

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
June 23, 2008

President of Council William L. Hills called the meeting to order at 7:30 p.m.

Members of Council present: Mel Clemens, Antoinette Newman, Donna Shirey, Ron Stake, Fred Deskins, Jr., Doug Joseph. Councilwoman Leslie Kelly was absent.

The Invocation was given by Mr. Hills, who also led the Pledge of Allegiance.

Minutes of the regular Council meeting held June 9, 2008 were approved without objection.

The agenda was approved.

Community Comments and Requests:

Patrick Ahern, 1364 Azalea Drive, Reynoldsburg addressed Council concerning disturbances at O'Toole's Bar, saying the following: "Okay. O'Toole's Bar at the corner of Waggoner Road and East Main Street, they put a smoking patio deck in April, 2007. In mid-summer sometime it was doubled in size. I started calling Police in August of 2007 when the noise became excessive. Through June 20th of this year, I've called the Police thirty-four times. They responded to the best of my knowledge every time, quickest in ten minutes, sometimes in forty-five minutes. I can see this entire area down there when the leaves are off the trees. Right now of course, I can't, but I can certainly hear it. On February 9th, there was an unusual noise and a fight involving over one hundred people, this is a Police estimate, and gunfire. Police said a party at the east end of the shopping center was responsible, but I also saw fighting behind O'Toole's. I've talked with Arlene Solomon, who lives across Azalea Drive from my condo and she will confirm what I say. She also has heard gunfire at the rear of O'Toole's. I've also talked with Eleanor Bassford, who lives to the rear of my condo and she will confirm what I say. She has also called the Police many times.

On February 19, 2008, I met with City Service Director, Steve DeBolt and Lt. Scott McKinley. I explained the situation involving noise, screaming, cursing, foul language, public intoxication, public urinating, drinking from open containers, fighting, and bikes racing their motors until 2 a.m. He promised to investigate and contact me. On February 22nd, he left a message on my answering service stating that he had met with the manager at O'Toole's, who said he would keep patrons quiet. Mr. DeBolt stated that he would increase Police presence. Next month, March, nothing had changed. On March 17, 2008 I met with Mayor Brad McCloud. I again explained the situation. He said that he would investigate. He called me on April 3rd and said that he visited the location. He stated that arrests had been made for smoking pot, and public urination, but though he feels for me, nothing can be done except routine police patrols and for me to call Police when the noise becomes excessive. He said that he could not keep Police there all the time. My bedroom window is covered with Styrofoam and sealed with duct tape and covered with a large bath towel to keep out the noise. I might add this place, if you would visit and look at

it, it's behind O'Toole's. It can't be seen from the front. Part of the building down there sticks out to the East - there's dumpsters to the West so it's like enclosed. They can and they do, do anything back there they want to do. I have seen everything that you can imagine. I have a letter here from a friend of mine who stayed with me over a period of time and he will confirm exactly what I say. His name is Eric Tipton - he resides in Virginia. This letter I have from him was signed by him in front of a Registrar and dated. Arlene Solomon is here and Eleanor Bassford is unable to be here because she had a medical condition and she can't be here, but these two people will confirm everything that I've said. I think you - I don't have to read these City Ordinances to you here about the level of noise. It states if uninvited noises plainly audible at a residential receiving property or a part thereof greater than fifty feet away from the property line of the sound source or is plainly audible at a place of business or part thereof greater than one hundred feet of the property line or sound source. That's unreasonably loud noise in that City Ordinance. I live about 150 feet away from there. That's all I have to say."

Mr. Ahern left documentation to be copied for Council. Documentation is on file in the Clerk of Council's office.

Judy Murtaugh, 1297 Azalea Drive, Reynoldsburg, said: I'm with Mr. Ahern. I'm the President of the Homeowner's Association at the Retreat at Coronado Woods and we just kind of want to reiterate and support Pat's assertions about the problems that we have at O'Toole's. We also would like to share with you all our concern about the apartments that would be to the north of us - Oakbrook Apartments. They have recently changed their leasing policy to except subsidized housing, and so between the trespassing, and the decay of the property, and the use of pot - you can smell pot all the time; and they get drunk, and pee in the yards; and it's really between the noise we get at O'Toole's at night, and the problems that we have during the day time and in the evenings at the apartments. It's really becoming not a very nice place to live. We have thirty-four units; a lot of us are older citizens and we just think that it would be in everybody's best interest to help promote the well-being of our citizens. We know that we spent a lot of money on Main Street for the beautification of our city and it looks great. We love it, but at the same time the core of our community we think needs to be addressed. We would very much like to know what to do. We just want to know the best plan of action for us as a community to take care of ourselves and also what, as a city, we might be able to do to improve the living conditions we have here. So I also noted on my notes here some of the problems that we have had at both facilities and I'll leave this with Ms. Frazier as well. O'Toole's is really a problem. I have tried to find the landlord of the building. I've tried to call Mr. - the owner - Mr. Gundy and I can't seem to find him ever at the establishment. I do know his liquor license expires in February and if he continues to be a nuisance we'll continue to ask the Council to review that when it comes up. We know that we have as a community the right to protest that should it be a continued nuisance. So I will just share this with you and if you have any suggestions we are open to what we might do to make our community better.

