night, to correct the titles and make sure that it reads the same.

Mr. Clemens: Okay, fine. Having said that we'll end the Service Committee Meeting at 8:23 p.m.

Service Committee

- - -Nancy C. Frazier, Clerk of Council

September 2, 2008

(Transcribed/S. Cochran, Ass't. Clerk of Council)

FINANCE COMMITTEE MEETING MINUTES

September 2, 2008 Tuesday

Members of Finance Committee present: Ron Stake, Mel Clemens, Doug Joseph, Antoinette Newman.

Other members of Council present: Donna Shirey, Fred Deskins, Jr., Leslie Kelly, Council President William L. Hills.

Mr. Stake: I'll call to order the Finance Committee Meeting at 8:24 p.m.

Item #2 is approval of the agenda. Are there any changes to that agenda from members of the Finance Committee? If not, it'll stand.

Item #3 is approval of the minutes of the Finance Committee held July 21, 2008. Any changes to those minutes? None being heard, they'll stand as submitted.

Item #4 Discussion: Amendments - Chapter 174 Procedure for Selection of Design Professionals. This comes from Director of Engineering, James Miller. Jim.

Mr. Miller: Thank you Councilman Stake. As you've all seen in your packets there's a rather lengthy document in there that documents my proposed changes to Chapter 174, The Selection of Design Professionals. I have gone through the effort of preparing a short PowerPoint presentation to kind of summarize everything that's in this, actually that's in these several documents and it should be, it's up on the screen now. One of the main purposes of this is, one, remain compliant with State law and with our Charter and to also adequately justify the money that we spend on our construction projects and our fees with our design professionals. What I am proposing is a way to accomplish that by using a quality-based selection process. I want to kind of redefine our proposed approach for specific projects from pre-qualified professionals. I want to go over a project time line with you, basically to show that it's not going to change from the way that we're currently doing things now and I want to discuss the advantages and disadvantages and if we can move to the next slide. We must provide services that meet the needs of our Community while simultaneously minimizing expenditures while maximizing benefits. That's the primary goal of this and next slide. We currently seek professional services for Engineering, Structural Engineering and Architectural Services which also includes our backup responsibilities for our Building Official. Every two years we advertise our needs with a bi-annual contract per our current Chapter 174 of our Code of Ordinances which refer to a Qualification Statement Evaluation which is a score sheet. Every two years when we request qualifications, we get a pile of them, we go through each of them individually and we score them. Exhibit "B", this is a new form that I've created and you'll see that in your packet. There's a proposal evaluation form. What I wish to propose, is once we have a consultant that's pre-qualified to provide a specific service, when that service is needed we will request proposals and review those select few before

making a decision. Exhibit "C" is a Quality Based Selection Manual that will be made available either by paper copy, by a document that is online or a document that I just can simply email people simply so they understand our selection process for professional services and Exhibit "D" is a revised advertisement for professional services that I'm recommending that we use in the future. Based on the quality of firm's services using Exhibit A, we will pre-qualify firms. I put here, note, 'the Mayor, Safety/Service Director, Parks and Recreation Director, the Director of Engineering and two Councilpersons will make the selection of a pre-qualified firm'. One change from that in our existing ordinance is that I've removed the City Attorney from that list and I've added myself. The reason the Attorney was removed from that list is in the event of a lawsuit or litigation, we felt it proper that the Attorney be removed from the selection process so that during a hypothetical litigation or lawsuit that there can be no conflict of interest.

This slide here that you see in front of you, these are all the areas that I wish to pre-qualify design professionals to provide services in for the City of Reynoldsburg. Earlier Council passed a motion for us to contract with more than one design professional. We have contracted with five for engineering, and four for structural engineering and architectural services. With only a few exceptions, all of these categories are already satisfied by the statement of qualifications for engineering services that we've already gone through this year.

Mr. Stake: Jim, can I ask a question.

Mr. Miller: Absolutely.

Mr. Stake: You said that we've contracted with five or are we.....

Mr. Miller: We will be.

Mr. Stake: Have we contracted with anybody yet?

Mr. Miller: I'm sorry, no. No we have not. That will be coming forward to you pretty soon.

