

MINUTES REGULAR COUNCIL
REYNOLDSBURG CITY COUNCIL
July 12, 2004

President of Council William L. Hills called the meeting to order at 7:35 p.m.

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

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

Minutes of the regular Council meeting held June 28, 2004 were approved without objection.

The agenda was approved.

Community Comments and Requests- -Mr. Hills stated that he has three speaker slips and if no one objects, he would like them to make their statements as we reach their item on the agenda.

Communications- -Assistant Clerk read report from Clerk of Courts: total monies collected from courts held during June 2004, \$17,672. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- -\$978 for the Computerization Needs Fund and \$200 for the Enforcement and Education Fund.

Consent Agenda items:

Assistant Clerk read each of the following items by title. Disposition results listed at end of each title.

for second reading: ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE JET TRUCK FOR WASTEWATER DEPARTMENT- -item referred to Service Committee.

for second reading: 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"- -item referred to Finance Committee.

for second reading: 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 (Longevity Pay)- -item referred to Finance Committee.

for second reading: 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)- -item referred to Finance Committee.

for second reading: 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, Subsections 1. and 3.)- -item referred to Finance Committee.

Mr. Stake moved approval of items on the Consent Agenda. Mr. Gilbert seconded. With the roll called, members voted: Mr. Stearns “Yea”; Mr. Baxter “Yea”; Mr. Gilbert “Yea”; Mr. Clemens “Yea”; Mrs. Newman “Yea”; Mr. Beougher “Yea”; Mr. Stake “Yea”. Motion passed; disposition listed above.

Regular Agenda items:

ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF REYNOLDSBURG ADOPTED BY ORDINANCE NO. 131-95 ON NOVEMBER 27, 1995 AND AS SUBSEQUENTLY AMENDED - 7559 Cherrybrook Drive; from R-1 to PD; applicant, Preferred Real Estate Investments II, LLC, by Jill Stemen Tangeman, Esq. (14.01+/- acres)- -Assistant Clerk read ordinance by title for the first reading. Mr. Hills set a Public Hearing for Thursday, September 2, 2004 at 6:15 p.m.

ORDINANCE TO ENACT A COMPREHENSIVE RIGHT OF WAY MANAGEMENT POLICY (Chapter 907)- -Assistant Clerk read ordinance by title for the first reading.

Mr. Underwood stated that he invited Mr. John Bentine to the meeting to speak because he is very knowledgeable in public utility law. Mr. Bentine stated that he is a partner with Chester, Wilcox and Saxbe in Columbus. He said that he has represented the city over a number of years in a number of matters concerning utilities and cable television. He stated that this is a culmination of some efforts that they’ve undertaken over the last couple of years in conjunction with the City Attorney and the Administration to come up with a comprehensive right-of-way policy for the city that regulates, prioritizes what is in the right-of-way, how it gets in there, and what rights the city has and the various users of the right-of-way, once they’re in there. He said in Ohio, these ordinances started being considered in the late 90's when some people in the City of Columbus called him and asked him about putting some things in the city’s right-of-way. He said they wanted to know who was entitled to be in the right-of-way. He said since the advent of competitive telecommunications, more and more people have wanted to get in right-of-ways of the various cities and use those to carry on their business. He said the fact is that there are public safety and public interest issues associated with who is in the right-of-way, what they can have in there, under what terms and conditions they could keep it in there, what the priorities are, etc. He said a number of communities across the state looked at enactment of comprehensive right-of-way ordinances that establish city policies with regard to what can be in the right-of-way and establish the rules and regulations that govern who can be in there. He said under this ordinance, it doesn’t create a whole new bureaucratic structure. He said basically, if you’re a utility that’s regulated by the Public Utilities Commission of Ohio, or if you are a cable TV provider that is franchised by the city, there’s really not much you have to do except file an application. He said anybody else that might like to use it has to come in and prove they have the financial, technical, and managerial expertise to be in our right-of-way. To provide minimum standards as to what they’re going to do once they’re in there. Insurance, bond requirements, and those type of things. He said it takes a look at who’s in there and makes sure they are responsible entities. He said it makes clear what their obligations are. He said it also obliges the city and those who are in the right-of-way to

jointly plan so that you don't have the resurfacing of a street and then 6 months later someone knocks on the city's door and says, by the way we need to replace a telecommunications line, or a gas line, or an electric line right down the middle of the street that the city just paved. He said studies show that in this part of the country, especially the more street cuts you have, the quicker the pavement degrades. He said simply patching it up to the same standards doesn't do any good. He said the freezing and thawing cycles that we have in Ohio make sure that the pavement is degraded. He said it's in everybody's best interest to jointly plan. He said that's one of the policies that's in this ordinance. He said it doesn't attempt to be bureaucratic. He said it doesn't impose a great cost on those that are in there, but it does clarify the city's control of what's in the right-of-way and under what terms and conditions that are in there. He said that is basically the outline of this.

