

SAFETY COMMITTEE MEETING MINUTES

July 14, 2003

Members of Safety Committee present: Mel Clemens, Jim Wade, Ron Stake, Lane Beougher.

Other members of Council present: William L. Hills, Sarah Cannella, Eric Gilbert, Council President Bradley L. McCloud.

Meeting was called to order at 6:37 p.m.

Mr. Clemens: Do I have any additions or deletions to the minutes? (No response.) If not, they'll stand approved. Next item is approval of the agenda. Do I have any items to be added or deleted? (No response.) If not, the agenda stands approved.

The next item, Discussion: Solicitation of charitable contributions (Leukemia & Lymphoma Society). I had talked to Liz Sidoti about this and what it pertains to is they want to be able to take contributions at Brice and Livingston Avenue for several hours on July 26, 2003. I told her to come before the Safety Committee. I have no problems with it. It's a good cause and I do believe we have someone here to speak on it, too, Mr. Phillips, but Council has to approve this and so that's why it's been put on the agenda. Mr. Phillips?

Ryan Phillips: (Blank spot on tape.) I'm not really sure exactly if you have any questions or anything like that. I can give you a very topical overview. Leukemia & Lymphoma Society's largest fundraiser is the Team in Training program, responsible for about half of the Society's income. We're looking to do somewhat of a "bucket brigade" if you will, on the corner of Brice and Livingston from approximately 10 in the morning until 4 in the afternoon, around 10 volunteers, a couple on each corner. We will not get into the streets. Everyone remains on the sidewalk and people kind of just give out money. It's a very good way for us to raise funds. We've done it in some of the other local communities, Westerville, Worthington, Dublin. We usually do very well to the tune of \$2,000 to \$2,500 in a day, so it's very successful for us. That's kind of a nutshell overview. I don't know if there's any questions or anything like that.

Mr. Clemens: You will have the Proof of Insurance Certificate for the City?

Mr. Phillips: Absolutely. The Society will provide a \$2 million insurance policy and the City of Reynoldsburg will be named on that policy.

Mr. Clemens: Are there any questions for Mr. Phillips? Mr. Hills?

Mr. Hills: Mr. Clemens, the one question I did want to clarify, there are -- no individuals are in the street during this

solicitation?

Mr. Phillips: The people do not go out in the street. Is that to say if there's a car in an inside lane, will somebody go out there? We highly discourage them not to do that. Has that been done before? I'm not going to tell you it probably hasn't been done, but normally it is the people that get stopped at a light, they're kind of right there by the curb and they just hand out and give a couple dollars into a bucket. We reach a bucket out and it goes into the bucket.

Mayor McPherson: Just a comment. I don't think really that Council needs to take any action on this if they're not going to be in the street. We have a standard permit that's issued for solicitation and what the gentleman's just said, the exception is if they're going to be soliciting in the street and that would be like you see on the corners where they stand out in the median and they walk up and down the street collecting money. So I'm not sure in this case that Council action is needed. And we certainly would grant them a permit to solicit from the sidewalk.

Mrs. Cannella: Mel, they still have to go around in the street to collect the money from the driver.

Mayor McPherson: He's telling us they don't do that.

Mr. Phillips: We try to avoid it at all costs. I mean it does happen sometimes, but we highly discourage people from going out unless it is potentially stopped, a red light or something to that effect, but safety is our main concern.

Mrs. Cannella: So they do go out in the street when there's a red light.

Mr. Phillips: It has been done. We try to -- as I said, we try to discourage them from being out in the street, but it has happened and potentially it could, yes.

Mr. Clemens: How would you rather have it handled, Mr. Phillips? Would you rather have a certificate from the administration?

Mr. Hills: That's what I was just asking. I gather because it's use of highway for soliciting, but what -- am I gathering just right, Mayor, that you're saying you would issue them the permit off the statement he's made here without any Council action?

Mayor McPherson: Yeah. We would just issue a standard solicitor's permit for a charitable organization and waive the fee.

Mr. Hills: If there isn't a need, I don't see why we'd _____.

Mr. Beougher: Well, they're still going to be in the right-of-way, which even if they don't go out in the street, they're still in

the right-of-way, so I think we should go ahead and, if it's the will of Council, issue an Ordinance. If there is the either/or, if there's a potential for them to be in the street, I'd rather them be covered whether it's for whatever boundaries.

Mayor McPherson: It really doesn't make any difference to us as the Administration. You know, the Ordinance is very clear, Mr. Beougher. It says, "To allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway." The gentleman just told us they're not going to be standing on a highway to solicit funds, but if you want to pass something, that's fine. It doesn't make any difference to us.

Mr. McCloud: What do we do with the Charity Newsies every December?

Mayor McPherson: Issue a permit, because they also have been instructed to stand on the sidewalk, don't stand out in the road.

Mr. ____: This would be the same scenario.

Chief Miller: Excuse me, Mr. Clemens, and with all due respect, Mayor, last year we did send a letter to the Charity Newsies advising them of the Ordinance, because they do, in fact, go in the roadway. And I have no objection to this request as the Chief. I know last year I got a phone call when the Charity Newsies were soliciting and that issue came up that no Ordinance had been issued, so we allowed them to continue, but we sent them a letter and put them on notice. Now this gentleman is requesting an intersection that's five lanes both ways. I mean you've got two lanes east, two lanes west and the turn lane on Livingston and you've got the same thing on Brice Road. I find it incredible to believe that they're not going to be going into the street at some point. If somebody's in the inside lane, certainly there's going to be a solicitation. I mean you're not going to turn down that money, are you?

Mr. Phillips: We don't want to turn any money down, but safety's obviously a concern.

Mayor McPherson: I think the key is how the Ordinance is written. This gentleman is saying that they're not going to go out and solicit from the highway. They're not going to be standing in the highway and our normal permit would probably cover them. The Charity Newsies typically solicit from the highway. They actually go out in the lanes of traffic. That's why they received a notice that if they were going to do that, they had to get permission from Council. And, again, it makes no difference to us because it's a good charitable organization and however Council wants to handle it -- it's just the mere fact that they walk out to get a collection from someone that wants to give them money, they are not standing in the highway soliciting. But, again, it makes no difference, however Council wants to handle it. They're going to get a permit either from us or just permission from Council.

Mr. Clemens: Are there any other questions for the Mayor? (No response.) I have no problem with the Administration

handling it, really, if that's acceptable to the rest of the members of Council -- of the Committee and Council. We'll turn it over to the Administration to give you your permit, okay? Handle it through the Administration.

Mr. Phillips: Is there anything else?

Mr. Clemens: No, no, that's fine.

Mr. Phillips: Thank you very much.

Mr. Clemens: Thank you.

The next item on the agenda is the Liquor Permit Request - Transfer, Nishis Market. Chief, do you have a report on that?

Chief Miller: Thank you, Mr. Clemens. We conducted an investigation into this request for transfer and the only issue that did come up during the investigation is that one of the owners involved was involved with a Liquor Control permit in the City of Columbus that was cited three times -- that's been cited three times since 1997 for underage sales. In a discussion with the Ohio Department of Liquor Control, this is not enough of a reason for us to deny this license, so we're going to stand before you and say that in our investigation we have not uncovered anything that would allow us real grounds for an appeal. It does mean, obviously, that the department has been put on notice and will be watching them.

