

COMMUNITY DEVELOPMENT MEETING MINUTES

July 6, 2004 Tuesday

Members of Community Development Committee present: Lane J. Beougher, Eric Gilbert, Mel Clemens, Ron Stake, Preston Stearns, Brett Baxter, Antoinette Newman. William L. Hills was present as Acting Mayor.

Chairman Lane Beougher called the meeting to order at 7:33 p.m.

Mr. Beougher: The second item on the agenda is the approval of the minutes of the June 21, 2004 Community Development Committee meeting. Are there any corrections to the minutes as submitted? (No response). Seeing none, they will stand as written.

The next item is the approval of the agenda. Any changes to tonight's agenda? (No response). Hearing none, it will stand as submitted.

Item 4 is the discussion of the overlap of Streetscape, and Olde Reynoldsburg areas. We had a brief discussion last time and I had asked Ms. Keefer to come back with some information. And shortly before we started, I passed on the information in a memo form from Dave Parkinson, and I'll just read it. "Based on our experience with mast arm traffic signal poles, a standard galvanized steel mast arm and pole for traffic signal painted to the Owner's preference generally takes four to six months for delivery, with an estimated cost of approximately \$7,000 each. A more decorative mast arm and pole, similar to that specified for the Major Commercial Corridors Streetscape project, generally requires six to eight months for delivery, with an estimated cost of approximately \$12,000 each." Which is \$5,000 difference, \$20,000 for that intersection. So these prices are for the mast arm and pole only. They do not include costs for foundation, installation, etc., which should be the same, one would think. So forth and so on. So, does that inspire any comments from Mr. Clemens who is probably wincing at \$20,000 and the extra two months on the schedule? Or any other member of Council or the committee? Mrs. Newman.

Mrs. Newman: Yes. Now are you saying that in order to have these poles simply painted a different color, they're going to cost that much more?

Mr. Beougher: No. In order to match the decorative cast iron pole and mast arm similar to what will be installed in the Streetscape Project and have not yet, it would require an additional two months and an additional \$5,000 each. Mr. Parkinson made the comment to me that he should go in the mast arm and pole manufacturing business because there's apparently a lot of demand since you have to wait six to eight months. I'm sorry, Mrs. Newman.

Mrs. Newman: Alright.

Mr. Beougher: Any other comments? Mr. Clemens.

Mr. Clemens: I think we discussed and kind of decided, that we're not going to match the poles that we have on the Streetscape Program, in that section of town. That's why I think we discussed having them black to more or less match what's down in the Olde Reynoldsburg. I don't think they have to match them as long as they would be black, I think that would suffice.. what we want.

Mr. Beougher: I know you made the comment last time that they shouldn't be red. I guess my question is, should they be black? Probably. Should they match what might eventually be put in in Olde Reynoldsburg? That's where I'm at with this I guess.

Mr. Clemens: Well we have what we have in Olde Reynoldsburg. I don't know what we're going to do in Olde Reynoldsburg. Do you?

Mr. Beougher: Well, what we have in Olde Reynoldsburg are aluminum poles with cables and those have never been addressed. At some point those will probably need replaced and when we do so, do we keep the old poles and cables, or do we provide something a little nicer? It's a \$20,000 question. It's a two month issue. And they're ready to advertise the bids. So at this point, unless there's overwhelming support, and I don't hear it, I will just make a motion to table this item indefinitely. Mr. Gilbert, you look perplexed or concerned.

Mr. Clemens: If we ever decide to do the ones in Olde Reynoldsburg, I'm sure that we would do that. I don't think we should step up and put something up there that may never match the rest of the city. Then we would have three or four different kinds of poles up.

Mr. Beougher: I guess my thought on bringing this forward is, does it make sense to do this now and spend an extra \$20,000, or ten years from now, replace them? Right now we're talking about \$48,000 to replace them with the nicer poles, four of them. Assuming inflation, it might be \$100,000 by then. So you can pay me now, or you can pay me later. But that was my reason for bringing it up and I'd like to move to table this item indefinitely. Is there a second? Second by Mr. Clemens. All in favor, signify by saying aye. (All voted "Aye"). Motion carries.

Item number 5, ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Chapter 160 Employee Compensation - Section 160.02, "Authorized Positions, Personnel, Classification and Pay Grade, Subsection (c) "Department of Development" and Subsection (g) "Service Department" and Transfer of Funds. This had its first reading last week at the regular Council meeting. Are there any questions that anyone has come up with since then? Mr. Gilbert.

Mr. Gilbert: Mr. Beougher, I was not able to be at that meeting. If you might be able to, if the members will allow, to fill me in with the reasoning behind this request, aside from what I've read on the legislative request.

Mr. Beougher: I'm looking for Mrs. Reichard. Is she here? Okay. I see Stephen.

Mr. Hills: Mrs. Reichard is not available.

Mr. Beougher: Would Stephen or Mr. Hills like to perhaps talk about this item?

Mr. Hills: I expect I'm the last one they want talking about personnel matters of the city.

Mr. Beougher: Okay.

Mr. Gilbert: My understanding, would this be under, I understand the Service Department? But would it be under the Building Department?

Mr. Beougher: That's correct. The legislative request is to move the Zoning Administrator position from the Development Department to the Building Department division within the Service Department. Mr. Moore.

Mr. Moore: What I understand is, and you may want to give Sharon a call tomorrow to verify, but it would fall under the Service Director. It would not be really under the Building Department which would be the division I'm over. It would be a separate, basically, entity. That Planning Administrator would be under the Service Director instead of the Development Director. They're just moving it from one director to the other. Sharon could give you all the details on that.

Mr. Gilbert: The Development Director, has he spoken to this? Was he here two weeks ago to speak on this item?

Mr. Beougher: I believe Mr. Brandt was here, but he did not speak on this item as I recall, Mr. Gilbert.

Mr. Clemens: My feeling is on this, we set up the Development Department years ago, and we set it up so that it was controlled by Council so that the person there would not necessarily move on as the Mayor moves on. The Service Director hits the road because that's the Mayor's appointment. This is somebody that we felt should be here in the city; that not be involved in politics; and we want somebody that's going to stick around and do the job. Now, the Development Director sits on the Building and Zoning Commission. He sits on the Planning Commission. So it's only logical that the Planning Administrator should fall under the Development Director. They took the Charter and removed the Service Director off of the Planning and Zoning Commission, plus off of the Building and Zoning Commission for the purpose of building the Development Department. I don't know why the change wants to be made. The Service/Safety Director's got enough to do. The person does not even sit on these boards. That's what the Zoning Officer is for, is to work with these two commissions ahead of time and have material for them, plus do other things for the Development Department. So why would we be splitting up our departments again? To me it doesn't make sense. Whether John likes it, or she likes it, I don't really care. What I'm trying to do is figure what's best for the city. It only makes sense if that's how the commissions are run, the Zoning Officer should be under the Development Director. That's my feeling on it. I'd have to have, before I support it one way or the other, I'd have to have somebody speak up and talk on it that's wanting the request moved and see what the feelings are on the Development Director. I know that they felt, and I've had personal conversations about it, I know that they felt that they did not get the cooperation from the Building Department with the Zoning Officer and so forth because it was two separate departments. And I think that can be corrected. And I think that if we can get the cooperation it takes to run the departments, I don't see where there's a problem. I would have to listen to the Mayor and get his presentation or the Safety/Service Director and get

hers. And also Mr. Brandt give his. My only point is, this is why we set the department up is to handle these issues. I just want to know why it's not doing that.

Mr. Beougher: Well spoken, Mr. Clemens. Mr. Hills.

Mr. Hills: Mr. Beougher, if I could, certainly Mr. Clemens is absolutely correct. The Development Department was there and part of its purpose was to break up the Safety/Service Director having to be here almost every night of the week for committee meetings. That's one thing I think many people have forgotten. I will certainly suggest if Mr. Gilbert, yourself, Mr. Stake and whoever, if we have questions, just hold this for two weeks. Mrs. Frazier, would you make sure that Administration is aware that we would like to be sure next week that the Mayor, and Safety/Service Director, and Mr. Brandt are here to answer any questions - - two weeks, in committee, and just make sure that they're here for the meeting?

Mrs. Frazier: Yes.

Mr. Beougher: Very good.

Mr. Gilbert: I would just point out, the legislative request for a move such as this, I think maybe has fifteen or twenty words on it. It just says, "request ordinance to move Planning Administrator position from Development Department to Safety/Service Department, also transfer remaining monies from and to appropriate accounts". That's it. I mean that's just, that's unacceptable to me to have this type of a decision presented to us from the Administration with that being the only information. And this seems to be becoming par for the course. So I agree with you wholeheartedly, Mr. Clemens. I think they're putting a pinch on the Development Department as part of what's going on here and I want to get to the bottom of it. And we're not going to be able to do that with as little information as has been provided to us by the Safety/Service Director.

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

Mr. Clemens: I think that it's important that the discussion is here in Council Chambers. This discussing it on the telephone or separately and so forth, we come back with different answers, I think we've got to get it settled right here. I agree with Mr. Gilbert. There's really not enough information. And it's not something, I don't think it's something that has to move quickly. I think the job can be taken care of. We have a Building Department that can help. We have an Assistant Building Department person now in there that can help. We have all the secretaries that can help take minutes. I think we have enough help and I think they're cooperating now and I think we're getting it done. So I don't think it's something we have to jump overboard on unless they hire somebody or are in the process of hiring somebody. If there is, they can kind of wait on that, too.

Mr. Beougher: Thank you, Mr. Clemens. Mr. Hills.

Mr. Hills: Just one thing, certainly if there are some specific areas, and I've sort of got my other hat on, specific areas that you want further explanation, if you could have Mrs. Frazier include those,

certainly, I'll assure you, no Councilperson is going to be limited because of whatever comes up, because it's open for full discussion. But if you have some area you want further explanation, if you'll note that and Mrs. Frazier can make them aware in a memo. And I will also note that Sharon is here, the Mayor's secretary is here tonight and I'm sure she is taking very copious notes. They'll probably be delivered before Nancy's memo is.

Mr. Beougher: Thank you, Mr. Hills. Thank you very much. Would anyone else like to speak on this issue? (No response). After considering for two weeks since our last committee meeting, I myself have some reservations and I am glad to see that Mr. Clemens and Mr. Gilbert are also concerned. So with that said, I'd like to move to hold this for two weeks. Is there a second? Second by Mr. Clemens. All in favor, signify by saying aye. (All voted "Aye"). Motion carries.

And we stand adjourned at 7:48.

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

SAFETY COMMITTEE MEETING MINUTES July 6, 2004 Tuesday

Members of Safety Committee present: Mel Clemens, Ron Stake, Preston Stearns, Brett Baxter, Eric Gilbert, Lane J. Beougher, Antoinette Newman.
William L. Hills was present as Acting Mayor.

Mr. Clemens: I'd like to call the Safety Committee meeting to order at 7:49. First item on the agenda is the approval of the June 21, 2004 Safety Committee meeting. Do I have any additions, deletions? (No response). If not, they'll stand approved.

The next item, approval of the agenda. I'd like to add to the agenda another speaker in item 5, Dr. Mungall.

The next item on the agenda, discussion, Liquor Permit Request, new, Hengs Inc., dba Double Dragon, 6850 E. Main St., Reynoldsburg, Ohio 43068. Chief Miller.

Chief Miller: Thank you, Mr. Clemens. We just received the notification on this license last week. I will have an answer for you by next Monday. I can give you a call in the morning if it looks as if we're going to have to request an appeal, then I'll let you know that, if that'll be satisfactory.

Mr. Clemens: That'll be fine.

Chief Miller: Alright. Thank you.

Mr. Clemens: The next item on the agenda, discussion, if it's alright Mr. Mungall, would you go first please? Dr. Mungall, I'm sorry. Please state your name and address, and tell us what it's about.

Dr. Mungall: I'm Dr. Dennis Mungall. I'm here this evening with a problem that I've had in terms of having some of my landscape removed by the city and I appreciate the opportunity to present this to the Council. It's entitled landscaper or lands caper. Just to review what was said to be in terms of your rules and regulations about trimming and grass. What I understand from these codes is that any grass that is 6 inches or greater in this city is out of code. And in terms of trimming, I just want to take a short tour so you can kind of get my perspective on what's happened.

(Power Point Presentation made by Dr. Mungall) Starting at city hall, when I came to pick up some of the paperwork involved in my case, I realized that the trees outside of city hall actually do not fit the pruning code for the city. In fact, when I walked through there I hit my head on those. So just to note that. If you note in terms of, this is Blacklick Golf Course, I think quite beautiful. None of this meets code. All of this is out of code. But it's quite beautiful. I happen to like this type of beauty. I was in England last summer, played numerous golf courses there, and they use natural beauty as part of their landscaping the golf courses. As you come into Reynoldsburg, again you have grasses that I think are quite beautiful, but do not fit the code. This is Turnberry Golf Course and I, on my property, have fashioned a single golf hole for my personal practice. I planted and created a _____ grass green miniature fairway so I can practice 60 yard shots on end. I put my own sand trap in and I began to landscape it much like Turnberry which has been my inspiration, and the English type courses like Birkedale, Royal Lithum, Royal Liverpool, etc., courses I'm quite familiar with because I've played them. I want to take you the exact route that the Compliance Officer had to go to get to my house, and that's down Main Street. When you turn left the first thing you see is the Veteran's Post. You'll see off of the road is natural grass that is in excess of a foot and a half to two feet. Okay? Right next to that is a cemetery. Again, a similar kind of foliage. As you move down Waggoner Road, you see this particular house. I'm showing you this because this is what the Compliance Officer had to see before they came to my house. As you can see, this begins here and doesn't end until the front porch. I live in Quarry Cliff. As you enter Quarry Cliff there's an area here that I'm told by the President of the Homeowner's Association has been asked to be cut for quite some time. In fact, months. Now as you move in this is my next door neighbor. She has some very nice grass.

That is not code compliant. And this is my house. Right here. And this is my front lawn and on this side I bought this, specifically two lots, so that the second lot could be turned into a practice hole for myself.