Mr. Stake: Okay. Thank you.

Mr. Hills: If I could, we currently are contracted with more than one to provide Services through the end of 2008.

Mr. Miller: Correct.

Mr. Hills: We've got three or four general engineers and some architect firms.

Mr. Miller: We have two engineering firms.....

Mr. Hills: The multiple contracting is not anything new to the City for the same service.

Mr. Miller: That is correct. That is correct, and I'm sorry, I did not mean to say contracted. We will contract starting in January of '09.

Mr. Hills: That's all right, we'll correct you if you're wrong.

Mr. Miller: Appreciate it, thank you. This was important. The only change to the existing process is that we, the City, will be evaluating different professionals and making a best selection of a service provider for a specific need. Currently when we have a need, we bring a proposal forth to you from our single selected firm which currently is EMH&T and ask you to authorize them to provide professional services. We will be doing that exact same thing; however, instead of it being a single firm, it will be one of the pre-qualified firms that we have already selected to work here in the City of Reynoldsburg. So that moves me on to my next slide. I'm sorry the slide after that. After a firm has become pre-qualified and a specific project has been identified, we will request proposals from that short list of pre-qualified firms. We'll evaluate the proposals using Exhibit "B" in the packet and these proposals will be evaluated by the Mayor, Safety/Service Director, Director of Engineering, the sponsoring Council Chairperson. If it's a service, if it's something that will come through the Service Department, the Council Chair for Service would assist in evaluating the proposals. Same if it were Finance or Safety. Once the selection is made the Administration negotiates a fee with the successful firm and I come to Council to request that funds be appropriated to enter into a contract with that firm.

The next slide. The project time line. This is how we go through a project now from conception to construction if you will. The top of the line, the horizontal line that says Start, End, if you go above that those are things that we the Administration do. All the items below it, with the exception of number one, there just happened to room there for number one, those are all the Councilmatic actions that we go through as part of the project. I'm going to do this really quickly. The project is identified by a number of sources. We the Administration make a decision as to whether or not to bring a project forth to Council to be evaluated. We will request and evaluate proposals from our professional services. This is the one change for the Administration. Currently we evaluate one proposal from one Engineering firm. What we will be doing now is evaluating three to five proposals from our pre-qualified firms and from there the process remains unchanged. We request a motion from Council to use the services from the selected firm and to advertise for construction bids if required and then we ask for Legislation to appropriate the funds for professional services. The project develops, it goes out to bid. We have a bid opening, we select the lowest and best contractor for construction and we come to Council and ask you to appropriate the money to allow the Mayor to enter into a contract with said contractor. That process will remain unchanged in the future as it currently exists today. I don't want to change that at all. As we get to my last two slides, I went through and I tried to quantify some advantages and disadvantages for you. It creates competition for the highest quality services at competitive costs. My goal is to control our overall project cost. I don't look at engineering fees independently as an entire project develops. I look at the engineering fees plus the construction cost. Engineering fees for inspection and design usually run about 20%. The majority of all of our money and all of our Capital Improvement Projects is in the construction phase so I want to work with a firm that not only is reasonable in their own fee structure but also presents innovative ideas and cost saving techniques for us to explore in construction to save us money overall. And that kind of touches on some of my other bullets there. It allows us to evaluate money saving technology, evaluate innovative construction techniques. It will also allow us to evaluate an individual and an individual firm's capabilities to manage their projects and to meet our expectations. It will be a way for us to confirm scopes and justify fees and probably one of the things that was most important for me was to affirm that we're getting the best project

for the best price. Nothing is more embarrassing I think than finding out after a project is done that it could have been done a different way that provides the same benefit for half the cost once a project's already completed. That's not a good feeling to have when you're an engineer. Disadvantages, it's an additional step for the Administration to review proposals from our pre-qualified candidates and it's an additional step required for our Administration to adequately and clearly communicate our goals and objectives to our service providers. It's ever so important that if we are going to evaluate somebody on the level of their customer service and their ability to complete a project that meets our expectations that we are able to adequately convey and communicate what those expectations are. So it puts a little bit of ownership on the Administration to manage and communicate with the consultants and I struggled whether or not I should put it under Advantage or Disadvantage but when I went through this I thought if it creates work for us that can probably be looked at as a disadvantage if it's something that you feel doesn't add a lot of value. So it was very difficult for me to come up with a disadvantage list and that's why there's only two items. So I kind of flew through that very quickly and I'd like to ask if there are any other questions, comments, concerns or corrections.