Mr. Clemens: Okay. Are there any questions for the Chief from members of Council or this Committee? (No response.) If not, we don't respond on this, Nancy, just let it go? The next item on the agenda is Discussion: Authorization of two contracts for 2003 Street Program and appropriation of funds. Service Director Mrs. Reichard? Doesn't look like Mrs. Reichard, but we'll take the Mayor.

Mayor McPherson: I'll discuss Contract A. You should have in front of you the breakdown for the Contract A which is the concrete reconstruction. The total amount of the appropriation that we're requesting is \$282,994.87. We're requesting that \$264,000.00 of that come from the sidewalk fund, the balance from the CIP and that would be appropriated to Account 410.087.5651 and that pretty well sums up the Contract A.

Mr. Hills: That's Contract C, I think.

Mayor McPherson: I'm sorry, C. Okay, Contract A is an amount of \$257,267.87 with the contingency amount of \$25,727.00 which is 10%, for a total appropriation of \$282,994.87. Again, that was our bids. We attached a bid sheet for each of these. We would like to move forward on it obviously.

Mr. Clemens: On Contract A, do members of the Committee have any questions for Mayor McPherson? (No response.)
Members of Council? I have one question. You'll come to us later with the inspections part of it?

Mayor McPherson: That's correct. We'll be requesting proposals for the inspection service as a separate item like before.

Mr. Clemens: Okay. I'll make a motion then that we send this to Council for approval. Would that be a motion or Ordinance, Nancy?

Mrs. Frazier: It's an Ordinance; you'll need two of them.

Mr. Clemens: As an emergency?

Mrs. Frazier: Yes.

Mr. Clemens: Do I have a second? Second by Mr. Beougher. All in favor, say aye. (All responded aye.) Opposed? (No response.) Then we'll send this to the Finance Committee for the appropriation.

Okay, Contract B. Mayor?

Mayor McPherson: Just a minute, Mr. Clemens, let me get the right one here, make sure we're dealing with the right one. Okay, the Contract C would be for the concrete, Columbus Asphalt Paving was the low bidder, in the amount of \$272,250.00 plus a contingency \$25,727.00. This is the one that we would request the \$264,000.00 come out of the sidewalk program with the balance coming out of CIP, and to be appropriated to the account 410.087.5651.

Mr. Clemens: Okay. Are there any questions for Mayor McPherson from members of the Committee? (No response.)
Members of Council? Mr. Hills.

Mr. Hills: One question and I'm sure we'll clarify when they come to Finance, 272,250, I think, for the contract and then the contingency, but are both these contracts since they will be coming tonight and then passed later on tonight, you're going to have -- the City Attorney will have seen them or sign off on them?

Mayor McPherson: Absolutely. The City Attorney will have them and hopefully we can have him look at everything and get copies to you by next--

Mr. Hills: Well, we're going to be passing them tonight.

Mayor McPherson: Well, no, I mean copies of the actual contracts with the streets and all that we always put on file in the Clerk's office.

Mr. Clemens: Any other members of Council? (No response.) If not, I'll make a motion we send this to Council with recommendation to pass as an emergency. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All responded aye.) Opposed? (No response.) This will be sent also to the Finance Committee for appropriation.

The next item on the agenda is ORDINANCE ACCEPTING "HOMELAND SECURITY OVERTIME PROGRAM GRANT" IF AWARDED. This had a first reading. Are there any questions for Chief Miller from the Committee? (No response.) Members of Council? (No response.) If not, I'll make a motion we send this to Council for its second reading. Do I have a second? Second by Mr. Beougher. All those in favor, say aye. (All responded aye.) Opposed? (No response.) We'll send this to Council for the second reading.

The next item is the ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY AUDITOR TO FILE AN APPLICATION AND ENTER INTO A PROJECT AGREEMENT FOR STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) FUNDING FROM THE OHIO PUBLIC WORKS COMMISSION (ISSUE 2) FOR THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDOR PROJECT - PHASE 2. We've had a first reading on this and Mr. Brandt's asked if we could send this to Council as an emergency because it has to be filed in a couple weeks. So are there any questions from members of the Committee for Mr. Brandt or members of Council? (No response.) If not, I'll make a motion that we send this to Council for its second reading with an emergency for passage. Do I have a second on it? Second by Mr. Beougher. All in favor, say aye. (All responded aye.) Opposed? (No response.) Thank you.

The next item on the agenda is ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY AUDITOR TO FILE AN APPLICATION AND ENTER INTO A PROJECT AGREEMENT FOR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDING FROM THE OHIO PUBLIC WORKS COMMISSION (ISSUE 2) FOR THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDOR PROJECT - PHASE 2. It's had its first reading 6/23/03. And I've also been requested by the Development Director, Mr. Brandt, if we could pass this as an emergency. Does any member of the Committee have any questions for Mr. Brandt? (No response.) Members of Council? (No response.) If not, I'd like to make a motion we send this to Council for its second reading with the stipulation for passage as an emergency. Do I have a second? Second by Mr. Wade. All in favor, say aye. (All responded aye.) Opposed? (No response.)

The next item on the agenda, ORDINANCE APPROPRIATING FUNDS AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH EMH&T, INC. FOR THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDORS STREETSCAPE PROJECT PHASE 2, FOR THE PREPARATION OF SURVEY, SCHEMATICS, DESIGN DEVELOPMENT DOCUMENTS, FINAL CONSTRUCTION DOCUMENTS: DRAWINGS AND SPECIFICATIONS, AND BIDDING FOR THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDORS STREETSCAPE PROJECT. It had its first reading 6/23/03. Are there any questions for

Mayor McPherson on this from members of the Committee? (No response.) Members of Council? (No response.) If not, I'd like to send it to Council for its second reading. Do I have a second? Second by Mr. Wade. All those in favor, say aye. (All responded aye.) Opposed? (No response.) So it will go to Council for the second reading.

The next item on the agenda is ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 505 ANIMALS AND FOWL. Chief Miller? Who's going to speak on this, Chief Miller or Mr. Underwood? We've had discussions on this and we do have an amendment that has been sent to us by the Chief and Mr. Underwood.

Chief Miller: Do you have any questions?

Mr. Clemens: I have a couple of questions, but I'm going to ask the Committee members first. Members of the Committee, does anybody have questions for Chief Miller on this -- the provisions of this Ordinance? (No response.) Members of Council? (No response.) I just have a couple on this. This means that this breed is no longer -- will be removed from Reynoldsburg? Do I read that correct? This will be no longer allowed in Reynoldsburg?

Chief Miller: Can you tell me what section you're referring to?

Mr. Clemens: The pit bull breed shall be--

Chief Miller: Yes, if you're looking at how we define a vicious dog or other vicious animal, and you look at point number 5, it would define "belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such dog commonly known as a pit bull dog shall be prima facie evidence of the ownership, keeping or harboring of a vicious dog or other vicious animal."