Now, as you can see, this is what it looks like from the sidewalk. Now, it didn't used to look that way because I had landscaping, up to about a week ago last Friday, much to my great amazement, when I came home, it was gone. It was all gone. It was taken out by the city. And you can see another view here. This is the sand trap, my bed grass green, and here are the areas, you have in your packet all of these with much larger pictures of this, but these are the areas that were cut down. And what I had tried to create miniature areas much like what you'd find in Turnberry. Those areas were taken out. Now this is what was left of my lawn. And given my letter to the Mayor after I was informed that there was a problem. There's a small piece of grass area between my house and my neighbor's house. And that was what was reported to the President of the Homeowner's Association. That's all. And that was the area that I was told. I told the Mayor that there are rabbits living in there. I was asked to cut it down. I said if I cut it down, I kill the family of rabbits and I'm not going to do that. And that there are rabbits living in there. Okay. Well, when I came home on that Friday, all my landscaping was gone, what I saw in my sand trap was a disrupted home of the rabbits. So I went up there and I looked in there and what did I see? Some baby crushed rabbits that had been killed by whoever mowed my lawn from the city. I'd like you to see the quote from Mrs. McGilvray, the crew, in terms of tall grass and weeds, she told the crew what tall grass and weeds to mow. Only about four patches and make sure there were no bunnies in there. And she was making fun of me in her notes. There were bunnies in there and they are now dead bunnies. And I have now dead landscaping. The President of the Homeowner's Association, Bill Dederer, when I came home I left him a message. You've got to see what happened here. He was in shock. And this is, you have the letter in your possession. It says, "I share your outrage at the heavy-handed actions of the city in decimating your plants in your side lawn." The only complaints received about were in the area between 7732 and 7756. These were the only complaints. And those were the only things indicated. One small stretch of grass. Let me show you here in just a second. Do you see this little stretch of grass right here? This is where the complaint was. But what was removed on that property was everything else. It was destroyed. Now you see there was limbs. There was no complaint about limbs hanging over. And what occurred here was this: Mrs. McGilvray came to my house, knocked on my door July 2, woke my son up, woke me up, my son had been sick all night, I had been up with him all night, I was sleeping. She came to my door unannounced and said, 'you have noxious weeds growing in your yard'. Well I'm somebody that takes a lot of pride in my yard. I take a lot of pride being someone who lives in Reynoldsburg. I take a lot of pride in what I've done to my lawn and my land. And I told her that was insulting to me. And I asked her to please leave my property. I don't need someone coming unannounced. She said, "well". I said, "You're on my property and I will ask you to please leave". She said, 'well Fed Ex comes to your door'. I said, 'yeah, but you know what, Fed Ex also sends me an e-mail telling me exactly when they're going to be there and _____ me they're going to be there and you did none of those'. I immediately called her supervisor, who did not return my call, and I can't complain about the treatment that I got on my own door step. She told me, 'if you don't cut those noxious weeds, we're going to do it for you, and we're going to charge you for it'. So I complained. Then I got a letter two days later from Mrs. McGilvray and I sent an e-mail to Mr. McPherson, the Mayor, which you have in your possession, that outlined everything that had gone on. What has

occurred here is, there is nothing to do with limbs. This is what I think really happened, is that she got angry because I disagreed with her. I have a different view of landscaping than maybe she does and certainly my next door neighbor. In fact Mr. Keller, the neighbor who made the complaints said, "golf courses are smooth and nice unless you golf in the rough". This is right from her report. I'm sorry, there's a lot of different ways that golf courses look. There's a lot of different views of landscaping in what's beauty and what's not beauty. And I think she got mad. I think she said, 'okay, I'll show you what I can do'. And she did. I want to tell you - I feel violated. I was violated. I came home on a Friday and I saw three months of work...I have seeded those areas with flowers. I had done everything I could to make it like sort of a miniature golf hole at Turnberry, etc. And it's gone. I want to tell you, I feel like I've been violated. Someone came on my property, destroyed my landscaping. If I went and cut somebody's roses out and they saw me do it, I wouldn't be here today. I would be in jail.

Now this is a rough idea, this is Reynoldsburg and Pickerington. This is what it looks like. I think these are beautiful areas in my mind.

What I wanted to recommend to all is, I think there are some other steps that could be taken. Number one, I asked what are the next steps of Mrs. Reichard. What are the next steps? What could be done in terms of arbitration? What can be done? I want to plead my case. Well what happened was, they rushed to do what they did. There was no need to rush to do that. And in the process they took up my landscaping and they killed innocent animals. For what reason? I don't know. I think it's, there could be something, in terms of the code. The code if you read it, any grass, I think the code needs to be modified. I think there should be an arbitration procedure that might include someone with expertise in landscaping that could give some expert advice in terms of, is this a nuisance? Is this toxic? Is this something that really needs to be removed? And third, I think adding insult to injury is, you are now going to have put before you a bill that you're going to have to sign that's going to charge me for them coming out on my property and removing my landscaping. And the landscaper that came to my house today to give me an estimate said it's going to cost me \$1,500 to \$2,000 to bring it back to where it was. So what I ask you is for some reconsideration of how the code is administered; and think about what can be done about that. Thank you very much.

Mr. Clemens: Thank you, Doctor. Are there any questions for Dr. Mungall?

Mrs. Newman: I have a question.

Mr. Clemens: Yes, Tony.

Mrs. Newman: Did you consult with anybody at the city to see if you had to do anything special before you installed your golf course, your green, or putting area?

Dr. Mungall: Consult anybody at the city?

Mrs. Newman: Yeah. About anything they might require?

Dr. Mungall: No. It was simply an area of grass. There was no heavy construction. It was planting grass. It was _____ grass in there so I never thought that it would require anything.

Mrs. Newman: And you weren't aware that we had codes guarding various plants and their height and that sort of thing?

Dr. Mungall: No. I had no idea about that. I had no idea whatsoever.

Mrs. Newman: Alright. Thank you.

Mr. Gilbert: The green was never in question. Correct?

Dr. Mungall: Never in question.

Mr. Gilbert: And when you inquired as to I guess, reading the materials, there might have been one reference you were told, this was a Council matter. Can you maybe explain to us what the Mayor had explained to you?

Dr. Mungall: What he explained to me was, my conversation with him was that he said, 'put it in writing. Put what had happened in writing'. I did. I sent an e-mail which you have a copy of. On follow up I called him up, I said 'what's going on with this'? He said, "We're investigating. It's going to take six to ten weeks". That was his words to me on the phone. It's going to take six to ten weeks to resolve. This was some sort of issue here. Because I asked for actually a letter of reprimand for the officer that came to my door and for what had happened. And he said 'it's going to take about six to ten weeks'. So I hadn't really thought, I really thought, well okay, six to ten weeks, fine. Well, it wasn't six to ten weeks. Then I got a note from Mrs. Reichard saying it's been resolved. And I said, 'okay, well I'd like to talk to the City Attorney, Mr. Underwood', and gave my cell phone number and said please have him call me. Which didn't happen. And so I tried to communicate. I tried to say, what else can I do? What can I do to challenge this? Because I think this isn't right. I wasn't given that opportunity.

Mr. Clemens: Mr. Hills.

Mr. Hills: Just for clarification, six to ten weeks to resolve, this was prior to the grass being cut?

Dr. Mungall: Yes, prior. Yes. This was about a week after I had contacted him originally, given him in writing. But proceeded to happen. And then called him up to follow up and he said, 'you know, it'll take probably six to ten weeks to resolve this'.

Mr. Clemens: This was before the grass was cut?

Dr. Mungall: Yes. So I thought, well it's probably a dead issue.

Mr. Hills: Was there any more contact with the Mayor's office then before the grass was cut?

Dr. Mungall: Only what I got was an e-mail from Mrs. Reichard that said, 'okay a decision's been made. We're going to go, we're going to follow through _____ done. And then I sent

back to her, I said, 'okay there must be another step here. There must be some kind of step in terms of, for solving disputes like this'.

Mr. Hills: So rather than six to ten weeks, the dispute was resolved by the time Mrs. Reichard heard of it.

Dr. Mungall: Yeah. Yeah. And then I asked, and she referred it on to Mr. Underwood. And I asked to talk with him and that never occurred.

Mr. Gilbert: Were you ever told once the grass had been cut that this was a Council issue?

Dr. Mungall: No.

Mr. Gilbert: Take it up with Council?

Dr. Mungall: No.

Mr. Gilbert: Okay.

Dr. Mungall: Actually, I made the call myself just thinking, well you know, I called and talked to Mrs. Frazier over here and talked with her. I thought, well this is something that I think as a citizen I need to express this. I think you need to know what's going on. It's my only forum that I can have. And so the next step, I mean my property's been damaged, and the next step is they're going to charge me for that. Which I don't really appreciate much what's occurred.

Mr. Gilbert: If I could, Mr. Clemens. When you indicated your disagreement with their interpretation of your landscaping, at any point did any representative of the city indicate they would speak with our on-staff horticulturist?

Dr. Mungall: Never. Not a word. I have no, nobody ever said that to me. Not at all. Never occurred.

Mr. Clemens: In the total time that you were first contacted until it was cut, how long was it?

Dr. Mungall: I got the, the only that I actually got was on June 4. They said they sent other ones. I had never received them. Part of it is that I'm in and out of town. I come late. I don't know. But the only one I actually got in writing was the original one on the 4th. I had no idea they were going to come in and cut my landscaping down.

Mr. Clemens: Weren't you given a length of time that it had to be cut?

Dr. Mungall: There was. And that's why I called the Mayor and asked 'what can I do'? And thinking, okay there might be some type of resolution that can occur here. I think this is wrong. What I'm trying to do here is not ugly. What I'm trying to do here is something that doesn't bother anybody. You can't, almost the only person that can see it is me because it's back off of

the highway. You'd have to be standing on my property to see it. So it's not something that anyone should be concerned about.

Mr. Clemens: Mr. Stake.

Mr. Stake: Thank you, Mr. Clemens. Doctor, you had one warning? Verbal warning at the time the Code Enforcement came to the door? Is that the only contact that you had?

Dr. Mungall: Yes.

Mr. Stake: And then you got the letter that you, or the 4th letter you're talking about?

Dr. Mungall: Yes. That is correct.

Mr. Stake: Thank you.

Mr. Clemens: Mr. Baxter.

Mr. Baxter: Thank you, Councilman Clemens. The questions I have here, then in your mind then what needs to be addressed at this point, at least in your mind, (a) is, there's a personnel issue that you don't feel has been resolved and you've asked to have something looked at. And in your mind that hasn't happened?

Dr. Mungall: No.

Mr. Baxter: (2) That we need to address the code to look at either changing or clarifying the issue of noxious grass and what is or is not considered to be deemed noxious or whatever the term might be. And that you would suggest that an arbitration area be added to that.

Dr. Mungall: Yes.

Mr. Baxter: To give an opportunity for those residents to come back to the administration and discuss the issues.

Dr. Mungall: Yes. In fact, right now the way it's written, it's really relying on one person, whoever's looking at that, it's their view of what's beauty and what's not beauty. And that's the way it's set up now. And that person didn't think any of the things that I showed you as beauty, it would all have to be cut down.

Mr. Clemens: Personally I think our time limit is too long. I'm not saying because of you. But if the grass gets that high and we don't catch it within a week, it's twice as high. By the time you send out notification, give them time to cut it and so forth, it's another two weeks. It could be two foot tall. Now yours is a little bit different situation because yours involves planting area and your golf course and I can see that. I don't understand why since you did contact Mayor McPherson, I don't understand why the meeting wasn't set up with you and the Safety/Service Director or the

Building Department. Because yours is a little different than what we usually handle, which is getting grass cut in people's front yards and back yards.

Dr. Mungall: I understand that.

Mr. Clemens: Just regular grass.

Dr. Mungall: That makes sense. Going down Waggoner if you look at that one property, they're of that. You know that that's not something that should be.

Mr. Clemens: My suggestion would be that, the Mayor's on vacation, that we discuss it with him, see what his opinion is on it. Also what Mrs. Reichard's is and the Chief Building Inspector. Go over it and get to the bottom of it. Since this is the first time we've heard it, and since the Mayor is not here, and Mrs. Reichard's not here, I know Mr. Moore is but I hate to, I'm not one that likes to have to discuss issues with our employees in public or discuss our employees in public or our personnel whether it's good, bad, or indifferent or whether they're doing a wonderful job or doing a dismal job. I don't think that's something that we discuss over the Council table. We usually do that in executive meeting. But as far as the other part of it, I think that we could discuss with Mayor McPherson and Mrs. Reichard. Mr. Hills, what do you think?

Mr. Hills: As Acting Mayor I think that's fine. Certainly there's some questions that had been raised that we all would like answers for. Again, if it's acceptable to you all, why don't we see if we don't have a response for this statement in two weeks.

Mr. Clemens: Okay.

Mr. Hills: And have them come back the same as they're going to respond on the other issue, we'll just add this one to it also and in essence have somewhat like a report. If there is such a thing, the other side of the story.

Mr. Clemens: That's true. There's always two sides of every story you know. Why don't we do that? We'll have the Mayor work up a report, and Mrs. Reichard, with Mr. Moore and have it back in two weeks if that's acceptable.

Dr. Mungall: That's fine. Really. I appreciate being able to talk to you and present the case as I see it.

Mr. Clemens: Okay. Thank you, doctor. We appreciate it.

Dr. Mungall: I appreciate it.

Mr. Clemens: The next item is, Mr. Hart, I believe. Yes sir, if you could please. Mr. Hart had some concerns I believe pertaining to the Building Department. I may be wrong. I'm not sure what it pertains to. But you're welcome to speak. Give your name, address, and fill us in on what you'd like to talk about.

Mr. Hart: Okay. My name is Thomas Hart. I live on 742 Keltoncrest Drive. I've been there for three years. I moved here from Youngstown, Ohio. I am an International UAW Health and Safety Rep at AC Delco in Groveport, Ohio. I've been with General Motors for 25 years. I proceeded to start a deck on my house May 18 not knowing that I had to have a building permit, because coming from Youngstown, we were not required to have a building permit. So a contractor friend of mine agreed to put this deck on. I have some pictures. I'll pass them out here in a few minutes. So I proceeded to have this friend of mine build this deck. Probably a day and a half into laying out the foundation of the deck, a building inspector by the name of Dan, I don't know his last name, stopped by and said that I had to have a building permit. So I said fine. We had to draw up some sketches. And at that time, the building inspector said it would take probably 10 days to 2 weeks. So I'm a personal friend of Mr. Stearns there, so I contacted him and said, 'what do I do'? And he said to contact your Councilman. So I contacted Eric Gilbert and said, "I have a contractor sitting here. He's charged me by the hour. Is there any way that I could get that building permit? No special favors but, could you just see that it gets pushed through a little faster because everything is legal?" So at that time, talking to Eric he said, "Yes". So to make a long story short, I got the permit in three days. So my contractor started building my deck. At that point, before we had the footers laid out, the building inspector said we had to have the holes dug 32 inches deep. So we dug the holes 32 inches deep. We called them. They came out on a Friday. Well that particular Friday, the first week in June, we had 3 ½ inches of rain. Friday morning it rained. We had 3 ½ inches. So the holes, all the main holes backfilled. He came out there, stuck it in the hole, the hole is full of water. It was 30 inches. He said you need 32 inches. I said, "Well, can you wait? We'll bail the water out and dig it." He said, "I don't have time".