Mr. Stake: Any questions, comments or concerns for Director of Engineering by members of the Finance Committee.

Mrs. Newman: Well, I communicated this to Mr. Miller earlier this evening. This whole process to me as a neophyte in the Engineering field, seems very, very cumbersome and like an awful lot of work and very complicated. He assures me that's not really all that bad but that's just the way it seems to me, but that we would have to be a lot more involved in the whole process than we have been in the past, which I think is a disadvantage. He says that he's going to do it all.

Mr. Stake: Well, and you make a good point. I added a third one to disadvantages - additional steps for Council, which he didn't have on there. I know where Jim's coming from with this. He shared a little book with me in regards to this quality management based procedure, I believe it is, and of course it was written by Engineers. (laughter)

Mrs. Newman: And they don't speak English.

Mr. Miller: I'll add that it was the Municipal League of Engineers if that adds any validity to it.

Mr. Stake: But I mean, you know, we always welcome new ideas here and this is a big one.

Mr. Miller: I understand your concern Councilwoman Newman and it is a little bit of extra effort. I won't disagree with you whatsoever; however, another important aspect to this, which I think deserves consideration, I didn't really have on the advantages list because I thought of this after I created the presentation. It helps justify every penny we spend on every capital improvement project. It greatly reduces the risk of somebody saying at a later date, gee why didn't I think of that or gee, why didn't I do that. That would have saved money, time, effort and energy. It allows us to pool ideas from a larger number of design professionals and allows us to pick from those ideas and make the best decision that we can for the City of Reynoldsburg. It's a documented process and I think that will add a lot of validity and remove a lot of the questions and guess work that I'm confronted with from some of you and others based on what we spend on

engineering fees and what we spend on construction costs and change orders for our projects. It'll be a good way for us to justify and document why we did what we did.

Mr. Stake: Councilman Clemens.

Mr. Clemens: It was a good report and I think it's going to be a little difficult, but it's in your hands and of course, it's in Administration's like you say, it's more work for you. We brought you in here to make a change and I don't like to use that word, it's time for a change. You can forget about that, but I think that I know I've been a part of it, you know, keeping track how the projects went and what our percentage cost was and so forth. I think after we do a few projects, if we do this, you can come back and explain to us how we did save some money and so forth. If it works, we can continue, if it doesn't work then we can always use the words again, make a change. Sometimes change is not good but sometimes, you know, we're giving you the opportunity, that's what we brought you in for and I want them to take a look at it.

Mr. Miller: Thank you Councilman Clemens. This process is as I looked at a change, you know I spent a lot of time evaluating what our neighboring communities do and this process is not at much unlike our other neighboring communities that have their own on-staff City Engineer. This was largely modeled after Hilliard's process. It closely resembles Dublin's, Columbus', Worthington's so...

Mr. Clemens: The problem is that I can see and I understand Hilliard's and I know their setup. They have many more people in your Department working than just one guy. I mean it's going to throw a lot on you and I understand that.

Mr. Miller: That's true.

Mr. Clemens: It's not going to throw enough on you, you're going to come back and ask for an Assistant because...them days are gone.

Mr. Miller: That's not the plan right now.

Mr. Clemens: So, what I'm saying is that it's putting a lot more work on your part and I appreciate that so if you're willing to try to accomplish it, why I'm willing to take a look at it.

Mr. Miller: Thank you.

Mr. Stake: Are there any other questions, Councilman Kelly.

Mrs. Kelly: Jim, I would just like to commend you for taking the time to do such a detailed report. You obviously have put a lot of thought and time into it and I'd also like to commend you for putting yourself out there and saying "I want to do this, can you give me more work to do". So we don't often hear that, so thank you.

Mr. Miller: Thank you Councilwoman Kelly.