Mr. Clemens: The question I was going to ask is twofold probably. How do we know where they're at? I mean who has them and so forth?

Chief Miller: It's a matter of them either being observed or someone notifying us, a citizen, a neighbor, the officers observing them during the course of normal patrol, and the Animal Control Officer's contacted and an investigation is conducted.

Mr. Clemens: And this will be enforced for everybody, no matter -- I mean one dog's no different than the other as far as this breed's concerned? In other words, they'd be removed, right?

Chief Miller: Yes, sir, that's correct. This has been our language.

Mr. Clemens: I know it's been in the Ordinance.

Chief Miller: It dates back -- I don't know, I'd have to go back and take a look at the original -- when the language was originally put in, but I know it's been there for any number of years.

Mr. Clemens: I do have some speakers on this. Mr. George, would you like to speak on this, please?

Harry George: I sure would, sir.

Mr. Clemens: Would you please take the mike and give your name and address, because we do tape all of our meetings.

Mr. George: Good evening, Councilmen, Council ladies, and Mayor. My name's Harry George. When I turned in my request, I turned it in to Mr. Gilbert and on the bottom I wrote "dogs" and he said "safety." I wish I'd have put "safety" because that's what this is about. I want to read a small section, pretty factual, and I think you'll get the gist. "My name is Harry George. I'm an Ohio resident for 53 years and a representative of the Endangered Breed Association. I was involved in the Ohio Dog Fighting Task Force, an attempt to stop illegal dog fighting. I've researched Ohio County dog bite statistics. Out of 46 counties over 60 breeds are listed with mixed breeds at 34% of the bites. Hamilton County alone reveals approximately 77% of their bites were mixed breeds. Fatal dog attacks dating back to 1970, mixed breeds are responsible for the majority of fatal attacks with over 280 listed. Ninety percent of the fatal attacks occurred from irresponsible parents and dog owners with over 260 children as victims. In Ohio for 14 years cities and the state have attempted to restrict the ban of pit bull, generalization term 'pit bull'. It has become clear that the law is not only ineffective in a struggle against dog fighting and irresponsible ownership, but criminalizes the responsible dog owners of a specific breed of dog, rather than accomplishing its claims to protect citizens from dog attacks. I ask the City of Reynoldsburg to consider amending the City Ordinance to non-breed specific law that places the focus on the owners who are irresponsible instead of the specific breed of dog. We found out that no matter what dog certain people have, they always seem to be in trouble with this animal. We're seeing it's not the animal." Thank you.

Mr. Clemens: Thank you. We have another speaker, Holly Lowery.

Holly Lowery: Good evening. My name is Holly Lowery. I'm a representative of the American Canine Foundation and a United Kennel Club judge. I'm a resident of Ohio and have been a resident of Reynoldsburg City for 17 years. I also participated in the Ohio Dog Fighting Task Force to help stop illegal activity concerning dogs. The American Pit Bull Terrier was never bred for human aggression. It appeared in this country around the Civil War. Their uses were many and diverse. They were used as general farm dogs whose duties included herding, rodent control and guarding, as well as hunting wild pigs and other game. They were also a loyal, trusted companion. Jack the Bull Dog accompanied Laura Ingall Wilder's family across the prairies, Petey from the original "Our Gang" comedies was a pit bull, and Helen Keller owned a pit bull named Fizz. Sergeant Stubby was the famous World War I hero who was invited to the White House by three U.S. Presidents. The

American Temperament Test Society has tested over 185 breeds of dogs and is recognized by the United Kennel Club. The American Pit Bull Terrier tests at 83.1%, which means the rate of passing is slightly better than the national average for all breeds listed. Although the pit bull was used for dog fighting, the majority of the breed now is selectively bred for confirmation, weight _____, and family companionship. Ohio is the only state that does not allow due process for responsible dog owners. In the 14 years that Ohio laws declaring the pit bull vicious were in effect, nothing has been done to protect the public or stop illegal fighting and this needs to change. Breed specific legislation is not the answer and statistics prove it. What's needed in Ohio is a dangerous dog law that focuses on responsible dog owners. I ask the City of Reynoldsburg to consider amendments to the existing animal ordinance that focus, again, on protecting the citizens from dog attacks, stop irresponsible owners, and not a specific breed of dog. Thank you.

Mr. Clemens: Thank you, Holly. The next speaker is Tonya Fent.

Tonya Fent: I also have some information. I don't know if I'm able to present it to the Council or not at this time. It's some information packets. I'll go ahead and give you my speech and then if I can pass that out. My name is Tonya Fent and I live in Reynoldsburg. I'm a member of the American Canine Foundation. I work for the Town & Country Animal Clinic in Whitehall, and I own American Pit Bull Terriers. I'm here tonight to ask the City Council to consider amending the animal ordinance to State Statute Ohio Revised Code 955.11 and .22 which allows pit bull ownership. The American Canine Foundation has submitted documentation to Amy Kalucca and I provided research to the City Council and the Mayor concerning breed specific legislation and the American Pit Bull Terriers. Ohio has had a breed specific law for 14 years and has proven ineffective in the struggle against dog fighting and irresponsible dog ownership. There is no scientific proof that the American Pit Bull Terrier can bite harder than other breeds, and a study by Dr. Leah Brisben from the University of Georgia indicates the pit bull's jaw structure and functional ability is no different than that of any breed of dog. Current statistics prove that pit bulls are not number one for fatal attacks or bites. The American Canine Foundation has researched over 400 fatal attacks and over 70% were to young children that were unsupervised by irresponsible parents with mixed breeds responsible for the majority of fatalities. The American Staffordshire Terrier and American Pit Bull Terrier have been selectively bred for over 75 years for companionship in the American Kennel Club and the United Kennel Club. Forty-nine states allow due process for dog owners, 10 states prohibit breed specific legislation. Ohio laws criminalize responsible dog owners and do nothing to protect the public from dog attacks. I ask the City of Reynoldsburg to read the research I presented to Council and before the third reading consider amending the animal ordinance to 955.11 and 955.22 of the Ohio Revised Codes. Thank you.

Mr. Clemens: Thank you. Does any member of Council have questions? Mr. McCloud? Mr. Stake?

Mr. Stake: I have a question for the Chief, Mr. Clemens. Chief, in the past has this Ordinance been effective? We've heard some of the comments here.

Chief Miller: We've employed it. I mean it's been enforced. I know that -- I believe that in 2002, and I was looking in my file, I can't find it right off the top, I know that in 2002 there were about a dozen instances where dogs were identified and in one instance -- in most instances the owners voluntarily moved the animals. In another instance I believe that there was a decision made that the dog didn't fit the definition, it was another kind of dog. And there was a third one where they were still trying to work out something. So in the past, yes, we've used it. Is it effective? If almost 35,000 residents, I don't know how many homes and apartments, but we have used it as an enforcement tool.

Mr. Stake: Okay, thank you.

Mr. Clemens: Do any members of the Committee or Council have any questions to our speakers?