Mrs. Newman said on page 22, under Section 907.06, the Obligations of the Permittees, she said she does not like the language, that the permittee will use it's best efforts to repair and replace any street curb, etc., and under not less than materially equivalent. She said she has seen in some instances where power companies or somebody else would come through and destroy a curb for example. She said then they put it back with asphalt. She said she believes those two phrases are just a little bit too weak.

Mr. Bentine said they can certainly take a look at that but in context, a little above that, it requires that those replacements be in accordance with regulation. He said the Service Director has the ability to issue regulations which are going to govern what those repairs are. He said it also says, "to a condition to be determined by the Director". He said it does put discretion in the Service Director who can hold accountable. He said to the extent, it is Council's pleasure to ratchet up those standards. He said we can work on some language there. He said the intent is not to degrade.

Mrs. Newman said any time you get in something that is less than quite specific, you are asking for an argument.

Mr. Bentine said there was a debate in the legislature a couple of years ago over whether or not the legislature rather than an individual municipality should establish those standards for what those repairs were going to be. He said the question Mrs. Newman posed does happen from time to time. He said the language that was proposed there was, just return it to its former state of usefulness, which was pretty broad. He said this isn't intended to do anything but make it stronger so that it gives the city the ability to dictate those repairs.

Mr. Hills asked how many cities within the Franklin County area currently have a code in effect and are enforcing it?

Mr. Bentine said he would have to go back and count. He said Columbus has had one in since the late 90's. He said Worthington, Dublin, Upper Arlington, and Whitehall has had one in. He said that's all that he can name off of the top of his head. He said there are quite a number of Central Ohio communities that do that. He said they are all fairly recent ordinances. He said the first ones were in the late 90's.

Mr. Baxter asked about the enforcement of these ordinances. He asked how difficult they are to enforce.

Mr. Bentine said they are enforced within the city's current structure. He said the Service Director has primary enforcement over this. He said it is pretty much self enforcing. He said it is only when you have people that aren't complying that you're going to have problems. He said the current street opening chapter stays the same.

Item referred to Service Committee.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR SPECIAL COUNSEL ACCOUNT (Mayor's Department)- -Assistant Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR 2004 SANITARY SEWER TELEVISION INSPECTION PROJECT **AND DECLARING AN EMERGENCY**- -Assistant Clerk read ordinance by title for the second reading. Mr. Beougher moved to amend the ordinance as redrafted 7-9-04. Mr. Stake seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Beougher moved adoption. Mr. Gilbert seconded. With the roll called, members voted: Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea". Motion passed; Ordinance No. 75-04 adopted.

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- -Assistant Clerk read ordinance by title for the second reading. Item referred to Service Committee.

Mr. John Waibel, 290 Windsor Dr., Reynoldsburg, was present. He stated that he has two things to address on this item. He said first and foremost, the traffic level on Taylor Road. He said he feels that Council needs to table all further development on Taylor Road until the road is fixed. He said he is not talking about just the part that Reynoldsburg is privy to right now. He said he is talking all the way down to where the new school and WalMart and all the rest of it is. He said it really needs to be done. He said the traffic density has really increased. He said he understands there's been some problems with the traffic study that has recently been conducted. He said he thinks it needs to be redone so there is a good idea about how dense the traffic is. He said the road itself is a country road. He said there's hardly any berm. He said there's just ditches on both sides. He said he is looking and driving past the big trucks as they are building the school right now and it's dense. He said it needs addressed before there is any new development. He said there is the school, WalMart, Kroger is coming in which is not going to be that big of an issue, Dolder's is also going to be developed, and he is aware of all of these things. He said he thinks everybody else is too. He said to put 148 units on that road now is not a good idea. He said if you figure two cars for each place that's in there, there's 300 more cars just living on that road. He said secondly, he feels that this type of zoning, which is apartment zoning, is just not compatible with the existing 3/4 acre average houses that are there. He said it would be more compatible as single family homes. He said they are not against development but they would like to see the road fixed first. He asked what if the contractor bails and this zoning is already in effect. He said it's going to be apartment zoning. He said we can't do anything about it then. He said he is just asking Council to keep the trust of the voters that live there and everybody else that lives on Taylor Road, even though they're in Etna Township, they have a big, big stake in this also.