Mr. Hills encouraged Ms. Murtaugh to continue to make calls to the Police.

Ms. Murtaugh: You know we try - but you know, for example - somebody's urinating in the yard and he's trashed. By the time the Police get there he's gone and we can't find him. So we feel like we've called the Police and wasted their time for no reason. If you think that's the best plan of action we will continue to call the Police every time we have an incident.

Mr. Hills: I do think it is, because let me suggest this, especially on one where say they're issued a Liquor License, before the Legislative Body who's the party that asks to have this thing reviewed and not issued again, they base it on what the Police Department is telling them about the number of incidents they've had there. So I always encourage and I know it may not - Lt. O'Neill's back there - I don't think he's ever going to complain - don't call us if you feel scared or concerned in your neighborhood. I don't think anybody's going to encourage - I don't think the Mayor - you're not going to encourage them not to call. What it does is document. We'll have a list of when Mr. Ahern called but let me assure you that when you call that Police number - it automatically makes a record of that call coming in, the time and where it was from so those are internal and that's what's used to review where we have the problem areas. I think the City is trying to - I hate to use the word "clean up" but certainly there's some areas that are not what all of us would have liked to have had or did have a few years ago. I'm not so sure but what that isn't true in almost any suburbs of a big city but I think that this Administration - I know this Council is certainly concerned about let's make the best of what we have. Certainly bringing these to our attention leaves another area that needs to be addressed. We need to be concerned and follow up on it and it sounds like you are doing what needs to be done and that's keep the Police informed - keep Administration informed. Mayor, do you have anything you'd like to add?

Mayor McCloud: This has been kind of an ongoing issue and I think it was exacerbated when the smoking ban went into effect and it created a need for people to need to go outside and smoke. Every time the doors open, the sound that would otherwise be captured within the bar is blasted across that ravine. There's rocks that echo. That's not all of their problems but that was kind of intensified at that point. I did speak with Mr. Ahern - I've spoken to the Chief - I've been there - it was my understanding when I last spoke with Mr. Ahern that his characterization was that it had improved - obviously not. There is a little bit of an issue of the Police need to be there and see it, with some of these things, but we're not ignoring it. We encourage them to call and if it pleases the President and the Council, I would be happy to make a report on this at the next regular reading night of Council and get together with these folks and maybe I can reach the owner and see what kinds of things we can do to help alleviate these issues.

Mr. Hills: I think we'd appreciate that. Does Council agree that...

Ms. Murtaugh: I'm sorry - I have one other comment. I know that they had a building permit. I did call and check that they did have a building permit for the patio, but I do know that National Codes require that there be restroom facilities allocated to the same square footage that they use as the exterior seating conditions and I wonder, for example, if a bar or a restaurant is 1,000 square feet and it requires 80 seats let's say - the number of bathrooms that the local code requires is based on those particular numbers. Once you add seating to the exterior premises and don't increase the facilities - because that patio is used ten or eleven months of the year unless it's just really bitterly cold.

Mr. Hills: You probably just generated a project for the Building Department.

Ms. Murtaugh: That's kind of what I wondered as if - let's be sure that we've explored all of our options.

Mr. Hills: I think probably the square footage of the patio incorporated is the square footage of usable space, but I don't know that for sure, and that's why we have Building Department. Let's let that - and I'm sure the Mayor can incorporate that in the report.

Ms. Murtaugh: Thank you. I'd appreciate that.

Mr. Hills: Okay. Lieutenant did you have a question or a statement.

Lt. O'Neill: Not exactly a question, but just to kind of reiterate what you were speaking about earlier President Hills. Many of the members of Council may recall that we petitioned for and received a local law enforcement block grant last summer. As part of that, we use our statistics that are generated every time someone calls in to determine the areas of town where we would most likely be effective in placing overtime officers to address specific problems. We realize we're not going to catch people every time someone calls on them, but we do capture that phone call and it does go into our data base so by all means, continue to call. It gives us something that we can get our hands on and say if we're going to spend overtime dollars to put additional patrol out on the road, then the Oakbrook - O'Toole's, Waggoner and Main area would be a good place for us to start.

