

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

July 19, 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 to order at 8:10 p.m.

The second item on the agenda is the approval of the minutes of the July 6 meeting. Are there any changes to the minutes as distributed? (No response). Hearing and seeing none, they will stand as presented.

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

Item number 4, 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. This item had its first reading on June 28 and was held at the last meeting. We've asked the Development Director, and the Safety/Service Director, and Chief Building Inspector as well as the Mayor to be available this evening to address this issue. I guess my question is, who would like to start? This is a request that came from the Service Department. Sharon, would you like to, Mrs. Reichard, would you like to begin? It came from the Mayor? We're on the Planning Administrator. This came from the Mayor. Would the Mayor like to address this issue?

Mayor McPherson: Well, I guess I would just like this to go to Council really with no recommendation. We've talked in the past and I understand we need to talk more about the position. It was originally presented to City Council to move the Planning Administrator's position from the purview of the Development Department to the purview of the Service/Safety Department. So really at this point, we ask that maybe you just hold it until you get back from recess and we'll talk about it again then.

Mr. Beougher: Okay. Any questions from Council, or is it Council's pleasure to hold this I assume? (No response). Seeing no one wants to ask any questions, I'll make a motion to hold this until September 5, I believe. No. September 7 at our next meeting. Is there a second? Mr. Clemens with the second. All in favor of holding this item, please signify by saying aye. (All voted "Aye"). Anybody opposed? (No response). Motion carries.

We stand adjourned at 8:13.

Community Development Committee

-- Susie Smith, Assistant Clerk of Council (Transcribed - Susie Smith)

July 19, 2004

SAFETY COMMITTEE MEETING MINUTES

July 19, 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 8:14.

The first item on the agenda is the approval of the minutes of the July 6, 2004 Safety Committee meeting. Do I have any additions or deletions? (No response). If not, they'll stand approved.

The next item is the approval of the agenda. I have four items I'd like to add. 3a would be the addition of the Dispatcher's Three Year Contract. 3b would be Hiring a Third Officer. This would be with no appropriation. The money's there. 3c would be Resolution for DARE Grant. And 3d we have a speaker request. Are there any other additions or deletions? (No response). If not, I'd like to make a motion that we approve the agenda. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response). The agenda's amended.

3a is the Dispatcher Contract. This is a three year contract. It's been negotiated to the Administration and been presented to Council. I think we've all had the opportunity to discuss it and read over the contract and had it explained to us and so forth. Are there any questions to the Administration pertaining to the contract? Mr. Stake.

Mr. Stake: Thank you, Mr. Clemens. I just want to clarify that there's no appropriation needed with this. Correct, Mayor?

Mayor McPherson: That's correct.

Mr. Stake: Thank you.

Mr. Clemens: Right. There is no appropriation. We're not going to pay anybody. There is money there for this year. And this does go back to the beginning of the year for their contract. They pick up their pay the beginning of the year. The money is in there. Are there any other questions? (No response). If not, I'd like to make a motion to send this to Council for approval as an emergency. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

Item 3b is the Hiring of a Third Officer. This also does not need appropriation. The officer is being hired because we have the school coming up August 30 and this is a chance to be in the school by then. They are interviewing officers at the present. There are other conditions that are also involved in the situation. The main one is to be able to get an officer on board. Are there any questions for the Chief pertaining to this or the Administration? (No response). If not, I'd like to make a motion to send this to Council to add the third officer with the motion for adoption as an emergency. Do I have a second? Second by Mr. Gilbert. All in favor, say aye. (All

voted “Aye”). Opposed? (No response).

The next item is the Resolution Supporting the DARE Program so they can apply for their grant. Are there any questions for the Administration or Chief Miller on this subject? (No response). If not, I’d like to send this to Council as a resolution as an emergency. Do I have a second? Second by Mr. Baxter. All in favor, say aye. (All voted “Aye”). Opposed? (No response). Thank you.

3d is a speaker, Mr. Jim Keeny, 8120 Palmer Road.

Mr. Keeny: My concern is about Taylor Road south of Palmer and that’s in the development issue. Do you want me to speak to that now or wait until then?

Mr. Clemens: Yes. Would you give your name and address please? This is something we require.

Mr. Keeny: Okay. My name is Jim Keeny, 8120 Palmer Road, Reynoldsburg, Ohio.

Mr. Clemens: Yes. This is all being recorded. That’s why we want to get it on the record.

Mr. Keeny: That’s fine.

Mr. Clemens: No. Go ahead. You can speak on the Taylor Road issue.

Mr. Keeny: I have lived on Palmer Road nearly 30 years. As you’re all aware, a lot of bedroom communities around the Columbus area are in a near state of revolt of over lack of infrastructure to meet the demands of the development that’s being put in place. And the impact on the politicians is becoming more and more severe. So I know you’re aware of it. There is a tremendous traffic flow that’s greater than 7,000. Will soon be more than 9,000 a day traveling to Palmer Road. We’ve been told over and over and over, there’s a catch 22 about Taylor Road south of Palmer Road. Taylor Road is the road in issue, that the Etna Township Trustees will not work with resolving the issues around the safety and the structure of that road. I don’t want to hear that any more. It may be some reality to somebody, but there’s a safety issue there that’s greater than this new catch 22 that prohibits this thing being resolved. We’re asking that there be no more development in this area until that issue is resolved and a plan is, a firm plan is in place to resolve the issue on Taylor Road south of Palmer. It’s not safe. There’s trucks moving a lot of dirt right now for the new elementary school. I’ve observed many of those trucks not following safety rules or ODOT rules about how they’re supposed to conduct that. They don’t use turn signals. They don’t have covers. The trucks would not, some of the trucks could not possibly pass an ODOT inspection. And I think that the city should be doing more to make them conform to the laws that exist. And I would be more than willing to testify in some future case where some child or someone is killed around that area because the infrastructure has not been addressed. Issues have not been dealt with. I’m very concerned about that.