To this point, the building inspectors have been at my property six times since May 18 and every time they come out there they have two inspectors. Not one, but two. Because the building inspector Dan quoted to my contractor, "Since I contacted my Councilman, Mr. Moore was upset and they must have two inspectors at my property at all times". And I understand that Reynoldsburg building inspectors, they are supposed to be running short, but yet every time they come to my property, they have two inspectors. And Mr. Moore was out there for a \$3,000 deck, the Chief Building Inspector comes to my property and he spends an hour and fifteen minutes measuring everything. He doesn't have anything better to do for a deck?

These are the bolts that they approved for me to secure it to my house. We had these same bolts in the main posts that support that deck. They came out and said, "No". We had to go with this bolt. I had to buy, this is \$1.05 for this bolt here. This is \$3. And I had to buy 35 of these because they had to go in every main joist that was there. Like I said, they've been out there six times. One time they came out for these. These are side brackets. They turned me down because there's three holes on both sides. They said every bracket that has a hole has to have a nail. We got these. We got these. We got this. But yet my house will probably blow down before that deck blows down.

We had 30 main 4 x 4's on that deck. The deck is 18 foot wide, 16 foot deep. We had 35 main posts. We had to dig it down 32 inches, we had to put 4 bags of concrete in each hole, 80 pounds in each of those holes. And like I said, I wish the inspectors would have inspected my house when I built that house three years ago as good as they did my deck. And I think that I'm being harassed because of the fact that I called my Councilman and said, "Hey, can you just check on it because I can't wait ten days to two weeks to build this deck". And here it is July 6 and I still

have one more inspection to go. And they had been out there six times between May 18 and last week. And every time they come out there, the first time that Dan came out there when we had to dig it 32 inches and he knew it rained 3 ½ inches because he told me on the phone he'd be there at 9:00. He got there at 2:30 because it rained all morning long. And when he got out of that truck he had that orange tag sticking out of his pocket. And I told my contractor, "I'm going to get turned down". He didn't have the green one. He had the orange one sticking out of his pocket, walked up there, looked at the hole and said, "It's filled with water". And I said, "Well no crap". You know, 3 ½ inches of rain, what are you going to do? I said, "What did you want me to do?" He says, "Well, you should have covered it up". I said, "Well, 3 ½ inches of rain, you can't cover it up". Because I have a creek that runs in the back of my property, and that creek, when it rains hard, it only overflows maybe 2 feet on both sides. Well that particular day it was up almost to my deck which is probably 30 feet from that creek. And he tells me he can't control the elements. But he jumped out of the truck, and as soon as he jumped out of the truck, there was another white truck there. Two inspectors plus Mr. Moore.

Mrs. Newman: Could I ask a question please?

Mr. Clemens: Mr. Hart.

Mr. Hart: Wait. And I have one other question too. I mean, one other fact here. I got these pictures here. One of the inspectors, when they came out, two of them, he said, "I want to see these bolts up against your house". I said, "Fine". There's an opening on both sides. I said, "All you've got to do is get down there and look, you can see all 15 of these bolts across". Do you know what he told me? "That ain't good enough". He made my contractor pull up every third board across that 18 foot section so he could see these up against the house. And all he had to do, would have taken 2 seconds, kneel down, look right across, and I have pictures here that you can look right across and see all 15 of these bolts, and he wouldn't take the 2 seconds, but he stood there for over an hour while my contractor pulled every third board up. I'm done.

Mr. Clemens: Mr. Hart. You brought in some items that you were required to use on your deck. When you turned in your plans and your specs, were you given those specs on what size bolts you would use? And also your other bolts?

Mr. Hart: This was the one that they said that I had to use.

Mr. Clemens: I mean there was nothing on your plans? Nothing on your specs?

Mr. Hart: No. No.

Mr. Clemens: They didn't tell you about using your anchors or anything like that?

Mr. Hart: No. No. And then when he came out, and the thing that irked me the most is, when he was out there, like I said, they've been out there 6 times, the first time he should have pointed out everything that I needed to do on the deck. But he told me one step at a time, dig it 32 inches. I said, "Anything else"? "No". Thirty two inches. Then he comes back, 'this is bad. Use this'.

Mr. Clemens: But you didn't get any specs? You didn't get anything on your plans? You didn't know what...

Mr. Hart: Yes. Yes. My deck exceeds the city's specs.

Mr. Clemens: Okay. Are there any questions for Mr. Hart from City Council?

Mrs. Newman: Well, I would like to ask, I don't know, but I know at one time we had to license contractors to work in the City of Reynoldsburg. Does that practice still hold?

Mr. Clemens: Yes.

Mrs. Newman: Was your contractor licensed in the business?

Mr. Hart: He's a friend of mine. He's doing it like they say in lawyer terms, pro bono.

Mr. Clemens: Did you take out the permit yourself?

Mr. Hart: Yes.

Mr. Clemens: He's allowed to take out the permit.

Mr. Hart: Yeah. I took it out myself. I signed the papers. He is a friend of mine. He is a contractor. He's doing it just because. The only thing I had to pay for is (Tape Change). And every time they come out, the \$3,000 deck is up to almost \$5,000 because I've got to buy bigger bolts. I had to buy more nails because you couldn't use four. You've got to, everything had to have a, every hole had to have a nail in it. But you'll see the pictures there. All he had to do is get down on one knee, look all the way across. But he sat there for an hour, over an hour and had my contractor friend pull every third board. When you put a deck down, you don't put a deck down with regular smooth nails. You have wood screwing nails. And once you put it down on a beam, it is very hard to get it back up. Like I said, if I had a tornado go through there, I bet you my house would go before that deck goes. Because that deck is, like I said, it's 32 inches, we put 4 bags of concrete, 8 pounds, 320 pounds of concrete in each one of those holes.

Mrs. Newman: And you have our Building Department to thank for that.

Mr. Clemens: Are there any other questions from Council for Mr. Hart? Mr. Gilbert.

Mr. Gilbert: When I called, just for the members knowledge, when I contacted the Building Department, I requested from Teresa, the receptionist, the status of Mr. Hart's permit, which I have had other constituents do in the past, and she informed me at that time that Mr. Hart had already received his permit earlier that day. And if I might add, seemed very put off that I would make an inquiry as such on behalf of a resident. In the mean time, what Mr. Hart had experienced occurred, and last week myself and Mr. Stearns paid a visit to Mr. Hart's residence and looked at

the deck first hand. And one thing I wanted to point out, on your frame that you have there, you had the frame anchored; however, then it was suggested or required that you apply the nails to the other holes in the anchor.

Mr. Hart: Right. Right.

Mr. Gilbert: And Mr. Hart went over his story and frankly, it is unusual that we had a complaint like this brought before us, and not at the regular Council meeting. But I thought the circumstances were somewhat extenuating. I try to listen to my residents. I had one in particular that pointed out that he was not pleased with the services of the Building Department last fall. I ran into the same trouble in regards to our Nuisance Abatement Board. In regards to what is now termed as “the mold house” in Greentree and we see a similar situation with Code Enforcement and several examples that are provided to us this evening by Mr. Hart. I’ll certainly provide ample opportunity for Mr. Moore to respond. But I think there are some issues here that Council needs to be aware of, concerned with, as to the treatment of our residents, the indifference at some points, the lack of prioritizing our constituents. And for even an inkling of a resident to receive word through a contractor from an inspector, and like I said, I’ll give ample opportunity for Mr. Moore to respond, that he is being punished because of an inquiry on his behalf by a Councilman isn’t going to stand. That’s unacceptable. And these things seem to be becoming a trend on any number of issues that we deal with now in the city. And I’m not sure, as a Council member I’m willing to go the normal trodden path back to the Executive Session to discuss some of these issues because they’re public issues now and how they have effected our residents. And I say that totally aware of the fact that we have not, the administration has not been able to respond. But the trend is not encouraging to say the least. And that’s where I will leave this. Mr. Hart, it took a lot of courage for you to come in here this evening and to point out what has happened to you as well as the doctor. The nature of the beast in this town for years has been people such as yourselves, when you buck the tide, you’re not treated very well. And I hope in some small way, the one message that is being brought out to you is that this Council will listen and we will look into these matters and get to the bottom of it for the betterment of our residents and citizens that have to deal with city government on issues that might concern them in the future. And I thank you for your time.

Mr. Clemens: I want to thank you too, Mr. Hart. I want you to know, City Council and I’m sure the administration, it’s most important that our big thing in the City of Reynoldsburg is how we handle our citizens when they walk through that door. The public’s perception of the City of Reynoldsburg, the Mayor, and City Council is how the employees treat the public. We expect that to be the number one priority. And like I say, from the Mayor and City Council down, that’s one thing that we are proud of and we want to keep it that way. That’s why we appreciate you coming forward and making your statement. Although I do at this time, feel that Mr. Moore, our Chief Building Inspector, he’d like to respond on some of these items. So if you would, Stephen.

Mr. Moore: Thank you, Councilman Clemens. Just so that you know, we did go out, we got a report that a deck was being built at this location without a permit. So the inspector stopped out, left a door hanger saying that a permit was required. Mr. Hart, his friend the contractor, came in. We talked with him. Gave him one of our deck handout packets that said what needed to be on

plans. Once he resubmitted the plans with the things that he thought we needed, they still weren't adequate. They didn't show accurately where post placements were, how it was built. Because it was built in a little bit different manner than standard manner. That's why I went out on site. I was there for about 15 to 20 minutes so that we could get the plan approved for Mr. Hart and his helper, his friend there. I went out on site with the inspector to try to get the right information, which we've done in the past trying to help people out to get through the process so we don't keep issuing correction letters and hold it up. Because sometimes it's obvious that people don't understand what you're asking for. Whether we don't communicate correctly or they just don't understand if they've not been in the situation where they've had to get permits before in regards to do drawings. That was basically on 6-3 is when we left with the door hanger, the deck was partially built at the time. They had built the frame, had posts sitting in some small holes in the ground, and had part of the flooring on on the first section up by the house. So then we went out, I did the measurements, we were able to get the plans approved. On 6-9 the permit was issued. Let's see, we spoke with his contractor, the friend that was helping him do the job. Since he pulled the permit he wasn't really paying him is what we were told. As a contractor, he was helping Mr. Hart do the work so we let him do a homeowner's permit which he signed all the necessary paperwork. Had no discussions with Mr. Hart at that time. The contractor came in, we explained to him what we needed. He drew a set of drawings, and that's what my inspectors inspect by is what's on the approved set of plans. Most of the time, and I believe in this case, I don't have the set of plans with me, but we have some details in that deck plan that people can choose to use. They basically say, 'I'm going to use that detail'. They circle it, whatever they want to do and we accept that as plans. We've drawn it to comply with code. So that's how we got the plans approved. There was a Certificate of Plan Approval issued. Mr. Hart did pick up the plans the morning that Eric called and he had already picked the plans up. We then went out to start to do inspections. The first inspections, the permit was picked up, was issued 6-9, the first inspection was a deck footer. On 6-11 the footers were full of water. He couldn't inspect how big the footers were and they are required to be 32. Some of the footers were less than 24 inches deep and only one footer of the six measured, of six, that's how many footers are in there, six footers, six support posts, there was one that met the 32 inch requirement. Now we understand there's water and stuff. We normally, if we can get, see that it's 32, we can tell the diameter, we don't make people take all the water out. But I don't believe that the holes filled up with 8 inches of mud. If they did, that's very unusual. We understand you can have a couple of inches of muck in the bottom of a hole. It's the same on a house footer when it rains. After that, Dan went back out. He was called out to go out on the 22nd. He approved the footers on the 22nd. He went back on the 24th to do a framing inspection. He left the violation notice that Mr. Hart talked about which talked about putting the bolts at the post as per plans, install the joist hangers where they were required by his approved plans, and nail all of the joist hangers. All of those have specific requirements for nailing and stuff like that. You can't leave nails out. They won't support the loads that they're intended to support unless it's properly nailed. That's what our job is, is to make sure things are done per approved plans. So we've done one, two, three, four inspections. The other times when we were out trying to help him get his plans approved, actually Mr. Hart's been very nice to work with. He calls in for inspections very friendly. And I can guarantee you, we are not trying to give any one a hard time. I don't take these personally. I have no problem when a Councilman calls me to ask what's going on. I do not take it personally. It's a job. We have a job to do and that's what I'm required to do. I would never tell inspectors to give

somebody a hard time. We have lots of people that don't get permits. They come in and get their permits just like Mr. Hart did and we move along with the process.

Mr. Hart: Why did you have to have two inspectors? Your inspector told myself and my friend who is the contractor, my boss requires to have two inspectors. Every time an inspector has been out there - and your information is wrong; you got four times, you out there with Dan was number five and they were just out there last week. So we've got six inspections. Not four.

Mr. Moore: I wasn't inspector, like I said...

Mr. Clemens: Wait a minute. First, Mr. Hart, direct your conversation to the table.

Mr. Hart: Okay. But any ways, he's wrong. Because he said four times. And I want to ask Mr. Moore, why when he was out, his inspectors were out there, why they didn't point out, these hangers were there from day one?

Mr. Clemens: Alright. I want to ask you a question, Mr. Moore. On the set of specifications that he received, that are on his plans, and I brought this up before, did it show, did he get information to show that he had to use the joist hangers and those size of bolts?

Mr. Moore: Yes. That's correct. Because he's using flush connections where the, instead of the joist sitting on top of the beams, they go into the side of them. So the code requires that you have to have at least an inch and a half bearing, and he...

Mr. Clemens: But you gave him the proper information?

Mr. Moore: Yes.

Mr. Clemens: That's what I want to find out. If you had the information that showed you what you use. Are there any other questions? Yes. Mr. Stearns.

Mr. Stearns: Thank you, Mr. Clemens. I just want to ask one question. From what I saw, the way I understand it, there were 6 inch bolts going through there and you had to change them for 8 inches and that was part of the specs?

Mr. Hart: Well that's what Mr. Moore said to do. You've got to have 3 inches on the other side.

Mr. Stearns: Three inches on the other side.

Mr. Moore: That's not correct. If he had, if his detail showed carriage bolts, the only thing we require is the carriage bolts to go clear through the member. Three inches past does no good. I don't, we've never required somebody to put in longer bolts than what's required to do the job.

Mr. Stearns: Well why did he have to have the change from six to eight inches then? Was that part of the...

Mr. Moore: I don't know that he changed from six to eight. He probably, from what I could see, what he has there, he has lag bolts or carriage bolts. His plan probably showed carriage bolts and he used lag bolts instead so my inspector said you need to put in the carriage bolts that were shown on the plans. That would be the reason why.

Mr. Stearns: Thank you.