Ms. Murtaugh: Thank you. Thank you very much for your time and attention.

Mr. Hills: Councilperson Newman.

Mrs. Newman: I'd like to ask - I don't know Mr. Hills if you could tell us, or maybe Mr. Hood, how does the procedure go with the issuing of a liquor license. If we disapprove of it or file a complaint with the State Board of Liquor Control, does that have an effect, or would individual people file a complaint objecting to their reissuing?

Mr. Hills: I'm sure that Liquor Control could take an individual complaint, but I think it's more successful - what happens is, it's reviewed yearly. All liquor permits - a letter comes out to all legislative bodies saying - February is the review date of any liquor license that you don't want renewed, but now I'll turn it over to City Attorney Hood.

Mr. Hood: Well, my expertise is limited to the last objection that we made. If the Council remembers, just a few months ago, there was a transfer of ownership of one of those establishments in the Reynoldsburg area - I'm sorry - in the City limits. We actually had a hearing at the Department of Liquor Control. As far as I know - I haven't been notified of their outcome or the decision that's been made yet, but there are options for this legislative body to take action and then also citizens as a whole, or as voting precinct to be more specific, to take action.

Mrs. Newman: How would the individual citizens I wonder know about such a hearing if they wanted to go and appear at the hearing.

Mr. Hood: I think the first step would be for the Council to make a decision if they want to object to the reissue of the license. Then it would be incumbent upon us to notify citizens who came in

and spoke up or to call witnesses. To be more to the point, to call witnesses on the city's behalf to make our argument and go from there.

Mrs. Newman: Okay. Thank you.

Mr. Hills: I would also add I think Ms. Murtaugh and Attorney Hood - I'm sure that the Press will be printing and we look at January and February of those that were not going to be reissued, you will see something in the local paper about news of that and certainly some of the information that we would use to make that recommendation would have come from you all's complaints into the Police Department. That's where the Police are going to come to us and say let's don't reissue this permit because it's a problem situation. So it all kind of pieces together. The sad part is - is it going to be fixed next week - no, but bringing these up and letting us try to work on it and letting Administration try to see what they can do - we always do appreciate knowing that there is an issue. I had not heard until tonight that O'Toole's was - I hadn't thought about the smoking patio, but I hadn't heard that they were an issue. They had been a number of years ago and it was sort of straightened up and now it's not. So and I'm sure that the Mayor will be looking - he will give us a report. Actually, it will be three weeks from tonight I think because I believe June 30th is the fifth Monday so he will report on an update for Council on the issues that were brought up tonight.

Ms. Murtaugh: We appreciate that. We would just would hate to see some unfortunate event and serious injury either on Main Street or in the parking lot itself. Unrespective to the issues that we have, you know that it's a bigger community issue I would think. So we're just hoping that we can address it so thank you very much. We'll keep calling.

Mr. Hills: Thank you.

Ms. Murtaugh: Thank you.

Mr. Hills: I do not have any other speaker slips. Is there anyone else that wants to address Council on an issue? Yes Sir. If you would go to at least that mike - yes.

Mr. Brewer: My name is Michael Brewer and I'm with the Condo Association. We talked a lot about O'Toole's but we haven't really addressed Oakbrook. We have a lot of people - our property is posted "No Trespassing" but we have a lot of people riding bikes through there - walking through there - coming in and peeing on the lawns - that kind of stuff. And we've had some items come missing from people's porches in our Association. The question is what can we do with that.

Mr. Hills: I think the question's going to be the same. Number one - the Mayor - I expect the Mayor to bring back - I think he has in his notes about the Oakbrook comment - when I saw him writing down as Ms. Murtaugh was speaking to us. You're talking about instances in private complexes. Certainly if you're having things stolen - again - Police report.

Mr. Brewer: Now if somebody's cutting through, obviously by the time Police get there - they're gone.

Mr. Hills: You know - sometimes they're gone - sometimes the Police are pretty good about

catching them down the block. Usually holding what they've stolen. So give them a chance to do that and let me assure you when the Police - I don't think we're telling any secrets - when the Police see that there's instances going on in a certain area - there'll be coverage of that area by law enforcement that you probably won't see as a normal citizen standing around - so let's let them do.....

Mr. Brewer: Is there anything we can do as an association.

Mr. Hills: As an association? That again - it's private property. Are you going to fence it or something like that? That would - as long as you meet the codes of the City, you could fence that off, but again, I would talk to your association group and see what expenses they want to go to.

Mr. Brewer: All right. Thank you.