Mr. Clemens: Thank you, Mr. Keeny. Are there any questions for Mr. Keeny? (No response).

Thank you for your address.

Next item on the agenda, Discussion, Liquor Permit Request, new, Hengs Inc., dba as Double Dragon, 6850 E. Main Street, Reynoldsburg, Ohio 43068. Held 7-6-04. Chief Miller.

Chief Miller: Thank you, Mr. Clemens. We've conducted an investigation into this liquor license request. For those of you who are familiar with that location, this request is really two-fold. Number one, they're moving the location from its current address to what was formerly the old Kentucky Fried Chicken location just west of the Truro Township Fire Hall. The other thing is that they're going to switch their liquor license from serving hard liquor and beer and wine to just beer and wine. We looked at the old location in terms of calls for service and any kind of problem runs. They are virtually non-existent. And we don't see any problem with the new location that they're proposing. There's no problem in terms of schools or churches or anything like that. We would recommend that this go forward without appeal.

Mr. Clemens: Thank you, Chief. Are there any questions for Chief Miller pertaining to this subject? (No response). If not, we'll just let it go forward without an appeal if that's in agreement. Thank you.

The next item, Discussion only, we had some discussion on this last week with two gentlemen and I don't know whether the gentlemen are here tonight or not. Tom Hart and Dennis Mungall. Neither of them are here. I know you weren't in attendance, Mayor. Mrs. Reichard I don't believe was either. Either of you. So we put it off until this week if you wanted to give any kind of an answer or a rebuttal of his problems if you've had an opportunity to discuss it, or read it or go over the issues.

Mayor McPherson: Well, let me start out with the deck permit, Thomas Hart. Reading through the minutes, there were several accusations that were made of the Building Department about their cooperation. Things were said such as they had to go under the deck and take it apart and our inspectors would not go under it. That our Chief Building Inspector was there I believe, an hour and a half. And why did we send two people? So what I've done tonight, first of all I checked into this and from what I can determine, the statements just were not true. And rather than my standing here and defending the Building Department, I will tell you in this case, that I believe that our Building Department has bent over backwards for this individual. I believe that our Building Department has gone out there like he said, and spent much time trying to help him to build this deck. Try to help him determine what he had to do and what he didn't, or couldn't do. And what I've done tonight, is asked Stephen Moore to come out and tell you the history if you will, of how this all went about and what we have done. And I really, I hoped sincerely Mr. Hart had been here tonight because you know, well I'm gonna let, Stephen if you'd come up and just go over the chronology of everything that happened here. You know, if this is not the way Mr. Hart remembers it, I certainly do wish he was here to say, that's not the way it happened. But I have no reason not believe Mr. Moore and the chronology of how things happened out there. So, Stephen.

Mr. Moore: Thank you. Mr. Clemens, Mayor. I responded to this two weeks ago and gave you basically the history, what we had on record as far as when we got the report that there was a deck

built. We stopped. Left a door hanger. Mr. Hart's contractor or friend that he had helping him came in with a set of plans that weren't adequate. We gave him a hand out which we have which is a deck package that explains what needs to be on plans and how to figure some of the requirements. He came back a second time with a set of plans that still weren't adequate so I visited the site so we could get him approved. All this happened. We got the plans approved within three days still. We had to make corrections to his plans. Make it so that it did comply with code and would hold property values around the area and that he would have a good deck that would last and not fall apart. We then went out. We've done four inspections to date on that. We went out once on a footer. The footers didn't comply with the plans or the code. He was turned down, asked to dig the holes out to the code required sizes and what was shown on his plans. Which he did. Then we went back, approved those. Went for a framing inspection. He didn't have all the connections per the plans as were required. He used some different bolts than what were shown on his plans. We asked him to change those. He didn't have all the hangers nailed. He didn't have all the proper things done that way. The inspectors turned him down on the framing. Went back. He made the revisions and he changed it to comply with his approved plans. Basically, that's where we stand with the deck today. He hasn't called us for a final inspection yet, which I'm sure he will. And again, to start with, Mr. Hart was very cooperative. In fact, the Friday after the last Council meeting we discussed this. He came in. The gentleman he had helping him has left and taken the plans, so he came in and got a copy of his plans so that he would be able to complete the deck per his approved plans. I can guarantee you, we set out no way to harass this gentleman. We really were, our intent was to help him get through the process the best that we could. I don't know what, if you guys have questions or whatever, but we really did. I mean, that was our intention. To help the gentleman as we do everybody. We have a lot of people that we catch doing decks without permits. We try to do the same thing with them. We don't charge double permit fees, which our code says that we can. We don't put stop work orders. We try to get compliance and do it in a good manner instead of going to the being hard noses about stuff. We just want to see stuff built safe. And that's what you hired us to do. Is to make sure buildings and structures that people live and use are safe for them. So that's kind of where we're at with it with his deck. We're just waiting for a final call to do the final inspection.

Mr. Clemens: Thank you, Mr. Moore. Are there any questions for Mr. Moore on this subject? Yes, Mr. Stearns.

Mr. Stearns: Thank you, Mr. Clemens. Mr. Moore, Mr. Hart did say that the inspector had him remove boards so you could see the bolts. All you have to do is get on your, just bend over a little bit and you can see all the bolts were in there. The bolts to the building.

Mr. Moore: I know what he's saying and I've talked to my inspectors and they said they did not require him to remove those boards to see that. They did get down and look underneath it.

Mr. Stearns: Well why were the boards removed then?