Mr. Stake: Mayor, as Jim stated this would be an additional burden on the Administration. What's your position on this?

Mr. McCloud: Obviously we're willing to take it on Mr. Stake. I think the advantages outweigh the disadvantages. We welcome this change.

Mr. Stake: Okay. One last question that I have, I don't see any sign-off here from the City Attorney and I know this is change to our, I guess to the way we've done this in the past our Design Professional Selection procedure. What's your position, or where are you on this?

Mr. Hood: Where I'm at, I don't want you to think that this hasn't been discussed. Jim and I had many conversations concerning this. This is one where the City put itself in position by hiring him and making him the inhouse Director of Engineering. That allows us to be more innovative than in the past. The advantages will readily outweigh the disadvantages. I know that we all take being stewards of the City's coffers very seriously. This will insure an open marketplace and competition among our contracted consultants and we will have the opportunity to not only make sure that cost effective measures are in place during design and construction but also innovation takes place and allows these consultants basically to compete against each other to put the best proposal forward to us with the best offers. No, my initials don't appear on the proposal that you have because this is an amending ordinance; this was not contracted procedures. We did discuss specifically removing myself from quality based selection process. I believe that the City Attorney was involved in that basically because at the time that this was created there were only so many people to do it. I think that it would be a tremendous disadvantage to go forward and not allow Jim the opportunity to be in there to you know, give his professional opinion on what proposals meet his professional standards based on his professional expertise and it does create another step for the Administration to get together what they believe to be the best proposal so as far as Councilmatic action, I don't know that there's that much more you're going to have to do that we don't do now. I think a lot of the work is front-loaded and I really can't see how it will fail.

Mr. Stake: And from a legal prospective you're ok with this new procedure.

Mr. Hood: It's an amending ordinance and I absolutely think it falls within the law of the City Charter as far as quality based selection as well. I hope that answered the question.

Mr. Stake: Councilwoman Newman.

Mrs. Newman: I don't see the Auditor's initials on this either. Would they be needed on this?

Mr. Stake: No, there's no money involved at this time.

Mrs. Newman: Okay.

Mr. Stake: The reason I ask the City Attorney is because I know the previous City Attorney was pretty well set on the way we had done this in the past and for legal reasons I believe, so I just want to make sure that our current City Attorney was okay with the change.

Mr. Hood: Absolutely.

Mr. Stake: I understand. Any other questions. Just one more question Jim. How many design professional do you perceive being on the list.

Mr. Miller: I have not gone through the entire matrix of services as of yet. No more than eight total can I possibly imagine. I know of the design professionals that we have already decided to negotiate contracts with which we will be bringing to you in October. There are only a few voids left so I don't estimate any more than 3 additional professional service providers.

Mr. Stake: Okay and what's your timeline on this.

Mr. Miller: By ordinance we're supposed to have contracts before Council for approval on October 1 or the first Committee Meeting in October. I'm still shooting for that.

Mr. Stake: So you'd like to have this passed by October 1st.

Mr. Miller: No I'm sorry.

Mr. Stake: This legislation in front of us.

Mr. Miller: This legislation yes, I'd like it to pass by Emergency on it's third reading.

Mr. Stake: On it's third reading?

Mr. Miller: So that would be the second week in October and I would like to bring to you on the second Committee meeting in October, the contracts for Council to approve for professional services.

Mr. Stake: Wouldn't you have to do, when would you be sending out for evaluations and those kinds of things, you know, proposals to be evaluated.

Mr. Hood: May I interrupt. I think we've crossed wires here. Just for sake of clarity, we have undergone a quality based selection process to contract with engineers past the into 2009. We've ranked our proposals and Jim and I and the Mayor will get together with the peoples we selected and to start hammering out contract documents to present to you for acceptance. This ordinance and the changes to this ordinance will be utilized in the next selection process, so these are separate right now.