Mr. Hills: Mine isn't to the speaker, but I do just want to clarify so everyone, I think, is on the same page. We are looking at the redrafted 6-20-03 version of this Ordinance. That is correct, isn't it, Chief? And this is the one that references to the pit bull have not changed in that revised Ordinance in essence from what it was before. The new language that is in this specific Ordinance adds numbers 3 and 4 and says that a dog or animal that has been trained for dog/animal fighting or bred for abuse or kept primarily in the part for the purpose of dog and animal fighting is a vicious dog. And Item 4 says any dog or animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals in essence is a vicious dog.

Chief Miller: That is correct.

Mr. Hills: Paragraph 5, in its amended form, doesn't do anything other than reword what was deleted as Paragraph 3 and refers only to pit bull or pit bull type, which is the same reference we've had since early 90s if not before, and does follow the State Revised Code. Is that correct?

Chief Miller: Yes, sir, it does.

Mr. Hills: Mr. Underwood, are you comfortable with that as an explanation of what's before us tonight?

Mr. Underwood: Yes.

Mr. Hills: Okay. Just for clarification purposes I think that they have looked at this and have reworked it some, and many of the additional breeds are no longer in this proposed legislation as far as an addition. So I certainly think that they have addressed many of the issues that I had and I do appreciate that.

Mr. Clemens: Thank you, Mr. Hills. Are there any other-- Yes, sir.

Mr. George: May I speak again, please?

Mr. Clemens: Yes, sir.

Mr. George: I left out an important part. On my dog survey throughout the counties of Ohio, 2% of the bites were pit bull. This is really a generalized term. Most of the responsible dog owners own registered American Pit Bull Terriers. We show these dogs. We _____ pole these dogs, just like a family gathering. I can't say enough that we need to look more towards the other dogs. Even a lab is rated in Ohio, Labrador Retriever is rated really high. Nobody, none of the responsible dog owners will back in any way any malicious use of their animal, say as dog fighting or that. We're really concerned about the responsible dog owners. Thank you.

Mr. Clemens: Thank you, sir. Are there any other questions for speakers, Chief, Mayor, or any other speakers? Any other questions on this item from members of the Committee or members of Council?

Mr. Beougher: Let me ask a question to clarify. The state law says the same language. We have parallel language and we're not going beyond the state as we were before. I mean we had language in there that was going beyond the state's language. But in order to enforce the state's language, we need to have this in place. Is that correct, Chief or Mr. Underwood?

Mr. Underwood: We would always have the option of filing under state code. It would go to the Municipal Court, the Environmental Court. Our Ordinances that we enforce come to our Mayor's Court. That's why.

Mr. Clemens: Were there any other questions from anybody in the audience pertaining to this subject? Yes, ma'am.

Patty Ramey: My name's Patty Ramey and I just want to say I would much rather have my children around this woman's dogs who have been bred for show, have been trained, are big babies, than I would to have somebody walk past my kids with just any dog off the street. I think it makes a big difference if these dogs have been trained and raised to be human dogs, and I've seen more than just this woman's dogs. I'm very comfortable with my children around this woman's dogs (inaudible - off mike.)

Mr. Clemens: Your name and address, please?

Mrs. Ramey: My name's Patty Ramey. I live in Blacklick.

Mr. Clemens: Okay, thank you. Are there any other questions pertaining to this subject? (No response.) It's had its

third reading..it came up for its third reading, it's had its second reading. I'll make a motion we send this to Council for a third reading with a motion for passage. Do I have a second? Second by Mr. Stake.

Mr. Gilbert: Sorry to interrupt your motion. We've been provided some additional information this evening. I was going to ask if we were going to have time to be able to review what's been provided to us.

Mr. Clemens: You can read it before it comes to Council meeting.

Mr. Gilbert: This evening's Council meeting?

Mr. Clemens: Yes. We have a second. All members of the Committee in favor, say aye. (All responded aye.) Opposed? (No response.) This will have to be amended at Council meeting, so this goes before Council with a motion for approval.

That ends the Safety Committee meeting at 7:14.

SERVICE COMMITTEE MEETING MINUTES

July 14, 2003

Members of Service Committee present: Eric Gilbert, William L. Hills, Lane Beougher, Ron Stake.

Other members of Council present: Mel Clemens, Sarah Cannella, Jim Wade, Council President Bradley L. McCloud.

Chairman Gilbert: I'll call the Service Committee meeting to order at 7:15. The first item on the agenda is the approval of the minutes of the June 16, 2003 Committee meeting. Are there any additions or deletions to those minutes? (No response.) With none being heard, they will stand as read.

Item number 3 is the approval of the agenda. I spoke with Mr. Brandt and there is a request to hold Item 7 (zoning of 8450 E. Main Street) until the next committee meeting. Also I had two additions to the agenda which I will add as Items 3a and 3b. Item 3a being the addition of legislation for a deed of easement, and Item 3b being an adjustment to the final plat of Jordan Crossing. Are there any other additions or deletions to the agenda from other members of Service? (No response.) With none being heard, do I have a second? Mr. Beougher with the second. All those in favor of approving the agenda, signify by saying aye. (All responded aye.) Opposed? (No response.) Motion passes.

Item number 3a is legislation regarding a deed of easement and this pertains to the Graham Road/Main Street intersection improvement. Mrs. Reichard.

Safety/Service Director Reichard: Thank you, Mr. Gilbert and members of the committee. This is the first of three easements that we are endeavoring to obtain for the Graham/Main intersection improvement and this is from the Kitzmiller property. It also comes with an appropriation request for \$2,898.00 for that easement.

Mr. Gilbert: And are you requesting that that come out of the unappropriated CIP fund?

Mrs. Reichard: That is correct, yes.

Mr. Gilbert: Does this raise any questions from members of Service? (No response.) Other members of Council? (No response.) Mr. Beougher?

Mr. Beougher: I do have a question. Are the other easements progressing?

Mrs. Reichard: We're working on it, yes. We have two other easements, both of those are still in negotiation at this time, but we hope to have those cleared up within the next couple of weeks. This was the first one that was signed and we felt in due deference to the Kitzmillers that we would proceed on with it, because we need all three easements in order to do the improvement.

Mr. Gilbert: Any other questions? (No response.) I think it's also important to point out, just briefly, that a major portion of this project is being funded by Franklin County and they've indicated to the City that that funding will be provided until we're able to piece the project together. The Mayor had pointed that out to me and I just wanted to remind the members of that as we move forward. Is there a need to move this forward as an emergency, or can we just move it forward for a first reading?

Mrs. Reichard: Just a first reading.

Mr. Gilbert: I'll make a motion that we forward this to Council for a first reading. This will need, however, first to go to the Finance Committee due to the appropriation from the CIP. Do I have a second for this motion? Mr. Beougher with the second. All those in favor, please signify by saying aye. (All respond aye.) Opposed? (No response.) The motion passes.

Item number 3b is the final plat for Jordan Crossing. We have a representative here, Mr. Roehrenbeck, who will try to battle through his laryngitis to explain some of the changes.