Mr. Moore: He may have had to remove them to put the bolts in that weren't in originally. I can't answer that question.

Mr. Stearns: I saw his bolts myself. I did what the inspector was supposed to do. Just look down instead of having him take all those off. You know, you're saying one thing and Mr. Hart is saying another. And I just wanted to say that some of the things are not totally untrue what Mr. Hart said. I just wanted to make that point clear right now. One of the other things that I would make a point of is that last week, Mr. Hart did not say, he did not say that he used profanity. And that was quoted in the newspaper.

Mr. Moore: Yes, it was.

Mr. Stearns: And he overheard you saying that you came out smelling like a rose on account of that.

Mr. Moore: That's not true.

Mr. Stearns: That's not true either.

Mr. Moore: That's not true.

Mr. Stearns: Okay. I just wanted to know. I've got an idea right now of what's happening. He says one thing, you say another. Since you are here to defend yourself, or to defend the Building Department, there's probably, I certainly hope there's not going to be a whitewash of this situation. So I just wanted to let you know that there are some things right here that as myself and what I saw, we need to get it straightened out right now.

Mr. Clemens: Mayor.

Mayor McPherson: I can assure you that there is never a whitewash under my Administration and you heard me start this off by saying I hope Mr. Hart is here. If Mr. Hart wants to refute any of this that he's saying happened and we're saying didn't happen, then I challenge him to do that very thing. We have no reason to lie about this. There's no reason whatsoever Mr. Stearns. It doesn't behoove us. We're continuing to work with this man. If it weren't for the Building Department and the way they've worked with this man, his deck still wouldn't be up. And if he put it up and we didn't find out about it, it would probably fall down by now. So you know, I resent the fact that you're accusing our Building Department guys of lying when, and also whitewashing this because this doesn't happen. And I defy you to show me any time that that's ever happened, Mr. Stearns.

Mr. Stearns: I'm just telling you what I saw, Mayor. I'm telling you what I saw. This is what I saw.

Mayor McPherson: And did you hear the explanation?

Mr. Stearns: I heard the explanation. But those bolts were visible by looking under there and why would he take those planks off?

Mayor McPherson: The Building Inspector said he went underneath it. We have no idea why he took those boards off. It had nothing to do with the inspection.

Mr. Clemens: Let me say something to you. This same thing was stated last week and Mr. Moore did not comment on it last week and his statement wasn't made so I don't know why Stephen didn't step up then and say, well they didn't take the boards off. But my point is, we asked the Mayor, we asked you to report on this. It's always been my feeling, and still is my feeling, I've told other members of Council, I do not feel right having an employee up here having to answer these questions, take punishment for it. I feel it's the Mayor's responsibility to handle these situations as it is the Service and Safety Directors. It's not for our employees to have to stand up there and take punishment whether right, wrong, indifferent, or whether they're being called liars or not liars. So I would rather not have to see Mr. Moore criticized that way and I was hoping it didn't have to be that way. If there's nothing else to be said on this, and as Mr. Stearns said, I'm sure it's not over with, we will look into it further. And Mr. Gilbert, did you have a comment on this?

Mr. Gilbert: The Mayor probably can't answer this. I'll direct it towards Stephen. I guess the standard of proof is a little higher but we can reverse the tables and accuse the resident of being a liar which is what's happened here this evening. So I'd like to clarify this because this was something that confused me last week, Mr. Moore. Your quote in the minutes in regards to Mr. Hart, "The other times when we were out trying to help him get his plans approved, actually Mr. Hart's been very nice to work with. He calls in for inspections very friendly". Later in the same meeting and responding to a question as to why you had two inspectors go to his residence, you stated, "Due to the fact that the gentleman that was helping Mr. Hart and some of Mr. Hart's comments were quite hostile at times towards the Building Department and towards the inspectors, I felt it necessary that we have two people there".

Mr. Moore: That's correct.

Mr. Gilbert: So we have two descriptions from you in regards to Mr. Hart which...

Mr. Moore: Because the times I dealt with Mr. Hart through the process of getting his plans, he was. Actually, even Friday when he came in he was still a pleasant gentleman. Out on the site was when it was not pleasant. His contractor wasn't pleasant. He didn't necessarily make comments that were easy for the inspectors to deal with, and when they came back and spoke to me about those, that's when I felt we needed to have two people go on site. That's all I can tell you. It wasn't conflicting. It was just two different times and two different situations.

Mr. Clemens: Thank you, Mr. Moore. Are there any other questions for Mr. Moore or Mayor McPherson? Mr. Baxter.

Mr. Baxter: Thank you, Mr. Clemens. Mayor, I would look at this as obviously there's issues still with the Building Department in the way it's being perceived. Not necessarily if there's issues, the way they're dealing with our citizenry. I would ask that you look into this and maybe have a sit down meeting with Mr. Hart and get to the bottom of this within your own Administration and maybe report back to Council how we could better improve our service with our citizens. If not,

give them a place to go to when they do have issues with different department heads so that we don't get to an escalation point then have to come in front of Council. So that would be my request of the Administration. Thank you.

Mr. Clemens: Thank you, Mr. Baxter. Mayor.