Mr. Miller: If you're talking about the gaps that are still left open in the professional services categories, once this passes okay, I'm going to follow the ordinance procedure again. I'm going to come to you, I'm going to ask for a motion that we solicit qualifications for a - b and c type services. It will be nowhere near as extensive as what we just went through a couple of months ago and also by motion in the revised changes in Chapter 174 Council can amend the timeline in which proposals are received, evaluated and brought to Council for action and I will be

asking you to do that as well. Ultimately, in the end, I want to have our services completely filled with qualified professionals by the first of the year.

Mr. Stake: Councilwoman Newman.

Mrs. Newman: Mr. Miller, how are you going to solicit. What means are you going to use. Are you going to advertise for people who feel they might be qualified to submit their proposals to us so that it's available for everybody who wants to do so.

Mr. Miller: That is exactly correct. In fact, in the packet of information I gave you, the last two pages before the PowerPoint presentation attachment "D", is a Public Notice, Request for Statement of Qualifications. That's going to go out. The directions on how to respond are right on there and I have listed what types of projects those kinds of firms can possibly be evaluated with based on the contents of our CIP. So an advertisement will go out, two weeks will transpire before qualifications are due to us. Five people, the Mayor, myself, Acting Safety/Service Director, Parks Director and two people from Council will have to evaluate those and then I will be, the Administration will enter into a negotiation with those selected firms and I will be bringing back a smaller batch of design professionals to Council to approve for contracting with for two years.

Mrs. Newman: All right. Thank you.

Mr. Miller: I'm basically going through the process twice this year.

Mr. Stake: Councilman Clemens.

Mr. Clemens: Let me get this straight. Okay, these are different. Every time a different project comes up, maybe it's sewer line, waste water, whatever, you're going to go through the same process, in other words, we've got a sanitary sewer to put in, you're going to go through that process for each project that comes up, is that what you're saying to me.

Mr. Miller: No Councilman Clemens. That process we will go through once every two years.

Mr. Clemens: No, what I'm trying to say is, you're going to get the say, four qualified people for a sewer project, is that it in other words.

Mr. Miller: Once we have a qualified group of design professionals when a project is identified, I will request proposals from our pre-qualified list of design professionals.

Mr. Clemens: One thing I'm getting into is okay, this is fine, you don't have to advertise it any more.

Mr. Miller: Correct.

Mr. Clemens: But you're going to request this so we're talking about a week period, two weeks, I mean, you know, you've got to give them time, then you've got to bring it back to Administration. They have to go over these different costs. That's another week. You got to

get me involved or him involved so that's another week, or two weeks, so that's four weeks. Then you got to get it to Council and we got to get it passed and that's another six weeks and then thirty days for him to, before it becomes legal, that's another month so we're talking about two, four, six, twelve, thirty days and these can't be passed as an emergency all the time 'cause they're not emergencies.

Mr. Miller: I understand Councilman Clemens and, and.....

Mr. Clemens: I'm just trying to get the process and the length of the time.

Mr. Miller: You have the process down and you have the length of time down. I just want to point out that currently, that's about how long it takes now unless the project goes forward with any emergency.

Mr. Clemens: Not really if we're talking about a \$20,000 job.

Mr. Miller: We're talking about an additional two weeks.

Mr. Clemens: A \$20,000 job, we call up Evans and Mechwart and say give us a price on this or you know. They're our engineers so we don't even have to worry about that because we don't get a price. They give us a deal that's going to cost so much then we bid it out. I'm just saying that we'll get it into a longer process. It doesn't make any difference to me, if you can handle it this way but if something comes up and we have to get it done and we do have these things come up that we have to get them done and you're talking about a twelve week period or twelve week plus 30 day period. That's three months or three and a half months before the project even starts that we're getting all these prices and getting it approved and going through Council is a six week period. Going through the Mayor is setting thirty days. That's something that we didn't do before. That's the point I'm trying to say.

Mr. Miller: Well, typically and I'll allow any one of you to correct me if I mis-speak. When a project comes up and I have a proposal from Evans, Mechwart, I come to you and I ask for a motion to begin the project and to advertise for bids and I ask for the money to be appropriated and that is done Ms. Frazier, by resolution if I'm correct?

Mrs. Frazier: That's done by an ordinance.

Mr. Miller: An ordinance, I'm sorry. And typically it's passed with one reading and an emergency typically to meet a scheduling deadline of some kind. But you're right, if it went through the three reading process plus thirty days, that would be no different.

