

SAFETY COMMITTEE MEETING MINUTES
JULY 5, 2005

Members of Safety Committee present: Mel Clemens, Brett Baxter, Ron Stake, Preston Stearns. Other members of Council present: Eric Gilbert, Antoinette Newman, Lane J. Beougher, Council President William L. Hills.

Mr. Clemens: I'd like to call the Safety Committee meeting to order at 7:51.

The first item on the agenda is approval of the minutes of June 20, 2005 Safety Committee meeting. Do I have any additions or deletions? (No response). If not, they'll stand approved.

The next is approval of agenda. I'd like to add 3a Contract A, 3b Contract B, 3c Contract C, and 3d Report by Mrs. Reichard. Do I have a second? Are there any other additions? (No response). Second by Mr. Baxter. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Okay.

Item 3a. Contract A. This is the ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDORS REVITALIZATION PROJECT, PHASE II (Main Street) (Contract A) AND DECLARING AN EMERGENCY. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO. SECTION 1. That the Mayor be and is hereby authorized and directed to enter into contract with Complete General Construction Company, Inc., 1221 East Fifth Avenue, Columbus, Ohio 43219 in the amount of \$4,180,967 for the Reynoldsburg Major Commercial Corridors Revitalization Project, Phase II (Main Street) (Contract A). Contract A will consist of items depicted in the Official Bid Tabulation document dated by the City Engineer on 6-30-05 and includes Alternate Bid item in the amount of \$22,000. From then on, Section B, that will come up under the Finance Committee meeting tonight as far as how the appropriation and so forth will go. Do I have any discussion on this? (No response). If not, do I have a motion to send this to special Council meeting for this evening's Council meeting after our committee meeting? Motion by Mr. Stake. Second by Mr. Baxter. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

3b. Contract B. ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDORS REVITALIZATION PROJECT, PHASE II (Main Street) (Contract B) AND DECLARING AN EMERGENCY. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO. SECTION 1. That the Mayor be and is hereby authorized and directed to enter into contract with Complete General Construction Company, Inc., 1221 East Fifth Avenue, Columbus, Ohio 43219 in the amount of \$1,094,990 for the Reynoldsburg Major Commercial Corridors Revitalization Project, Phase II (Main Street) (Contract B). Contract B will consist of items depicted in the Official Bid Tabulation document dated by the City Engineer on 6-30-05. The funding and so forth will be in the Finance Committee meeting, and that will all be explained on this contract also. Do I have a motion to send this to special Council meeting that would be held after the committee meeting with the approval of the committee for an emergency? Motion by Mr. Stake. Second by Mr. Baxter. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

3c. Contract C. ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDORS REVITALIZATION PROJECT, PHASE II (Main Street) (Contract C) AND DECLARING AN EMERGENCY. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO. SECTION 1. That the Mayor be and is hereby authorized and directed to enter into contract with Environmental Management Services, Inc., 8220 Industrial Parkway, Plain City, Ohio in the amount of \$1,196,476 for the Reynoldsburg Major Commercial Corridors Revitalization Project, Phase II (Main Street) (Contract C). Contract C will consist of items depicted in the Official Bid Tabulation document dated by the City Engineer on 6-30-05. The funding for this will also be in the Finance Committee meeting. Do I have a motion to send this to Council as an emergency? Motion by Mr. Baxter. Second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

The next item on the agenda is a report by Mrs. Reichard. Mrs. Reichard.

Mrs. Reichard: Thank you, Mr. Clemens, members of Council. Very briefly tonight, I want to introduce you to our two new Code Compliance Officers. This was the night that was appropriate for them to be here. Sometimes when you see a face and put a name together it really helps. As you all know that we had, we were looking for two retired law enforcement officers and that's exactly what we found. So we are very pleased to introduce to you Jim Casteel. Both of these gentlemen are residents of Reynoldsburg. Jim is a former law enforcement officer from Reynoldsburg Division of Police here in Reynoldsburg. And we also have Mr. Rick Keys who is a former State Highway Patrolman, and he is also a resident of Reynoldsburg. They have as I said, today was their first day. And they had the opportunity to be here tonight, and I know this is a very important part of what we do in the city, and we just wanted you to see and know who these two gentlemen are. So thank you very much.

Mr. Clemens: Thank you, Mrs. Reichard. Item number 4, Discussion, Approval to apply for the annual D.A.R.E. Grant. Chief Miller.

Chief Miller: Thank you, Mr. Clemens. The City of Reynoldsburg has been applying for the D.A.R.E. Grant I think, for the last 8 years or so that's been in inception. It covers approximately \$33,624 is what we're applying for. And the commitment on the part of the city would be that we would simply continue our current commitment of two officers full time to the D.A.R.E. program. We currently are in every school building in the City of Reynoldsburg. We teach at the kindergarten level, first grade, second, fourth, we do the fifth grade core curriculum. We recently, in working in conjunction with The University of Akron and the National D.A.R.E. Program, participated in a ground breaking program where we have reduced our core curriculum at the fifth grade, and increased our commitment at the seventh grade to something called the G.R.E.A.T. training. Gang Resistance Education And Training. And then we do a sophomore, a high school component with our health teachers at the sophomore level. This is something that you have supported in the past, and we would ask that you continue your support.

Mr. Clemens: Is there any certain date we have to have this? Does this have to go, can it go the route, or?

Chief Miller: We would like to get it in as soon as possible. We were waiting for the application, and it did come in and it should have been submitted to you. The sooner we get it in the better. There's always a fluctuation of funds, and it's very difficult for us to determine how

much we might actually get. It will be based on the number of agencies applying.

Mr. Clemens: And you would like...

Mayor McPherson: Mr. Clemens.

Mr. Clemens: Yes, Mayor.

Mayor McPherson: I think on this particular grant, we would definitely like to have it before you recess for August. So perhaps you would consider either an emergency at the last meeting of the month, or at least a rule suspension. As long as it's in process, I think we can go ahead and mail the application in. But it would just be cleaner if we had the emergency, and that would give you two more readings, or two readings to actually look at it. But again, it's just a commitment to continue the level of service we provide to the schools now.

Mr. Clemens: I have no problem with going as an emergency if the rest of the committee doesn't. It's something we've done for the last 8 years and it's a good project. It's something we can't afford to lose, and it's money we can't afford to lose.

Mayor McPherson: Thank you.

Mr. Clemens: And I don't see, and it is, it does follow the guidelines as an emergency. What does the rest of the committee think about it?

Mrs. Frazier: Mr. Clemens.

Mr. Clemens: Yes.

Mrs. Frazier: This is just a Motion to apply.

Mr. Clemens: Okay. Just make a Motion, and pass it next Monday night then.

Mrs. Frazier: Yes.

Mr. Clemens: Alright. That would be fine. Are there any comments or any questions for Chief Miller? Yes, Mr. Stake.

Mr. Stake: Thank you, Mr. Clemens. Chief, you do have two fine D.A.R.E. Officers, Officer Mielke and Officer Manny. Are they still going to be the D.A.R.E. Officers in the future here?

Chief Miller: Yes, Mr. Stake. At this point, Officer Katherine Mielke and Officer Scott Manny will be continuing to do that, the D.A.R.E. instruction.

Mr. Stake: Great. I'm very supportive of D.A.R.E. and appreciate their efforts.

Chief Miller: They do an excellent job. An excellent job. They are very creative. They are very dedicated. They are excellent role models for our students, and I'd like to see it continue.

Mr. Stake: Thank you.

Mr. Clemens: Are there any other questions for Chief Miller? Mr. Baxter.

Mr. Baxter: Not so much a question, but more of a comment. Chief, I also as a family, with kids in school (Tape Change) D.A.R.E. coming home and have seen it with my youngest going all the way through school and my oldest one now getting ready to be a senior. And I too appreciate the efforts. I hear so many times that D.A.R.E. doesn't work and these negatives, and I for one, can see that it actually does work. So I certainly support it. Not to embarrass you, you had a great picture in the paper, and I congratulate you on the award.

Chief Miller: Mr. Baxter, I really feel embarrassed a little bit.

Mr. Baxter: I apologize for embarrassing, but you deserve it.

Chief Miller: No, no. The award is really based on the hard work of Officer Mielke and Officer Manny. And I cannot in good conscience, accept that award without them being there to receive it with me.

Mr. Baxter: Recognized.

Chief Miller: And they will be there to receive it with me. Because they have worked very, very hard. A couple of years ago as you well know, because of the fiscal constraints that the State of Ohio has faced over the last several years, the D.A.R.E. Grant Funds were being jeopardized. And a major effort was mounted statewide, but particularly, Reynoldsburg made a mark. And it was through Officer Mielke and Officer Manny's efforts, working with our school board, and getting a lot of, and you all helped us as well. The City of Reynoldsburg really made a mark downtown at the State House in regards to those funds. And our argument for supporting the program was keenly felt. So, I really do appreciate your support for it. And as regards the fact that D.A.R.E. does not work, when I first got here, one of the discussions that Dr. Ross and I had, was the fact that, in any other area of education, you have building blocks. In the first grade you start with addition and subtraction. And by the second and third grade, you're talking about multiplication and division. And by high school, you may even be talking about algebra and calculus which is always beyond me. And we weren't doing those things with the D.A.R.E. Program. Especially in larger urban areas where again, fiscal constraint becomes a major issue for them. And they are only able to do the fifth grade core curriculum. It does challenge the fiscal issues when that's all you're able to provide. By our community being able to provide this repetitive lesson over and over again throughout the school years of our kids, we believe we are making an impact. And we believe that we can show it through our numbers.

Mr. Clemens: Mr. Stearns.

Mr. Stearns: Thank you, Mr. Clemens. I just wanted to say also Chief, that I agree with what the other members of the committee have said. And I don't mean to embarrass you either but, I do want to say congratulations also. But I have seen how D.A.R.E. works through my son who went through the Reynoldsburg school system and has graduated. And now I have granddaughters coming through, and it's one of the things that they really talk about. And I'm sure that it will continue to be a great influence on the children in the City of Reynoldsburg.

Chief Miller: Thank you, sir.

Mr. Clemens: Are there any other questions or comments from members of the committee or members of Council? (No response). If not, I'd like to make a motion that we move this on to City Council at our next Council meeting for adoption. Do I have a second? Second by Mr. Stearns. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you, Chief.

Chief Miller: Thank you, Mr. Clemens.

Mr. Clemens: Next item on the agenda, ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE TENNANT 6400 POWER SWEEPER, AND ONE 16' LOWBOY TILT TRAILER. The first reading was 6-27-05. Do we have any comments? Yes, Mr. Walsh.