Mayor McPherson: Okay. The second issue was Dr. Mungall's property, Quarry Cliff Road. When this first started, I believe the Association and some neighbors indicated that there was high grass on Mr. Mungall's property, Dr. Mungall's property. When the Zoning Compliance Officer went out, there was conflicts on when no trespassing signs were put up and whether they were or they weren't. Bottom line is, Mr. Underwood said, with or without the no trespassing signs we have every right to go to a property and enforce our code. Mr. Underwood and Mrs. Reichard went out to the property. They looked at it. They designated what should be cut and ordered the property cut. Now while the people were there cutting, by the way, we did send somebody out to observe the cutting, and we did determine by our own ordinance that the grass fell into our noxious weeds. And so there was absolutely no one saying that it didn't comply with our code. We made that designation. I can show you in the code where it did in fact fall under the noxious weeds section of our code. Now where it starts to trail off at this point is that, while the people were out there cutting, they observed other high grass on this gentleman's property. Being around his green or whatever. Again, it was not decorative grass. It was not landscaped grass. It was just high grass. They went ahead and cut it. It all fell under the notice to cut the weeds, the noxious weeds. Now however, had we had it to do over, we would have probably just cut what Mr. Underwood and Mrs. Reichard saw and said to cut, and we would have then sent a second notice out to cut the rest of the grass. We complied with the code. We had the grass cut regardless of where it was. It was on the property. Notice was given to the property. So I guess for that, whether you were within the code or not, we probably should have gone back and sent another notice and started the whole process over on the second patch of grass that we saw when we were there. We did not do that. For that, I publically apologize to Dr. Mungall and can assure him that in the future if we have to cut his grass, we are certainly going to make sure that he's aware that all of the grass has to be cut. Not just one strip. Again, our fault. That's where we stand. We probably shouldn't have cut it out around the green without giving additional notice.

Mr. Clemens: Thank you, Mayor. I just have two quick questions. What person was it that observed noxious weeds?

Mayor McPherson: That was our Building Compliance, or Code Compliance Officer. And the code is very specific. Mr. Underwood wrote that code several years ago if you recall when we were having all the trouble with, how do we identify noxious weeds? But there's a whole list of them.

Mr. Clemens: As long as it's identified.

Mayor McPherson: It was identified according to our code.

Mr. Clemens: Okay. And they were wrote down on what it was? So we have a list on what they

were so we can give it to him?

Mayor McPherson: Yes. It's in the code.

Mr. Clemens: Also, who was there when they cut the grass?

Mayor McPherson: Stephen?

Mr. Moore: (Inaudible. Speaking off mike).

Mayor McPherson: The Code Compliance Officer? The Code Compliance Officer.

Mr. Clemens: Are there any other questions for the Mayor? Yes, Mr. Baxter.

Mr. Baxter: Thank you, Councilman Clemens. Mayor, I really have a hard time with this and I do believe that we've overstepped our bounds in this. The code when you read it implies, at least to the common person who'd read it that the grass that is 6 inches or higher is considered noxious weeds. In my mind if I look at someone's front yard and it is 6 inches high, I'm going to say, Mayor go cut it. Okay? This man specifically pointed out and I've gone out and looked at his property and I've looked at many other properties. He's pointed out our own government property here with the city that matches what he had. So how is it we can say that this mans grass is noxious but our own is not? That's my first concern.

Mayor McPherson: Can I answer it....

Mr. Baxter: Let me finish my statement. My second concern is that he tried to work out the issue with the city and could not get any director nor the Mayor or anyone else to give him a call back as a way to resolve this. Those are the two things I find really upsetting about this whole situation. And those would be the two things again, how do we work better with our people in the City of Reynoldsburg? And that should be something we should be doing.

Mayor McPherson: Well, we always try to work with the property owners on these issues. And I guess the issue is this, I could probably go out tomorrow and find 500 or 1,000 people that are in violation of our code. We typically only address the code when somebody calls in a complaint because we don't have the manpower and do this. This was brought to our attention from a complaint from a neighbor. That's why we did it. That's why we were there. Had we not gotten a complaint, we would have never gone out there and ordered him to cut that grass. Because all these things in grass are pretty much complaint generated except the ones we see that are in residential areas that are blatant. So we don't look for them. We're complaint driven. And that's why we were there. It was because of a complaint. We don't look for the other ones. And now I know a lot of the pictures that he sent in if you notice, over half of them weren't even in the City of Reynoldsburg. But be that as it may, the point is, yes there will be other ones that are here that if somebody calls in and complains on it then we do address it. But I mean, we have hundreds and hundreds of complaints every week and we don't have time to go out and generate additional grass complaints. We just don't have it. The second thing that you mentioned was

that no one worked with him or got back with him. That isn't true. I got back with him and I think even if you read the article it said I got back with him. And I told him that I was going to turn that over to the Service Department and we were going to follow the code.

Mr. Baxter: This was previous to his grass cutting?

Mayor McPherson: That was previous to his grass cutting.

Mr. Baxter: My understanding is it was afterwards.

Mayor McPherson: It was before. It was before his grass cutting. That's when he got the notice. That's when Barbara was out there and I think I may have even copied Council with e-mails on that, I'm not sure. And I told him that I would personally get in touch with him after I got in touch with him through the e-mail. And this all went down, I went on vacation and while I was gone all this went down. So he was fully aware and I had contacted him prior to this being cut and told him I would get back with him. But again, and I'll take the blame for this one too, I should have probably done it before I left for vacation but I just didn't have the time with getting ready to go. But again, the cutting of the grass was done according to our code. And for that, I don't apologize. The only thing I apologize for is the fact that the additional cutting, I probably should have sent a second notice and we didn't do that. Now would we do that to anybody else? I don't know. You know, we don't have too many situations where we're cutting grass around a green. I've not ever cut grass around a green before or probably won't do it again.

Mr. Clemens: Alright. Two things. I wish Dr. Mungall was here because he did make a good presentation really. He had it down quite well of all the stuff we have around city hall that doesn't meet code. And one thing I'm going to find out is, who that was that called in because they got it done real quick and I know I turned in 80 items eight weeks ago and probably 40 item six weeks ago, and I'm still waiting for most of them to be done. So I'm glad that we do step up against some of these things.