Mr. Clemens: Now everything coming up can't be an emergency because it isn't any emergency, we could have done it four weeks ahead of time. That's what I'm trying to say. You can't say that it's an emergency when you could have done it four weeks before that. Like I said, this is fine if you think that period of extra, two, four weeks by getting these in. It's not going to be that quick. They've got to know what they're going to do and work you up something and it's got

to come back and the Mayor has to go over it so forth or me or him or whoever then it's got to come to Council and get approved for them to do.

Mr. Miller: I agree. I mean it is going to add I would estimate some time.

Mr. Clemens: It's an add on of time so.....

Mr. Miller: I would estimate it's going to add approximately two weeks to the process that we already go through.

Mr. Clemens: Could be.

Mr. Stake: President Hills.

Mr. Hills: Jim, sitting back and I'm learning a lot from listening to this tonight but, I think I can see your two weeks. Right now, if we're going to do a project we say " Jim Smith Company do this or give us the information". Now you're going to qualify people so you're not just asking Jim Smith, you're asking Jim Smith, John Jones, Charley Whomever. Here's the project we want to do. You give me something. That two week period of time is to get more information in on the same project from different groups who are already qualified to do work for the City and therefore there's competitiveness before it ever gets to you.

Mr. Miller: Correct.

Mr. Hills: So you may wait one to two weeks but ideally you've got more complete and hopefully lesser amount of cost as you start into the whole project. Is that where we're headed - where we're going?

Mr. Miller: Correct. That's an advantage to this Bill, yes. Sorry President Hills.

Mr. Stake: Councilwoman Shirey.

Mrs. Shirey: Thank you Chairman Stake. I just want to say I agree with Councilman Kelly. I really commend you for doing a great presentation. I also feel that it's wonderful that we have someone who's representing the City, who's stepping forward and wants to take responsibility and also trying to get the departments working together instead of against each other so I really do commend you for that. If this is a project that works, I'm all for it. I think, you know, using the word change, try not to use that, but we really need to have that change. We need to turn things around and obviously looking out for whatever's best for the City. I can see that coming from you and I really appreciate that and I think the citizens would really appreciate that as well. So I think you're doing a great job.

Mr. Miller: Thank you. Thank you.

Mr. Stake: Councilman Kelly.

Mrs. Kelly: I'm sorry, I just have one more thing. Jim, do you think that this process will ensure a greater quality of workmanship?

Mr. Miller: I don't have much problem with the quality of work that we're receiving now. What it will allow us to do is, the firms that do provide quality say, that is better than others. Since that is a scoring criteria on the their grade sheets, it will give them a leg up on the next project. So it's always encouraging for the service provider to increase the level of service with each and ever project they work on. So I think it will maximize our chances of getting continual quality service. Yes.

Mrs. Kelly: So essentially you're keeping a ranking of the providers, the different professional providers.

Mr. Miller: Absolutely.

Mrs. Kelly: Okay.

Mr. Stake: Okay, and just a point of clarification, because a couple of things were said here but you'd be adding to the list that's already out there. The ones we already evaluated and you would be adding to this coming two year period - right 2009-2010.

Mr. Miller: Correct and not before this is passed, if it does pass, and not before I come to Council requesting a motion to do so afterwards, after this legislation if passed.

Mr. Stake: Any other questions, comments, concerns from anybody. Then I'll make a motion that we send this on for it's first reading. Do I have a second. Second by Councilman Joseph. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you.

Mr. Miller: Thank you.

Mr. Stake: Item #5 - Discussion: Transfer of funds, reimbursement to departments regarding March snow event. This comes from Auditor Richard Harris.

Mr. Harris: Thank you Mr. Stake. Members of Council. Back in May Council authorized me to act as agent for the City in negotiating with FEMA to get some reimbursement for the snow event the first week in March. In August we actually did receive a check from the State of Ohio for the FEMA Funds for \$27,617. As by statute, we put that in Fund # 201. I need now the authorization from Council to reimburse the Accounts that were affected by that snow event. The list there is on the next page as to how it would be broken up.