Mr. Walsh: Thank you, Mr. Clemens. I had sent a memo off to all members with some answers to some questions that had come up at the last meeting. I'd just like to touch on a few of those. One of those was about, is there anything in writing that says, the city will maintain areas of the street, of the corridor improvement in phase I? And the answer was, yes and no. And no, there was nothing official signed contract with businesses. However, they were told that we would be maintaining it, and I did mention the letter there from Barbara TenHoeve, the Planning Administrator that outlined some of that information. You had a copy of that. Another issue was about sweeping sidewalks and whether we had promised businesses to sweep sidewalks and do that. And the answer of course was no. That was not something we had talked about with

businesses. However, we felt it was important that we try to do something like that. The issue of the, the question of the palm pilot and the computer that was purchased from the Solid Waste Fund, that's been addressed by the Mayor and by Mrs. Reichard that that purchase was out of the wrong account and that would not, that would be getting reimbursed back to that account from some place else. And there was some street sweeper question which, if you have questions on that, it would be best to talk with Mrs. Reichard about that since that is really in her purview. And on the issue of the sweeper, I just want to make a few comments about some of the things we've worked on here just recently. As a city, we had decided that there are areas of our community we needed to improve. And Main Street was one of those. And we've taken a giant step and made a significant improvement and investment in the revitalization effort for Phase I and pretty soon here for Phase II. And it's the consensus of the senior staff, that it's critical that we properly maintain this multi million dollar investment, and keeping it clean is an important step in that direction. Providing the staff of the city with the equipment needed, such as a sweeper, would show that we take it seriously. And a question was, do we have a precedent for this, and we sort of do. Prior to my becoming Director, the city had completed a small revitalization project in the area known as Olde Reynoldsburg. Sidewalk, pavers, benches, new trees, cross walk pavers, etc., and the hanging baskets of course. Since I've been Director, we've not only been maintaining the hanging baskets, but we've also been controlling the weeds in the sidewalks, and the pavers, and tree _____ in trying to keep the area clean. If we had not been doing that, we don't believe the area would look as well maintained as it is today. And I know that it was, it would probably look worse because it was starting to get that way before we started doing the work. We did that with no fanfare. We didn't ask for additional funds or equipment. We just thought we'd just go ahead and try to make sure we kept that looking nice. But it is only about a 2 to 3 block area. At the last meeting it was asked, as I had mentioned, if businesses were told we were going to sweep the sidewalks in Phase I. No, they were not. And no, it was never promised to anyone. But we felt we should ask the Council to allow us to continue the work on this improvement area. With an investment in a piece of equipment that's not only going to be used on the two phases of the corridor improvement, but in other areas of our community as well. And this purchase, as a percentage of the total cost of Phase I and Phase II is about two tenths of one percent. So it's not a significant amount there. And after discussing issues of maintenance of Phase I last week with the Mayor, Safety/Service Director, and the Development Director, we believe that as a city, we can't afford to allow the revitalization project we've worked so hard to get in place to deteriorate. Keeping it clean and attractive is vitally important to the image of our community and to our future. So as before, the senior staff does recommend that we purchase this sweeper so that we can help maintain a quality image in our investment. And I'll be happy to take questions.

Mr. Clemens: Do I have any questions from the committee? (No response). I have no questions. My feelings have not changed since last week. You know why I'm opposed to it.

Mr. Walsh: Certainly.

Mr. Clemens: There's no sense in going through all that again. I do have one thing to address that, the fund this is coming out of, and Mr. Gilbert brought up a question you know, we're still looking for that letter from the State Auditor that says we can use this out of the Solid Waste Fund. And so far we haven't got it, received it.

Mr. Walsh: That's correct. I talked with the Auditor late on Friday when he came back in, and I mentioned it to him briefly in passing in the hall way because I wasn't able to catch up with him. That was something that was requested. And it is my assumption that now that he's aware

of it, he will be getting back with you on that.

Mr. Clemens: I think that's important. That's why it'll go for the second reading and it'll come back, and when it goes before Council for the third reading, I'm sure we'd like to have an answer to how we handle this. Because you know, we're taking it out of a fund that's really a contract fund that comes in and it's extra money that our citizens pay to get their trash picked up. Now we're going to turn around and spend that money to clean the businesses sidewalks that don't pay into that fund. So basically, I don't think the citizens would like to pay for something coming in, going out, and paying for something to drive down the street and sweep off the businesses sidewalks when we're not sweeping their sidewalks off and it's their money. So I think it all revolves around where the money comes out, it's going to mean a lot. So if you could, try to have that at least for our next committee meeting.

Mr. Walsh: I've made Dr. Whitney aware of that.

Mr. Clemens: Okay. Thank you. Are there any other questions for Mr. Walsh? Mr. Baxter.

Mr. Baxter: Councilman Clemens, I really appreciate your comments and I want you to know I do respect them. Not that I agree with them but I respect them.

Mr. Clemens: That's true. I understand.

Mr. Baxter: And I certainly would like to address the issue of our residents who pay in to make sure their trash is taken care of. And I do believe seeing trash down the middle of Main Street and wanting to have that cleaned up is also in the best interest of those same residents. I for one really don't like driving to the corner of Waggoner and Main and seeing enough gravel to cover Waggoner and Main on the sidewalks. And I would certainly like to see that cleaned up. I know we've talked about the sweeper as a "Streetscape Cleaner", but that's not the case. We're looking for something to be able to take care of our parks. We have skate boards out there, we have people walking out there. We want to keep our city clean and show the respect that we have in the name for the City of Respect. I think this helps us get there. So just to answer your comments there. Thank you.

Mr. Clemens: I understand. Thank you, Mr. Baxter. You haven't changed my opinion. Are there any other questions out here...

Mrs. Reichard: If I may, Mr. Clemens? Just to add to that.

Mr. Clemens: I'm sorry. For Council, for Mr. Walsh? (No response). If not, Mrs. Reichard.

Mrs. Reichard: Thank you. What the sidewalk sweeper really is, it's just another tool in our tool box to help us keep our community clean and neat. One of the things that we have included in our refuse contract are the trash receptacles all the way up and down Main Street, and any of the new decorative ones as part of the contract because, and we spread the cost amongst all those who have refuse picked up and pay into this contract every 3 months. And that is that, they pick up that trash in those containers. So that's another, even though that's not someone's house, it's out on a major commercial corridor. Everyone is participating in keeping their community clean. So, and as far as where the street, I keep calling it street, sidewalk sweeper comes from in terms of its cost, its payment, I'm one of these people, and I think most of you know it, when I'm looking for funding for some sort of project, the General Fund is the very last place I look. Any time that we can use our Enterprise Funds which are more restricted and not use our General Fund, I think it's very smart on our part if it fits. The way the State Auditors came into this was actually

through me when they were spending so much time here, and I stopped one day, talked with them, and told them what the situation was and asked for their opinion. And it was about a week later that they came back and said, oh yeah, now that you explained it that way, it is refuse related. It would be an appropriate expenditure. And it was after that that I talked with Mr. Whitney, and he then talked with them, so to really validate what they had told me. So I'm hoping that we can either get that statement from the State Auditors and/or that we can still move ahead with the sidewalk sweeper, but maybe just take it out of a different fund. Because I do think it is something that is vitally needed as we grow, for all of our sidewalks, for the various areas, for the parks. There's so many ways that this thing can be used. It's just really, really valuable to the community if we're going to keep our community neat and clean.

Mr. Clemens: Mr. Hills.

Mr. Hills: If I could Mr. Clemens, for both, and because I do appreciate and it's helpful to me as Council President; I think it would be to everyone; Paul - you are to be commended for putting in writing, the responses to some of the questions. And I think it's pretty clear, up to the street sweeper part. And the question that is proposed, is what the answer was. My question was, how often is the street sweeper used? And what we have done as a question now is, is the existing street sweeper is not out as often as we like. That was the statement made by somebody in response to my question. So certainly, I don't think you have to go into details tonight but, I would like to see what kind of schedule we have on our street sweeper. Because I hear Mr. Baxter talk about the gravel in the intersections and everything else, that more likely is going to be the street sweeper and not the power sweeper for the sidewalks. It's primarily sidewalks. And I gather we must be talking about some courts and, basketball courts, and things like that also from what I'm hearing. And there's certainly no need to go into that tonight but again, we have a very expensive piece of equipment that I would like to know how often it operates.

Mrs. Reichard: Okay. We just, we did pull that information.

Mayor McPherson: We have that for you.

Mrs. Reichard: And just it _____ a list and we have it in a report form now.

Mr. Hills: Good.

Mrs. Reichard: But I didn't want to just bring it on you at the last minute tonight. You will get that this week.

Mr. Hills: And that will be fine.

Mrs. Reichard: But again, it is not out enough. And it's interesting, this is sort of serendipitous to this conversation. But the fact is, the report that I received, it is not out enough. And it will be in the future.

Mr. Hills: Thank you.

Mrs. Reichard: What I'm going to talk with Mr. Ward about when he gets back is setting up a schedule that will be adhered to. And we will be out there sweeping those streets. I can tell you that it has only been in the month of June and in the month of May, in the month of May, it was only out for 12 hours. And in the month of June, it was only out for 14 hours. I can promise you, that's gonna change.

Mr. Hills: We have room for improvement, that's for sure.

Mrs. Reichard: Yeah. But also when we talk about the gravel down at Waggoner and Main, there's an awful lot of it down there on the streets too. We need to get, oh I'm sorry, on the sidewalks, too.

Mr. Hills: Oh, I don't disagree with that. I mean, the streets, some of the streets, some of the gravel's coming through, the street's falling apart.

Mrs. Reichard: Exactly.

Mrs. Hills: There's a whole lot of places where we could go with this. But one question I do have, what is the average width of our sidewalks along Main Street?

Mr. Baxter: That's a good question.

Mayor McPherson: Forty two inches.

Mr. Hills: Because if it's 42, your sweeper's 44. So I think you better look at a smaller model. Somebody may want, just check your dimensions. I mean, I'd hate to buy something, I question whether we should anyway, or whether we shouldn't. It looks to me, I'm seeing the pictures and it looks like we've gone right to the top and maybe working our way down but nobody's talked about coming down. But when I see 44 inch diameter sweep, I'm wondering if our sidewalks are that big. That's just something to be checked on as we go through the process.

Mr. Walsh: We did demo this unit out on Phase I to make sure that it was going to fit. And we looked at a number of other units as well. And this is the one that we felt was going to serve us the best. But it does fit.

Mr. Hills: You get to ride on this one. You don't have to push it. That's one advantage.

Mr. Walsh: That's a plus.

Mr. Clemens: Yeah. I want to make one thing plain and sure. I don't want dirty sidewalks either. But you know, I think I've said this and I'm going to say it again, we're putting another 10 million dollars in Phase II, you know, we already put the 7 million, we're putting 17 million into this Streetscape Project from the City of Reynoldsburg's taxpayers' money. I expect the businesses to do something. That's my only part of it. You know, it's nice to stand back and have them say, this is beautiful, you're doing it for us. That's fine. But I would also like to see them do something. If it's too much for them to sweep their sidewalks, I feel sorry for them. And that's the only reason I bring it up. Or, as I brought up before, I'd like to see you get some kind of proposal, or some kind of letter drafted and ask for possibly, if we could start collecting money once a year. A donation to help us take care of these things. It's going to get more costly every year. I mean, I know how, I've been around the city long enough to know that things don't go down. They go up. And that's what's going to happen. I mean, I understand that. But I do think you know, I'm for businesses but, surely I'm for them doing their job too. Because we have done a good job for them. And that's the only reason I'm bringing it up. Mr. Stake.

Mr. Stake: Thank you, Mr. Clemens. Mrs. Reichard, maybe you can answer this question for me. Is it our responsibility to have trash barrels at the bus stops? Or is it COTA's responsibility? Or do we share that? How does that work?

Mrs. Reichard: In the past it's been that, when COTA put up a, in the places they believed that they needed them the most, they put the trash receptacles. What we have found is, they don't, they do not empty them in a timely manner. And most of those receptacles have fallen into great disrepair. I recently, within the last year, I contacted COTA to try to get them to replace the one that's over at Brice, it's on Brice just south of Main Street. And they said they don't do that any more.

Mr. Stake: Right. That's always a mess over there.

Mrs. Reichard: Always a mess. Yes. So what we've done is, we went back to our refuse company and we included that in our contract. Now this is just on Main Street. But it would be my desire that we only put them in the places where they're needed the most. And that would be

west bound traffic. Because when people come east bound, they get off the bus and they disburse. But when they're going west bound, they wait. And that's where we need the trash receptacles. So as we put those on the major corridor, we can get those, those will just be emptied by Rumpke. They're not responsible for any more.