Mayor McPherson: Well Mr. Clemens if I could, I remember the one week you turned in 70 items on Monday and I believe by Friday we had 60, how many of them done? But again Mr. Clemens...

Mr. Clemens: Well you were on the wrong street if you did it let me tell you. Because I go check them.

Mayor McPherson: We try to prioritize and you've got to realize you're not the only City Councilman that has problems in their area and we have _____ manpower.

Mr. Clemens: And I realize we have priorities so don't get me wrong. But any time anything comes up you talk about manpower so I understand that too.

Mayor McPherson: That's true.

Mr. Clemens: But any how...

Mayor McPherson: You worked here. You used to talk about it when you were here.

Mr. Clemens: Well certainly I did and that was one of our prize issues.

Mayor McPherson: Yeah. You know when you were standing here and everybody was complaining about not getting the job done.

Mr. Clemens: That's right. And I was always trying to help to get it done.

Mayor McPherson: That's right.

Mr. Clemens: And some times we didn't.

Mayor McPherson: Some times we didn't and we didn't always get it done.

Mr. Clemens: That's not the point. We're not here to argue about issues such as that.

Mr. Hills: Let's try to just...

Mr. Clemens: The only problem is, and I have to agree with _____, every time something comes up, it's all smoothed over and gloried over and I think that's what they're talking about. This is not the end as far as Safety Committee's concerned and I appreciate your report Mayor and also Stephen, I appreciate you coming up too. In which I think _____, and see how the people that are involved in this, if they're satisfied with your apology then I feel I'm satisfied.

Mr. Stearns: I have one more question for the Mayor. The Neighborhood Task Force that you have formed that deal with some of the issues, could you tell us what the results of that is as it stands right now?

Mayor McPherson: Yeah. There are several changes that are being looked at. Stephen is actually rewriting almost the entire code. And as I told some of the other members of the committee that have talked to me about it, we would anticipate some time the first part of January having everything ready to submit to City Council. All the new codes. There are some codes, I know the Huber Association just had a meeting last week which the Chief attended and I'm not sure who else. But you know, we explained some of the codes that we can't change. You know there are just things that they're legal. And we can't enforce things that are not illegal. And we have been working very closely with the Huber Association group and I think they'd be the first to tell you that we are getting things done. We're getting things moved. Do we have a perfect track record? Absolutely not. It would be great if we did. But we are working on it. We are working through the process and we are getting things done. And as far as a lot of the recommendations that the Neighbor Task Force put together will be in this zoning change that will be submitted the first part of January. There's a lot of legal issues that have to go into that as well

as just what we'd like to do.

Mr. Stearns: Thank you.

Mr. Clemens: Are there any questions for the Mayor? Yes, Bill.

Mr. Hills: Mr. Clemens, if I could just ask, where was the grass that was supposed to be cut? And the reason I ask...

Mayor McPherson: Along the property line I believe at the edge of the woods.

Mr. Baxter: Between the two _____.

Mr. Hills: Closer to Waggoner Road? The Waggoner Road side of the lot? Not back between the houses which had the 5 or 6 clumps. And the City Attorney said he, the City Attorney and the Safety/Service Director had gone out and approved the cutting of the front section. The closest to the court. Is that correct? I believe that was your statement.

Mayor McPherson: That's correct.

Mr. Hills: The Safety/Service Director and the City Attorney went out and viewed the _____.

Mrs. Reichard: I'm sorry. We saw the pictures. We didn't go to the property.

Mr. Hills: All I'm trying to do is clarify a little bit. It seems to me...

Mayor McPherson: I'm sorry. I understood that Mr. Underwood and Mrs. Reichard actually visited the property.

Mrs. Reichard: We saw the pictures.

Mr. Hills: We visited the pictures and the pictures were taken by the Code Compliance Officer.

Mrs. Reichard: That is correct.

Mr. Hills: And some where in the Code Compliance Officer's notes I believe there was an indication by you to the individual that you'd have to look into it and it would be about 6 to 10 weeks. It would appear to me that where the problem, rather than rightfully or wrongfully it went back out for a cut. But there had to have been communication and I think that's where the communication breakdown was.

Mayor McPherson: And that's why I apologized.

Mr. Hills: I think Bob, and I think you and I are going to be meeting tomorrow and some others, I

think with the issues coming up, there is no doubt, I think all of us need to work to improve the services we have and at least get them more consistent I guess and have some guidelines. And from that standpoint, these types of discussions come out well. I don't think it's always good when we become argumentative but there are issues that need to be dealt with, the citizens have brought them up. And we are going to deal with them. We will get better and hopefully have fewer mistakes than are made now. But I do appreciate the fact that people stand up and say, we made a mistake. We all do that at times. And it's necessary to do that. Mr. Clemens, I thank you for the opportunity to comment.

Mr. Clemens: You're welcome. Are there any other questions for the Mayor? (No response). Thank you, Mayor.

That ends the Safety Committee meeting at 8:47.

Safety Committee

- - Susie Smith, Assistant Clerk of Council

July 19, 2004

(Transcribed - Susie Smith)

SERVICE COMMITTEE MEETING MINUTES

July 19, 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 8:47 p.m.