Mr. Roehrenbeck: I'm Ronald Roehrenbeck, representing Jordan Crossing, Inc. I thank the committee for considering the replatting of Jordan Crossing. What we're doing is taking 5 lots, lots 17, 18, 19 and 21 and replatting those 5 lots into 3 larger lots. We have requests for larger homes with driveways and turn-in garages. We're making 3 lots out of 5. Most of these lots -- in fact they're already in contract awaiting your approval. I really appreciate your consideration of this.****

Mr. Gilbert: Thank you, Mr. Roehrenbeck. Does this raise any questions from members of Service? (No response.) Do all the members have a copy of the plat in front of them? Other members of Council, any questions in regards to the reduction in the number of lots? (No response.) With none being heard, I'll make a motion that we forward this to the Council meeting this evening. I think there is a time constraint on this, so I'll make a recommendation that we move this forward with a recommendation for adoption as an emergency. Do I have a second? Mr. Beougher with the second. All those in favor, please signify by saying aye. (All responded aye.) Opposed? (No response.) Motion passes.

Item number 4 is a Discussion: Acceptance of proposed annexation of 14.66+/- acres in Etna Township. This item had come before Council prior to today and has been approved -- was approved by Licking County Commissioners on April 14, 2003 and it can begin the acceptance process and I believe it's pointing out that this was handled under the new annexation law which I believe is an expedited process. So this would be moving forward either as a rule suspension or an emergency. I'll leave it open if there's any questions from members of Service? (No response.) Other members of Council? (No response.) I believe there is a representative here in regards to this this evening. Miss Connie Klema is the agent for the petitioner. Are there questions from members of Council? (No response.) Members of Service? (No response.)

With none being heard, I'll make a motion that we forward this to the regular Council meeting this evening with a recommendation for adoption as an emergency. Do I have a second? Mr. Hills with the second. All those in favor, please signify by saying aye. (All responded aye.) Opposed? (No response.) Motion passes.

Item number 5 is Discussion: Authorization of contract - Green Mountain Energy Company. This is in regards to our new electrical aggregation program. Mr. Brandt, if you can just give us a brief update and explanation, we can address this.

John Brandt: Good evening. Thank you, Mr. Gilbert, members of Council. The Green Mountain proposal is somewhat of a mirror image to the one that's currently under the Other Legislation calendar, or list for Service Committee from WPS, Wisconsin Public Service. What our attempt is at this point is to merely move this along and get it to the same level that the WPS agreement is and hold it pending firm offers, if you will, from the proposed suppliers. At this time the agreements are moving along. There's a number of other cities involved in the same process. We attended a meeting, Mr. Underwood and I, several weeks ago up at AmpOhio and I believe Dublin was there, Arlington, Bexley, Gahanna and possibly another city. So for legislative purposes and to be able to respond in a timely manner pending receipt of an offer, which obviously you would be advised of and the proposals would be circulated prior to, that's where we are at this particular time on this issue.

Mr. Gilbert: Questions from members of Service? (No response.) Other members of Council? Mr. Hills?

****Clerk's note: replatting is actually from six lots to four.

Mr. Hills: The only question -- there's not actually a need for an emergency as it's marked as long as it catches up, because nobody's given us any rates right now anyway.

Mr. Brandt: That's right. No, sir.

Mr. Hills: And these are both for electric, WPS and also this one, so you're just trying to get them to the point so we can put it in Other Legislation until people start putting rates on the table.

Mr. Brandt: That is correct.

Mr. Hills: Okay. But the emergency is not necessary then? Okay.

Mr. Brandt: Not unless we run into weather conditions like we ran into the last couple weeks.

Mr. Gilbert: Any other questions from Council? (No response.) With none being heard, I'd like to move this forward to Council for its first reading on the Consent Agenda. Do I have a second? Mr. Hills with the second. All those in favor,

please signify by saying aye. (All responded aye.) Opposed? (No response.) Motion passes.

Item number 6 is the Discussion: Authorization to advertise for bids for Trash Contract. Mrs. Reichard.

Mrs. Reichard: Thank you, Mr. Gilbert. You will find that you received from the original proposal, three changes in it. The first one was on page 5 and that's just a little bit of verbiage changed to clean it up and it just says "proposal" because there was left over language from an earlier contract that was not appropriate to this one. Secondly on page 8, where we've added weekly pick-up of City trash receptacles on Main Street that are part of City Streetscape, we believe it's important that that cost is spread across all residents. I think it will be minor, but we need it spread across all, so we added it to the specifications. And then also adding a penalty clause and that's on page 10. And the reason we've done that is because there have been a myriad of problems with our present hauler and we are trying to address, for anyone who comes into the City to be our refuse collectors, that there needs to be certain areas that they need to be very attentive to and, if not, they will be penalized. So that's the reason you have the change on page 10.

Mr. Gilbert: Okay. Does this raise any questions from members of Service? (No response.) Other members of Council? (No response.) What's our time frame on this, Mrs. Reichard?

Mrs. Reichard: If we pass it this month, I think we're okay so that we can go ahead. So this would be-- Let's see, has it had a reading yet? No, I don't think it's had a reading.

Mr. Gilbert: No, it hasn't.

Mrs. Reichard: If we had perhaps a rule suspension that would work just as well I think as an emergency, would it not, Mayor?

Mayor McPherson: Well, we would need to pass it at the next Council -- not tonight's Council meeting, but the following Council meeting in order to get it implemented during the month that you're on recess. So I think that would probably take an emergency.

Mr. Hills: Well, I think it's just a motion, so it's one reading. I think it was held because you were looking at some additional language.

Mrs. Reichard: That works.

Mrs. Frazier: Are you just advertising this in the local paper?

Mrs. Reichard: Yes, ma'am. Well, it will be on the internet and the local paper.

Mrs. Frazier: You're not going to put it in other publications that require money? If you're not, then you don't need an Ordinance, you only need a motion.

Mrs. Reichard: No. I had not anticipated doing that, no.

Mr. Gilbert: Is this a motion that we can do this evening?

Mrs. Frazier: Yes.

Mr. Gilbert: That's the preferred approach? Okay. I'll make a motion that we forward this to Council as a motion with recommendation for adoption. Do I have a second? Mr. Stake with the second. All those in favor, please signify by saying aye. (All responded aye.) Opposed? (No response.) Motion passes.

Item number 8 is a Discussion: Rejection of bid and authorization to rebid Pleasant View Heights Sanitary Sewer Improvement. Once again, Mrs. Reichard.

Mrs. Reichard: Thank you, Mr. Gilbert. This-- As you can see, the bid was more than 10% over the engineer's estimate which was approximately \$407,000.00. The bid was \$560,000.00, so we are going to need to rebid this particular item. I would also like to add we're going to be coming to Council at your next meeting with a request for purchase of an easement. It is the final easement that we need, but we cannot go forward in the project until we have it, and the cost on that would be \$2,900.00. I just thought I would give you a heads-up on that one.

Mr. Gilbert: And that particular easement cost, was that included in the original appropriation?

Mrs. Reichard: No, sir. The reason we would bring it to you is because it would add to the cost of the project.

Mr. Gilbert: Okay. As far as rejecting this bid and then your time frame on starting a new bid process, is there any need to move this forward as an emergency?

Mrs. Frazier: It's a motion.

Mrs. Reichard: Yes, sir. Is it a motion, Mrs. Frazier?

Mrs. Frazier: Yes.