Mr. Hills: Again to the Building Department about what you may or may not be able to do. Mr. Clemens, does that raise any questions?

Mr. Clemens: No, no.

Mr. Hills: Mrs. Newman.

Mrs. Newman: Yes, once again I would advise you, who is actually the Management Company of that apartment complex that you're having problems with? Do you know who that.... there is a Management Company surely.

Mr. Hills: I have a feeling that the Mayor will have that within - when he gives a follow up I'm sure he'll be able to find that. I'm sure the water bills are going somewhere.

Mrs. Newman: I just can't imagine that a responsible management company would tolerate that kind of behavior on the part of their residents. They can still be kicked out of their house by the management company, because they signed leases that have rules of behavior in those leases for which they can be evicted and you know I think the management company should want to know about that.

Clerk read Motion: That the Council of the City of Reynoldsburg does hereby adopt the Resolution of Support for the D.A.R.E. Program of the Reynoldsburg Police Department as referred to in the resolution signed and dated June 23, 2008; and authorizes the Reynoldsburg Police Department to apply for the annual D.A.R.E. Grant for the 2008-2009 school year.- -Mr. Joseph moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed.

Clerk read Motion: That City Engineer Jim Miller be and is hereby authorized and directed to prepare specifications and advertise for bids for the 2008 Sanitary Sewer Televising and Cleaning Project (approximately 47,000 lineal feet of sanitary sewer).- -Mr. Clemens moved adoption. Mrs. Shirey seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms.

Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed.

ORDINANCE AUTHORIZING INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF REYNOLDSBURG AND THE FRANKLIN COUNTY BOARD OF COMMISSIONERS REGARDING A SUB-GRANT AWARD FROM THE FRANKLIN COUNTY HOMELAND SECURITY ADVISORY COMMITTEE FOR LETPP FUNDS for a Live Scan Fingerprint System AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Joseph moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 38-08 adopted.

RESOLUTION CONCERNING SERVICES TO PROPERTY PROPOSED FOR ANNEXATION OF .5+/- ACRES IN TRURO TOWNSHIP TO THE CITY OF REYNOLDSBURG (Kenneth Rose and Christine Rose) AND DECLARING AN EMERGENCY- - Clerk read resolution by title for the one required reading. Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed; Resolution No. 39-08 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR STREETSCAPE MAINTENANCE AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed; Resolution No. 40-08 adopted.

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO LEASE AGREEMENT WITH XEROX CORPORATION FOR COPIERS FOR POLICE DEPARTMENT AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed; Resolution No. 41-08 adopted. ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE FRANKLIN COUNTY BOARD OF HEALTH FOR INTEGRATED MOSQUITO MANAGEMENT SERVICES- - Clerk read ordinance by title for the first reading. Item referred to Safety Committee.

ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF 3.5+/- ACRES IN TRURO TOWNSHIP, COUNTY OF FRANKLIN, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Charles R. Wilson, agent)- - Clerk read ordinance by title for the first reading. Item referred to Service Committee.

RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF REYNOLDSBURG OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009 AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the second time. Item referred to Finance

Committee.

ORDINANCE AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY GRASS AND WEED CUTTING COSTS FOR COLLECTION BY THE FRANKLIN COUNTY AUDITOR- - Clerk read ordinance by title for the third reading. Mr. Stake moved adoption; Mrs. Shirey seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 42-08 adopted.

ORDINANCE AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY GRASS AND WEED CUTTING COSTS FOR COLLECTION BY THE LICKING COUNTY AUDITOR- - Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 43-08 adopted.

ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 96-06 PASSED December 18, 2006 THAT WAIVES COMPETITIVE BIDDING FOR VARIOUS EXEMPTED CONTRACTS AND EXPENDITURES OVER \$10,000- - Clerk read ordinance by title for the third reading. Councilman Stake moved to amend the ordinance as of June 20, 2008; Mr. Clemens seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed; ordinance amended. Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Clemens "Yea"; Ms. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 44-08 adopted.

Request by Mayor for Executive Session to discuss pending, and imminent litigation- - Mr. Stake moved to recess for the Executive Session; Mrs. Newman seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mr. Joseph "Yea". Motion passed. Mr. Hills said those attending Executive Session would be Clerk of Council and all elected officials. Mr. Hills said Council would reconvene only to call the roll and adjourn. Council recessed at 8:05 p.m. Council reconvened at 8:52 p.m. With the roll called, members responding were: Mr. Clemens "Present"; Mrs. Newman "Present"; Mrs. Shirey "Present"; Mr. Stake "Present"; Mr. Deskins "Present"; Mr. Joseph "Present".

Meeting adjourned at 8:52 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council