The second item on the agenda is the approval of the minutes of the July 6, 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 have a number of changes for this evening's meeting. First change is item number 5 (Discussion, Commercial Corridor Revitalization Project/Phase II Utilities, authorization of attorney services and appropriation of funds), is in the Finance Committee but request to Mr. Stake that when we get to that item in his committee, if we could hold that until the first committee meeting in September. As well as to hold item 8 (Ordinance to enact a Comprehensive Right Of Way Management Policy, Chapter 907). I've been notified by, I believe the remaining utility companies that they'd like the opportunity to review the Comprehensive Right-Of-Way Management Policy and I don't believe, so that they have a chance to review this and offer their comments. And then I would like to include in that motion for changes to the agenda, to move to Other Legislation item 6 (Discussion, License to allow installation of drain to correct water accumulation problem), 7 (Discussion, Development impact fees), 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). I do have Speaker's Requests for item 10. However, I would note this item is being held so that the Development Department and the developer can work on a number of concerns that the residents have raised in regards to this issue in the context of a zoning overlay. And I spoke with the developer today. He was agreeable to this and we will have, we will address this after the Council recess in September which there will be additional details for Council to review at that time. Let me just, if I could briefly prior to asking for a second on the motion, thank Mr. Keeny for coming in this evening in regards to your comments on Taylor Road. And I would just note, the Mayor has indicated a plan is coming forward on our portion of Taylor Road. And I do sympathize with you in regards to your feelings, Taylor Road south of Palmer. I think it's fair to say that representatives of the Administration, representatives of this Council have gone to Etna Township, offered olive branches, cooperative efforts to find an approach to mutual cooperation in repairing this road. And that has failed. And the recent comments in the paper, I see from last week, they're only concerned with blame. And in comments that I made earlier this year in regards to our efforts to improve and make this road safer, there is some blame for the city in this process in trying to work this out. We've accepted that but we've tried to move forward. And some of our limitations that the Mayor has talked about, the City Attorney has noted in regards to us utilizing our resources in other jurisdictions is limited by the law. And so I think our intention is to look at carrying out our obligation to repair our portion of this road. And if you could help me with your location, 8120. Are you in Etna Township, Reynoldsburg?

Mr. Keeny: Yes.

Mr. Gilbert: I think it's important in regards to the road safety. That portion, the road safety and the fact that your tax dollars, your property tax dollars in Etna Township, if the members will allow me some latitude on this, this needs to be broadcast to the residents that live in Etna Township, Reynoldsburg. Your property tax dollars that go to Etna Township, because we have non-conforming boundaries, there's some advantages to that in regards to some fire services can be provided more economically than other districts. But in regards to the township, the non-conforming issues that you send your tax dollars to Etna Township and you get no services provided. Who provides the maintenance for the roads? The City of Reynoldsburg. Who provides you police protection? The City of Reynoldsburg. They spend that money in unincorporated Etna Township. And I think the last dollar amount that we had calculated, we were close to 47 to 48% of their General Fund budget. The residents of Reynoldsburg, corporate Reynoldsburg provide. And yet they turn their back on your safety. And I think we have drawn a line. And I'll give you an example. Today in the Columbus Dispatch, we have a report on the developers efforts to annex land into the city. Not the city going to land owners requesting the annexation. And to do this we need to provide a modification to our water and sewer contract to be able to service this request. And what has this Council and this Administration said in the process? We've asked for a larger line with the intent to try and put a dent in the density this type of a development would create. A larger water line allows us to have other options with development. Commercial, retail, or small business type atmosphere that you see maybe with the Etna Business Park. The inch and a half line that's being proposed in that some members at the table have expressed opposition to with these restrictions, limits that development to strictly residential. And so our actions in themselves go against the charges that are being made by Etna

Township and others that we are out of control with our development. We are trying to approach this. And as you'll notice, one of the reasons the item has been held, and the developer, I'm grateful that he's agreed to work with us on this, we have taken a very deliberate process towards our development to the east. And we're trying to be responsible. And I think you're seeing that now with the developer in regards to this specific project. Looking on an overlay to address some of the very concerns that have been raised not only by members of the table, the Administration, but the residents as well. In some regards that's unprecedented in the things I've seen come through here. Two years ago we had a developer just try and bulldoze through and ignore our zoning and our codes. And we had to put a stop to it and draw a line in the sand. And so Mr. Keeny, I want you to know, I think all of us here at the table, I know the Administration's been working hard, we're looking forward to having a proposal before us before our recess for the public to see in regards to fixing our portion of Taylor Road. But I urge you from that point forward, from this point forward, to go to your trustee meetings. You elect them. You pay tax dollars so that they can spend that money in unincorporated Etna Township and turn their backs on the residents of Reynoldsburg when they have an opportunity to participate. And these recent efforts to cooperate, that belies the fact that three weeks prior, they formed an anti-Reynoldsburg conglomerate which from our actions here, we've shown the hypocrisy of that. I'm just asking, I think we hear you and we're working very hard to find a solution to that within the area of limited resources because we have a Streetscape Project. We have other priorities that are going on. And that's not to diminish the priority of Taylor but I think it's taking a little more time because the Administration and Council have been trying to find a balance with the resources that we have. So I hope that helps explain where we're at on some of these things. Mr. Littlejohn I'll allow you some comments here before we move on.

Mr. Littlejohn: I've got just three quick pages of comments and it's really big Reader's Digest print. So I should get it through pretty quickly. Honorable Council and Service Committee, good evening. My name is Glen Littlejohn and I'm a resident of Windsor Forest in the City of Reynoldsburg at 285 Windsor Drive, the existing single family subdivision directly across from the proposed high density development. According to the coordinator of the recent June traffic study, Larry Ward, there are 67,760 cars traveling on Taylor Road per week which is more than double the entire population of the City of Reynoldsburg according to the 2000 U S Census Bureau. The traffic counts are not the end of the analysis. Because approximately 150 feet north of Windsor, Taylor Road makes a significant drop down into a creek bed that makes any car traveling south suddenly appear out of nowhere to a driver stopped at Windsor. By the way, presuming a car is traveling lawfully at 35 miles per hour, the southbound car covers that distance in only a second or two and we have to account for the driver's reaction time from noticing a problem, to starting to react, to stopping the car in time. We live in the days of reality shows. So if it's Taylor traffic video tape that you want, I got it. A quick note about the recent traffic count. 67,760 cars was the count obtained before someone cut the hoses on both traffic counting machines so as to render them inoperable. I wonder who would stand to benefit from such a thing. The Reynoldsburg City Council has in this year and prior years, been made aware of the dangers on Taylor Road. We see high traffic counts that are ever increasing. We see traffic that is traveling at speeds that are beyond safe and sane. Especially giving to single family homes that line Taylor Road. Giving the large number of children that live on and immediately about Taylor. Children by the way who must navigate on foot and on bicycle this treacherous roadway. And