Mr. Gary Smith, 6375 Riverside Drive was present. He said that he is with Bird-Houk Collaborative. He said he is the land planner for the developer who has proposed this rezoning. He said they went through Planning Commission last week and received their approval. He said

throughout Planning Commission and throughout the first reading with Council, nobody has really brought up an issue of the quality of the development. He said he thinks we're all aware that the developer proposes to build a quality development. He said they have high quality architectural standards wrapped up in the package that everybody has. He said that really hasn't become an issue. He said the biggest issue has really been the road. He said he has heard one mention of a land use, and specifically Mr. Waibel mentioning that maybe it's a better use for single family. He said there are couple of reasons why single family zoning would not work on this piece of property. He pointed out on the zoning map, surrounding zonings which include: Industrial, Commercial Services or Community Commercial, the site next to their property is zoned Commercial Office, and the site above their property is zoned Commercial. He said the first thing that makes this inappropriate use for single family is the intensity of uses that go further this direction. He said with these intensity of uses, a condominium development is a perfect transition of density between the more dense uses to the lower density single family. He said because of the size and the nature of the parcel and the way it wraps around the existing church, it makes it very difficult to develop a single family home in any kind of reasonable fashion. He said there really isn't enough depth in any one direction to get a row of lots or much less two rows of lots, which is what you really need to develop something economically so you're not building a one sided street all the way around the entire development. He said based on those two items, they feel that the use that's before you is a much more appropriate use for the ground than single family. He said the other thing that has been brought up is, there's been a concern about the sewers. He said they have worked with the engineer and the engineer has explained to them that the sewer that's in the area that they are going to be tying into essentially was designed and developed at a higher density to accommodate a higher density than what they are actually proposing. He said that should not be an issue. He said the other issue that was brought up was a question of storm water. He said with the current regulations the way that they are, they will have to meet those storm water requirements. He said they will obtain all the storm water on site and the two detention ponds to make sure no additional storm water is distributed down stream. He said the biggest issue is traffic. He said he thinks we all understand that Taylor Road is a traffic issue. He said there isn't anything that they can do or the developer can do to fix the road. He said that is something that is in the city's jurisdiction. He said it's something that has to happen through the city and through Etna Township. He said they do understand that there is a plan in process to fix that road. He said it allocates money over the next several years through potential sources such as Issue 2. He said what they can do and what the developer has agreed to do is to help partner with the city to work some of those issues out. He said the developer has offered to donate the additional 10 foot of right-of-way necessary along the Taylor Road boarder to make that feasible and to bring the right-of-way up to the right-of-way standards that are required in the thoroughfare plan. He said the developer has also agreed to do a construction cost estimate on the amount of improvements that he would be required to make to make the project feasible with the current road and to deposit that money in some sort of account that would allow the city to use that money for the construction of the road itself. He said both of those things add some impetus into the Issue 2 grant and adds some points to the way that system is scored. He said they are willing to do that and are willing to make the improvements previously as necessary as the city wishes to do that as well. He said they have also agreed to eliminate the second entrance until Taylor Road is fixed. He said one of the big issues with this section of Taylor Road, and one of the biggest problems that the people in Windsor Forest have is the dip on Taylor Road in this location. He said once cars go down into it, it becomes very difficult for these people to see them until they come up on the other side. He

said they would rather not add to that while this is in its current state. He said they are proposing to make the secondary access a fire access only, which means it will not be connected to the road until Taylor Road is improved. He said from what he understands from the engineer, once this road is improved, the plans call for removing this dip or lessening this dip so that the visibility lines are increased. He said the biggest thing to consider is there has been a real concern from a lot of people about the zoning classification. He said the only reason that they're in this classification is because it's the only classification that will allow them to do a 4 unit connected condominium building. He said all of the lesser zonings with less density ability only allow for two family development. He said that means they could only have duplexes. He said the type of building that they are proposing makes it unable for them to use those lesser zonings. He said the way around that and the way to alleviate everyone's concern is that if they zone the text and the plan as an overlay, then the developer is restricted to building exactly what is proposed. He said at such point in time if he decides to go belly up, anybody that would want to come in and build apartments or do something different would have to come back in front of everybody to make that happen. He said it would require another Council action. He said with the road improvements coming down the pike, one of the things that they would like everybody aware of is that it's not like they're going to take 140 units and air lift them onto the site. He said the developer would be lucky to have 50 people living on that site by the end of the first year. He said by the end of the second year he would consider himself extremely lucky if he had 100 people on that site. He said by the end of the third year if he was built out, he would consider himself extremely successful.