Mr. Clemens: Are there any other questions for Mr. Hart or Mr. Moore at this time? (No response). If not, I would like to thank you for coming Mr. Hart and I'm sure that Mr. Gilbert and ourselves will follow up some on this with the Mayor and Mr. Moore. Any more discussion?
Mr. Hills.

Mr. Hills: Mr. Clemens, if I could point out, and Mr. Hart I do thank you for coming in. I appreciate the comments of Council. I'll put on my Acting Mayor hat and certainly the employees of the city do have jobs they have to do. Sometimes it's going to irritate some people. But I am going to say that I spent, what March and April as Acting Mayor, and one of the frustrations I had, and I talked to the Mayor about it when he came back was, we need to improve service within the city. And Bob had agreed that it was an issue and he was going to address it. But I guess I'll publicly say, whether it be as Acting Mayor or President of Council that I will be talking to the Mayor immediately upon his return. I'm going to suggest there'll be some sort of committee formed of the Mayor and an appointee, the Council President and appointee, a developer, realtor, homeowner, Chamber member, citizen. I think we need to all sit down and take some of the things we've heard tonight and sit down and work through it. For those who have been here a long time, this is one way we handled the teenage curfew, was get input and try to roll it around and it sometimes worked. I don't want any citizen to think that Council isn't concerned. I also would hope the citizens don't think that the city's here to do nothing but cause problems. I'll go on record and tell you I have received that statement where I called, 'oh they told me they didn't like that because you called'. Well, that's what you all elected the people to do. And you elected the Mayor and he has his appointees. You elected the City Attorney. You elected the Auditor. And you elected Council. Hopefully it's just misunderstanding. Just small talks. But we've reached a point where it certainly has been brought forward. Some valid points have been made. I think...I sincerely appreciate both of you because each has admitted - maybe I didn't understand it the right way - or maybe there's another side to it. And I think it's always good to be able to have that discussion. Discussion avoids debate. Whatever comes of this I hope it is that we do improve our services or at least the appearances of our services. If they appear this way to you all, they've got to appear this way to others, and that's unacceptable.

Mr. Hart: I asked Mr. Moore one thing and I still haven't gotten an answer. Why on my deck do I require two inspectors?

Mr. Clemens: Yes. I can ask Stephen that. He is curious on why, and I know there's a shortage and I know how busy we're supposed to be and I'm kind of curious myself on that. How's come two inspectors came out?

Mr. Moore: Due to the fact that the gentleman that was helping Mr. Hart and some of Mr. Hart's

comments were quite hostile at times towards the Building Department and towards the inspectors, I felt it necessary that we have two people there because of some of the claims that could be made as what's going on now so that we would have some....we've done this in the past when we've had, when Dana was here there were some cases, and since I've been here there's been some cases where we'll have two people meet at a job to make sure that what's going on, and everybody does stay above board, and my inspectors don't make comments and stuff that they don't, and truthfully, if we do find that, I do deal with those situations in the office if I have an inspector who speaks out of line or does something like that.

Mr. Clemens: Thank you, Mr. Moore. Mr. Hart.

Mr. Hart: Yes. Well you know, my threatening comment was, to your inspector was, when he said that we had to bail the water out I said, "This is a bunch of crock". That was my statement. If that is threatening, I don't know what your terminology means because that's what I said. I said, "You are full of crap" and I walked out because I knew that I was upset because it did rain 3 ½ inches. For the record, I am not a violent person so I would not do that. I am a homeowner trying to improve my property by building a deck. My brother-in-law is Jerry Revish on the, the news anchorman on Channel 10 and I would be damned if I would be going out there, getting myself in trouble and he's going to be reporting on his brother-in-law. So therefore, I am not a violent person.

Mr. Clemens: Thank you, Mr. Hart. I think this shows again where public relations is the big part of city government. I've called calls, numerous calls, and there's two sides to every story on the calls. But it is a public relations situation and I know that there's times that the Building Department, different departments get criticized and that's why there's two sides to every story. You've got to hear both sides. I appreciate both sides and as I said, I think we'll follow this up with Mayor McPherson. I'm sure that he'll read the minutes and I'm sure that we'll have a discussion on this and I'm sure Mr. Hills will have a discussion with him on it. Is that correct? And if there's no other questions, Bill did you have something to say?

Mr. Hills: I just want to add, I appreciate the fact that you didn't get into the argumentative part of it and stayed at discussion. But I think it's all a prime example of what happened. Stephen just didn't stand up and talk about what a nice person you are but then we have to respond to the, why two people, well we were threatened by them. This is where words and phrases get us all in trouble. And that's why, I think we, it's a good way that we left it tonight. It's been debated. It will be discussed. There will be some addressed. Is it going to make a difference on your deck? Probably not. But if both of you made a difference for other people as they move forward, we certainly hope so. And it's just a matter of, it's like anything else, sometimes when people are doing the same thing for so long, it can be a little gruff. I've been accused of being very gruff. There's not a reporter here that hasn't called me gruff. And I think we all have to look at that at times and regroup. And I think it's very productive, some of the information we have tonight and I think it should be all of our goal to move forward and take a look at bettering the city. Thank you.

Mr. Clemens: Bill, everybody can't be mellow like me. Alright.
I'd like to call the Safety Committee meeting over at 8:45.

Safety Committee- -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Smith)

July 6, 2004

SERVICE COMMITTEE MEETING MINUTES

July 6, 2004

Members of Service Committee present: Eric Gilbert, Lane J. Beougher, Ron Stake, Preston Stearns, Brett Baxter, Mel Clemens, Antoinette Newman.
William L. Hills was present as Acting Mayor.

Mr. Gilbert: I'll call the Service Committee meeting to order at 8:45 p.m. The second item on the agenda is the approval of the minutes of the June 21, 2004 Service Committee meeting. Are there any additions or deletions to those minutes? (No response). None being heard, they will stand as read.

Item number three is the approval of the agenda. I do have several changes to the agenda. I would like to make a motion to move item number 5 (Discussion, Authorization of specifications and advertising for bids - 24" water main, E. Broad Street, and appropriation of funds), to Other Legislation. And to hold items 9 (Discussion, License to allow installation of drain to correct water accumulation problem), and 10 (Discussion, Development impact fees). Do I have a second? Second by Mr. Baxter. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 4 is a discussion of a rezoning request at 7559 Cherrybrook Drive from R-1 to PD. The members should have received in the packet, the application for the rezoning request. Applicant is Preferred Real Estate Investments. Jill Stemen Tangeman, Esq. Thank you. Ms. Tangeman please come forward to the microphone and state your name for the record.

Ms. Tangeman: Good evening. My name is Jill Tangeman. I'm a partner with Lucas, Prendergast, Albright, Gibson and Newman, Attorneys at Law. And I'm here on behalf of Preferred Real Estate Investments. I'm joined this evening by Stacy Wiedeman who is an associate in my office, and Mike Kenney who is the president of Preferred Real Estate Investments. We have submitted a rezoning application. Let me give you a little, the property is located just off Palmer Road at Cherrybrook Drive. This is the site here. This is Palmer Road right here and Graham Road here. The site's been, has been undeveloped for a number of years. There is a single family home on the property. Just to orient you, this is the office here along Slate Ridge and then Palmer Road, there are some single family homes here. Across Graham Road is still in the township area. And then also a single family and then condominiums that are bordering the site. The rezoning application is for a condominium development. It will have 15 buildings of 4 units each. The condominiums are designed primarily for empty nesters. They will have square footage of roughly 1500 to 2000 square feet. All natural materials. A mixture of brick and stone, hardy plank with a price range of roughly \$168,000 to \$190,000. All have two car garages. Well landscaped. And they are for sale so they will be owner occupied. We have proceeded with an application for Planned Unit Development. This particular site is in the comprehensive plan if identified for residential development with a density of 3.61 to 5.2 units to the acre. The density that we're proposing is 4.2 units to the acre, so right in the middle of the recommendations of the comprehensive plan. We have submitted with our application, traffic study, several utility impact studies, as well as all the other requested information under your code. So I'll be happy to answer other questions or present additional information. Let me show you quickly our site layouts. Take one quick look at what we're proposing with the development. As

I said these are condominiums with 4 units in each. We have a pool and a club house that we've proposed and there will be one entranceway to the development which will be the existing Cherrybrook Drive. However, we'll improve that for the development. Again, I'll be happy to answer any questions at this time. Thank you.

Mr. Gilbert: Thank you, Ms. Tangeman. Any questions? Mrs. Newman.

Mrs. Newman: I have a question. I believe one of the traffic studies recommended the addition of two turn lanes.

Ms. Tangeman: It's not a traffic study for our project. The traffic study that was completed for this project was completed by Traffic Engineering Services, Gary Wilcox, and their recommendation was for new improvements along Palmer Road. They did take a look at the intersection at Palmer and Graham Road and the existing traffic there at the recommendation of the Mayor and the Development Director, that we take some look at that particular intersection. Their traffic study goes into, I think what the city was already aware of is that there's an existing problem at that intersection and it's difficult really to make a recommendation as to how to best deal with that because of the direction that the traffic is turning. So I think it was a recommendation, a loose recommendation in terms of that particular intersection. But in terms of access for our particular development, the increase in traffic that would be generated is pretty minimal. They actually compared it to a two unit to the acre residential development. And as you know, the traffic was equivalent or less in some cases. In part because of the type of development we're proposing because this is primarily geared toward empty nesters. This is a project that has been built in lots of areas. We have a lot of demographic information. It generally tends to have, people that have very few children often only have one car. They're not traveling at peak times during the day. So as opposed to a single family development that may have quite a few children where they're out during the day quite a number of times for soccer and all those other kinds of school activities, the number of trips per day and the time traveled in a development like this is less.

Mrs. Newman: Thank you.

Mr. Gilbert: How many trips a day was the standard that you used?

Ms. Tangeman: You're going to ask me questions I'm not sure I can answer. They looked at I believe, it was 6 trips per day for the condominium project that we're proposing as opposed to a single family home which has roughly 10 trips per day.

Mr. Gilbert: What if you're not ultimately the developers of the property?

Ms. Tangeman: We will be in this particular case. We're not rezoning this to re-sell. This is, Preferred Real Estate will build this project.

Mr. Gilbert: And you indicated the Development Director and the Mayor asked you to look at lane warrant analysis?

Ms. Tangeman: Under your code according to your applications for Planned Unit Development, there's a requirement for a traffic study. We talked to your City Engineer, it's somebody retained with EMH&T, and we discussed a little bit about what should be proposed in terms of a traffic study. Normally a traffic study will say, your access point. It's really more of an access study opposed to a traffic study. And then your impact on major intersections. So in meeting with the Development Director and the Mayor, we agreed that we should look at our impact on this, the intersection of Graham and Palmer Road. The problem is, there already exists, our impact on that intersection is pretty minimal. There's an existing problem and probably most of you already know that, that exists at Palmer and Graham. The problem is, there's no good solution to fix that problem in terms of even, a turn lane might help a few cars but the vast majority are not going in the direction that a turn lane would be beneficial for. I think our traffic engineer said, if you put a turn lane in you're basically accommodating six cars that are turning so it's not really going to resolve that issue. It's a much bigger problem unfortunately. But again, he looked at, what would this development increase in terms of traffic versus a 2 unit to the acre single family development. The difference is, in our case actually, a little bit less. But roughly equivalent.

Mr. Gilbert: So we're to decide the inconvenience to the 6 people with the turn lane that you mentioned or the residents that are already faced with the problem that's there currently. I guess that's the balance we're going to have to strike here. Because traffic impact is a very integral part of any zoning decision that we make. Who is the engineer on your, just general engineer for the project?

Ms. Tangeman: It is Bauer, Davidson and Merchant. Kurt Dimler is primarily heading this.

Mr. Gilbert: Okay. That's different than Lucas, Prendergast that did the traffic study.

Ms. Tangeman: No. Lucas, the traffic study's done by Traffic Engineering Services who is, Lucas Prendergast is my law firm. The traffic study was done on our behalf at our request. The Traffic Engineering Services headed by Gary Wilcox who was traffic engineer with the City of Columbus for many years and has since gone into private practice.

Mr. Gilbert: You mentioned on the, I have the traffic study out right now, the density difference that you're looking at for the request, you're under what the maximum density allowed is.

Ms. Tangeman: Well, this is a rezoning. The property I believe is currently zoned R-1.

Mr. Gilbert: I mean within your request. Within your Planned Development request, your density is beneath what the maximum requirements are.

Ms. Tangeman: Yes. That's correct. And it's beneath what your current comprehensive plan calls for. Which your comprehensive plan calls for a maximum of 5.2 units to the acre and we're requesting 4.2 units to the acre.

Mr. Gilbert: Okay. I'll open it up to questions from members of Council. Mr. Baxter.

Mr. Baxter: A couple of easy questions because we want to be friendly here. We don't want to be making our residents feel like we're tough on them. To start off with, how many units are in this total?

Ms. Tangeman: This is 60 units total.

Mr. Baxter: Sixty units total, and you did say there's two car garages. Correct?

Ms. Tangeman: That's correct.

Mr. Baxter: So we're talking a potential of 120 cars to an already impacted intersection. Worst case scenario, everybody left at the same time. Worst case scenario. And I'm trying to be nice really.

Ms. Tangeman: You'd have to ask for a traffic engineer. I'm not sure what the statistical probability of that is, but you have to compare it against what is, if you look at any development on this site is going to cause some traffic. That's just given. The question is, in comparison to another development that might be equivalent to say, what's along Palmer Road now. So that's a two unit to the acre development. So if you say, okay well we're going to take that and use 28 single family homes, which is what our traffic engineer looked at, and said the impact here is really less than what it would be under using 28 single family homes. I'm not going to tell you, obviously there are going to be cars. There are going to be new cars and there is going to be increased traffic. Any development on this site is going to generate traffic. What we're trying to look at is, you as Council members have to look at what are your options and what's the best use for this particular site. And because of the type of development that we're proposing, it helps to decrease the number of trips at peak hour of times. So that's where your intersection is getting backed up. Yes, there are going to be additional cars, but the type of development we're proposing will have a lesser impact than what could be there.

Mr. Baxter: Okay. I was going to call to that because you said it was a pretty minimal impact and that was what I was trying to address to. To me, 120 cars are now going to be accessing that intersection. That's already a stressed intersection. It's not a minimal impact. It's a major impact compared to the rest of that area which is presently being serviced by that corner. So adding that additional...

Ms. Tangeman: Well again, you need to look at it in terms of comparison between what could be built there versus another, 2 unit to the acre single family development versus the development that we're proposing. And that's where in terms of the comparison, the impact will be less. Because if you have a single family development that's equivalent to what's on Palmer Road, you're going to have a lot more peak time travel time. So you're going to put equal or better, more stress on that intersection.