Mr. Stake: I don't think we have a trash receptacle in front of McDonald's on Main Street and that would be going east bound and there's always trash around there with people coming out from McDonald's and leaving their trash around. My preference would be, and I discussed this before with you is, I'd like to see trash receptacles at all the bus stops and have them emptied in a timely matter.

Mrs. Reichard: Yeah. We can work on that. Especially on Main Street. Those are rather expensive. But we can, we have the, the vast majority of them I think are on the north side. But on the south side, they're generally at the intersections.

Mr. Stake: Okay. Thank you.

Mr. Clemens: Thank you. Are there any other comments? (No response). Thank you. Mr. Beougher, I'm sorry.

Mr. Beougher: Thank you, Chairman Clemens. Paul, one of the things you said in your presentation two weeks ago, you talked about the National Pollutant Discharge Elimination System Phase II. And that had never occurred to me before that those particles that are laying out there, a business owner might go out and just sweep them into the roadway, and then they go, and go down the storm drain, and we're adding to our sediment _____. I think there's a good argument for the sweeper to, and I don't expect that this will convince Mr. Clemens but, there's a good argument for the sweeper to keep those particulates out of that stream, out of that storm water discharge system. And I wonder, I hate to admit it but I was shuffling papers and, are we unable to use the Solid Waste Funds now? Or is that, that was just about the palm pilot?

Mr. Walsh: As far as we know, we are permitted to use that but we're just waiting on that letter.

Mr. Beougher: Okay. Okay. Very good. I was going to suggest that maybe there could be some participation of storm water and I don't want to spend Mr. Gilbert's money but, anyway. I think that is a very valid point, and I just thought it should be brought up again. Thank you, Chairman Clemens.

Mr. Clemens: Alright. Are there any other comments from members of Council and committee? Mr. Gilbert.

Mr. Gilbert: Mr. Clemens. And I see Mr. Luzader in the back. I think the street sweeper is used in context currently in terms of priority assignments to our employees there in the Street Department. And correct me if I'm wrong Mr. Luzader. And I think that's important to keep in mind as far as the street sweeper not being out as readily available as it has been in the past in this era of limited personnel and resources. And I think it was even down for a while with some mechanical problems as well. Was it not?

Mrs. Reichard: It has been in the past. I really, in all due respect Mr. Gilbert, I think it's just a matter of planning to get the sweeper out. When we have it out, and we do a clean sweep in April of the city, it behooves us to continue having that out throughout the summer months. Because that's obviously when we can use it and not when the snow flies. I think it's just a matter of planning, and planning our resources; we've been working on that very hard out in the Street Department, to plan our resources for the variety of things that need to be done. And so far we've been effective and I look forward to making the street sweeper far more effective than what it is

now.

Mr. Gilbert: Very well.

Mrs. Reichard: Okay. Thank you.

Mr. Clemens: Thank you. Thank you, Mrs. Reichard. Thank you, Paul. Do I have a motion to send this to Council for the second reading? Yes, the second reading. I have a motion by Mr. Baxter, second by Mr. Stearns. All in favor, say aye. (All voted "Aye" except Mr. Clemens, who voted, "Nay".)

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Section 371.06 "Use Of Highway For Soliciting; Riding On Outside Of Vehicles". This has been to Council and it came back, and I'd like to send it back to Council for the third reading with a motion for adoption. Do I have a second?

Mrs. Frazier: It would have to be a second reading.

Mr. Clemens: Okay. It has to be back for the second? I'll move to send it back for the second reading again. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

That ends the Safety Committee meeting at 8:26.

Safety Committee

- - -Nancy C. Frazier, Clerk of Council July 5, 2005 (Transcribed - Susie Smith)

SERVICE COMMITTEE MEETING MINUTES

JULY 5, 2005

Members of Service Committee present: Eric Gilbert, Antoinette Newman, Brett Baxter.
Other members of Council present: Mel Clemens, Lane J. Beougher, Ron Stake, Preston Stearns, Council President William L. Hills.

Mr. Gilbert: I'll call the Service Committee meeting to order at 8:26 p.m.

The second item on the agenda is the approval of the minutes of the June 20, 2005 Service Committee meeting. Are there any additions or deletions to those minutes? (No response). None being heard...

Item number 3 is the approval of the agenda. I have a number of changes. I'd like to move item #4 (Discussion, General Regulations and Zoning Classification) to Other Legislation until after the summer recess; hold item 5 (Ordinance accepting unrecorded general warranty deed (Reserves A and B, Woods at Reynoldsburg, Section 4, Part 2)). I know Mr. Walsh had had some conversations with a representative from M/I Homes in regards to the A and B Reserves, and we should have some information back on that by next committee. Also, to bring out of Other Legislation, item number 5, Development Impact Fees. The members should have had in their packets, an updated proposal from EMH&T in regards to the project narrative in general scope of services to make development impact fees in the City of Reynoldsburg a reality. And I would like to make that 3a. My motion's on the table. 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 3a is Development Impact Fees. Some of the members, or the members should recall, we had some initial discussions in regards to this. And I think in light of the current news reports, we read of other communities implementing development impact fees to help pay for services. And originally, I had included some general information in terms of the cost of development on a city being \$1.50 per, I think they've based it on footage whereas the actual revenue generated from residential development was \$1.00. We had a 50 cent deficit in terms of the impact that residential development had on the city. And as aspects of our development obviously is residential, we've had condominium developments, and we have a single family development pending, I felt it was important that we bring this forward again provided that the resources were available to bring Reynoldsburg in line with what other communities are putting into place to help offset the cost of development. This area would directly impact providing some type of assistance for our capital expenditures regarding the Police Department as well as the Parks Department. And the proposal brought forward to, for the project narrative and the general scope of services was for \$40,600 total. And at this time, Mr. Parkinson, is there anything you might care to add in regards to EMH&T's proposal? I know when we talked and I had asked you to bring this forward, time is an issue. And I guess I was looking at a possibility, if we were to pass this in July, that we would have the information back to us when we return from the recess, or shortly thereafter. Would that strike you as realistic?

Mr. Parkinson: It fits well with Ms. Keefer's current obligations. Her team would be able to attend to this in a very timely fashion. And I think some time in September, she could have the first draft submitted to you for your review. And then from there, I believe there's a lot of timing issues based on Public Hearings that you may or may not want to have, public notice requirements

Mr. Gilbert: Okay. And the, you had offered up one example where the proposed fee could be reduced if we were to eliminate the task force for, or the section for the administrative servicing and forms.

Mr. Parkinson: If that's something you wish to undertake yourself, or if there may be something, a resource available to you, and I'm not an expert on that aspect of it. Perhaps through some municipal league that you belong to where there may be something where these forms and things of that nature have already been established. You wouldn't need our assistance in preparing forms specific to you. And we would be happy to bow out of that service.

Mr. Gilbert: How do we, how would we go about determining that? In my conversations with the administration, that's a fairly vital aspect of implementing this in terms of the transition from no impact fees to the proper documentation that would be necessary.

Mr. Parkinson: We believe that we could assist you greatly in that regard. But we also know that resources are scarce. And so we try to frame our proposals in such a way as to not be greedy and to focus in those areas that are a specific importance to you. One thing I would suggest perhaps if

moving this forward quickly is important, we would be happy to, if you wanted to appropriate all the money, we would be happy to say that we will not work on tasks for, until specifically directed to do so. And so the money would be there and we will hold that in _____. As we get into this and the administration comes up to speed a little bit more with what we're doing, maybe they can decide whether they need us or not. Maybe you can decide whether you need us or not. And if you do, we'll step in and help. And if not, that money can be returned.

Mr. Gilbert: Okay. I think that's an important option to keep open as we move this forward. Does this raise any questions from members of Service at this point? Mr. Baxter.

Mr. Baxter: Just one question. I read through this this weekend and the questions that came to my mind, not just so much to Dave's and your company, but to the administration and the overhead that that will have _____. And Mayor, are you, or do you believe that you have the staff to be able to manage this type of program? Or are there going to be additional costs to the city this type of program might bring to your area?

Mayor McPherson: Well, I think the thing that's going to determine whether or not we have the manpower is what it looks like when its done. You know, we talked earlier with Mr. Gilbert about the creation of the forms. This is something that you know, I'm not aware of who would be doing it. But if they hold that in advance, we can check during the next few weeks and find out. I can't tell you if it's going to require more personnel, more staff or not. My initial feeling is, it probably isn't. But again, until we actually see the draft and how it's put together, I can't give you a firm answer on that.

Mr. Baxter: I think Councilman Gilbert spoke to that previously and I appreciate that. I just wanted to make sure I heard from you. Because in my mind, this seems like there might be a little overhead. Not a whole bunch, but I think the program's well worth it.

Mr. Gilbert: Mr. Parkinson, in your past experiences, we incorporate this through, I know some communities incorporate it where they have their Occupancy Permit process. In this case, would be handled by our Building Department. Is that where you, this is all preliminary, but as far, just an overview of what you've seen in other communities?

Mr. Parkinson: You know, I really, I'm not the expert on this. I can get, that's a good question, I can get you an answer.

Mr. Gilbert: Okay. Maybe just if we could have that information provided to us prior to next Monday's meeting.

Mr. Parkinson: I'll have that.

Mr. Gilbert: And maybe have Ms. Keefer available.

Mr. Parkinson: I'll invite her to next Monday's meeting.

Mr. Gilbert: Very well. Mrs. Newman.

Mrs. Newman: I'm just concerned about, in establishing the fees, how far, we have to actually be able to prove, or that this is going to have a substantial impact on the community to the extent that we're going to have to make capital expenditures. Do we actually have to be in the planning stage for example, of a new police station for example, or a sub station? Just how far along do we have to be in our foreknowledge of the affect that you know, development is going to have? And how much substantiation do we have to provide in imposing these fees? It always seemed a little iffy to me for some reason. You know, the amount of substantiation and how would we substantiate the justice of charging these fees to developers? I mean, how can we prove that this is really a valid fee in advance of actually making the capital expenditure? Or do we put these funds in a...

Mr. Gilbert: We don't necessarily have to make a capital expenditure to collect a fee. You have impact from development itself.

Mrs. Newman: Well I thought they did.

Mr. Gilbert: The process in regards to the study provides for the validation that you have for the fee itself. You set up, I know in the City of Delaware, they went through this process to set up their justification for the impact fees.

Mrs. Newman: Well now I can see why you're confused. Because I was jumping ahead to the fees themselves rather than the study. But this is something that has occurred to me with thinking about these fees.

Mr. Gilbert: Mr. Baxter, then Mr. Stake.

Mr. Baxter: If I can, that's one of the reasons why I was bringing this up. And I think it's a great idea to ask Ms. Keefer, I think you said her name was, to come back. It's been some time since we've spoke about this. And I know in my mind, I had to go back to my old paperwork and re-read about it and get re-comfortable with it. And I think that learning curve needs to come back up to speed to make the Council members comfortable with this direction again. I know originally when I heard this concept, I was uncomfortable at first. And I had to become more comfortable again. By re-reading all that information, it will be very helpful I think if Ms. Keefer can come in and have a discussion with Council again. Thank you.

Mr. Gilbert: Thank you. Other members? Mr. Stearns.

Mr. Stearns: Thank you, Chairman Gilbert. My questions is I guess, as I remember, when this was one time brought up, I mean if my memory's correct, didn't MORPC say they could do this for \$25,000? Does anybody remember that?

Mr. Gilbert: I'm sorry?