Mr. Gilbert: Does this raise any questions from members of Service? (No response.) Other members of Council? (No response.) With none being heard, then I'll make a motion that we forward this to Council as a motion with recommendation for adoption. Do I have a second? Mr. Stake with the second. All those in favor, please signify by saying aye. (All responded aye.) Opposed? (No response.) Motion passes.

I will adjourn the Service Committee at 7:27 p.m.

FINANCE COMMITTEE MEETING MINUTES

July 14, 2003

Members of Finance Committee present: William L. Hills, Mel Clemens, Eric Gilbert, Sarah Cannella.

Other Members of Council present: Lane Beougher, Ron Stake, Jim Wade, Council President Bradley L. McCloud.

Mr. Hills: I'll call the Finance Committee to order at approximately 7:28. Approval of the minutes of the Finance Committee for June 16th. Are there any additions or deletions to those minutes? (No response.) Seeing and hearing none, they'll stand as submitted. And then I will attempt -- items for approval of the agenda. I'm going to add probably as many as what we already have. So I need to add three items. 3a being Contract A, which is our Street Program with the Shelly Company. Item 3b is known as Contract C with the curb and gutter ramp program with Columbus Asphalt Paving. And Item 3c is the deed of easement on the Graham/Main project. Any additional additions or deletions to tonight's agenda from anybody on Finance? (No response.) Seeing and hearing none, I would move that we amend the agenda by adding 3a, b and c. Is there a second? Second by Mr. Clemens. All in favor, state aye. (All responded aye.)

So we will move on to Item 3a. This is our authorization for the Mayor to enter into the contract this year for our street program. It is, as we know, somewhat reduced from what we have been and we're working on trying to improve that in the years to come. But this is the contract for the resurfacing work and it -- the engineer recommends that Shelly and Company in the amount to the contractor is \$257,267.87 is Contract A with a contingency of \$25,727.00 for a total appropriation of \$282,994.87. We will note that \$85,893.50 of that will come from the unappropriated water fund to the CIP. The rest will come from the CIP. Both will go into account 410.087.5651. The Ordinance will be prepared for tonight reflecting those amounts. Are there any questions? It does come from Safety, referred to Finance. Mr. Clemens, is there anything that you wanted to add to that?

Mr. Clemens: No. It comes with recommendation of passage as an emergency.

Mr. Hills: It does come with recommendation for adoption as an emergency and what this would do is appropriate the funds or move the funds from the CIP to the appropriate accounts and from the water fund. Is there a second on -- I will move to send it forward with recommendation for adoption as an emergency. Is there a second? Second by Mr. Gilbert. All in favor, state aye. (All responded aye.) Opposed? (No response.) It will go forward for adoption tonight.

Moving to Item 3b is known as Contract C, Columbus Asphalt. This is our curbs and gutter program and our ramp program as a part of our street program this year. Again, the Ordinance will be prepared. The one we have in front of us has been altered somewhat as far as some numerical changes, but \$264,000.00 of this is coming from the sidewalk fund and will be

transferred to account 410.087.5651. The total contract is \$299,500.00. The remainder, the difference between those two numbers, will come from the CIP. It will also go to account number 410.087.5651. This contract is with Columbus Asphalt. And I do understand, Mrs. Reichard, they're both ready to start this work fairly quickly. Is that correct?

Mrs. Reichard: That is correct.

Mr. Hills: So it does come from Safety with recommendation for adoption as an emergency and I would be happy to move that. Is there a second? Second by Mrs. Cannella. All in favor, state aye. (All responded aye.) Opposed? (No response.) Seeing none, it will go forward and we will commence our street program promptly.

Moving to Item 3c, a deed of easement in the amount of \$2,898.00 and this is needed for the acquisition of some property in the Graham/Main project. This would be appropriated from the unappropriated CIP fund and transferred to 410.083.5651. I guess the only question I have is a little clarification. We generally do this, the acquisition, through the CIP? It's just been a while since we've done that, so I didn't remember.

Mayor McPherson: It was through the CIP.

Mr. Hills: Okay. Thank you. Does that raise any questions by anybody? This is a project, for those that aren't aware, we are trying to widen that intersection a little bit at Graham Road and Main Street and it's one that we've been working on for a while and I think, as other projects we have going on, will be of a great benefit to all citizens once we can negotiate that corner a little bit better. Mr. Clemens, do you have anything to add to that?

Mr. Clemens: No. This does come with the motion for adoption as an emergency from the Safety Committee.

Mr. Hills: Mr. Clemens would move that this would be adopted as an emergency and we will appropriate the \$2,898.00 from the unappropriated CIP fund. Did this have an emergency? I don't think it did.

Mr. Gilbert: It was for a first reading.

Mr. Hills: First reading? With that I would recommend we send it forward for a first reading. Is there a second? Second by Mrs. Cannella. All in favor, state aye. (All responded aye.) Opposed? (No response.) It will go forward for first reading.

And I believe that I have one other-- I apologize and I'm going to have to go back and re-amend the agenda. We had one piece of legislation which was just recently updated. If I could move to re-amend an additional item to the agenda which is the funding of the Waggoner/Rodebaugh intersection improvement. That was in our packet and I apologize, I did not make a

note. And I would like to add it as 3d and apologize for the fact I added everything but the one I was planning to add myself. This is the project that is commencing on Waggoner Road and Rodebaugh to lower the -- to level the road and widen that intersection. Is there anybody that has any objection to adding this as Item 3d on Finance? (No response.) Hearing none, I would move that we re-amend and add Item 3d. Is there a second? Second by Mr. Clemens. All in favor, state aye. (All responded aye.)

Mrs. Reichard, would you like to explain this one to us if you would since this is the first time reading on Finance.

Mrs. Reichard: Certainly. Thank you very much, Mr. Hills. This is a project that the county is doing and we are participating in at half the cost for the construction, the easements, and the warning siren we're picking up the tab for -- the warning siren that was moved from one side of the road to the other. This project will be completed -- it is anticipated it will be completed by the end of October. So if we start this through the process now, it does not have to have an emergency or anything, go for the three readings. We're trying to be pro-active and get this appropriation done in due time so that when the project is finished we can pay the bills. We have received one warning -- or the bill for the warning siren for the EMA to take care of that issue. We paid that out of some funds that we have, that depleted our fund, so we're hoping to move, through this appropriation, move that money back into the appropriate account. This is going to greatly improve that area and there's going to be, just like with Streetscape, there's going to be a little bit of pain with it because beginning the 21st of July it's going to close on north for 45 days--

Mr. Beougher: South, between Rodebaugh and Amelia.

Mrs. Reichard: South, thank you. And then on the north side of Rodebaugh for 45 days for the remainder of the project. So this is just to get this legislation started. We have talked with the county to clarify the figures and to get some final figures today, so these should be appropriate figures.

Mr. Hills: Any questions from anyone on Finance? (No response.) Anyone on Council? (No response.) I would like to thank Administration that we did get some numbers and that's why the new piece was out here tonight from the one we received in the packet. We did get a contract price and an easement estimate cost and I do appreciate having that. It makes it easier to figure out what we're appropriating. I would also note we are going to be sending this forward for first reading. Before we get to third reading we'll need a -- or hopefully by second reading, we'll need an account number that it's going to, but that's just a matter of getting it set up.