Mr. Baxter: Based on empty nester theory is what I'm getting at. That's who you're going to try to clientele is the point I'm making.

Ms. Tangeman: I will say it's theory but let me...

Mr. Baxter: It's theory but anybody could buy these. It doesn't have to be empty nesters. It could be families buying these.

Ms. Tangeman: That's accurate. Yes. Obviously we're not placing any restrictions on that. But I will tell you that we have built this development in every municipality across Central Ohio. The demographic information is very clear. These developments do not bring families. They are very much designed, we have study after study after study that says, and especially in this particular area. If we see any split in who's buying these, it generally tends to be young professionals who don't want the exterior maintenance of the house. They don't have kids. They don't have time. They're busy with their jobs. Or empty nesters who have done the family home and they're looking for something to down scale that's still nice and good quality. So if we see a split in who's buying these, it's between young professionals and empty nesters. But we never see that middle group of single family developments. There may be some. In any, you may have one or two, but generally our demographic information from this has been consistent that they are people that do not have children. They bring, we've talked to the school systems. They've confirmed this. They just don't generate a lot of school children. Therefore, you have a lot less trips per day.

Mr. Baxter: Very good. Well thank you.

Mr. Gilbert: Thank you Ms. Tangeman. Mr. Clemens, just one second and then we'll get right to you. Ms. Tangeman, the green space requirements, I guess we didn't receive any type of recommendation from the Development Department or administration; did you have any discussions in the meetings that you've had. We didn't receive it on the other project that came through prior to this. So bear with me.

Ms. Tangeman: No problem.

Mr. Gilbert: Did you have discussions with the administration in regards to this particular project?

Ms. Tangeman: This site's particularly unique in terms of green space and open space. There's actually going to be quite a bit of open space. There's a stream that runs along the property line to the south and this entire area will be preserved.

Mr. Gilbert: What's your buffer between the _____ area and your construction?

Ms. Tangeman: Do you mean from this area?

Mr. Gilbert: Correct.

Ms. Tangeman: It's as much as 100 feet in places if I recall correctly. This drops and there's a huge grade change. Anybody that's familiar knows that this site actually looks on top of the roof of the office part of the development. So there's a pretty substantial change here. So this part of

the grounds will all be preserved in it's natural state.

Mr. Gilbert: That was my next question. The green trees that we see there aren't trees that you're replacing with.

Ms. Tangeman: Our intent is to preserve as much as we possibly can right through this area. Now we will add trees and landscaping along the street ways internal to the site as part of our tree replacement. Our goal here is to preserve as much of this as possible similarly here along this boundary line to preserve as much of that as we possibly can. So the trees that you're seeing that we've drawn in here for the most part exists with the exception of what's landscaped around the themselves.

Mr. Gilbert: The thing we're trying to avoid from past experience is somewhat contiguous to your particular proposal here is just a free for all clear cut and then you come in with your tree, well here's a green space, we're replacing it. There is a great deal of natural vegetation and trees that have been in discussion with the administration. Is there any idea of marking off certain trees or do you have an idea of what percentage you're going to be able to maintain yet?

Ms. Tangeman: Not an exact percentage. And we did have that discussion with your Development Director. Mike maybe will have a better answer.

Mr. Kenney: Hi. I'm Mike Kenney with Preferred Real Estate. Our 100% intention is to maintain as many trees as possible. It helps everybody. It helps the neighbors. It helps sales. It helps our (Inaudible. Speaking off mike). So we're going to maintain as many trees as possible.

Mr. Gilbert: Okay. I noticed on the actual, bear with me Mr. Clemens, I'll get to you in just a second. On the condo's themselves, we've tended to move towards more natural material. And I see at least, correct me if I'm wrong, I see vinyl. Am I seeing that wrong?

Mr. Kenney: It'll be all natural material.

Mr. Gilbert: All natural material on the product in this particular, which is for the residents benefit, brick, stucco, or hardy plank.

Ms. Tangeman: Hardy plank.

Mr. Gilbert: Or stone. Okay.

Ms. Tangeman: It will be a combination of those materials. The only place that occasionally there's vinyl around the soffit area but that's the only area that will have that. Underneath. That won't be visible.

Mr. Gilbert: Mr. Clemens.

Mr. Clemens: I was just going to reverse back to Palmer Road which has been a problem for the last 20 years which I think we've all known. We discussed this about six, seven years ago. We all know it needs widened or widening a lane and we had the engineers do a study on it. They come back with some god-ugly deal that was going to cost us millions of dollars. What we could do, and we've always discussed and what I brought up was, we've got city property there right next to it. We can widen that lane for a turn lane if we ever have to have it. We do have the property that we could put the turn lane in. It was discussed, and I don't know whatever happened to them. Bill, do you remember that? Remember when it came up? But we've always had traffic there. We've always had a problem no matter who builds houses or who wants to drive down that road. That's why we put a cut thru at Ravine Way is one of the reasons, and come through Slate Ridge and we have Taylor Road and so forth. So that's something we're not going to solve whether it's your problem or, because it's been a problem. It's a problem we've got to look at one of these days.

Ms. Tangeman: Our engineer had a lengthy conversation with your City Engineer about that intersection. Unfortunately, it is what it is and it's very difficult to improve that particular intersection to make the situation substantially better. I think after your comments, it has been reviewed. Our traffic study echoed what your City Engineer had already said which is, yes you can add...

Mr. Clemens: The thing is, you get a turn lane in there but you'd never be able to turn. That's what we've been talking about. But at least you would get the people turning north. And that was the big problem. Turning left, turning south is always going to be a problem.

Mr. Kenney: I think that was the point of the study.

Mr. Clemens: Turning north. Getting the other people out of the way. That's what the problems were.

Mr. Kenney: I think that's what the study even shows. If you put a turn lane in...

Mr. Clemens: That's true. You're not going to get them south too often but you'll get them to turn north and that's what we wanted. I think that's something we can work on.

Mr. Gilbert: Mr. Stake.

Mr. Stake: Thank you, Mr. Gilbert. Have you folks had any contact with adjacent homeowners or any Homeowners Associations?

Ms. Tangeman: Yes. We've had one informal meeting with the surrounding residents. And we've also had an informal review with Planning Commission. And then Mr. Kenney has met individually with both the Historical Association as well as...

Mr. Kenney: Livingston House as well as Mr. and Mrs. Allen who live adjacent to our entry.

Ms. Tangeman: And then of course as you all know, the Mayor lives adjacent to this site as well. We've had multiple meetings with the Mayor and the Development Director to discuss the site. And what you're seeing in terms of site layout is an attempt to be responsive to the comments that we've had at those meetings. This is not the original layout that we came to the table with. We've relocated the pool. We've tried to increase the setback from the homes to the north. We've looked at a number of different layout issues to try to address that. So what you're seeing is a response to those issues.

Mr. Stake: Do they seem to be satisfied?

Ms. Tangeman: Well, I'm not sure. I don't know the answer to that.

Mr. Gilbert: Well let's try and get just a partial answer because I know I hear some of the residents over here. Did the Mayor and the Development Director seem to be satisfied with your response to their...

Mr. Kenney: I feel that they are. They may have a different story but from the responses from the very beginning when we started, it's progressively gotten better with responses from the neighbors and the administration.

Mr. Gilbert: You must have got him in a twist because he was putting out letters and notifications early on in the process of what you were trying to do.

Mr. Kenney: Was, and he still is.

Mr. Gilbert: It's news to me.

Mr. Kenney: He was interested in getting a whole meeting with his neighbors and putting everybody together to discuss. We've provided him with a bunch of literature, maps, everything for that meeting. I'm not sure if it's occurred yet but...

Ms. Tangeman: That was our last meeting with him, was that he asked that we provide him with as much information as we could about existing developments. And I know that both the Mayor and the Development Director had been out to see other sites like this and the response was positive. I think that this is a quality development. And because it is a condominium project, it really stands out. The exterior maintenance is handled through a professional management company and you don't see the deterioration of the units like you might in single family homes.

Mr. Gilbert: Okay.

Mr. Stake: Mr. Gilbert.

Mr. Gilbert: Mr. Stake. I'm sorry. I interrupted you.

Mr. Stake: One more question? The only way in and out is that way off of Palmer Road?

Ms. Tangeman: That's the only way. If you've got a suggestion, we'd be happy to look at it but there's just nowhere else to go.

Mr. Stake: That's not part of my expertise.

Ms. Tangeman: Unfortunately like I said, the grade change here is just massive. (Inaudible). Existing homes here surrounding this project. And frankly that's consistent with the developments we've done in the past on this project. Because we are generally catering to empty nesters, they don't like to see a lot of thru streets. It kind of keeps the traffic, the level or speed of traffic to a minimum. So generally speaking we do usually only have, it's usually one loop street.

Mr. Stake: I think sometimes our safety services have a problem with that. Have you had any contact...

Mr. Kenney: It's a _____ turn around. Sometimes we'll need a loop. Sometimes we'll need a T (intersection) but we'll certainly suffice them.

Ms. Tangeman: And if there is, we'll certainly be happy to have, we have not had any discussions to date but if we have a recommendation of putting break away ballads or something along those lines in a particular location we'll certainly look at that.

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

Mr. Gilbert: Mr. Stearns.

Mr. Stearns: How long construction time do you anticipate?

Mr. Kenney: A year, year and a half conservatively. So we hope to get it done. We're going to build it all in one phase and _____ all through throughout. That's our intention.

Mr. Gilbert: Was any factoring in the traffic analysis given to the impact of the construction traffic? I always wondered about that.

Ms. Tangeman: Not to my knowledge.

Mr. Gilbert: (Inaudible).

Ms. Tangeman: We can certainly have a look at that.

Mr. Gilbert: Mr. Beougher, did you have a question?

Mr. Beougher: Yes I did, Mr. Gilbert. I have a couple. One of substance and one of, any way, the first one deals with one of the questions 6b about retention areas and I don't see any retention or detention. How are you addressing storm water control and sedimentation erosion control?

Mr. Kenney: We've looked a little bit into it. We've not 100% through all that yet. The majority of our drainage will be on pavement and drain through there.

Mr. Beougher: So you're using a reverse _____ street and residents will have to drive through water when they leave if it's raining.

Mr. Kenney: No. It's not, it drains properly. I live in a complex just like this and we retain on pavement as well.

Mr. Beougher: The second question is, when did cultured stone and hearty plank become natural materials?

Mr. Kenney: It's concrete. One's stucco natural material.

Mr. Beougher: Okay. Vinyl occurs naturally when you mix some chemicals together.

Mr. Gilbert: Maybe someone zoned it as a natural material somewhere unless it became...

Mr. Beougher: Well I just want you to show me where you quarry culture stone and where the hearty plank trees live.

Mr. Kenney: We use the hearty plank as a natural material and the brick is a natural material. (Inaudible).

Mr. Beougher: And the exhibit you've given us, the Village at Scioto Reserve, this is on Home Road west of...

Mr. Kenney: Yes. It's off of Home Road.

Mr. Beougher: West of M/I's Reserve Community?

Mr. Kenney: Just off _____. Just south of Home Road.

Mr. Beougher: Just south of Home Road. Okay. Thank you.

Mr. Kenney: A good one to compare it to I feel is Flint Road which is right off of 23. It's 23 north, take a right on Flint and it will be on the right hand side. It's comparable to size and traffic patterns as well as a matter of fact. Flint Road is tough to get in and out on 23. I know because I live there.

Mr. Gilbert: Mr. Baxter, just one second. On the drainage impact study, so there's still some questions to be answered with that? On the drainage impact.

Ms. Tangeman: Well he's designed the system to be pavement retained. I don't know, obviously we haven't done our final engineering.

Mr. Kenney: Right. We haven't done our final engineering (Tape Change).

Mr. Baxter: Entirely or did you have assistance with other builders to build those?

Mr. Kenney: It's been a family business for 30 years. I'm out on my own but we have built them as a group and as a family throughout Columbus, Dublin, everywhere.

Mr. Baxter: So now many have this particular business built?

Mr. Kenney: This will be my first one.

Mr. Baxter: So this is your first build. Okay. But if it works with your family and your family...

Mr. Kenney: We've been in construction, my company's been in construction for 7 years now. We've built other projects. Apartments. Hotels. Town homes. We've built a lot of single family.

Mr. Baxter: And these are on 23 north that you were talking about off of Flint, what was the name of that?

Mr. Kenney: Villages of Forest Ridge.

Mr. Baxter: And what was your representation during that build? Was it your family build?

Mr. Kenney: Yeah. It's Triangle Real Estate is who does that one.

Mr. Baxter: And that's the name you want it to say is going to be how your build is?

Mr. Kenney: Preferred Real Estate is the one. Preferred Real Estate Investments.

Mr. Baxter: But you're representing your quality based upon that build.

Mr. Kenney: Yes. The quality will be just like that.

Ms. Tangeman: These are the same models that they've designed for Triangle.

Mr. Kenney: The design is _____ but interior mostly.

Mr. Baxter: Very good. Thank you.

Mr. Gilbert: The process from here for the residents benefit as well, normally this is a three reading process that would include a public hearing. So we're looking at 6 to 8 weeks for this process to carry out. Normally at this stage, a rezoning request, Council forwards it on to regular Council. Not for a vote but for a first reading where the President or the Presiding Officer of Council will set a public hearing. That will provide notification to the residents adjacent to the property for you to come before the Planning Commission that will hear this exact proposal in a public hearing format.

I also encourage you to participate along through the councilmatic process. Provided Planning approves this plan, it would then come back to Council for its second reading and third reading. Final consideration. So you're looking at probably 6 to 7 additional opportunities to hear and speak with the developer, with your Council members as well as to discuss some things with the administration. And I encourage you, if you have comments or questions as the process goes on, you can find the Speaker Request Slips in the atrium when you come in and we are always receptive to your input and comments on these matters because they effect you directly. And that's where the process will go from here. Normally a public hearing is, and help me here Mr. Beougher, is 14 or 15 days minimum from the first reading. Does that sound about right?

Ms. Tangeman: Your Clerk gave us September 2 (Inaudible. Speaking off mike).

Mr. Gilbert: Oh, because of the recess.

Ms. Tangeman: So she said the public hearing will be September 2.

Mr. Gilbert: Okay. Very well. I forgot about the August recess. Council's off for the month of August so that's where we can do the least amount of trouble with our legislation. So September 2. Is that correct? So that will add some time for you to get some inquiries and obtain additional information. Thank you for your patience tonight.

Ms. Tangeman: Thank you.

Mr. Gilbert: I know you've been through this before in other communities as well and it's a long detailed process.

Ms. Tangeman: Thank you very much. We appreciate it.