Mr. Stearns: MORPC. MORPC had a representative in here at one time and said they could do

the study for \$25,000. Was that...

Mr. Gilbert: No. That was a regional overview. Not an impact fee. Just a general development review of the eastern corridor of the city.

Mr. Stearns: It didn't have anything to do with that?

Mr. Gilbert: It didn't have anything to do with the impact...

Mr. Stake: I think Mr. Gilbert, that was in relation to the Planning Guide that we were talking about having updated.

Mr. Gilbert: Right. Yes. The Planning Guide.

Mr. Stearns: Thank you.

Mr. Gilbert: Mr. Stake.

Mr. Stake: Thank you, Mr. Gilbert. Maybe Mrs. Newman, what she was talking about, and I'm not sure but, I guess I'm wondering about the legal aspects of this and who is going to advise us on that.

Mr. Parkinson: The proposal does note that we will work closely with the City Attorney's office in crafting any legislation, or ordinances, or rules, or policies. We'll work closely with them.

Mr. Stake: So I imagine there may be some legal ramifications if we should go ahead and institute this after the study. And I just want to make sure that we're getting legal advice along the way so that we cover ourselves.

Mr. Parkinson: The whole point of the proposal is to do exactly what Mrs. Newman is asking. We as a city have to prove it. We have to demonstrate that the fee is reasonable, that there's a basis for it, and that it's appropriate. And we do that not by knowing so much about what we're going to spend in the future but as far as what we've spent in the past and what we're spending now. We know what our costs are today for the services that we provide and we can extrapolate to what that is, what the next subdivision costs, what the next shopping center costs us in terms of these resources and what we get out of it. And then we can define then what that is and what the appropriate impact fee would be. We make a defensible approach. When we get into court, if we get into court, we have a process that we've gone through. It's defensible, it's logical, and that is our defense to any argument that would oppose the impact fee. And that's why you do this. To create your defense.

Mr. Stake: Mr. Gilbert, if I could just add. Impact fees was something that we discussed in the Residential Ad Hoc Zoning Committee that myself and Mr. Beougher served on, and we did recommend that we do study impact fees.

Mr. Gilbert: Mrs. Newman, then Mr. Beougher.

Mrs. Newman: Well one thing that occurs to me too is, do we have a sufficient amount of developable, that's a funny word, land to make this worthwhile really? I mean, will you look into that Mr. Parkinson?

Mr. Gilbert: I think it's fair to say that since this was first introduced, we've had a zoning for condominiums on Taylor Road, zoning for condominiums on Palmer, zoning before us for condominiums on Slate Ridge and 256, additional condominiums on Taylor Road North, 123 acres about to be annexed into the city from Licking County that has been presented to us as single family residential. So I think it's fair to say at this point, we are, there's sufficient land to, or development being in process, or about to be in process that justifies the need to put this into place. We've already dealt with three years of budgetary issues predominately due to the fact, in major part, due to the fact of so much residential development in the community as opposed to a lack of commercial or industrial. We've tried to address that with the recent increase in our commercial development. But we are somewhat behind the 8 ball in terms of addressing this. And I think, if you look at the number of units and the density that we're dealing with, and I think it's important to address this right now and answer your question. Mrs. Newman.

Mrs. Newman: The only other thing is, I mean you certainly don't mean to imply that this could be you know, enacted retroactively on programs or I mean, a development that's already in progress. Certainly not.

Mr. Gilbert: No. I'm not implying that at all.

Mrs. Newman: But it would be, I mean, it's going to take us some time _____.

Mr. Gilbert: I would need to wait until their study's done. Because if it is incorporated where it's instigated or incorporated at the point of the Occupancy Permit, then it's possible that some of the development that's under way could be impacted.

Mrs. Newman: I see. Alright.

Mr. Gilbert: If that's not the case, then your study indicates we can't do that, then some that's already in process wouldn't be impacted. But the bottom line is, the city's going to be impacted one way or the other.

Mrs. Newman: (Inaudible).

Mr. Gilbert: Mr. Beougher.

Mr. Beougher: Thank you, Chairman Gilbert. We already do have some impact fees. We have tap fees and capacity charges that we charge development for future infrastructure expenditures and cost of getting them up to speed. And, help me out Dave, are there other fees that we charge in that regard?

Mr. Parkinson: Those are the only two that I know of.

Mr. Beougher: Okay. So what we're, so those two pieces of infrastructure, sewers and water lines, we understand the impact of those. What we don't always know about, and our committee was saying that we needed some guidance from an expert. And that's what we've got before us to help guide us through the process of establishing how much of the 7 million dollar police station that we built to serve the needs of the community 25 years from now at its current rate of growth, we can assess to future development. Mr. Gilbert, I think I let you borrow a book a while back called 'Home From Nowhere'. And the author, James Hard _____ had a graphic in there that shows concentric circles. And the first circle in the center was the oldest development in a part of town. And those residents through their tax dollars pay for their own infrastructure. And they also pay for the infrastructure of the next ring in that circle. And as those rings grow, that oldest section of town has paid for infrastructure two or three times. And so what development impact fees do is, attempt to charge that last outer ring for their own infrastructure. So that's a powerful graphic, and it illustrates the point. And I think, when we looked at the residential review committee, we noted that the park land in the city was at the recommended, I think it's one acre per thousand residents. But as we grow, for every thousand residents, we should be adding one acre of park land and we should be looking at acquisition costs and development costs for park land and recreational facilities as well. And as chairman of the Community Development Committee, I certainly am supportive of this measure. Thank you.

Mr. Gilbert: Thank you, Mr. Beougher. Anything you want to add, Mr. Parkinson?

Mr. Parkinson: No, sir.

Mr. Gilbert: Mayor, anything you care to add on this?

Mayor McPherson: No. I think in our conversations Mr. Gilbert, I agree that it's time, and perhaps past time, but we really do need to bring this out, look at it, get EMH&T to give us some answers and move it forward. Service that's provided to all the new houses is an increasing impact on our finances every day. Our services, water, street, police, and I'm very pleased that we're bringing it out and moving it forward.

Mr. Gilbert: Okay. We have, I would feel more comfortable if we could have Ms. Keefer come in and address this. But it would probably be better if it was at the next committee meeting. If we were to pass this by the end of July, you could, say as an emergency, you could get to work on this in August?

Mr. Parkinson: Yes.

Mr. Gilbert: Okay. Very well. Would that be alright with the members if, at this point, and let me just note that, the Mayor had indicated he had checked with the Auditor, and this money would be able to be appropriated out of the unappropriated General Fund.

Mayor McPherson: Unappropriated General Fund. Correct.

Mr. Gilbert: Very well. Then at this point, what I'd like to do is have Ms. Keefer come in to the next committee meeting. Do the members have any questions? I'd also like the Chief and Mr. Walsh, since you're going to be the direct beneficiaries of this program, if you could take a look at EMH&T's proposal. And I know the Development Department has provided some additional information, or some information in the past. Maybe touch base with Mr. Brandt. We could get your comments too at the next committee meeting. Without any objections, what I'd like to do is at least make a motion to forward this forward for a first reading to Council, and then get with the Clerk on the actual form of the legislation. Do I have a second? And put on the Consent Agenda. Second by Mr. Baxter. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you, Mr. Parkinson.

Item number 6 is an Ordinance to accept an application for annexation of 29.558 acres in Etna Township. This item had its first reading on June 27. Are there any questions or comments from members of Service? (No response). Other members of Council at this time? (No response). None being heard, I'll make a motion that we forward this on to Council to the Consent Agenda for its second reading. Do I have a second? Mrs. Newman with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 7 is an Ordinance approving the transfer of a Special Exception Use Permit, 7354 East Main Street. Is the applicant here this evening? Just forward, state your name and tell us about your business.

Mr. Pusser: I'm Doug Pusser, and we're opening up a motorcycle shop in the place that the previous motorcycle shop was in place. And we're asking that that exemption that was created for that shop be transferred to us.

Mr. Gilbert: And what type of, is it similar to the previous shop? Or can you tell us about your shop and the product?

Mr. Pusser: I'm not overly familiar with the previous shop. But we are importing some motorcycles from China. It's going to focus a lot on dirt bikes versus street bikes. Bringing in some side car bikes that are 1935 reproductions of the BMW's. And we're not going to have any tattoos or body piercing or anything like that. It's going to be mainly dirt bikes and some pocket bikes. And there's a new product line that we're bringing out that's pocket snow mobiles. So we're basically, that's sort of more focus I think to the dirt bikes than the street bikes.

Mr. Gilbert: Okay. And you're aware of the previous restrictions. I know the Building and Zoning Commission had indicated they'd like to see the same restrictions in place and you had agreed to that.

Mr. Pusser: I understand that we're not allowed to park the bikes outside. And that's fine. We're building....

Mr. Gilbert: No manufacturing. There's a limit on the amount of fuel and I believe combustibles that you can have in the....

Mr. Pusser: Okay. We won't, we'll have to, some of the bikes will come in crates. So they'll be some minor assembly that's going to have to take place.

Mr. Gilbert: Right. It allows, I think it allows for minor assembly just not major production line type.

Mr. Pusser: No. No. We'd like to keep an option to do some repairs. Being that these bikes are new, we don't foresee that immediately but, two, three, four years down the road, we could see them coming back and doing some minor repairs to them.

Mr. Gilbert: Okay. And what are your hours of operation?

Mr. Pusser: 10 - 6.

Mr. Gilbert: Okay. Because I know there's some, we had some hour limitations that were in there as well. And what we can do is provide you with a copy of the previous Special Exception. My understanding is that it was the wishes of the BZA to have the same guidelines on the previous Special Exception put in place on this. Are there any questions for the applicant at this point from members of Service? (No response). Other members of Council? Mr. Clemens.

Mr. Clemens: There is only one thing. I have no problem using the same stipulations that we had before, same requirement. There has been a change in the traffic pattern, I don't know whether you've noticed that or not.

Mr. Pusser: There seems to be a barrier that has been in place there, yeah.

Mr. Clemens: Correct. So there is a change in the traffic pattern. So that's something....

Mr. Pusser: Will that barrier remain permanently?

Mr. Clemens: Yes, it will.

Mr. Pusser: Okay.

Mr. Clemens: So that's just something I want you to take notice of because it does mean that traffic can only turn a certain direction into your property.

Mr. Pusser: Yeah.

Mr. Gilbert: Okay. Other members of Council? Mr. Beougher.

Mr. Beougher: Thank you, Mr. Pusser. You said pocket bikes. These are the small little café racers?

Mr. Pusser: Yeah. Um hum.

Mr. Beougher: That are ridden where typically?

Mr. Pusser: There's a couple places that have set tracks up and (Tape Change). And we will be selling those too. I mean, _____ not going to sell those.

Mr. Beougher: But my concern is, you know, where do you, where do you test them out? Where do you start them up and let people have a go at it?

Mr. Pusser: On the street bikes of course, they would be allowed to take them out on the road with a limited distance. We're still setting policy and procedures up in place basically dictated by our insurance company saying this is how far you can allow them to drive, and maybe even GPS tracking devices and stuff to put on the bikes so they don't drive off with them. The dirt bikes, you know, I guess the possibility around the back. You know, if they wanted to take them around there, I don't know if that would be permissible or not. But other than that, obviously you can't drive on the road. So we can't, you know....

Mr. Beougher: Right. Right. I guess that would be my concern is, you know, are we going to have these things buzzing up and down Main Street?

Mr. Pusser: No.

Mr. Beougher: Or on the sidewalks?

Mr. Pusser: No.