Mr. Stake: Okay. Any questions or comments from members of the Finance Committee.

Mr. Harris: This is good because money's coming in rather than going out. It's a lot better than normal.

Mr. Stake: Yes, that's right.

Mrs. Newman: Congratulations on your effort.

Mr. Stake: And you want an emergency on this.

Mr. Harris: No. It's not necessary, this is not really any emergency. You can go ahead and read it three times.

Mr. Stake: All right then. I'll make a motion that we transfer \$27,617 from the FEMA Fund 201 and appropriate the funds to be distributed as per the attached list. Seconded by Councilwoman Newman. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you. I'll send this one for it's first reading. Thank you.

Item #6 - Discussion: Council appointment to fill vacancy on Planning Commission- -*held 7-21-08 until first committee meeting in September.* Had two individuals who are interested in filling this spot. One is already on a Board or Commission, the other one currently is not, Charlie McGrath, Charles McGrath of 1358 Rosehill Road and I believe that he's served previously on the Planning Commission and he has requested to be appointed to the Planning Commission. Are there any questions or comments from members of the Finance Committee, members of Council. Councilman Clemens.

Mr. Clemens: No, I think he did a good job while he was here many years and I'm glad to see him get interested and want to come back.

Mr. Stake: I agree. Ms. Frazier this is just done by motion.

Mrs. Frazier: Yes, that's correct.

Mr. Stake: Okay. Then I'll make a motion that we send this on to Council with recommendation for approval. Seconded by Councilman Clemens. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you.

Item# 7 - Discussion: Tax Increment Financing and Economic Development Reimbursement Agreement (extension of public infrastructure improvements to meet the needs of the proposed new Reynoldsburg High School)- -held 6-2-08; held 6-16-08; held July 7, 2008; *on 7-21-08 item held until first committee meeting in September.* Mayor, have we made any progress on this?

Mr. McCloud: There continues to be information forthcoming Mr. Stake and our City Engineer's been intimately involved in all the entities that are coming to partnership and could probably answer your questions more specifically.

Mr. Miller: A lot, as many of you know, has happened during the month of August. This TIF Legislation if you recall from Mr. Dugger's presentation, included a mechanism for reimbursement for

a road improvement, a water line extension, a sewer extension and bridge repair to the Summit Road bridge and as time has transpired since July, we have put together what I feel is potentially a very strong funding application for the road work with OPWC in District 3. The water line as we've discussed several times here in Council is a 33 or 1/3rd participation from the City of Reynoldsburg. On the 2/3rd's coming from the Schools and from the Developer. The bridge was completed by Licking County last year. That leaves us with the sanitary sewer. There's a option that is being considered to extend sewer service from the new schools, the elementary and the new high school through the Taylor Woods subdivision. Previously, the schools were told that there was capacity in the Taylor Woods sewer for one school. Since then, two schools have been proposed. I have made it abundantly clear to both the schools and to the landowners that have, that are currently depositing money in escrow accounts for this sewer work that somebody needs to determine whether or not there is capacity in the Taylor Woods sewer to serve an additional school. This is very important for this TIF package because until we know the answer to that, we're not going to know what project is going to be necessary to provide Reynoldsburg sewer services to the two new proposed High Schools. There's three options that I currently see on the table for sewer service for the schools. Connecting to Taylor Woods, running a sewer from Taylor Road across private property to Summit Road and then to the schools and a third option is for the schools to connect to the Southwest Licking Water and Sewer District lines which also, I understand, have capacity issues. So this ball is in the school's and the private landowner's court to decide where sewer service can and will be provided and once we know, we will be able to have this project identified in the TIF legislation. We will know who is contributing to what and when and we will also at that point in time, be able to establish what priority reimbursements if any that are generated through the TIF will be distributed to all the contributing parties.

Mr. Stake: Okay. President Hills, you have a question.