Mr. Gilbert: I'll make a motion that we forward this to Council for its first reading and request that a public hearing be set. Do I have a second? Mr. Stearns with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes

Item number 6, I will turn this over to Mr. Beougher to revisit the topic that seems to be near and dear to his heart.

Mr. Beougher: Well, I don't know about near and dear. Near and dear's not the right word.

Mr. Gilbert: It seems to be at the forefront of your mind these past three _____.

Mr. Beougher: When I was on the Planning Commission, we were dealing with the new zoning code for the first time and I asked the question, "Why on a corner lot would you have the setback be equal if you have a major arterial which requires a 40 foot setback. And then the side street would have a 30 foot setback". And I had brought this to your attention on the last version, what was it Slate Ridge? Was it Slate Ridge I believe?

Mr. Gilbert: I think that's the night we discussed some similar traffic issues that we eluded to this evening.

Mr. Beougher: Could have been. But we did see it on a plat very recently in the past few months. And what it does is, we like to see our houses line up along the street, equal distant from the street and the sidewalk and so forth. And it creates a nice appearance. And what this does is, sets up a 10 foot setback from the other houses, creates a problem on a corner lot to me which already has an issue with the size. And I just want to find out if there was a reason this was put into our code, and I see Mr. Underwood back there. I know it's been a long time since this zoning code was adopted, 4 years, 4 ½ years, but was this discussed when the consultant prepared the document? Or do you recall any discussion? And why this is in there?

Mr. Underwood: I have no idea.

Mr. Beougher: Okay.

Mr. Underwood: If you had given me an advanced warning I could have maybe looked at some notes but I have no idea.

Mr. Beougher: I thought I brought it up a couple of months ago. But anyway, I would like to know if there's a reason, if there's a good reason, and if there's not, then I suggest we take it out.

Mr. Gilbert: That seems simple enough.

Mr. Beougher: There are a number of things in our zoning code that we found. Particularly the rezoning issue. We had a conflict and any time you rewrite legislation from top to bottom, there are bound to be some inconsistencies and conflicts. And it just appears to me that this may be one of them.

Mr. Gilbert: Is it possible to ask Mr. Underwood to take a look at Mr. Beougher's legislative request and offer up, I don't know if we're looking for an opinion, but just maybe you can recall then the discussion that went on with, you were instrumental in the new code, and see what Mr. Beougher's trying to correct or address would probably be a better word.

Mr. Underwood: I'll look at what I have left. (Inaudible. Speaking off mike).

Mr. Gilbert: Okay. And if you could take a look at the legislative request and see if that would be prudent to add to the code. Would you need this to move forward for the first reading, or would you want to wait until we...

Mr. Beougher: I think we can hold it. I don't see any need to rush it. I don't know of any pending preliminary, final plats on the burner.

Mr. Gilbert: Well, we'll hold this two weeks and look forward to Mr. Underwood's inquiry.

Item number 7 is Discussion for the Commercial Corridor Revitalization Project/Phase II Utilities,

authorization of attorney services and appropriation of funds. And I was not at this particular meeting, so Mr. Beougher you might have run the meeting at that point.

Mr. Beougher: Yes, Mr. Gilbert. As I recall, the next two items were submitted past the deadline but put on the agenda at your request.

Mr. Gilbert: Correct.

Mr. Beougher: And in conversations with Mr. Hills, since you were not there, we decided to make a motion at the time of the agenda approval to hold those two items until you were back and we could have some more discussion on them with the Chair in presence.

Mr. Gilbert: Very well. Mr. Hills.

Mr. Hills: I could add, and I think Mr. Underwood certainly let me know if I'm wrong, I believe we are going to discuss the subject matter of these next two issues next week in a presentation. Are we not?

Mr. Underwood: Mr. Bentine will be here to answer questions. I gave you a write up with the legislative request. It was two or three pages. I tried to explain what we are doing. But he will be here and then we have Executive Session if there's any questions about the litigation.

Mr. Gilbert: Yeah. And I appreciate the write up Mr. Underwood. It might be more opportune to address our questions with Mr. Bentine prior to moving this forward. Is there any objection to that?

Mr. Underwood: It's not on the agenda next week. If it was on the agenda for a first reading, then you could address it and he could be here. Unless you just want him to talk Public Comments.

Mr. Gilbert: I don't have a problem with the first reading.

Mr. Underwood: You can always hold it after that.

Mr. Gilbert: Correct. And Mr. Hills asked for your input on that.

Mr. Hills: I'm Acting Mayor.

Mr. Gilbert: I understand.

Mr. Hills: Certainly I think there are some questions. There are some questions I've heard raised. There are going to be some. I believe Mr. Bentine is going to be available for us in Executive Session. Is that not correct?

Mr. Underwood: That's correct. He will speak on the litigation issues, or potential.

Mr. Hills: I'm not going to be, I don't have a problem moving it forward for first reading but there

are a number of issues that need to be discussed knowing that all we're doing is keeping it moving and it's going to stop for those questions being responded to.

Mr. Gilbert: Correct. And I agree with you on that.

Mr. Underwood: If anybody has identified any issues, please give them to me in writing so that we can make sure that we address them.

Mr. Gilbert: Very well. If the members would take note of that. I would just make a motion that we forward this to Council for a first reading on the Consent Agenda.

Mrs. Frazier: It has to be referred to Finance too.

Mr. Gilbert: I'm sorry?

Mrs. Frazier: It should be referred to Finance too since there's money in there.

Mr. Gilbert: Do we need to do that at this point or can I do it later in the legislative process?

Mrs. Frazier: I think you should do it at this point. It's already written and done.

Mr. Gilbert: Okay. Mr. Beougher.

Mr. Beougher: Mr. Gilbert, and probably I should second before I do further comments, but if we're going to discuss this, then maybe it should not be on the Consent Agenda. Maybe it should be on the regular agenda so we can have a time for discussion and a presentation by Mr. Bentine unless it's under reports or something.

Mr. Gilbert: Was his presentation, was that just a standard presentation or was he coming to speak under the topic specifically? Was he going to be incorporated into the actual reading or prior to when we normally have...

Mr. Underwood: Answering questions at the actual meeting.

Mr. Gilbert: Okay.

Mr. Underwood: The Executive Session is if there's any questions on the potential litigation part.

Mr. Gilbert: Very well. Point taken, Mr. Beougher. I'll amend my motion to just reflect this as a normal agenda item standing for its first reading and recommend this to Finance.

Mr. Beougher: Second that.

Mr. Gilbert: Very well. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 8 I will do the same. I believe this is the same topic that Mr. Bentine will be discussing with us as well if I'm not hearing differently. Mrs. Newman.

Mrs. Newman: Yes. I have a problem with part of this agreement. Should I wait until I hear his presentation or should I just voice my concern now?

Mr. Gilbert: That's your...

Mrs. Newman: Alright. It's pretty simple. On page 22, item 6, under the performance of work construction maintenance, that kind of thing, a person would use it's best efforts to repair or replace any street, I think best efforts is awfully weak. You know. I just don't like that at all.

Mr. Gilbert: In terms of the improvements to areas...

Mrs. Newman: Well, you know. Yeah. Let's see, how does this read here, for the permittees, when they are repairing, making necessary repairs, that they would use the best efforts for repair and replace any street or curb or other portion of the right-of-way or facilities or structure located therein, to a condition to be determined by the director to be adequate under current standards. And here is another problem I have, is not less than materially equivalent to its conditions prior to such work. Now I've seen such cases where you might have a concrete curb replaced with a blacktop curb. Well, I don't feel that that would be good enough. I just think materially equivalent is too weak as well. Their best efforts to repair.

Mr. Gilbert: Okay. That's a good point. Mr. Beougher.

Mr. Beougher: It sounds like an "or equal" clause to me and as a specifier we don't like those. Any way, that's a question that may be best addressed with Mr. Bentine.

Mr. Gilbert: The term we use in our other contracts is reclamation. Maybe that's not pertinent to something like this. But as far as repairing things or putting things back the way they were found.

Mrs. Newman: You could just run into too many problems.

Mr. Gilbert: That's a point we'll bring up, make sure we bring up next week with Mr. Bentine. Mr. Beougher.

Mr. Beougher: We typically use, "to match adjacent construction", and that seems to get the desired results most times.

Mr. Gilbert: Okay. I'll make a note of that Mrs. Newman. Thank you for your comments. I make a motion that we forward this to Council as a regular agenda item for its first reading and recommend that it go to Finance first. Does this one need to go to...

Mrs. Frazier: I don't think this one has any money in it.

Mr. Gilbert: No. I'm sorry. Just regular agenda item. Do I have a second? Second by Mr. Stake. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 11 is an Ordinance authorizing Mayor to enter into contract for 2004 sanitary sewer televising inspection project. Mr. Kipp. Anything to add? This is an annual function of your department.

Mr. Kipp: I don't have anything to add. There was, we've kind of held it, there was some other questions as we discussed the jet truck also. I have nothing further to add.

Mr. Gilbert: Anything from members of Service? (No response). None being heard, this item did have its first reading on June 28. This is entering into contract. Is there any type of a time constraint?

Mr. Kipp: We discussed, it didn't require an emergency or anything but would like to have it passed before Council adjourns so we don't have to wait until September to start the work.

Mr. Gilbert: So we are on the 6th. That would be a second reading. Third reading would be the 27th of July and you're saying that's too late?

Mr. Kipp: It has to be 30 days, I can't do anything until 30 days after the Mayor signs it. That would prevent them to start until September.

Mr. Gilbert: Okay. And we have some maintenance issues we need to address.

Mr. Kipp: It's better to get it done while the ground is dry because it's back yard work.

Mr. Gilbert: This is one of those seasonal items that always has me interested. I don't have a problem with that, Mr. Kipp. But moving it forward with a recommendation for adoption with a rule suspension. Or are we looking at emergency?

Mr. Kipp: That would be fine.

Mr. Gilbert: Probably an emergency for the health, safety for the residents. It's a seasonal issue we're looking at. Mr. Beougher.

Mr. Beougher: Thank you, Mr. Gilbert. I would point out that this was not referred to Finance before the first reading. So it would be necessary to refer it to Finance now.

Mr. Gilbert: Thank you. Mr. Stake.

Mr. Stake: Mr. Gilbert, I don't see an appropriation in here. Is there? Oh, yes there is. Okay. It's on the yellow sheet. Okay. \$27,736.40. Okay.

Mr. Gilbert: What was the dollar amount again?

Mr. Stake: \$27,736.40 from the Sewer Capacity Fund, account number 720.736.5365. _____
Maintenance account.

Mr. Gilbert: Very well. If there are no objections, I'll make a motion that we forward this to Council with recommendation for adoption as an emergency with a referral to Finance. Do I have a second? Second by Mrs. Newman. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 12 is an Ordinance authorizing the Mayor to purchase one jet truck for Wastewater Department. We received some additional information from Mr. Kipp. Did we not?

Mr. Kipp: Yes. It was requested that I provide the maintenance from the mechanic and that's what it is.

Mr. Gilbert: And we would be appropriating an additional \$9,000 from the unappropriated Sewer Fund?

Mr. Kipp: Correct.

Mr. Gilbert: I guess there were some questions at the last discussion on this.

Mr. Kipp: We discussed the idea of the sewer jet truck and what it did and the sewer cleaning project and how it tied together. Not tied together but they both deal with the sewers.

Mr. Baxter: Since you weren't here, one of the questions that came up was, how would one relate to the other? And Mr. Kipp was quite nice to explain to us that they weren't really connected. And for some of us that are new to this, we were looking to see what could one save dollars from the other. Would we continue to need contracts for televised, or tv sewage? And he explained to us, yes we would still continue to do that. So that was one of the things, you weren't here last week to see that. I really appreciate the information he gave us. In addition, the information you put in our packets this week gave me at least what I had asked for. Some of the maintenance records and things like that, to see how they are taken care of and you can see exactly what was done.

Mr. Gilbert: Okay.

Mr. Baxter: So, thank you.

Mr. Gilbert: Other members? Mr. Beougher.

Mr. Beougher: The maintenance records really show that it's in pretty good shape. There's nothing here that's major. The highest dollar amount I see is \$367 and it's got 10,000 hours. It seems like it could keep running for some more, for a few more years. I guess I'm looking at the

total, not just the additional appropriation but the total dollar value. It's a lot of money.

Mr. Gilbert: We had appropriated 120 of that. Correct? In the budget.

Mr. Kipp: That was in this.

Mr. Hills: We had approved the appropriation _____. It wasn't deleted. I think it was on your cycle to replace.

Mr. Kipp: Yes. Yes, it is.

Mr. Gilbert: do you have that cycle in place to maximize any type of trade-in. Are we getting any type of trade-in value?

Mr. Kipp: Yes. The equipment is at a point that it's 15 years old. It does still run. Yes. We do take good care of it. We have replaced the pump portion which was like \$8,000. (Inaudible). It still runs. I do not argue that. I'm replacing it because it falls in our cycle to replace and I'd like to update our equipment.

Mr. Gilbert: Mr. Clemens.

Mr. Clemens: I can understand the cycle, but like I say, we are talking about a lot of money. I know it is in good shape. There's no doubt in my mind that we have no problems with it. And I agree with Mr. Beougher, we are speaking of a lot of money for equipment that is in good shape. We talk budget restraints and we see what we're receiving in taxes and so forth then we turn around and spend "x" number of dollars like this on a piece of equipment that we all know that is in good shape. I know it comes out of the Sewer Fund but still it is, just because it's in a cycle doesn't mean it has to be replaced is what I'm trying to get at.

Mr. Kipp: I understand that.

Mr. Clemens: If it was somebody else that we were speaking about their equipment it would be a little different situation. But I do know that you took excellent care of all your equipment. And whether it's to be put off another year or two, I mean that's something to think about. It is a large sum of money.

Mrs. Newman: Can I speak, please.

Mr. Gilbert: Yes, Mrs. Newman.

Mrs. Newman: I think Mr. Kipp, you did mention last time that this new truck would provide you with a better camera. Correct?

Mr. Kipp: Yes. This is, while it's 15 years old, there's 15 years improvements.

Mrs. Newman: You said it would be a smaller camera _____. Correct?

Mr. Kipp: The technology has improved between the old truck and the new truck. And yes it does improve, or would improve our ability to check our work when we do sewer cleaning for root cutting with the camera right on the truck as opposed to taking it out separately. It would improve our service.

Mrs. Newman: And you said, if I'm not mistaken, didn't you say it was a smaller camera? On this new equipment that you could use to get in smaller places?

Mr. Kipp: The camera, the old camera is about that long and sometimes it's difficult, it weighs about 75 pounds, and getting it down the man hole in the channel to start down the channel, sometimes depending on the construction. In the older section, it is not an easy task to do. This new one is on the end of the hose and it's just about that big. I mean, it goes right down and it's on little wheels and it just slides in.