Mr. Beougher: I mean, that's my concern is, are we going to create a public safety problem by putting this in here? And that's why I'm asking these type of questions. And I don't need to be leading you, or trying to trick you into answering the wrong way. I'm just trying to get to the nature of the business and the nature of the vehicles you'll be selling.

Mr. Pusser: We don't intend, I'm sure it's against the ordinances of Reynoldsburg to ride dirt bikes up and down the sidewalks. So we're definitely not going to permit anything that's against you know, against the law.

Mr. Beougher: Okay.

Mr. Pusser: I don't foresee, unless in that back area, there's an area by the garage, if they want to you know, go around in a circle, I could see that as a possibility if that was permissible. If its not, then its not.

Mr. Beougher: I would check that out with your landlord. I don't know how much property they own.

Mr. Gilbert: How loud in comparison to a street bike is a dirt bike?

Mr. Pusser: The four cycles are about the same. Two cycles which we will not be, probably not be bringing in, will be louder.

Mr. Gilbert: Okay. So in comparison to the other bikes that were there at the previous establishment noise wise, we're not looking at any significant difference?

Mr. Pusser: We'll be sensitive to the community on that for sure. We're not, this is kind of a hobby for us. You know, we don't want to make any enemies.

Mr. Gilbert: Okay. Mr. Baxter.

Mr. Baxter: Councilman Gilbert, thank you. One of the things from the previous owner was the, appointments were by special appointment. It wasn't a shop where people came in and out at their will. Most of the time the people came in from special appointments. Your business is going to be more open to retail. So you're looking to be having drive by traffic and traffic coming in and out of there. And I know parking, just driving by that is at a premium up front and around the side of the building. It's always a contention. Hopefully you're very busy. But I can see that being an issue and traffic being an issue with that corner. And I just wanted to make sure you were aware of those types of situations. I know personally my own son said, motorcycle shop, dirt bike, yeah, let's go dad. So I know the excitement's out there and the kids are ready to see it.

Mr. Pusser: What's his name and number?

Mr. Baxter: Yeah. Unfortunately it didn't take long.

Mr. Gilbert: You'll have to abstain now, Mr. Baxter.

Mr. Baxter: I know. So I think that's what my concern is. Just to recognize as a retail, regular retail store, looking and _____ drive by as well as people coming to your shop. It's going to be a traffic problem.

Mr. Pusser: Do we have any concerns with the city, we have I think four or five parking places out front that we have. I noticed there are a lot of people that do park along that street for the other shops that don't even have any parking places. So I assume that parking along the street is permissible. And other than that, is there anything we can do to limit?

Mr. Gilbert: In some ways it's good in that if they park up the street, it generates foot traffic past some of our other stores.

Mr. Pusser: There's other shops. Yeah.

Mr. Gilbert: So you know, take your pick.

Mr. Pusser: We'll be cognizant of a customer when he comes in. If they're parking illegal on that side street or something, we'll advise them, please, you're going to have to move into a valid spot. We'll definitely help you out that way.

Mr. Baxter: Okay.

Mr. Gilbert: Mr. Stearns.

Mr. Stearns: Thank you, Chairman Gilbert. My question is, the pocket bikes, is that what you're calling them? Is that the little ones that go down the street?

Mr. Pusser: Yeah.

Mr. Stearns: Would be giving a warning to the parents about they're not to ride them in the streets?

Mr. Pusser: Most definitely. Yeah. The sidewalks. And there's designated places and events now that are taking place. In the Home Depot parking lots and this sort of thing where they put up cones and tracks for people to ride for competitions and what not. The pocket snow mobiles of course, you can ride around in your yard.

Mr. Stearns: But the ones I've seen, some of the City of Columbus and different places, you see them out in the streets. You know, this is something that we wouldn't recommend. If you sell them in the City of Reynoldsburg, you don't ride them in the city.

Mr. Pusser: Perhaps we could ask the Council to give us the guidance that we can give to the customer as well for the laws in Reynoldsburg _____ to these bikes when we sell them. We'll be happy to do that.

Mr. Stearns: Okay.

Mr. Gilbert: Mr. Baxter.

Mr. Baxter: Councilman Gilbert, personally I'd like to hear from the Chief what the law is on this. Are they allowed to, not sell them, but ride them out on the street?

Mr. Gilbert: On selling them? Well, that doesn't pertain to this Special Exception.

Mr. Clemens: No it doesn't really.

Mr. Baxter: Not to the Special Exception.

Mr. Pusser: They're not allowed to be ridden on the street. I mean, they're not street legal.

Mr. Baxter: My concern is, then can we have some way in the legislation to state that we require that ours be sold with each of these books, or each of these bikes. So that people are made aware. Residents are made aware that we do have laws in the City of Reynoldsburg for riding these on the

street or whatnot. That's what my directions head toward.

Mr. Pusser: But I'd be happy to include that with the purchase of the bikes that these are the laws of Reynoldsburg so you're familiar with those prior to buying this. And if we would need, the Council would have the customer sign something and present it to you to give you a better ammunition for the police officer when he does end up _____.

Mr. Baxter: I don't know what the law is, that's what my point is.

Mr. Gilbert: You can certainly do that. It's not in our purview in dealing with the Special Exception.

Mr. Pusser: Okay. We'll work with you and not cause problems.

Mr. Gilbert: Right.

Mr. Baxter: We appreciate that. Thank you.

Mr. Gilbert: I'm still dealing with the visual of Mr. Beougher on a pocket _____. Very well. I appreciate you taking the time to come down this evening.

Mr. Hills: Mr. Gilbert.

Mr. Gilbert: Yes. Mr. Hills.

Mr. Hills: If I could, I think everybody has pointed out, and we're not going to be your insurance company. We're not going to give you too much advice or the City Attorney will be throwing something at us. You're in retail sales. But in your retail sales, it does concern me. Because I think some good points were made. The prior shop was a, while certainly open a number of hours, it was pretty much in the, by appointment we'll be over to sell you a bike. There was only one or two people that worked in the selling of those bikes. Yours is going to be, gee dad that looks nice, let's buy it as we're going by. And because of some recent changes in the city, I'm not sure that you have, anyone can get to your shop that is east bound on Main Street. You can't turn into your four parking spaces. Now granted, the reason you have the barricades you do up now is because somebody decided to tear the other ones down with a car going right down the middle of Main Street. Now I think if anything, that probably makes administration put up things a little more solid each time. And that is a concern. I don't think it was one you knew about when you said, let me go into the lease here. Because I'm afraid now that what you have, or it appears that what you have, because if someone now is going east bound and attempts to go to the dance studio or Helping Hands, if you look at that, they actually are driving east bound in the west bound lane in order to get into the alley. And that is blocking up traffic now. So I don't know how you're going to get in other than, they've got to come in from driving west to park in your four spots in front of your store. And that is a concern.

Mr. Pusser: An inconvenience to have them turn around and come back.

Mr. Hills: Well they're doing that right now. And I hope that we start ticketing on that. Because people have set a choice to come down 256, turn right on Main Street, turn left into the first alley, and back out into the street. So I don't think that was the intent of blocking off Main Street.

Mr. Pusser: May I ask what the intent of blocking that barricade?

Mr. Hills: What that barricade is doing is eliminating the left turn availability from 256 to Main Street. Now unfortunately, or fortunately, whatever, the fact of it is, by doing that, that eliminates access into your property on a left turn. No one can turn left or come straight into your parking lot.

Mr. Pusser: Not into the parking lot. It did appear that they could go into that alley and park on the side. You're saying that that's blocked off as well?

Mr. Hills: I'm saying, if you're driving east...

Mr. Pusser: I mean, it seems to be right at that threshold.

Mr. Hills: It's not, you're not turning dead left into the alley. You have to go up a little bit.

Mr. Pusser: A little bit. And so that would be illegal to make that turn.

Mr. Hills: I don't issue tickets. We have enough problems up here on legislative matters. But I would on a good day, I wouldn't be surprised to see a ticket issued. Depending on how it's been used or abused. This city is very tolerant on vehicles...

Mr. Pusser: It's illegal to make a U turn in Reynoldsburg?

Mr. Hills: I'm sorry?

Mr. Pusser: It's illegal to make a U turn throughout the City of Reynoldsburg?

Mayor McPherson: Yes.

Mr. Hills: It is illegal to make a U turn except for where it is marked as legal. But it is illegal. So I mean, I'm just saying, I don't know that you knew that when you entered into your lease or whatever. But it's there now. I don't see it changing. How that affects your business is something you may have to consider. I can tell you, it puts a thought and I think in most peoples mind up here. This isn't the person coming in to buy the 35 to \$70,000 bike. This is the kid that wants the 120 or \$150 bike. And there's a concern in my mind as to, let's all go down to the bike shop when it's very difficult to get there because of the barricades in the road. But that's just one we all have to deal with. And again, is this out of the Special Exception? I don't know that it is in this area. I think certainly _____ insurance.

Mr. Gilbert: Traffic.

Mr. Hills: Yeah, traffic is definitely one.

Mr. Gilbert: I don't think the traffic is.

Mr. Hills: I think that you know, it...

Mr. Pusser: It's an inconvenience and we're cognizant of it now. It wasn't when we signed the contract. We've actually already paid the lease for a year. We paid it up front for a year.

Mr. Hills: But it does become a traffic issue. Which, certainly on a Special Exception, the traffic issue is, and I look at, we're transferring the same thing that was on the other permit. It's not the same circumstances today as it was on the other permit. And traffic has made that difference.

Mr. Pusser: Would it be possible to maybe move the first two barriers a little bit farther up so that someone can make a left into that alley? Is that something that can be considered?

Mr. Hills: We didn't put up the barriers.

Mr. Gilbert: You'll have to have that conversation with the Safety/Service Director.

Mr. Hills: There's a person called the Mayor you can start with on that.

Mayor McPherson: Well they were back further. But people then were making a left hand turn. So they were extended out to prevent them driving in the wrong lane, and then cutting over into the west bound lane. So it was extended to prevent the left turn lane. People were still turning left, driving in the south bound, or the south lanes, to get into the west lanes.

Mr. Hills: I appreciate you taking those actions. Because our insurance company would frown on us blocking the road that causes accidents.

Mayor McPherson: Yeah. That's why they were extended. But I think you could still turn left without going into the west, or the yeah, the west bound lane. It's just not a 90 degree turn. But you can still make that turn I believe.

Mr. Pusser: I did it today. I didn't feel that I was doing anything illegal.

Mayor McPherson: Yeah. I've looked at it. I've not made it, but.

Mr. Pusser: You know. I'd like to address that with the police officer.

Mr. Hills: I'm sure the police will render. And I don't think it's going to be passed tonight any way. So I think maybe we can get those answers. But I know I've sat there and watched people make the turn and it's questionable at best. But again, I guess, even then you're going to get to the

side of your business.

Mr. Pusser: I would hope that the community obeys the law I guess is my statement on that. That they obey the traffic laws in coming to see _____.

Mr. Hills: That's not your, that won't be your concern. The concern I have is, I think you need to certainly be aware that traffic at this business, which is attracting more of a volume sales, you're not interested in selling one \$70,000 bike. You want to sell three or four little ones.

Mr. Pusser: Well, if we could. I mean, but we.....

Mr. Hills: You've got to have one for sale before you can sell it.

Mr. Pusser: We'll be marketing more of six, seven thousand dollar motorcycles and lower is what we'll be marketing. So yes, the....

Mr. Hills: And do to, what is the pocket rocket, whatever they are? My kids fortunately are old enough that they don't....

Mr. Pusser: The price starting of that bike is probably going to be about 6, \$700 for that bike. As well as the pocket snow mobile.