Mr. Gilbert asked Mr. Smith who has told him about this plan for Taylor Road? Mr. Smith said he hasn't been told specifically. He said he has read about it in the papers as far as the funding and those types of things. Mr. Gilbert said he made reference to some type of effort he could possibly participate with. Mr. Smith said it's his understanding and it's been in the papers that the city is pursuing financing for that. Mr. Gilbert said Mr. Smith indicated that he was made aware that there was some type of a plan to fix the road. Mr. Smith said he doesn't believe there is a plan in place in terms of engineering plans. He said he does know that there have been some studies prepared and those studies indicate that the road needs improvement and the city is working to provide funding for that. He said that is what he understands from the paper. Mr. Gilbert asked who informed him of the studies. Mr. Smith said his particular engineer. Mr. Gilbert said he has been to several meetings that Mr. Smith has participated in and he has been willing and eager to accommodate some of the concerns. He said he thinks there are certain aspects to this proposal that need to be more in stone so to speak rather than just approval of a zoning application. He said in recent history we have looked into some overlays that tie in with some of the questions that came up out of the minutes with Planning Commission. He said Mr. Smith's aspect of participation with any type of road improvements and the timing of those improvements, he is in the same boat with the residents in that there is a public issue in the center of this that the city needs to address. He said he thinks this Council has been pretty vocal in recent months as far as urging the administration to find a solution to the road. He said they have offered their assistance with that. He said it's amazing what the dump trucks are doing to that road. He said the dips that have been created and the berm that is caved in is dangerous. He said that's not in the city's portion. He said he can envision Mr. Smith's construction beginning in the same manner. He said timing is going to be a crucial element to this proposal. He said the city needs to weigh in on this. He said in his mind, the improvements to Taylor Road is in immediate need for public safety. He said Mr. Waibel had mentioned that it was a traffic count issued through the Street Department. He thanked the administration for putting the counter out there. He said it is

not an actual traffic study. He said there are 67,000 vehicles over the course of 7 days give or take a few. He said it was described to him by the Street Superintendent, there was some vandalism to the actual speed counter. He said not the actual traffic counter. He said there was some question as to what the average speed might be. He said those are some of the things he thinks we need to discuss next week. He said he hopes we could have some general direction from the administration in regards to the future of Taylor Road at next weeks committee meeting and as it pertains to development in the future.

Mr. Beougher said he would caution Mr. Smith from believing everything he reads in the paper. He said he would call the Council office and verify with the Clerk of Council those statements before he comes before the Planning Commission under oath and make those statements. He said it is a very serious thing to Council and it is not yet true. He said he also heard some comments that Mr. Smith made at the Planning Commission meeting where he said that the reason he is selling the existing house as a parcel is because it fits in well with the adjacent single family properties across the street. He asked how he reconciles that with his statement that the condominiums create a balance. Mr. Smith said the house is already there. He said it's already part of the neighborhood. He said it's a good house. He said there really isn't reason development wise to tear it down because they're not doing anything with the other side of that creek. He said there really isn't a reason to tear that house down other than to just tear it down. He said that just doesn't seem like a prudent move. Mr. Beougher said it could be a little better park if it had a little more than 1.7 acres. He asked what the access to the park is. He asked if the city is going to maintain it. Mr. Smith said he thinks they specified in the zoning, and he may be incorrect, but he thought they specified that park would be owned and maintained by the Condominium Association. He said at this point they have not had any interest from the city in terms of the ownership or the maintenance of that park. He said that park right now as it stands, is intended for the maintenance and the use of the residents of the condominiums. Mr. Beougher said he would probably relabel that as a reserve or something other than park. Mr. Smith said they could do that. He said he didn't intend to make any false statements. He said sometimes he's forever the optimist. He said they have met several times with the neighbors and they agree with them and with Council from the standpoint that the road is an issue. He said the sooner that gets taken care of, everybody benefits from that. He said they're willing to do whatever they can in the interest of making that happen.

Mr. Clemens said he doesn't know what Mr. Beougher's talking about. He said it has been discussed and it has been in the paper. He said it's not a big dark secret about Taylor Road and about us wanting to do our share on Taylor Road. He said he doesn't think Mr. Smith stood up and said anything that wasn't correct. He said he knows it has come across this table. He said everybody has talked about it. He said the Mayor's talked about it. He said we are contemplating trying to figure out what to do with Taylor Road. He said it is ridiculous to say they aren't. He said he doesn't have the big problem everybody else has as far as the extension of Taylor Road. He said he is not crazy about Etna Township so he doesn't worry that much about it. He said he worries a little bit about the truck traffic because that is caused by our own schools. He said that is something they can control and it is a mess out there. He said he thinks that is something we can help control. He said they are tearing the road up but that is something that's being done by us. He said our own school system. He said that's something we have to watch. He said he doesn't think the problem with this is going to be any worse than theirs. He said there are things he has to think about before his consideration of voting. He said he doesn't think the man should be criticized for what he says about us thinking about Taylor Road. He said it has

been discussed and it has been in the newspapers.