Mrs. Reichard: Well, I'd also like to point out that this is under budget. This had been originally budgeted at \$255,000.00 and it's only \$221,000.00, so we're pretty happy about that. Just wanted to point it out.

Mr. Hills: Good. We appreciate that. It's always nice when those things happen. They don't happen that often.

Without any other questions, I would send this forward -- recommend we send it forward for first reading. Is there a second? Second by Mr. Clemens. All in favor, state aye. (All responded aye.) Opposed? (No response.) It will go forward for a first reading.

With all of the additions being completed, we'll move to Item 4, Discussion: Personnel Policy and Procedure Manual - Amend Leave Donation Section 5.04; and corrections/revisions of various sections. Ms. Milam.

Human Resources Director Milam: Thank you, members of Council and Chairman Hills. I have before you some revisions to our new Personnel Policy and Procedure Manual. I'll take them in the order that they're in. There are a number of typos that are just very simple things to fix. The first one is in Policy 101. There's a typo on page 2 of 2, the word "test" should be "text," t-e-x-t. The next item is in Policy 3.21, again this is just a typo, clarification of the Auditor's Account Clerk II should be a I, and the Account Clerk I should be a II. Again, just a very simple typo change.

Also in Policy 5.03 in the entry leaf, again just the word "Effective Dates" at the bottom of page 2 of 2. There should be a correction of the word "effective." Obviously there should be two f's in effective.

The next item is in Policy 5.04, Leave Donation. In this policy there is one minor typo. There's elimination of two number 3's that were listed on the first page. Also we are making some changes to the policy itself in this policy. We are including part-time permanent positions that will be covered in the policy. This was not in the policy previously, so this is a change in its context as opposed to the typos in the other positions, the policy that we're talking about. Briefly what we've concluded is the wordage that says "part-time permanent positions." We've also changed the fact that for part-time positions we have to -- the donator must retain 120 hours for full time permanent positions, for part-time positions that would be 60 hours that the part-time permanent person would need to maintain. Also since our part-time employees do not receive disability, obviously there is no waiting period for them to do that. Another change that we did put into place also in the policy is that the employee may only receive the donated leave for a maximum of one year. This would apply to full time and part-time employees. That is a new change to the policy as well. Also that the hours for which the person would be getting -- the wordage here-- Let me read that. "An employee may not receive more than he or she would have earned in a normal pay period from disability and leave donation" or, obviously in the case of our part-time folks who do not receive disability, "based on the normal hours scheduled to work." In that case that would be for our part-time employees. They could not receive more donated than they would be scheduled to work during that pay period.

Those are the major changes to the Leave Donation program. There are some other typos that I'll also go into in terms of Policy 5.13, _____ 13, the Retirement PERS PFDPF Policy, in that one we just added the web addresses to that and also corrected a phone number that is no longer in use and we're now using the 800 number which the retirement systems are using.

The next item is in Policy 8.05, Grievance Procedure. Again this is something that was left out where working days was being used in the other items in this, we included under page 1 of 2, number a, for the step 1 that the supervisor will reply to the aggrieved within 5 working days and that was what was left out, the working days items.

Those are the items that we look to correct and revise in our Personnel Policy and Procedure Manual. We have

reviewed these with the City Auditor -- I'm sorry, the City Attorney and he has reviewed those and he was okay with those as well.

Mr. Hills: Any questions? (No response.) Ms. Milam, I have one. You were reading something in the Leave Policy, the Leave Donation Policy about payment -- I was following you and all of a sudden it was "payment shall not exceed what you would normally get." Can you tell me where that was that you made a change in that?

Ms. Milam: In terms of the employee may only receive donated leave for a maximum of one year?

Mr. Hills: No, I didn't have a problem with that one.

Mayor McPherson: Bill, it's 5.04, if you go down in the paragraph about 5 lines up it says, "The employee may not receive more than he or she would have earned in a normal pay period." That's in the first page, 5.04, Leave Donation. Go to that paragraph to the right and go up 1, 2, 3, 4, 5, 6 sentences. That's where she was referring to. That's what she was reading. "The employee may not receive more than he or she would have earned in a normal pay period from disability and leave donation, or" and then that was the change.

Mr. Hills: Well, that's my problem. I agree with what I'm hearing, but I'm just having trouble finding it.

Mayor McPherson: If you go to the very first page, paragraph -- where it says "Summary of Changes," go to 5.04 Leave Donation--

Mr. Hills: Well, that may be where the problem is. If this is page 1 of 3, mine doesn't have that on it. Oh, back here I do. I can't find it in the body. Is it incorporated in here?

Mayor McPherson: Millie, did you incorporate the change in the--

Ms. Milam: Yes. Page 2 of 3 under 4d. It says, "The employee may not receive more than he or she would have earned in a normal pay period from disability and leave donation," and then the new language begins, "or based on the normal hours scheduled to work."

Mr. Hills: I just didn't see it when you were going through it. No problem. Now I see it, now I don't have a question about that. I do have a question, you say this is needed as an emergency?

Ms. Milam: We do have a situation with an employee with a medical need who would like to utilize the policy, so that's why

I put an emergency on it.

Mr. Hills: Is it to the point where he has to have donated leave by next week or next pay?

Ms. Milam: No, I think it would be a matter of using it during your month of August.

Mr. Hills: As long as we could send it forward for first reading and pass an emergency on the second reading?

Ms. Milam: That would be fine.

Mr. Hills: That way since this is a personnel policy it gives people -- anybody that wants time to comment has time to comment. Anyone opposed to that on Finance? Mrs. Cannella, do you have a question?

Mrs. Cannella: Yes, I do. Under the 5.04, Leave Donation, where "there also would be no waiting period for part-time." Is that permanent part-time or any part-time?

Ms. Milam: Permanent part-time are the only people that apply for this.

Mrs. Cannella: Okay, but it doesn't say permanent part-time.

Ms. Milam: In the very beginning under A-1, those are the people who only can qualify for it, full time permanent and part-time permanent.

Mrs. Cannella: Well, I think it would be feasible just to put permanent part-time in there.

Mr. Hills: So everywhere it does refer to part-time it should refer to permanent part-time, is that correct?

Ms. Milam: That's correct.

Mr. Hills: Is that what you're concerned with, Mrs. Cannella?

Mrs. Cannella: Yes. I just want to make it definitely clear so there's no errors in the future.

Mr. Hills: All right. Additional questions or comments? (No response.) If not, I'd recommend we send this Ordinance forward for a first reading. Is there a second? Second by Mr. Gilbert. Question?

Mr. Gilbert: Could we add this to the Consent Agenda in regards--

Mr. Hills: We certainly can. You're much better at doing that than I am. I appreciate that.

Mr. Gilbert: The President sent out a memo.

Mr. Hills: He did. He did. And I read it, I just-- I apologize. We will send this forward for first reading on the Consent Agenda. How's that. Is there a second? Second by Mr. Gilbert. All in favor, state aye. (All responded aye.) Opposed? (No response.) It will go for first reading on the Consent Agenda.