Mrs. Newman: Thank you.

Mr. Gilbert: Mr. Baxter.

Mr. Baxter: Thank you, Councilman Gilbert. Mrs. Newman did a wonderful job bringing up the point I was going to address. The technology's improved on it.

Mr. Clemens: For a hundred and some dollars? Right.

Mr. Baxter: It's well improved.

Mr. Clemens: Yeah. For a camera.

Mr. Beougher: Mr. Gilbert.

Mr. Gilbert: Mr. Beougher.

Mr. Beougher: Maybe we should just buy the camera.

Mr. Clemens: Yeah. That's what I was thinking.

Mr. Kipp: The camera's on the truck. That works for me.

Mr. Gilbert: I understand what Mr. Beougher and Mr. Clemens are saying in light of the budget. This is a one time expenditure and you've already proven that the maintenance work that you put into your equipment, this lasted 15 years. I don't think 15 year use on an item is unrealistic. I think, we're talking about \$120,000 that was kept in the budget. And we're talking about a difference of \$9,000 and Mr. Kipp utilizing the state bid. Correct.

Mr. Kipp: Right.

Mr. Gilbert: Which is standard. So I'm going to say, I think this deserves consideration from the table as a whole and I don't want to see it in here in committee. It should be a consideration at the regular Council meeting next week. And I don't think you _____ a time frame with this as you are with the other item that we talked about. Correct?

Mr. Kipp: No. It can go full reading.

Mr. Gilbert: And this is the unappropriated Sewer Fund, not the General Fund.

Mr. Kipp: Correct.

Mr. Gilbert: Mr. Stake.

Mr. Stake: Thank you, Mr. Gilbert. Mr. Kipp, in your memo dated June 14, you point out that with the new truck, your crew won't have to go back to look at the job that was done previously which means I guess you'd be quite a bit more efficient in doing the jobs here that this is designed to do.

Mr. Kipp: It is a better truck. It is more efficient. I don't just, as to whether the old truck, the other truck's still good. Yes. I don't, it's 15 years old and I don't know how much longer it will still be good. It's a vital piece of equipment and when it goes down then we're dependent on another city or another private contractor for backups.

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

Mr. Gilbert: Does this one need to be referred to Finance for the additional \$9,000? Is that correct?

Mr. Beougher: That's correct.

Mr. Gilbert: I'll make a motion that we forward this to Council for its second reading on the Consent Agenda with a referral to Finance. Do I have a second? Mr. Baxter with the second. All in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

With that I will adjourn Service at 9:41 p.m.

Service Committee- -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Smith)

FINANCE COMMITTEE MEETING MINUTES
July 6, 2004

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

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

Mr. Stake: I'd like to call the July 6 Finance Committee meeting to order at 9:42. The second item on the agenda is the approval of the minutes of the Finance Committee meeting held June 21, 2004. Are there any changes to those minutes? (No response). None being heard, those minutes will stand as submitted.

Item number 3 is approval of the agenda. Are there any changes to the agenda? Mr. Clemens.

Mr. Clemens: I'd like to move item number 11 (Ordinance to amend the City of Reynoldsburg, Ohio Personnel Policy and Procedure Manual, Section 7.05, Smoking/Tobacco Use) into Other Business. The Mayor and I have had an understanding on this and as long as it works out to everybody's satisfaction, we'll just hold this in Other Legislation.

Mr. Stake: Okay. Thank you, Mr. Clemens. I also have some additions to the agenda. Item 3a will be Commercial Corridor Revitalization Project, Phase 2 Utilities. The appropriation, the monies for that. 3b will be the Ordinance authorizing the Mayor to enter into contract for the 2004 Sanitary Sewer Televising Inspection Project. The appropriation for that. 3c would be the additional appropriation for the purchase of the jet truck. The \$9,000. 3d would be an additional appropriation for the State Route 256/I 70 ramp project. We're being asked to appropriate additional money there. And 3e will be the Final Resolution for that project. Those two would be added to the agenda as emergencies. Do I have a second? Second by Mr. Gilbert. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Okay. 3a is the appropriation. Mr. Underwood is requesting appropriation. There's two parts here. Request is for \$22,000 maximum estimate for a not to exceed authorization for initial representation for PUCO notices. And then in here there's an additional appropriation in the amount of \$44,000.

Mr. Underwood: Right. Both of those are high estimates in my opinion. Hopefully we won't get to the second one and won't need it. This should be taken care of at the first level. But in case we do need it, we need to be ready to go forward. That can have more discussion next week as we go on if you want. This all comes out of the project funding.

Mr. Stake: Okay. Out of the project funding. Okay.

Mr. Underwood: Phase 1, AEP estimated just under 1.2 million for the utility relocation and wanted all easements in their name. They settled for our assignment of the city easements and ended up billing up probably a little over 600,000 because our engineers did the design and the other things that were required. The intent of this to go to the permitting method is, if they get the permit at very low cost then it's on them to supply the utility relocation. So hopefully we won't have to spend that much on Phase 2 that we spent on Phase 1.

Mr. Stake: Do we have monies in the Phase 2 project that we can use to appropriate here?

Mr. Underwood: That was the number that the Auditor's office gave me. I can't answer that.

Mrs. Frazier: They're taking it out of Capital Improvements and putting it over there to be reimbursed when we get money. So the question is, does the CIP have 66 grand?

Mr. Stake: Well plus when we get down to here, 3d, we're going to need an additional eighteen thousand something. So Mr. Whitney, you're shaking your head yes. I know that fund got very low after some previous appropriations.

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

Mr. Stake: Any questions from members of Council? (No response). Comments?

Mr. Gilbert: I think we're just moving this forward for a discussion next week with a representative. And it should be reflected in our most recent balance statements in regards to the CIP. Correct, Mr. Whitney? The 100,000. Am I right?

Mr. Stake: In the account statements? The most recent one's?

Mr. Gilbert: Right. The most recent statement that you sent us on the CIP should reflect the 100,000 that you just referenced. Correct? Okay.

Mr. Stake: And all the previous appropriations have been deducted and accounted for and all that stuff?

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

Mr. Stake: Okay. I thought it was lower than that but I might be wrong.

Mr. Hills: It was a night that we did multi funding in a number of projects.

Mr. Stake: I thought it got down to...

Mr. Beougher: Mr. Stake. I thought the balance after that night of massive appropriations was 129,000. And I don't know, have we appropriated anything else out of there since that night? That still should be about 130.

Mr. Stake: Then we will use your memory, Mr. Beougher.

Mrs. Frazier: Why don't you just have Mr. Whitney provide you the data as to the balances there? He can print that off pretty fast.

Mr. Hills: That's just tying in with this comprehensive right-of-way also. So I'm not sure there's going to be any passage of actual funding those dollars tonight any way. I'm pretty sure of that.

Mr. Stake: Okay. Well I guess then, I question why we send it forward with a recommendation of appropriating the money at this point. But Mrs. Frazier said earlier that they were tied together.

Mrs. Frazier: Well Mr. Underwood already wrote it and he's got the money in there. So if you send something to Council for a reading, you normally don't have language in there for funding unless you've done it. So that's what I thought you should do. If you don't want it in there, we can retype this stuff.

Mr. Stake: Mr. Hills.

Mr. Hills: My concern I guess I would just have is, we're getting ready to appropriate monies to prepare ourselves for a suit and we haven't been sued. It's nice being prepared but I'd rather get a jet truck I think than I would putting money back. If we don't take action we may not be sued any ways.

Mr. Stake: Mr. Gilbert, what's your desire here? This came from your committee.

Mr. Gilbert: Is that my only choice? The law suit or the jet truck?

Mr. Beougher: How about some decorative mast arms?

Mr. Gilbert: My understanding was, they are only moving this forward to have a topic for discussion at the meeting next week. Which under our current guidelines, that isn't required in the first place. So if your interest here is to hold this in Finance, we can still have procedurally room to discuss the topic. You lighten my load on Service and we can hold this until we determine if it's necessary to appropriate any monies for this particular project.

Mr. Stake: I think that's a very good suggestion.

Mr. Gilbert: Because as Mrs. Frazier said, the legislative request lists out the funding. Therefore, procedurally it had to go to Finance.

Mr. Stake: Okay. Mr. Beougher.

Mr. Beougher: Technically the money's not appropriated until Council passes the legislation. Is that correct?

Mr. Gilbert: Correct.

Mr. Beougher: I mean we could earmark, well not really earmarked but...

Mr. Gilbert: I think Mr. Hills is correct in us, we're taking some type of action on it within Finance Committee and that particular action may not even be necessary at this point. So I think it's best to hold it there and make a note, just inform Mr. Underwood to bring a report for general discussion next week.

Mr. Stake: Okay. Because this will return back to the Service Committee.

Mrs. Frazier: No. It stays here. If you hold it, you hold it here.

Mr. Gilbert: That's why I said you just lightened my load prior to August recess.

Mr. Stake: I'm the bad guy.

Mrs. Frazier: Actually, Eric just dumped it into your committee is what happened.

Mr. Stake: I will tell you, at this point I'm not real comfortable recommending that we send this appropriation forward. So I will make a motion that we hold this at this time. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes. We'll hold this.

Mr. Gilbert: I could have made a motion to return it to Service but I didn't want to bring that up.

Mr. Stake: I'll get you next time. Moving right along here. 3b is the ordinance authorizing the Mayor, or the appropriation of the \$27,736.40 from the Sewer Capacity Fund to account number 720.736.5365, the line Maintenance Account. Mr. Kipp probably said everything he wanted to say on this. Any comments, questions from members of the committee?

Mr. Gilbert: This comes from Service with a recommendation for adoption as an emergency.

Mr. Stake: Okay. Well then I will make a motion that we send it forward to Council as an emergency. Do I have a second? Second by Mr. Gilbert. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item 3c is the additional appropriation of \$9,000 from the unappropriated Sewer Fund. Again, we've discussed this in the Service Committee and Service Committee recommended we send it forward. So I guess we can do that. I don't see a problem here. Any questions from members of Council or comments?

Mr. Beougher: Where did Mr. Clemens go? I was just sitting here wondering what would happen if there was a tie and the Mayor's out of town. I guess that won't happen tonight.

Mr. Gilbert: It moves forward. We had that when Mr. McCloud was President. I believe that it still moved forward for consideration.

Mr. Beougher: Well it's a moot point since the other no vote is absent.

Mr. Stake: Any other questions or comments? (No response). Alright. I guess recommendation from Service is to send this forward. So I will also make that motion to send it forward for its first reading.

Mr. Gilbert: Seeing a unanimous vote in Service I might add.

Mr. Stake: Do I have a second? Second by Mr. Gilbert.

Mrs. Frazier: Second reading.

Mr. Gilbert: Second reading on the Consent.

Mrs. Frazier: Alright. Sorry, Ron.

Mr. Stake: It's getting late. I think we're all getting a little punchy here. Okay. So I made a motion. Mr. Gilbert seconded the motion. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item 3d. This is an additional appropriation for the State Route 256/I-70 ramp project. Members received in their packets this weekend, this. A memo from Safety/Service Director, Sharon Reichard which outlines that there is an additional appropriation of \$18,450 which would make the estimate now \$326,450. And this is for the widening of the 256/I-70.

Mr. Hills: Mr. Stake, if I could add, I asked Mrs. Frazier to include a letter also in your packet that you did receive from June 16 of '03 which is an informational letter that said, "There will be a preliminary cost estimate". And then the estimate would be defined. I don't think we've seen that in the '04 packet. If you remember, we did this last year and Pickerington didn't pass it and it got tabled and it's back again this year. But what you're seeing tonight is, this request is a refining a request of an appropriation of the \$308,000. I believe 60 to 90 days ago, we did appropriate, or Council did appropriate and give to ODOT. They plan on letting this project, it's my understanding, bidding it on the 14th. They would have liked to have this money back last Friday. They're looking for it tomorrow. It didn't get to the city until a couple of weeks ago. It just got held up and it got down here a little late but we found out about it Friday afternoon I believe. When I received my call to ask for a meeting, I believe that's when you got your call.

Mr. Stake: Yes.

Mr. Hills: The only thing unusual is a little delay from mailing process tied up here in the city. But there's no surprises that this is the refining. A refining of the estimate of the \$18,450. It is my understanding that it's on Pickerington's agenda for whatever their amount is tonight. That's why I have asked that there be a special meeting set tonight. It does bring the total cost when we had thought it was \$308,000, now the total estimated cost is \$326,450 as you so stated. Certainly this does come from the administration and we do ask for the appropriation. We still think this is an extremely needed project for the benefit of the city.

Mr. Stake: Thank you, Mr. Hills. This is something that has to be done by tomorrow if we're going to participate in that project. If we don't participate, it's probably not going to happen. So I think it's something we need to do. Any questions or comments from members of the committee? (No response). Members of Council? (No response). I would like to make a motion that we send this forward to a special Council meeting this evening with recommendation for adoption as an emergency. That we appropriate \$18,450 in the unappropriated Capital Improvement Program Fund and is hereby appropriated to account number 410.089.5659. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item 3e is the second part of this. This is a final resolution for this project and I believe this needs to be done tonight as well.

Mr. Hills: That's correct Mr. Stake. This is the final resolution that reflects the adjusted total of

the \$326,450. It just reflects with the additional appropriation. The new resolution that shows the estimated total cost of the project of the City of Reynoldsburg.

Mr. Stake: Thank you Mr. Hills. Any questions or comments from members of the committee? (No response). Members of Council? (No response). Okay. I'd just like to note that we would need to add some language to this. To the title we would need to add "and declaring an emergency". And we would add a clause at the end, "That this resolution is deemed to be an emergency measure necessary for the immediate preservation of the public safety and further to expedite highway projects and to promote highway safety; wherefore upon adoption by Council, this resolution shall be in effect immediately upon signature by the Mayor". I'll make a motion to send that forward for tonight's special Council meeting. Do I have a second? Second by Mr. Gilbert. Any further discussion? (No response). All in favor, say aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Okay. Now we get to the regular agenda here that we've had listed. Item number 4 is Discussion, Supplemental appropriation for Special Counsel account, Mayor's Department. And the Mayor's not here. The Mayor did speak to me in regards to this. Members have had this for a while. And I believe there's a request. Mr. Hills.