Mr. Hills: As well as the what?

Mr. Pusser: The pocket snow mobile.

Mr. Hills: And that is how much?

Mr. Pusser: About the same price as _____.

Mr. Hills: Six, seven thousand dollars?

Mr. Pusser: Six, seven hundred dollars.

Mr. Hills: Six, seven hundred dollars.

Mr. Pusser: Yeah.

Mr. Gilbert: It's an interesting dilemma because we're always interested in generating as many people in our refurbished down town section. And yet the traffic, then we make the argument that the traffic is an interesting dilemma. Because if you have a large degree of people coming from all different directions of our down town portion, to me that's a good thing. But then you have to balance that with the impact of the blocking of the road.

Mr. Pusser: Of course, the square footage of the facility is small. It's not going to facilitate 20 people in there. If that happens, we won't be there. We're moving to the Big Bear. But

obviously, if business is that good, that facility isn't going to, we're going to outgrow it fast, and it's not going to work at that point. It's not going to serve our needs either, and we'll be looking at a place larger in Reynoldsburg that we can move our facility. If it's small and stays that way then we're not going to inconvenience with the traffic. And it's kind of a hobby business for us and that's fine.

Mr. Gilbert: Okay. I'm going to make a motion that we just move this forward, the Special Exception Use itself, and get some input from the City Attorney if the current restrictions are still applicable. If there might be any additional items that need to be added. But we'll just move this forward on the Consent Agenda for its first reading. 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. Thank you sir for your time.

Mr. Pusser: This is the second reading we've had on this?

Mr. Gilbert: First reading.

Mrs. Frazier: The second.

Mr. Gilbert: Second reading. Thank you, Mrs. Frazier.

Mr. Pusser: So we have one more reading? Is that my understanding?

Mr. Gilbert: Correct.

Mr. Pusser: Okay. And that's in two weeks?

Mr. Gilbert: Right.

Mr. Pusser: Because our bikes come in three weeks. I'm hoping that things progress along.

Mr. Gilbert: Yeah. Alright. Thank you.

Mr. Pusser: Thank you very much.

Mr. Gilbert: Item number 8 is Ordinance to accept an application for annexation of 3.82 acres in Truro Township. This item had its first reading on June 13. Any additions, or any questions or comments from members of Service? (No response). Other members of Council? (No response). None being heard, I'll make a motion that we forward this on for its second reading on the Consent Agenda. 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 9 is an Ordinance approving a Special Exception Use Permit at 6300 East Livingston Avenue. I believe at last count we had over 60 public speakers in regards to this both pro and con. I also would like to thank those that have taken the time to make phone calls and

send e-mails and letters in regards to where you stand on this issue to the members. All of them have commented to me that they have read them and appreciated the information. At this point, I would just like to note, we're entering the final phase and the next phase of Council's role in this process which is to deliberate this as a body, and then move it on for final consideration. With that in mind, provided the item moves out of the Service Committee this evening, the item will receive its final action by Council at next weeks Council meeting. Which there's also an opportunity there for public input. With that in mind, and with the input that we have received to this point, this evening in an effort to deal with this in a timely manner, I'm going to allow three speakers on each side of the issue, and provide them with the three minutes, three to five minutes that is provided for by our rules. And what I'd like to do is take a brief four to five minute recess. I have the speaker slips up here if the residents and the applicant want to come up and determine which three individuals will be speaking. And then as noted, next week there also is public comment provided for at the regular Council meeting. And I would just admonish, if there's anything new in terms of the information that hasn't been provided yet, tonight is the night to be able to provide that. So with that said, we'll take a brief four or five minute recess and then re-adjoin.

Committee recessed at 9:09 p.m. Committee re-convened at 9:22 p.m.

The topic is the Ordinance approving the Special Exception Use Permit, 6300 East Livingston Avenue. The first part of this process, I would like to open up to the members. They have been predominately listening these past several meetings. And there's been a great deal of information provided on both sides of the issue. So at this time, I would like to open up for any comments or questions from members of Service at this time. Are there any comments or questions from members of Service? (No response). Other members of Council? We'll go, I'll start here to my left and we'll work, Mr. Clemens, Mr. Stearns, and then Mr. Stake.

Mr. Clemens: I'll try to make this short. It probably won't be, but I'll try to make it as fast as I can. I think we've heard good reports from both sides. But I think it all boils down to the standards and requirements of the Special Exception Use Permit is what we have to consider. And that's what I've considered. And the first one is (a) the proposed use shall be in harmony with existing or intended character of the district and nearby affected districts, and shall not change the essential character of the district. I think if churches fall under residential, and they fall under CO, and they _____ CC, I think it was there for a reason. I think it was there because when the ordinance was drafted, they felt this wasn't the proper use. Although where it could be a Special Exception to it and that is if it is an unusual situation, then you could put that in. The way I look at it is, if you stand on the corner of Brice and Livingston and you look north, south, east, and west and all you see is commercial, I don't care how far you look, you see commercial in each direction. Columbus and in Reynoldsburg. And I feel that is the important part of it. It is a commercial district and I think that's the way we should keep it. Now Mr. Dean Baumgartner, the architect, he brought up a good point at the last meeting when he spoke about churches and he gave a list of certain ones that were within the district, he felt within a half a mile, I think 6 or 8 of them he mentioned that this felt, he felt that this made the character of the district acceptable to churches. And I look at it, then that's fine and I have no problem with it because I think churches,

you can't beat them. They are a good, they're good morals, good character. But I looked at it today and I've looked at it and I went within three tenths of a mile of the district that we're speaking of. And there were three, and whether this is good or not, it doesn't make any difference. What it is, it meets the qualifications of the zoning they're in. But directly behind the center which is zero tenths is Twentieth Century Bar which is directly behind the Big Bear. Eagles is two tenths of a mile away. Now these are all liquor establishments that sell liquor, beer, or they're carry-outs that sell beer and wine. And you have the drive-in carry-out off of Brice Road which sits directly next to it. You have the liquor store. You have, in the parking lot in front of it within the same parking lot, you have _____ Liquor Bar and Grill. You have the Whale, which is liquor bar and grill. You have Delnato's right across the street from it which is beer. You have Max & Erma's which is liquor carry-out three tenths of a mile. You have Putter's Lounge, two tenths of a mile. _____ Lounge, three tenths of a mile. Spanky's Lounge, two tenths of a mile. Sunoco is zero tenths of a mile that sells beer and wine. Speedway is zero tenths of a mile, sells beer and wine. Sundance, the big dance hall, two tenths of a mile. Wedgies, I mean, there's places I didn't even know existed. Wedgies Bar and Grill, two tenths of a mile. Sinbad's Show Bar, I didn't even know that was there and I usually know where everything's at. That's two tenths of a mile. You have CI Convenient Store, beer and wine, three tenths of a mile. Rachael's Show Bar, three tenths of a mile. Day's Inn Lounge, three tenths of a mile. Quick Mart Carry-Out, three tenths of a mile. Now the only reason I'm bringing these up, I'm not saying these are something we should all be proud of, 12 of them are in Columbus, the rest of them are in Reynoldsburg. But they are the characteristics of the district. They're commercial. And so that's the only reason I brought that up. And those are within, all within three tenths of a mile. The next item that I thought about was item (e) which imposes traffic impact. And I was looking over the study, and I do want to apologize. I think I was probably a little off base on some of the things I said the day on his study, but the only problem is, I was looking at it, and I looked at it, and I looked at all the cars that he said came in and came out per day at the Big Bear which was averaging a little, and I figured it up, averaged a little over I think 9800 a day for the 7 days, I think if they would have had that they would have still been there. They probably would have been one of the highest grocery stores in Central Ohio if they would have had that number of car inputs per day. So I think the traffic part of it, I think shows that the traffic is for commercial district. And the number of cars really don't make that much difference as far as that's concerned. The other one that I have thought, (f) and that was the proposed use shall be in accord with the general specific objectives, and the purpose and the intent of the zoning code and the land use and the other plans and the ordinances of the city. I don't think this fits that. And I think that jumps back up to (a). I think the planned use at the time was to be a commercial, CC. That's why it was put there. And I think that's why it should stay there. Other than that, I think basically, they meet all the other requirements that the, (b), (c), and (d), and (g) and (h). So that's all I would have to say for it. I don't feel the requirements are all met and therefore, I think the standards should be met. And that's my opinion.

Mr. Gilbert: Okay. Thank you, Mr. Clemens. Mr. Stearns, then Mr. Stake.

Mr. Stearns: Thank you, Chairman Gilbert. We are in the process of, we're working in the democratic process right now. The applicants have put in a request for a special zoning exemption permit. When they saw the building or was introduced to them, they felt it met their

needs. And we're going through the process of having the three different hearings before City Council was to have Council vote one way or the other. As far as I see, all of the criteria has been met for them to be approved. I don't see why it should not be approved based upon, I guess I disagree with Mr. Clemens on some of the ones that he stated, but I see where they qualify for all of them. Tonight, we're in the process of making preparations to do Streetscape financing and construction. And I would certainly hope that what we do in that situation will have a reflection upon all the city as far as if there is someone that comes into the Streetscape on Main Street that is a tax exempt, would we treat them the same way that these applicants are being treated? In other words, what I'm saying is, what we do here, we have to be fair. We have to be fair about. Disregard whether the church is a tax exempt or not, we have to look at it from that aspect and say that when the building was put up for sale or whatever, the applicant I'm sure, I mean the owner did not put out for a suitable tenant as far as, you've got to meet these criterias and you have to be a retail business or something of that nature. So it is my opinion that the special exemption permit should be passed. Thank you.

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

Mr. Stake: Thank you, Chairman Gilbert. And I would like to say thank you for the way you've led these committee meetings, and I think you've been very fair to all concerned and I appreciate that.

Mr. Gilbert: Thank you.

Mr. Stake: This certainly is a tough decision. I think probably the toughest decision I've had to make since I've been here. I still have not made up my mind. I'm listening to everybody. I guess one of the fears I have is, that if we turn this down, the building stays vacant. And if the owner can't sell the building, maybe he stops paying to keep it up and those kinds of things, and I really can't see how that would help that area. When we talked about the intended character of the district, I guess I wonder what the district is comprised of. I mean, there is a Baptist church not far away. Is that part of the district? There is a retail establishment across the street from that. Quite a few I believe. A strip mall there. So I wonder what that is. And I've been around that area as well. I haven't seen as many bars as Mr. Clemens, but I know there are quite a few around there. And I guess, you know, in thinking about what Mr. Clemens had said, and I take his points and what he was saying. But you know, are we looking to leave that vacant so another liquor establishment can come in? A huge liquor establishment. I mean, because if that's what the district is comprised of, I guess that's what we're going to want to attract. And that's not what I want to attract there. So again, my mind is open up until the last person speaks next Monday night. But I do have concerns over leaving the building vacant and then adding to the blight in that area. Thank you.

Mr. Gilbert: Thank you, Mr. Stake. Other members? Mrs. Newman, then Mr. Beougher, and then Mr. Baxter.

Mrs. Newman: Well my thoughts on this are, first of all, it is zoned for Community Commerce. And the reason it was done, that people live in that vicinity and they need to avail themselves of

commercial facilities. And I've heard from so many of our residents saying that you know, they really feel that they need stores available for them. Which you know, and if that complies with the intended character of that district. You know, which is commerce. I think all these other churches for the most part in that area, are in residential areas. Not in commercial areas. I can't think of one that is, I may be mistaken, that's in a commercial area. And my primary concern is that the residents do need the services of commerce. That's my thoughts.