that's when they're not having to get on and off the school bus. (Tape Change). Still going through painful surgeries and therapy. I presume that legal counsel for the city has informed this City Council of the case of Malute versus Ohio Department of Transportation, Case #2000-0123, Court of Claims of Ohio, 115 Ohio Miscellaneous Second of page 24. Also found at Volume 760 northeast second of page 936. Decided January 11, 2001. When the state government was held liable for a death arising from the failure, its failure to act to correct dangerous road conditions of which it had knowledge. So if anyone tells this Council that sovereign immunity automatically protects the City of Reynoldsburg, you might want another opinion. The Council should also be aware of Ohio Attorney General Jim Petro's recent written opinion, 2000-024, where he states, "A Board of Township Trustees is authorized by Revised Code 519.02 to zone for the purpose of promoting the public health, safety and morals. The development, the maintenance of an infrastructure sufficient to serve the needs of a townships population meet this purpose and may support a temporary moratorium on the construction of residential units depending upon the terms of the particular zoning resolution as well as the circumstances of the moratoriums enactment". Certainly Mr. Petro's conclusion is readily applicable to city's also. Do we need to wait until some one's gentle cooing baby, giggling third grader, or beloved spouse is turned into a pulpy, bloody, or decapitated mess before corrective action is taken? Because that's what you see at accident scenes. And in my 44 years I've seen plenty of them. And I've helped out at plenty of them as a motorist. When steel meets flesh, flesh loses every time. Let not Taylor Road and Windsor Drive be another State Route 310 and Morse Road. We are told this development is going to be 148 condo's. Not 148 apartments. Like that makes a difference. You can't put lipstick on a pig and call it honey. It's still a pig. And who really believes there's just one car per family these days? So by doing the math, there's the potential for another 592 cars per day entering at Taylor and Windsor and that's only if you account for two cars leaving in the morning and two cars returning at home in the afternoon. And ODOT tells us to figure 10 comings and goings per household per day. Not 4. As we are meeting here today, a much needed elementary school is being added to Taylor Road. So are more mommy's and daddy's and the children that they love with all their hearts are going to be traveling Taylor Road. By car, by mini-van, by bicycle and on foot. Voters I might add, with their children's lives at stake. Let's stop _____ slobbering over ourselves about development on Taylor Road until dangerously long overdue infrastructure is in place. The city cannot afford it. And even if the city could beat the liability rap, it's not going to beat the ride, the cost of the ride through the courts and at the polls. Thank you.

Mr. Gilbert: Thank you, Mr. Littlejohn. Let me assure you, no one at this table is slobbering over development. And nothing that you have mentioned here this evening isn't anything that hasn't already been mentioned and brought to this Council's attention as well as our own experiences with traveling that road. I would note, the developer is not here to respond since that was specific to the development. But I will note, this will be under discussion in September. It has been held until the first committee meeting in September. I have a motion on the floor, do I have a second? Second by Mr. Stake. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 4, Mr. Beougher. Corner lot setbacks. Take it away.

Mr. Beougher: Thank you, Mr. Gilbert. And I believe the City Attorney was going to look at this and come back to us with a response on how this came to be and...

Mr. Underwood: Mr. Beougher. I looked at what I have and drafts of the code were sent to Planning Commission, Council, many places. Several drafts. And nobody commented on it so I imagine we thought it was a good idea at the time.

Mr. Beougher: Was it in the prior code? Or was it a new addition with the 1999...

Mr. Underwood: I can't tell you right now.

Mr. Beougher: Okay.

Mr. Gilbert: Was that a recommendation?

Mr. Beougher: I guess I was looking for a reason. I guess I still don't have it other than nobody objected to it. I'd like to see it come out if possible. I don't see the reason for it. Why when you have two different setbacks you have to enforce both or the most restrictive on both frontages? It just doesn't make a whole lot of sense to me. I think the building line should be consistent all the way up and down the street and not change once you get to a corner lot.

Mr. Gilbert: Well it's going to need to go before Planning any way so there'll be a Public Hearing where they could weigh in on it if they haven't responded to the items that have been sent out. Are there any objections with moving this forward and setting a Public Hearing for additional discussion from the members? (No response). None being heard, I'll make the motion that we forward this to Council for its first reading with a note that a Public Hearing will need to be set. Do I have a second? Mr. Beougher with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

I believe we have item 9, ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE JET TRUCK FOR WASTEWATER DEPARTMENT. We've had some discussion on this item. Is there anything the members care to add at this point? (No response). This was an item that was budgeted originally in the amount of \$120,000. It was set aside in this years budget. And the Service Department is requesting an additional appropriation of \$9,000 to be appropriated from the unappropriated Sewer Fund. So this is not coming from the General Fund. Any questions or comments on this item at this point? (No response). None being heard, I'll make a motion that we forward this to Council for its third reading with a recommendation for adoption. Do I have a second? Second by Mr. Stake. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And with that, I will adjourn Service at 9:06 p.m.