Mr. Hills: I have a question and I certainly appreciate all you've just told us. I'm glad you're not an Attorney but I appreciate what you've told us. The TIF that is before Council on that item on the agenda came to Council in 2007. The drafter of that document has already said had he known what he knows now, that document would not have been prepared. The TIF document that we enter into is not going to be that document because of a whole lot of things there and I appreciate all you're putting together but the document that is out here, it came down in 2007 isn't be because of circumstances. I'm not going to sit here and say that they weren't aware of them at the time but I'm certainly going to say that they didn't disclose them to the drafter of the document. I'm not saying that TIF document was a self-serving document but the document that ends up being passed as a TIF document by this City Council recommended by this Administration is not going to be the one that's sitting there today in that item on the agenda. Am I incorrect in that. I'd ask you, I'd ask the City Attorney, I'd ask the Mayor so in essence what we've done is gone back to the drawing boards to create the document that best serves the Cities, the Counties, the Townships and the Schools and that's still in infantile draft form because we haven't even seen it yet.

Mr. Miller: That is correct President Hills and I don't believe that we will see a near final draft document until we have identified what sewer project or where the proposed schools are going to connect.

Mr. Hills: And I'm also going to say it here and then I'm going to sympathize with Councilman Stake because people that were preparing that document over a year ago were saying, get this thing on the agenda. Something's got to be done with it but what we found out is it wasn't ready when it was born and so now we're redrafting things and looking at the project as it needs to be looked at currently.

Mr. Miller: That is correct and I have given my recommendation, actually I have basically the schools and the private landowners what needs to be done and they need to place flow meters in the ground to measure the capacity of the sewer which is a five month process through a wet season which will be Fall and Winter and the first half of Spring. Whereupon the meters can be removed, and engineering evaluation on capacity can be done and at that point in time we will be able to determine what sewer project needs to be facilitated just to serve these proposed schools and I would ask that this Item #7 here on our agenda be held until mid-spring, February, March of next year.

Mr. Hills: Well, possibly if I could ask if it be removed.

Mr. Stake: Yeh, I was going to recommend that. I just want to make sure that the Mayor was onboard with that. Okay. So the Administration does agree them that this document here is basically useless and we're starting over.

Mr. Miller: Nearly, yes.

Mr. Stake: Okay, well, all right. That's enough of that thing. Councilman Clemens.

Mr. Clemens: And this is something we've discussed for a long time. The importance of the school being out there is the sewer line. That's what involves around the street that we're talking about getting money for. If you don't have a sewer line out there, I mean that's the important thing. There isn't going to be a school there if the kids can't go in and go to the restroom, you know it and I know it and I hope they know it. So that the important issue and I can't see all this discussion and different things are going on and we don't know about the sewer line. That sewer line could be millions of dollars. You know that and I know that.

Mr. Miller: That's correct.

Mr. Clemens: And I don't expect to take it out of the City's coffers to build a \$2,000,000 sewer line. I can tell you that right now. That type of project on something like that. These are things that should have been known when that piece of property was bought out there and arrangements were

worked around and so forth until this last minute. Now I agree that they have to go through the process of seeing whether the sewer line is there now that can handle it and we all better hope it does.

Mr. Miller: And the reason why this conversation is happening now rather than a year ago or much sooner was the addition of a second school.

Mr. Clemens: Well, I understand that. I mean. That's what I said.

Mr. Miller: Right.

Mr. Clemens: All these things were done but this is the important thing. The sewer line is the mix of the whole situation involving the schools being out there. Until that's corrected, I think everybody ought to kind of sit in abeyance and see what's going to happen because we could be talking about much, much money.

Mr. Miller: And that's what I'm recommending that we do Councilman Clemens.

Mr. Clemens: Okay. I mean I don't want to see any big jumps on something that we don't even know whether it's going to exist or not.

Mr. Miller: Let's wait and see what the sewer capacity evaluation turns up.

Mr. Clemens: Okay. That's good.

Mr. Stake: Any other comments or questions from members of council. Then based on the Administration's recommendation that we sit on this, we'll put this in Other Legislation. I'll make a motion this goes into Other Legislation. Second by Councilman Clemens. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Thank you.

Finance Committee is adjourned at 9:14 p.m.

Finance Committee

- - -Nancy C. Frazier, Clerk of Council

September 2, 2008

(Transcribed/S. Cochran, Ass't. Clerk of Council)