Mr. Gilbert: Thank you, Mrs. Newman. Mr. Beougher.

Mr. Beougher: Thank you, Chairman Gilbert. Mr. Stake is right. This is a very difficult issue. And I find myself drifting back and forth on both sides of the argument. I mean, it is a very, very hard decision. Particularly for me. I mean, I moved to Baldwin Road directly across from the Mormon church 16 years ago last week. And you know, bought my first lawn mower at Harts. Had a red casing and HARTS on the frame. Used it until it was a piece of junk. But I mean, you know, I spent a lot of time in that store. I spent a lot of time at the Schmidt's eating potato salad and maybe even knocking back a cold one a time or two. But you know, that area has changed. And it's a sad thing for me. Because I did spend 7 years of my life living there. And you know, when my son was born, my wife was on bed rest for 8 weeks and then you know, I did the grocery shopping. I spent a lot of time in that store. And it was our life line. And I understand that concern. But you know, if we turn this down, will it bring it back, or something else back? And it isn't fair that mismanagement of a company caused it to go out. It's not fair. But does our decision change any of that? And that's the issue that I'm struggling with. One of the issues that Mr. Clemens brought up is part (a). You know, shall be in use, shall be in harmony with the existing or intended character of the district. And you know, the word 'intended' came in to our zoning code in 1999. Before it just said 'existing'. And I think the intended character of that district is much different than the existing district. And I think Mr. Clemens has made a very valid point that there are a lot of establishments there that make a church a bit of a change. And one of the things that I noted in my research was, if the church goes in, another liquor establishment, pawn shop, or bingo hall can't go into the shops within 1,000 feet. So does that change the character? And is that change an adverse change? Or is it a change for the better? And the intended use, when we look at the planning guide that was adopted by Council in 1992, that area, that intersection is intended to be an activity center. One of five in the city. One that we don't, haven't annexed yet. And the nature of that store, I mean, 101,000 square feet, that is an anchor store, and is intended to draw shoppers to it, pass through traffic. And one of the things that Mr. Younger's study pointed out to me, it kind of pointed out what I had suspected all along was that the traffic would be less on a daily basis. Certainly there would be more on Sunday. But it's not going to draw in traffic that's just passing by on the street and have walking traffic to the other shops. So on the other hand, you know, how do we tell the church that they can't worship in that location? They've chosen this location out of the 36 or 40 big boxes in the area, in the greater Franklin County area. And you know, just as I chose this community 16 years ago, they've chosen this community as well. And how do we tell them that we don't want them here? I think that is perhaps a mistake. And freedom of religion is one of the most important freedoms to our nation and to me personally. And I'm like Mr. Stake said, I'm going to reserve my judgement until the last word is said and Nancy calls my name. So, thank you.

Mr. Gilbert: Mr. Baxter.

Mr. Baxter: Thank you. First off, I too would like to thank you for the great job you've done in managing this. I agree. This is also one of the most difficult decisions. At least for a new Councilman as well as some of the senior ones. As a new Councilman, I've looked to some of the senior Councilmen for at least discussion, and hear different points of view. But mostly, over the last several weeks, we've listened to our community, both inside Reynoldsburg and outside. And I'd like to thank the public for being a part of this and making the decision at least a little bit easier hearing what they've had to say. With that being said, I've looked at this as basic arguments. First off, we have to make our decision based upon our laws. And as Councilman Clemens had stated, intended characteristics is the key, at least for me in this argument, as part as letter (a) in our code. And I ask that we look at intended characteristics specifically. I've heard arguments based upon empty box versus church. I don't think that's a good argument. Because I would rather say full box. If it's a church or retail. Because an empty box is never an intended characteristic. So to make the argument, would I rather have it empty or a church is just a poor argument. Because you don't ever want an empty box. I would rather say retail versus church. And what does that do? For me, retail drives more retail. And that means growth for our city. That's a positive for Reynoldsburg. A church on the other hand brings positives in its own. Moral positives, community positives, services. So again, a positive on both sides. Another concern is the planned use. I think Councilman Beougher hit it on the head with, well, what's next? How do we then intend the rest of that area? So what it said to me was, the intended characteristics changed. And part of our law states that we cannot change the intended characteristic. So for me, it's a very hard decision, but one that has to fall toward the fact that our law says we cannot change the intended characteristics of a planned area in my mind, is commercial. And that's my opinion. Thank you.

Mr. Gilbert: Thank you, Mr. Baxter. Any follow ups, or additional comments? Mr. Clemens.

Mr. Clemens: And I agree with everybody's statements that they've said. And I know everybody has their hard thoughts on this, and this is a tough subject. I just want to get back, I didn't bring up all these liquor establishments to point out they are liquor establishments. I just wanted to bring that point, they were in the proper zoning. They were in the proper zoning. Mr. Baumgartner brought up the churches, and I have no problem with that. But they are in the residential district. They are not in CC. And these are within the district of being commercial, plus many other great businesses. Don't get me wrong. I just brought that up to show that these are in the district because they are properly zoned to be in the district. And that's the only difference. And there is one church that is, there's a Calvary church within two tenths of a mile and it sits right next to Spanky's, and it's where the old Ryan's Steak House used to be. So there is a church in that district in Columbus. It's right there on Livingston. That's the only reason, I didn't throw these out to make you think I knew where all these places were. I knew where some of them are. Not all of them. Don't get me wrong. But I just wanted to check it out. But they are in the proper zoning. That's the only part I wanted to bring up. And there's many other businesses in that. And that was the point.

Mr. Gilbert: Sure. Thanks, Mr. Clemens. Mr. Baxter.

Mr. Baxter: I just want to follow up. Since Councilman Clemens is clarifying, one other clarification I'd like to make is, with the big boxes, one of the statements we had heard is that there's a lot of these out there. Thirty six properties in a very close area to us. And I've looked at that research, and as you look at it, the actuality of it is, there's only four that meet the same criteria that the Big Bear meets. And out of those four, one of them is a mall here in Columbus. Another one happens to be in Newark, Ohio. And only two of the other ones out of those two, don't have parking capabilities to meet the expectations. So in my mind, there are three buildings, commercial buildings of which this Big Bear is one of our largest. And I'd hate to see us lose a great opportunity in commerce. So I just wanted to make sure we clarified those facts.

Mr. Gilbert: Okay. Mr. Hills.

Mr. Hills: Even though I'm President, you can't pass up the opportunity. I certainly commend, besides Mr. Gilbert, I commend everyone that has come in here and presented their positions. It has not been easy. As President of Council, I spent 10 years voting, but once elected President of Council, I only vote if there's a tie. We have sat here tonight and I think you have heard some synopsis. You'll hear more between next week. This is difficult. I've spent a number of years up here and I think this is probably as sensitive of an issue from a personal basis as there is. We hear it's easy. We all get the advice for sitting up here. All the answers are in the code. And I don't disagree with that. Other than you can justifiably interpret the code as you chose to interpret it. And you're not going to be wrong when you do that. And decisions are tough. But that is why these people are up here as Council members. And they will come up with a decision. And I don't know, and I think as you all sit here now, everybody can start counting on fingers, but you're never sure where that fourth one is, are you? And it takes four. And that's what it's going to take, is four votes. And so, let's just wait and see. The people have tried to be as open and honest with you. I appreciate that from Council. And I just again, I will vote only if there's a tie for some reason. But I would just hope that everyone would look at this as difficult a situation for these Council people as it has been for you all sitting out there. And each one will vote as they deem to be appropriate. And I don't think there's going to be anything personal in any of this. It's all what do you think we were elected to do is how these votes are going to come out, and how that fits into the existing code. So again, the codes as you've heard can certainly be interpreted. I think we just need to move forward and address this as a decision that's before Council. And I commend everyone on Council, and also everyone that is in the audience and has spoken in opposition or as a proponent. And everyone's done an outstanding job. Thank you, Mr. Gilbert.

Mr. Gilbert: Thank you. Other comments from members of Council? (No response). None being heard, I'd like to move to our public speakers. The first speaker is Ken Wright. We have three minutes.

Mr. Wright: I'm just glad to hear some of the comments from the Council finally. And I definitely agreed with some of them. One of the things that struck me when Mr. Beougher said that it was his life line. That store was his life line. Well, it served us, for us that same way for a long time. And my son has a vision disability. He wasn't able to drive. And so, that store was the only grocery store he'd walk to, which he did frequently. So he really, I mean he had that

growing up. And if that store hadn't been there, well, he would have just had to get a ride, even to go to the store for whatever personal items he needed. There was a girl the other day I talked to because I went around the neighborhood again to ask more people what they thought, and naturally, they're against putting the church in there. They want the store back, or to keep it commercial until the store comes. And there was a girl who was at one house, she was developed mentally disabled I guess you could say. She can't drive. And she was obviously very hopeful that a store could come back in there. Because she used to go to that store too. And since she can't drive she's in the same boat that my son's in. She always has to either get a ride from relatives or cab or whatever, in order to go to the store. And so, that's what was on my mind just now when you said that. But there's something else I wanted to say. That the attorney implied on one of the meetings that, well, let the church come in. It's an empty store. It's a blighted area already. Because I kept emphasizing how I felt that that leads to blight, or is a sign of urban blight. But it's not a blighted area yet. It's not a blighted area. Century City. I have a list here of 21 spaces. All of them are occupied except for just 3 small spaces. And across the street, Brice Point Shopping Center. I really couldn't find an empty space in that. For sure. I don't know. I couldn't quite tell if the Touchdown Club owned that last space or not but I mean, the only thing that's not occupied really is the Big Bear store. Now out in front, what I'm considering that area is the whole thing all the way out to Brice, and all the way out to Livingston on both sides. And all these stores are out in front of it, they're all occupied. They're all going except the only thing I could find that wasn't is the...

Mr. Gilbert: Thirty seconds, Mr. Wright.

Mr. Wright: Well, I just wanted to make, I wish I had time. I wish I had time to read you the list. It's a varied list. Widely varied list. And there's only a few empty spaces in either one of those developments. But if you want to see the blight that I'm worried about, all you have to do is go down to, you go down to Livingston and Brice...

Mr. Gilbert: Ten seconds, Mr. Wright.

Mr. Wright: And head towards Columbus, and you will see the blighted churches next to the one Mr. Clemens talked about. The church is sitting there. It used to be an eye glass place or something and it's derelict. It may be still operational. I don't know.

Mr. Gilbert: Mr. Wright. Thank you for your time.

Mr. Wright: Alright.

Mr. Gilbert: Tom Eller.

Mr. Eller: I think it's pretty much all been said. And I too want to thank the Council, and Mr. Chairman, your Service Committee for all your patience with all of us. We felt important to have the input. And President Hills, I think you're exactly right. It is in the code. And I urge you, I beg you, if you're not intimately familiar with 1145, please, please read that from one end to the other. From a layman's point of view, I've read it and I think it's good. I think it's fair. And I

think it's very reasonable. And I'm comfortable with it. But I've read it. And please, if you're not intimately familiar with it, read it and understand it as it applies to this specific situation. The application itself really is not in compliance with 1145.03. You need to understand that. The application says it's going to be a church. The Zoning Board minutes, if you'll dig those out, the transcripts, you'll see that Bishop Dawson described activity far beyond church activity. The May 16 meeting here, and Chairman Gilbert's Service Committee, Bishop Dawson again described a number of activities far beyond the church activities. None of that information is on the application. All of that information, 1145.03 requires that any activity on that site has to be described, has to have narratives. If you look at 1145.03 and you look at the application, it will be clear to you that the application really isn't valid because it does not address the required points in 1145.03. And that's you know, we're off to a bad start because the application really isn't valid. Okay. That aside, take a look at 1145.07. 1145.07 authorizes the Council to deny this request if any point in the law is not valid. Another important point. And we all know 1145.09, the eight points in 1145.09, they're critical too. But I believe, if you factor in all the additional activity that we heard that is planned for this site, I think you can go through there and find at least five of those eight points in 1145.09 that could adversely affect the area. Therefore, I think it's, I think the intent of 1145 is to first protect the area while allowing change when change is in order. So again, please, if you're not familiar with it, look at 1145.09 and thank you very much.