Mr. Hills: Mr. Stake, I do have some additional information that Sharon was nice enough to provide me with this evening. This was negotiation year. If you remember where we did some of the reductions in the budget. One of them was in everybody's Special Counsel Account. So, it's kind of ironic that we reduced it and now I'm back here asking for more money. But that is where we are. There was some money encumbered from last year that went in and paid for much of the negotiations. The current balance in the account is approximately \$3,500 and there will be some ongoing costs. The concern here is not doing it immediately. However, I think we do need to have some additional appropriation prior to our adjournment because when the July, August bills come in, the balance is going to be much lower than what we need it to be in order to meet the needed expenditures. These have been all payments in regarding our labor account and on the negotiations with the FOP contracts and the dispatchers. (Tape Change).

Mr. Stake: Okay. Well then we'll just, any comments or questions on this from members of the committee? (No response). Members of Council? (No response). Okay then, my recommendation would be that we send it forward for its first reading. And what we're doing is requesting a supplemental appropriation of \$5,000 for the Special Counsel Account number 110.522.5332 for the remainder of 2004. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Mrs. Frazier: Mr. Stake. I take it that comes from the unappropriated General Fund. Howard's shaking his head yes.

Mr. Stake: Okay.

Mrs. Frazier: Thank you.

Mr. Stake: Yeah. There was no information listed on here where it would come from. But I guess we have some money in the General Fund we can use for that. Alright. Thank you.

Item number 5 is an Ordinance to amend the Code of Ordinances of the City of Reynoldsburg, Ohio, Chapter 160, Employee Compensation, Section 160.07, Longevity, Section 160.08(b)(6), Lieutenants, Section 160.09(a)(4), Group Insurance, and Section 160.11(5) and (6), City Clothing Provided. It had its first reading on 6-28-04. Any comments or questions from members of the committee? (No response). Members of Council? (No response). Then I will recommend that we send this forward for its second reading. Do I have a second? Second by Mr. Gilbert. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 6 is an 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. It had its first reading 6-28-04. This was also sent down by the Mayor. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). Then I will make a motion that we send this forward for its second reading. Do I have a second? Second by Mr. Gilbert.

Mr. Gilbert: Mr. Stake. Can we place that and the previous item on the Consent Agenda?

Mr. Stake: That would be just fine with me. Is that okay, Mrs. Frazier?

Mrs. Frazier: That's fine.

Mr. Gilbert: Thank you.

Mr. Stake: Mr. Gilbert seconds. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you Mr. Gilbert for that suggestion.

Item number 7 is Ordinance to amend the Code of Ordinances of the City of Reynoldsburg, Ohio, Chapter 160, Employee Compensation, Section 160.08, Administration of Pay, Subsection (b), Individual Merit Increases, (1) and (3). This also had its first reading on 6-28. Any questions or comments from members of Council? (No response). Anybody else? (No response). Okay. Then I would make a motion that we send this forward for its second reading on the Consent Agenda. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 8 is Ordinance to amend the City of Reynoldsburg, Ohio Personnel Policy and Procedure Manual, adopted by Ordinance No. 14-03 passed March 10, 2003 and as subsequently amended, Individual Merit Increases, Subsections 1 and 3. This also had its first reading on 6-28-04 and this is really just the second part of the previous ordinance that puts it in the Personnel Policy and Procedure Manual. Any questions or comments from members of Council? (No response). Anybody else? (No response). Then I will make a motion that we send this forward for its second reading on the Consent Agenda. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 9 is Ordinance authorizing pay increase to all employees covered by Chapter 160 as a

result of the raise being given by the city for the year 2004, and appropriation of funds. This also had its first reading 6-28-04. Any comments or questions from members of the committee? Mr. Clemens.

Mr. Clemens: I think that we should try to get this passed before our August recess I would think. So the employees could get their _____.

Mr. Stake: And I don't have a problem with that. But I don't know if we need to, we could probably do that as an emergency on the last Council meeting. Okay?

Mr. Clemens: That would be fine.

Mr. Stake: Because there is another piece of legislation I think we need to do. Get that done before this.

Mr. Clemens: Right. Get them both.

Mr. Gilbert: Is this being structured, I wasn't here for the last discussion, is this being structured similar to the bargaining contracts?

Mr. Stake: I think the pay increase was something similar to that. Yes.

Mr. Gilbert: But not this years, right? This years is just, we're not breaking that up?

Mr. Stake: No. I guess the recommendation from the Mayor was to just do a straight 4 instead of 2 and 2.

Mr. Gilbert: Okay.

Mr. Hills: Mr. Stake. If I could add, just for clarity. And I think it was discussed two weeks ago, I think Mayor McPherson mentioned there were only 3 or 4 over the range, and I commented there were 38 or something last year, and how the rate adjustment had made some differences to Clemans and the other activities. Mr. Whitney was wise enough to say there were a few. So it wasn't 3 or 4 but it's not 38. I believe the number is actually 14 that would now be over the range. So Mr. Whitney was the closest with his estimate of a few. It just needed to be noted that we had said on the record that it was 3 and then other numbers. The number appears to be 14 on the list that is currently attached to this ordinance.

Mr. Stake: I believe that's correct, Mr. Hills. Yes. Mr. Beougher.

Mr. Beougher: Yes. Thank you Mr. Stake. I just want to say a couple of comments about some of the reporting that's happened around this issue. And I guess I was disappointed. Two weeks ago when I read that this may pass at the June 28 meeting knowing full well that without what's on our agenda tonight as item 12, our will was certainly in the committee meeting to pass item 12 before we pass the increases so that we don't have so many people out of range. And then to read the paper last week and, I know the reporter who made the comment or made the statement in the paper isn't here, but I know she'll probably be in in the morning to review the tape. I guess I was disappointed again last week when it said that the increases were delayed. They were never really

delayed. They were always intended to go after what is on our agenda as item 12 tonight. So I just wanted to express some disappointment with some unfortunate headlines.

Mr. Hills: Mr. Beougher, if I could comment. I received a phone call on that and it never indicated that anything was delayed. There were certainly some additional, the question that was asked of me, there was some additional information requested before it was going forward for passage. We got that information from Mr. Whitney. It has now been submitted. And so I was a little surprised to see the article itself and I think there's a little confusion about how the CPI range adjustment and the 4%, they really are two totally separate issues. And I think we're clear at Council what they are but I think there may be some, maybe it's not as clear in other areas. But it was, that one was a little bit off because there was no one that delayed any raises. It was never set forward for the purpose of passage because there was additional information requested coming out of committee two weeks ago.

Mr. Beougher: I've got to be careful what I say about the reporting because I have to go home tonight. Being married to a former reporter, I've got to be careful.

Mr. Stake: Okay. Thank you, Mr. Hills. Thank you, Mr. Beougher. I don't think, Mr. Whitney maybe you can verify this, when we do adjust that CPI and the pay ranges, is anybody going to be effected by that? And you don't have to name who they are but do you know if there are any employees that would be effected? For instances, would they now be in the range? Or are these 14 employees going to continue to be outside the range?

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

Mr. Stake: My question was, after the 2.3 is applied.

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

Mr. Stake: So the 2.3 will keep him within the range? Or he's under the range now.

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

Mr. Hills: Excuse me, Mr. Stake. If I could correct that. He can't be eligible for more of an increase. He may get a portion of his 4% increase, then lump sum payment if it wasn't passed first. But 4% of whatever your wage is today is 4%. That's where the confusion is in this project. If I understand it, if somebody's got a better understanding, please let me know. But the ranges are being adjusted by 2.3%. The bottom goes up to 2.3 and the top goes up to 2.3. And then the employees of this city, the 160 employees are getting a 4% pay raise. If they are outside of their adjusted range, the amount above their adjusted range is going to be paid as a lump sum payment and they'll be at the top of the range. Their income will be above but they're going to be paid lump sum. Does everyone understand it that way?

Mr. Clemens: Correct. There won't be any more than a 4%, period.

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

Mr. Hills: No employee's going to get over a 4% increase. Some may get it spread out over, well

a 6 month period or whatever's left between now and the end of the year with most of it lumped in the first pay. Others may get a greater amount all in the first pay because they're above the range. But the ranges will be adjusted. And I'm not so sure, but maybe these numbers on the spread sheet have the adjusted range. I think they do. I think the 2.3 has been put in to our range on the 2004 salary increases provided by the Auditor's office. I think it has the 2.3 in it. And the effect is, there's 14 people that are going to receive some sort of pay outside of the range.

Mr. Stake: Which will be in a lump sum.

Mr. Hills: Which will be in a lump sum.

Mr. Stake: Mr. Beougher.

Mr. Beougher: I think that the employees concern is, if it's paid in a lump sum it doesn't apply to their retirement and other _____ analysis. So all of those 14 employees will be effected to some degree whether it's a full 2.3% of the range adjustment or not depending on where they fall toward the top of the scale.

Mr. Hills: I've asked the question twice and got two different answers as to I think it is included in the PERS _____. Somebody's going to have to check with PERS. I'm not the PERS expert. But it is how they're going to be paid or is how the study that was done and how it was adjusted. Next year in 2004 we're going to be into a true merit program of where my understanding from that with our list of regulations and procedures, Council will determine how much money is going to be paid out in raises and it'll be up to administration to apply those accordingly with their work force based on some sort of merit evaluation. I would assume the administration is way down the road on that and all ready to do it.

Mr. Stake: That's the way I understand it as well. Mr. Luzader.

Mr. Luzader: It's not so much that the lump sum won't go toward PERS. It won't be added to their hourly salary therefore, it's going to effect their overtime rate which is going to effect their PERS.

Mr. Clemens: That could be but that's the way she is.

Mr. Hills: There's a range that has been determined that that job is worth somewhere between this amount of dollars and that amount of dollars per hour.

Mr. Stake: And if we continue to adjust the ranges, some of these folks will catch up.

Mr. Hills: There is a definite possibility that could happen.

Mr. Stake: Any other questions or comments from members of Council? (No response). Anybody else? Mr. Stearns.

Mr. Stearns: Thank you, Mr. Stake. I know I'm not a member of the committee but my question is, if that is the case, and Mr. Clemens made a statement a few weeks ago as being fair to all employees, then my question is, how do you make it fair? What is the procedure to make it right?

It's not right according to what Mr. Luzader said.

Mr. Clemens: First you've got to tell me what you're talking about.

Mr. Stearns: I'm talking about it being unfair to the employees that don't have the, that goes outside the range and don't get the range. That's what I'm referring to.

Mr. Clemens: Everybody gets the raise. Either they get it in a lump sum or they get it...

Mr. Stearns: The lump sum is what I'm referring to. The lump sum does not apply to the employees base pay.

Mr. Clemens: That's right. Because we have a range and that's what we've adjusted it to. They're up on their range. You can't keep raising, if we keep raising it, we're right back to where we were before. That's why the merit raise should have kicked in this year and stretched it out. If it would have kicked in this year, we wouldn't be going through this. This is why we had them do this study. If we would have left it the way it was we could have just stayed in the step program and forgot about everything. There wouldn't have been any range. We just keep raising people and raising people and raising people and there's no top to it. That's why we have a low and a top. It's just like any other job. Eventually you only get paid so much. You only go so high and that's the end of it. It's easy to move up to another position or you don't. You get a raise and you get a lump sum on it.

Mr. Stake: Thank you, Mr. Clemens. Mr. Stearns, anything else?

Mr. Stearns: That's all.

Mr. Stake: Thank you. Mr. Hills, did you have something?

Mr. Hills: No. We got to where we are because of a step program that was sort of out of control. And if you historically look at the wages in Reynoldsburg, there were between 10 and 13 percent per year for a few years and if we wonder why we're outside of the range value of that position now, it's because of people picking up an increase plus a step. Substantial amount of raises being given at the time put just about everybody in the top part of the range. We can call it corrective action. We can call it whatever it is but I think when you look at the payroll within this city for the jobs performed, it's not out of line with other comparables. If it was, we wouldn't have the number of employees that we have with over 15 years service. They'd be working somewhere else.

Mr. Stake: Okay. Thank you, Mr. Hills. Anything else? (No response). Okay then I will recommend that we send this on to Council for its second reading. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 10 is the RESOLUTION ADOPTING THE REVISED CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF REYNOLDSBURG, OHIO FOR THE YEARS 2004 THROUGH 2008. It had its first reading on 6-28-04. Members have had this new information for a few weeks. Had a chance to review it I hope. I think its been made a little bit

clearer for us which I think is very helpful. Any comments or questions from members of the committee? (No response). Members of Council? Mr. Hills.

Mr. Hills: I have one question. Mr. Stake, I think I did note that we received some notes from the meeting that occurred regarding discussions, I think a couple of Council members were involved in and the Mayor. I think as we noted two weeks ago, this would probably need modification before its passed. I think as the Mayor stated, it was going to need some modification. But I think in that meeting there was discussion potentially modifying the '05 expenditures depending on what comes out in the next few weeks. He mentioned it was a living document or something.

Mr. Stake: Planning document.

Mr. Hills: Planning document. So we may want to look at whether it needs revised before passing it. Depending on how much information we have at the time.

Mr. Stake: Okay. Mr. Beougher.

Mr. Beougher: There's a lot of information there and I quite honestly have not reviewed all of it. I don't even have my holes punched yet. So it's a lot of information. I might suggest that, why don't we hold this until after the August break so that we have enough time to digest it and come back in September and consider it. It's just a thought.

Mr. Stake: Any other thoughts?

Mr. Clemens: I have no problem because there is some adjustments that's going to be made.

Mr. Stake: You have no problem holding it then?

Mr. Clemens: No. Let's hold it then.

Mr. Gilbert: I think it's necessary because the Taylor Road appropriation doesn't reflect what my understanding was the consensus and I read the newspaper this week and here's Council considering just a quarter of a million dollar patch and go improvement. That's the first I've heard of that. It's a living document, a breathing document that's on life support with me right now.

Mr. Stake: Any other questions, comments from members of Council? (No response). Then I will make a motion that we hold this until the 7th of September. The first committee meeting in September. Do I have a second? Mr. Gilbert.

Mr. Gilbert: Mr. Stake, sorry to interrupt your motion. If we hold it until September that doesn't mean that would preclude any type of proposal coming forward prior to that on Taylor Road. Is that correct?

Mr. Stake: It may actually be able to reflect that after that if there is any type of proposal. I made a motion that we hold this until the first Finance Committee meeting in September. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 12 is an 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. This is the piece of legislation that adjusts our salary ranges. Minimum, maximum ranges by the 2.3%. This has had two readings I believe. Correct, Mrs. Frazier?

Mrs. Frazier: That's correct.

Mr. Stake: It's something that we can send on for its third reading. I guess I have one question. Do we need to pass this, or add emergency language to get this in effect if we're going to do the other?

Mrs. Frazier: If you're going to pass the other one as an emergency at the end of the month, yes.

Mr. Stake: Okay. Then I will make a motion that we send this on to Council for the third reading as an emergency. Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And I will adjourn the Finance Committee meeting at 10:25.

Finance Committee
- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
July 6, 2004