Mr. Beougher said the reason he brought it up is because it was in the paper the day of the Planning Commission. He said it was brought forward by Mr. Smith as what sounded like a done deal. He said it was used as an argument to persuade the Planning Commission and they don't follow Council as closely as we do. He said it's not a done deal. He said there's no plan in place. He said if you have an ordinance number and some funding for it, he's not aware of that. Mr. Clemens said he doesn't have an ordinance number but he knows it's been discussed. He said he is not going to criticize Mr. Smith for talking about something that we've discussed right here at Council. He said what the paper says is immaterial. He said what comes across here is what's important.

Mr. Hills said if people attended last week at committee, this was not on the agenda for Service Committee. He said he saw speaker slips tonight. He said our rules are being looked at right now. They are not totally clear as to whether it is speaking or not speaking. He said he is not the type of person in anything he does to discourage communication. He said this isn't a night for debates. He said this is a committee type thing. He said the reason he wanted to go ahead and have these speaker slips tonight is because if they were here last Monday they could not have spoke to something because it wasn't on committee. He said as far as a debate, he encourages everyone who has concerns and comments to be here next Monday night. He said he knows of no reason why it's not going to be there. He said that's where some of these debates are better fed. He said debating is committee more so than Council but he wants to be tolerant of giving everybody their opportunity to be heard. He said he would sort of encourage that the debating process belongs more in committee than Council.

Mr. Gilbert said he just heard the word "planned". He said if there's a plan, Mr. Smith's seen it before Council. He said now we've identified that as just talk which is pretty much in regards to that particular issue, all we seem to do until, he could probably guarantee, next week because that's when the wheels stop.

Mr. Waibel said his understanding is that the main access to this will be right across from Windsor Drive which is the main access into Windsor Forest. He said this is the road that they have the problem with the dip. He said if it's a problem for them, its going to be a problem for everybody that is going to be in Mr. Smith's development until the road is fixed. He said, fix the road first.

Mr. Smith said he agrees that will be an issue. He said we all know that the road's an issue and they will do whatever they can to help that.

Mr. Rawski, 270 Windsor Dr. was present. He said the biggest question he has here today is the one about the overlay. He said this was raised at the Planning Commission meeting but it wasn't until after the Planning Commission meeting was over and they have a split vote of 3 to 2 that he went home that day and said, what did they pass to Council concerning this overlay. He said the existing zoning would allow higher density than has been asked for. He asked if there is anything specific that's been sent to Council that discusses imposing a binding overlay upon this development? He said to take a closer look at the area rather than the zoning map itself. He said that neighborhood has been there for 30 years. He said there's no commercial areas around there. He said the industrial area is the fire academy. He said the fire academy has a campus that looks like a college campus. He said it's open, it's green. He said it's not like a steel mill that you envision when you think of industry. He said in designing an infrastructure, it's a stool with three legs. He said you've got water, sewer, and road safety. He said without a balance, the stool's going to tip over. He said, please don't keep pushing against something that's already out of

balance until you can get some carpenters glue in there and prop up the stool.

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- -Assistant Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 160.03 "SALARY SCHEDULE" Subsections (a) and (b) of CHAPTER 160 EMPLOYEE COMPENSATION AND DECLARING AN EMERGENCY- -Assistant Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance as redrafted 7-9-04. Mr. Beougher seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea". Motion passed; Ordinance No. 76-04 adopted.

Request for Executive Session by City Attorney to discuss imminent litigation; and by Councilman Stake to discuss compensation of city employees.- -Mr. Beougher moved to recess for Executive Session. Mr. Stearns seconded. Mr. Hills said those attending would be elected officials, Clerks of Council, Mr. Bentine on the City Attorney's item, and Chief of Police on Councilman Stake's item. With the roll called, members voted: Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea". Motion passed. Mr. Hills said following the Executive Session, Council will reconvene only to call the roll and adjourn. Council recessed at 8:21 p.m.

Council reconvened at 9:07 p.m. With the roll called, members responding were: Mr. Stearns "Present"; Mr. Baxter "Present"; Mr. Gilbert "Present"; Mr. Clemens "Present"; Mrs. Newman "Present"; Mr. Beougher "Present"; Mr. Stake "Present".

Meeting adjourned at 9:08 p.m.

William L. Hills, President of Council

Susie Smith, Assistant Clerk of Council.