Mr. Gilbert: Thank you. (Tape Change). Julie Hobensack.

Ms. Hobensack: Hi everybody. Thank you for letting me speak. I've attended every Council meeting since this issue has gone for public discussion and I've listened to points, and counter points, and counter, counter points and so forth regarding this issue. Above all else, what should make the largest impression on all of you is the number of citizens who have spoken out against this issue. They far out number those who have supported this issue in this forum. In essence, what I'm saying is, the people of Reynoldsburg have spoken to you and they are speaking to you. And my question is, are you listening to what they're saying? On a personal note, many of you have been at my door asking for my vote, and many of you run on the platform that you didn't like what Council was doing. It was out of touch with what the citizens of this city want. And you're going to change that and that's why I voted for some of you. So, I want you to take that into consideration. The citizens of Reynoldsburg are telling you that we do not want this. We want the retail. We want the tax money and we want the growth back to our corner of this City of Reynoldsburg. There's no debating the number of people who have taken time out of their evenings just to come and tell you this. So the residents, tax payers, and voters of this city have spoken. And please, take that into consideration when you are making your decision. Thank you.

Mr. Gilbert: Thank you. Mr. G. Thomas Turner.

Mr. Turner: Good evening. I'm G. Thomas Turner, resident of Reynoldsburg for about 18 years. And although I'm a Pastor, I'm not here in support of any particular group or representing any group, but I do support Bishop Dawson in this proposal. I've had 49 years of experience as a Pastor. And over the past two decades, the scope of ministry has changed. The church no longer just preaches Jesus and salvation from sin. But rather, we have to develop a holistic ministry.

Spirit, soul, and body. It is my opinion that Bishop Dawson and this church would be an asset and not a liability because they are attempting to carry out the mission given by the Lord in Matthew. Thank you.

Mr. Gilbert: Thank you. Ken Golonka.

Mr. Golonka: Good evening. I've already walked through with this body, our position on the standards and how this does meet 1145.09. I agree with the view that this was at one time a purely commercial area. Whether it is an intended characteristic or not, you do have an abandoned store there with nobody coming in. And that's not something you could ignore and just say, look, there may or may not be a store coming at some time. I feel bad. I think everybody who has lived in an area long enough has had treasured commercial properties gone out and have had to look elsewhere. But communities change, areas change. It doesn't mean that it changes for the worse. And in fact, a church is a good neighbor. It's a neighbor that provides community resources. They help people. They minister to people, and they help people achieve their full potential. Calvary wants to be a part of this community. They chose this community because many of their members live in Reynoldsburg. We have a petition which has over 145 residents of Reynoldsburg signing saying, we decided not to get into a battle of petitions but, when people stand up and say, the neighbors want this or don't want this, we have Reynoldsburg citizens that say they do want this. As far as the standards go, the concerns about parking that have been raised, I don't think are relevant. There's 500 parking spaces. As far as the traffic study goes, clearly, at least based upon Mr. Younger's study, this would not be something that would create additional more traffic than a shopping center would. We believe that Calvary has met the requirements of your code. The BZBA believe that Calvary met the requirements of your code. Your standard, according to the BZBA, has been met. Your discretion to review their standard to see whether or not they have violated the code, and that's certainly your right. When you talk about upholding the law, there is the law of Reynoldsburg, there is the law of the State of Ohio, and there is the law of the United States of America. I've cited a couple of times RLUIPA, which was passed by an overwhelming majority of a bi-partisan, Republican and Democrat Congress, the Senate, the House of Representatives, and signed by the President. And it is a law which has been used very often. But what I want to do is just kind of point out to you and read you real briefly, selected sections of the legislative history. Because there aren't a lot of court decisions out there. Although there was a Supreme Court decision that came down just last month that unanimously upheld a critical part of RLUIPA. But when we talk about discrimination, I don't think anybody's accusing the City of Reynoldsburg of intentionally discriminating. And RLUIPA doesn't care if it's an intentional discrimination. What they say is, churches in general, and new and small, and unfamiliar churches in particular, are frequently discriminated against on the face of zoning codes, and also in highly individualized discretionary process of land use regulation. Zoning codes frequently exclude churches where they permit theaters, meeting halls, and other places where large groups assemble for secular purposes. Or they require individualized permission from a zoning board that could exercise their authority. Discrimination more often lurks behind such vague and universally applicable reasons as traffic, aesthetics are not consistent with the city's land use plan. Churches have been excluded from residential zones because they generate too much traffic from commercial zones because they don't generate enough traffic. Churches have been denied the right to meet in _____ store fronts, and abandoned schools, and converted

funeral homes, theaters, and skating rinks, and all sorts of buildings where they permitted, where they generated traffic for secular purposes. The discrimination against religious use is a nationwide problem. And again, this is legislative history of RLUIPA.

Mr. Gilbert: One minute Mr. Golonka.

Mr. Golonka: It does not occur in every jurisdiction with land use authority. But it occurs in many such jurisdictions throughout the nation. Where it occurs, it is often covert. It is impossible to make separate findings about every jurisdiction, or to legislate in a way that reaches only those jurisdictions that are guilty. A very broad statute was passed by the U S government 5 years ago to prevent discrimination and land use, a basis to prevent a church from coming into this kind of situation. Whether or not you like the law, it is the law of the United States government. There are serious repercussions for communities that don't follow it. And I think that it's important to remember that when you're looking at the standards, and I think I disagree with some of the members that you don't meet the _____, firmly believe they do. But there are other laws beyond Reynoldsburg that you must take, I believe, you need to take into account when you make your overall decision. It's a very difficult decision. There's no question about it. It's a painful decision. For the neighbors, I respect their views that they miss the store, they'd like another store there. We've brought people in to say that that, they've tried very hard to get another store here. They haven't been able to do it. We firmly believe that this is the right use. That Calvary will be a good member of this community, and we respectfully request your support.

Mr. Gilbert: Thank you, Mr. Golonka. I know Mr. Loveland, you said it's just optional in regards, is there one more, we have one more opening. Bishop Dawson, if you'd like to speak. Thank you.

Bishop Dawson: I would like to say to Council members, I appreciate your patience and your integrity. Mr. Gilbert, you've done a wonderful job. Mayor, God bless you all and for everybody. Including the Reynoldsburg community. I greatly appreciate your concern and your passion to have a grocery store there. I'm looking at your symbol. The Reynoldsburg symbol. And I see the family, and I see the harvest, I see the sun. But most of all I see a church sitting right there with the Word of God on the other side. And with all the wine and different joints that are around, it is not our task to come into your city and try to move them. We don't want to change them. We ain't trying to get drunk. We won't pass out flyers to them and all that kind of stuff. We take communion. But we're not looking to become a nuisance. We just want to become a friend. And the young lady mentioned votes. My goal as a Pastor and a Bishop is to bring valid citizens in with valid people that you already have. You have good people here. And the Pastor that just came up, he's a good friend of mine who has an awesome church on the west side of town, and he's a very powerful man of God who have great friends across the world who lives in Reynoldsburg, and I just want to be like him. I want to grow like him. I want to be like that man that just walked up to the microphone and stood before you and said this would be a good church. Because he's a good man. And he's the type of guy we followed around. And I've gotten bald on the top just like him, following him around. But I'm excited about an opportunity to be here in this City of Reynoldsburg. And me and Mr. Clemens can be good friends. We can be wonderful friends. We can be hang out buddies. I'll fix him black eyed peas and some collard greens, and

you know, things. He can come over and eat with me and we can hang out and become boys. But I want to say to the community, I would, we would add to the community. We can do something on the parking lot every year. We could throw a celebration. We can have some fun. Blacks and white together. That's what Reynoldsburg is all about. It's just not an all white community. It's not an all black community. It's a community of coming together. Of people putting their minds together, putting their hard work and their ethics together. Our brilliance, their brilliance, and make up one great population. And then put that, package it and put that on TV. Let the nation see that Reynoldsburg is a changing but progressing group of people who are doing something in the twenty first century that most communities, most cities would be jealous of. And we could do something that's wonderful here. And I appreciate every, every single, whether it was good or bad, remarks. It didn't mar us. It didn't take from who we are. And my goal is not to take from who Reynoldsburg is. I just want to show love and show all the respect I can. And help the Mayor and help this city become one of the greatest cities and the greatest regions it could possibly be. And with the type of people we're going to bring in, I'm quite sure of that. And we want to bring people in and move here and spend our money here and do what we can to be any assistance to The City of Reynoldsburg. God bless your decision.

Mr. Gilbert: Thank you. Any other comments from members of Council? (No response). None being heard, at this time I'd like to make a motion that we forward this on to Council for its final reading with a recommendation for adoption. 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. Thank you everyone for your words and your time this evening.

And with that I will adjourn the Service Committee at 10:09 p.m.

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

July 5, 2005
(Transcribed - Susie Smith)
FINANCE COMMITTEE MEETING MINUTES
JULY 5, 2005

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

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

Mr. Stake: I would like to call the July 5 Finance Committee to order at 10:10 p.m.

The next item on the agenda is approval of the minutes of the Finance Committee meeting held June 20, 2005. Are there any changes to those minutes? None being heard, they'll stand as submitted.

Item number 3 is approval of the agenda. Do the members of the committee have any changes to the agenda? (No response). I have one change to the agenda. I would like to add as 3a, ORDINANCE MAKING APPROPRIATION FOR THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDOR REVITALIZATION PROJECT PHASE II, (Main Street) AND DECLARING AN EMERGENCY. Do I have a second? Second by Mr. Beougher. Any discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item 3a is the ORDINANCE MAKING APPROPRIATION FOR THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDOR REVITALIZATION PROJECT PHASE II, (Main Street) AND DECLARING AN EMERGENCY. This is for the funding of Contracts A, B, and C that were discussed in the Safety Committee meeting. Actually, there's three parts to this. One is the, in Section 2 and 3, the financing. Some coming from the bond issuance sale, and the other from the Enterprise Funds. That's Section 2 and 3. That would be for the project. Under Section 5, \$647,243 would be contingency for Contracts A, B, and C. And then, Section 6 would be an appropriation of \$674,000 to pay Evans, Mechwart, Hambleton & Tilton for professional services in relating to the construction management services, construction administration, field representation services, material testing services, and construction layout staking services. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). Administration? (No response). Okay. I believe we want to add this to the special Council meeting this evening. So if there are no questions or comments, then I will make a motion that we send this on to the special Council meeting this evening with recommendation for adoption as an emergency. Is there 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 4 is the RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF REYNOLDSBURG, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2006 AND DECLARING AN EMERGENCY. I believe its had its first reading on 6-13. It also had a

Public Hearing. And in order to meet our time table, I'd like to send this on to next weeks Council meeting for its second reading with a recommendation for adoption as an emergency. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). Anybody in the audience? (No response). Okay. Then I will make that motion we send this on for second reading with recommendation for adoption as an emergency. 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.

And I will adjourn the Finance Committee meeting at 10:15.

Finance Committee
- -Nancy C. Frazier, Clerk of Council
July 5, 2005
(Transcribed - Susie Smith)