Moving on to Item 5, ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Section 311.02 "Parades and Assemblages: Permit; Fee" to \$25.00. Yes, ma'am, Mrs. Reichard.

Mrs. Reichard: Mr. Hills, you had requested at the last Committee meeting when we discussed this, for me to check and see how many permits had been issued last year and there were six plus parades, which would be two parades of these permits that were granted last year. Again the reason I brought this before you is the cost of doing business has gone up in the past 20 years. You know, I suppose you could even do this permit without a charge, because certainly the \$25.00, especially in the parades portion of this, is not going to cover the cost - not by any stretch. It does come a lot closer for the neighborhood gatherings and the street parties where they have permits, for our guys to take out the cones and the barricades and whatever that are necessary. But it is also a way of controlling what's going on in the City so that we know where these assemblages are taking place. So that's the reason. It just is an update. The last time it was updated was in 1983 which is exactly why it was brought to you now, in our efforts to update some of these areas of fees and deposits.

Mr. Hills: Okay, any questions? Mr. Clemens?

Mr. Clemens: I don't really see the reason for increasing it, really. They're community projects and we're here to do for the community and the increasing the parade for the 4th of July and for the Tomato Festival, for what little bit we're doing cost wise, I can't see it, really. It's community projects. We're here, all we're talking about is filling out papers and maybe doing some barricades and we're going to do it anyway. We went through this before on the cost of parades on what we should charge, what we shouldn't charge, so forth, and always come up - it is a community function and as far as having people having block parties and barricades, I don't think it hurts, the little bit of effort that we put in for the cost. I just don't really see where we're -- by increasing that little bit, we're getting anything. I would be really not in favor of increasing it.

Mr. Hills: Okay, questions from anyone else on Finance? (No response.) Questions from anyone on Council? (No response.) I don't see you saying, "Gee, we want this Ordinance back." And I don't see any need to send this forward as an emergency.

Mrs. Reichard: Yeah, but I think we discussed that the last time, that was in error. No, that's not necessary. Again, I'll just reiterate, we can do this actually for nothing. We can not have a fee, we can have a fee of \$10, but I think the most important part of it is the fact that there is a permit required so that you have a handle on what's going on in the City in terms of assemblages in different neighborhoods and where streets are going to be blocked off, because I think law enforcement needs to know that, too. But, again, it was just a matter of attempting to update some of our fees within the Code.

Mr. Hills: I'll go ahead and move and send it forward for a second reading, but I think with Mr. Clemens' comments, I think we do -- the bottom line where this appears to come out, and I don't know whether it'll pass or how the votes will be on it at sometime later, but it would appear that certainly as far as a parade goes, it doesn't make any difference if we charge \$10, \$25, or \$200, it costs us money.

Mrs. Reichard: A lot more. A lot more than that.

Mr. Hills: We have always encouraged the neighborhoods getting together, blocking off streets, and in fact we don't allow all neighborhoods to block all their streets, I do know that. But we do allow certain blockage for certain periods of time for neighborhood gatherings and we encourage the neighborhood crime watches and different things and I see where we are raising that one from \$10 to \$25. Is that going to discourage some of that? It may. I know I go to one of those and for \$25.00 I don't know if people will go to the potluck, if they have to go to the potluck and bring their money, too. But certainly I appreciate what Mr. Clemens is saying and you all have to kind of gauge that on your own as to the feeling. I totally agree with the Mayor, we're going to lose money on any parade. We don't have parades to make money.

Mrs. Reichard: That's a community service, right.

Mr. Hills: That's one of the things we do and that's one of the things we're known for. But certainly it's here and we'll send it forward for second reading. If there's a change of heart in the Administration they can always say "I want this thing back." So I'd move we send it forward for second reading. Is there a second?

Mr. Gilbert: Mr. Hills, I'll second that, but maybe just between the second and third readings consider omitting the last sentence of 311.02 which indicates there's a fee. I would just agree with Mr. Clemens in regards to raising it. I'm on the same page with him and just ask the members and the Administration to consider striking that sentence that requires a fee.

Mr. Hills: Oh, striking the entire sentence that has the fee? I certainly -- that's one thing to let them consider and we never know, when it comes back to us again it may look like something different. Second by Mr. Gilbert. All in favor, state aye. (All responded aye.) Opposed? (No response.) It will go forward for second reading.

Moving on to Item number 6, ORDINANCE REPEALING ORDINANCE NO. 24-03 PASSED BY REYNOLDSBURG CITY COUNCIL ON APRIL 14, 2003 WHICH AUTHORIZED E.M.H.&T. TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR PAINTING OF THE EAST BROAD STREET AND TAYLOR ROAD WATER TOWER; AND RETURNING APPROPRIATED MONIES TO THE WATER FUND. This had been sent to Council 6/23/03 for first reading with recommendation for a rules suspension and adoption, but we didn't have enough members present to do that. It's back before us again tonight. Any additional questions or comments on this? (No response.) If not, I would -- I know we had talked at the last meeting that we would entertain the potential for an emergency on this and I would certainly recommend that just to get -- it's now been up an extra two weeks, so I would recommend we send this Ordinance forward with recommendation for adoption as an emergency and return the funds to the appropriate fund. Is there a second? Second by Mrs. Cannella. All in favor, state aye. (All responded aye.) Opposed? (No response.) It will go forward for reading with recommendation for adoption. Thank you very much.

Item number 7 ORDINANCE MAKING TRANSFER OF FUNDS WITHIN TAX ADMINISTRATOR'S ACCOUNTS. Had a first reading on 6/23/03. Any additional comments, questions? (No response.) I made a note here that we are transferring from .5300 to .5639, an inner transfer for the funds on this after some discussions, and with that I would recommend we send this forward for second reading. Is there a second?

Mr. Gilbert: I'll second it if it's on the Consent. And I'll clarify my second on Item 5 that that was on the Consent Agenda, just in the spirit of saving time.

Mr. Hills: Yeah, Item 5 I'm happy to put it on the Consent Agenda and Item number 7, send it forward for a second reading on the Consent Agenda. Is there a second? Second by Mr. Gilbert. All in favor, state aye. (All responded aye.) Opposed? (No response.) It will go forward for a second reading on the Consent Agenda.

Item number 8, ORDINANCE AUTHORIZING E.M.H.&T. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES REGARDING NPDES PHASE II STORM WATER PROGRAM YEAR ONE SERVICES; AND APPROPRIATING FUNDS THEREFORE. Again this was also sent with recommendation for rule suspension on 6/23/03 without adequate number of people, so I would recommend we send this forward. And if there are no additional comments or questions, I will make a statement for Mr. Parkinson that the Ohio EPA has filed the NPDES rules last week -- or this week, I believe, just for what it's worth. Mr. Parkinson, they are now out for review. But I would recommend we send this forward with recommendation for adoption as an emergency. Is there a second? Second by Mr. Clemens. All in favor, state aye. (All responded aye.) Opposed? (No response.) Seeing no one opposed, it will go forward for recommendation for adoption as an emergency and we will adjourn Finance at 7:58 p.m.