Service Committee

- - -Susie Smith, Assistant Clerk of Council

July 19, 2004

(Transcribed - Susie Smith)

FINANCE COMMITTEE MEETING MINUTES

July 19, 2004

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

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

Mr. Stake: I'd like to call the July 19 Finance Committee to order at 9:07.

The second item on the agenda is the approval of the minutes of the Finance Committee meeting held July 6, 2004. Are there any changes to those minutes? (No response). Hearing none, those minutes will stand as submitted.

Item number 3 is approval of the agenda. I have two changes there. We'd like to hold item number 4 (Discussion, Commercial Corridor Revitalization Project/Phase II Utilities; authorization of attorney services and appropriation of funds) at the request of Service Committee Chairman Gilbert. And would like to add as 3a, Vacation Leave, Senior Police Management. Do I have a second? Second by Mr. Gilbert. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item 3a is Senior Police Management Vacation Leave. And here what we're trying to do is to match the Vacation Leave Policy that the 160 employees have. That's currently in our Personnel Policy and Procedure Manual. Apparently the Lieutenant's were left out when this was done. This would correct that. Also it would fall in line with what every other non-union employee has. Basically it would provide prior service credit to somebody who is coming here from another government agency at the same level as the 160 employees. Are there any questions or comments in regards to this from members of the committee? (No response). Would anybody from the Administration like to add to what I've said or is that okay?

Mayor McPherson: That pretty well sums it up.

Mr. Stake: Okay. And I believe we do have the opportunity to hire a Lieutenant or two here soon so we'd like to send this forward as an emergency. Is that correct? Okay. Then I will make a motion to send this forward as an emergency. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed?

(No response). Motion passes.

Item number 5 is the ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR SPECIAL COUNSEL ACCOUNT for the Mayor's Department. The Mayor is asking for an additional \$5,000 to replenish his Special Counsel Account. And its had its first reading I believe on July 12. Are there any questions or comments from members of the committee in regards to that? (No response). Members of Council? President Hills.

Mr. Hills: Mr. Stake, if I could note, I think when we talked about this I was Acting Mayor to bring it forward. And I just wanted to remind Council of the fact that there was some existing dollars in the account but there was a concern that if this waited until September it may not stretch that far. So certainly if possible we'd like to have an emergency added to that so it can be passed before Council break.

Mr. Stake: Okay.

Mr. Hills: I guess that was my Acting Mayor hat.

Mr. Stake: Thank you, Acting Mayor Hills. Any other questions or comments? (No response). So then I guess we'd like to send this forward from this committee as an emergency. 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.

Item number 6 is an ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 160 EMPLOYEE COMPENSATION - SECTION 160.07 "LONGEVITY"; SECTION 160.08(b)(6) "LIEUTENANTS"; SECTION 160.09(a)(4) "GROUP INSURANCE" and SECTION 160.11(5) and (6) "CITY CLOTHING PROVIDED". It had its second reading on 7-12. And this was brought forward, a request by the Mayor to try and bring our 160 employees more in line with what other folks have in regards to longevity. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). Okay. Hearing none, then I'll make a motion that we send this on for its third reading. Any further discussion? (No response). Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 7 is ORDINANCE TO AMEND THE "CITY OF REYNOLDSBURG, OHIO PERSONNEL POLICY AND PROCEDURE MANUAL" ADOPTED BY ORDINANCE NO. 14-03 PASSED MARCH 10, 2003 AND AS SUBSEQUENTLY AMENDED. This basically is the personnel procedure part, manual part of the previous ordinance. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). I will make a motion that we send this forward for its third reading. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 8 is ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Chapter 160 Employee Compensation - SECTION 160.08

“ADMINISTRATION OF PAY” SUBSECTION (b) “Individual Merit Increases” (1) and (3). It had its second reading on 7-12-04. And this is also a request being brought forward by the Mayor. Its had two readings already. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). Then I will make a motion to send this forward for its third reading. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted “Aye”). Opposed? (No response). Motion passes.

Item number 9 is ORDINANCE TO AMEND THE “CITY OF REYNOLDSBURG, OHIO PERSONNEL POLICY AND PROCEDURE MANUAL” ADOPTED BY ORDINANCE NO. 14-03 PASSED MARCH 10, 2003 AND AS SUBSEQUENTLY AMENDED (Individual Merit Increases, Subsection 1. and 3.). Again this is the second part of the previous ordinance that puts it in our Policy and Procedure Manual. Any comments or questions by members of the committee? (No response). Members of Council? (No response). I will make a motion that we send this forward for its third reading. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted “Aye”). Opposed? (No response). Motion passes.

Item number 10 is ORDINANCE AUTHORIZING PAY INCREASE TO ALL EMPLOYEES COVERED BY CHAPTER 160 AS A RESULT OF THE RAISE BEING GIVEN BY THE CITY FOR THE YEAR 2004, AND APPROPRIATION OF FUNDS. It had its second reading on 7-12-04. Any questions or comments from members of the committee? (No response). Members of Council? (No response). Then I will make a motion that we send this forward for its third reading. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted “Aye”). Opposed? (No response). Motion passes.

Do I need an emergency on this, Mayor?

Mayor McPherson: Yes.

Mr. Stake: Okay, well then we need to back up a little bit. I will amend that I guess or whatever we need to do to reflect this to be an emergency I guess so these folks can get that money here after next week some time. And I don’t have a problem with that. Does anybody else have a problem with that? (No response). Members of the committee? (No response). Members of Council? (No response). Okay then I make a motion that we send this forward for its third reading as an emergency. Mr. Clemens seconds. Any further discussion? (No response). All in favor, state aye. (All voted “Aye”). Opposed? (No response). Motion passes.

I’ll adjourn Finance at 9:15.

Susie Smith- -Assistant Clerk of Council
July 19, 2004
(Transcribed - Susie Smith)