

MINUTES SAFETY COMMITTEE MEETING  
REYNOLDSBURG CITY COUNCIL  
June 16, 2014

Members of Safety Committee present: Chris Long, Dan Skinner, Mel Clemens, Leslie Kelly, Cornelius McGrady, III.

President of Council Doug Joseph was also present.

Chairman Long called the meeting to order at 7:30pm.

Approval of Agenda

Approval of minutes of the Safety Committee meeting held 06/02/2014.

Discussion: Permission to trade five (5) Radars and remove from fixed asset list.

Chief O'Neill: Thank you Chairman Long. These are just 5 old radars that are on our asset list that are no longer operational. We're just requesting permission to trade them in. I don't think we're going to get much in the form of credit for them but, it's either that or they just sit in our sallyport in a box doing no good to anybody.

Mr. Long: Are we trading these in on credit towards other radar units or...

Chief O'Neill: or anything else that we may end up purchasing through that vendor.

Mr. Long: Any questions from members of the Committee on this? Hearing none, I'll refer it to council for its first reading. Second by Mr. McGrady. All voted "Aye". Motion passed.

Discussion: Ordinance amending ordinance no. 50-02 passed June 24, 2002 to reflect changes of description of an area in the city to phases VI, VII and VIII and addition of phases IX, X and XI of the sidewalk program.

Mr. Long: We had a first reading on this and discussion already, does anyone have any additional questions for Mr. Burd. Hearing none, I'll refer this to council for its second reading. Second by Mrs. Kelly. All voted "Aye". Motion passed.

Adjourned 7:32pm

Safety Committee  
- - -April L. Beggerow, Clerk of Council  
June 16, 2014

MINUTES SERVICE COMMITTEE MEETING  
REYNOLDSBURG CITY COUNCIL  
June 16, 2014

Members of Service Committee present: Mel Clemens, Leslie Kelly, Chris Long, Cornelius McGrady, III., Dan Skinner.

President of Council Doug Joseph was also present.

Chairman Clemens called the Service Committee Meeting to order at 7:33pm

Approval of agenda

Approval of minutes of the Service Committee meeting held 06/02/2014.

Discussion: Special Exception Use Permit #164498 6153 Radekin Road, Applicant Jeanne Cabral. (1<sup>st</sup> reading 5/27/2014).

Mr. Clemens: Would you please give your name and address and then give us a small run-down on what you're doing and then Mr. McGrady had some questions that he wanted answered please.

Ms. Cabral: My name is Jean Cabral, 2939 Bexley Park Road, Columbus, 43209, I'm an architect and my client Melinda Williams is opening up an education room/school, it's a one room space in an existing building that is going to be used for after school tutoring, help with homework. The teachers are licensed, each particular child is not necessarily there every day, but they'll be picked up after school. They get help with their homework and then they get mini-group tutoring. She does have separate day-care, a completely separate business that is next door. The day-care is next door. So this is just for education purposes only and doesn't have a lot of the... it still has to have a building permit which is what this whole process got started with because it's currently a B use and it's empty and we have to change it by law to an E use and there is an E use for education purposes 6 or more children up through high school.

Mr. Clemens: How late will it be open?

Ms. Cabral: 6:00pm. As early as 2:30-3 until 6. Like some kids may be leaving sooner than that if their tutoring needs are met or if the parents want to pick them up earlier. But there will be no children under 5 in this particular facility. Her little kids, up to 5 are next door. Even though there are a max of 16 by the square footage, it's not going to be, or 17, I'm sorry, there won't be necessarily be 17 there each day. Mrs. Williams did tell me that one of the reasons she has to go through this process, get a certificate of occupancy and go through building permit process and everything, is that her funding comes through the same agencies that does the day care, because it is funded by the state, it's not private paid by the parents, so that's why we had to go through all of this. And we will be doing amendments to the building as well to make it suitable for her use.

Mr. Clemens: Mr. McGrady you had questions?

Mr. McGrady: Yes. What prompted my concern about this was, in reading the information based on the minutes, there really wasn't any clarity between daycare and education center. So in looking at that and even in the notes, one of you said day care, then one of you said education/tutoring.

Ms. Cabral: It is going to be education and by the application for the building permit, the building permit application is not requesting education/daycare, it's requesting education. So it doesn't, under the Ohio Building Code, does not qualify as a daycare.

Mr. McGrady: I'm not going to badger you I just have a few questions on this because, as I indicate, when I looked at it, to me it seemed like nothing more than an extension of the daycare center. How many students are you licensed for in the current daycare?

Ms. Cabral: 43.

Mr. McGrady: Ok, now, in the state requirement, you can have onsite recreation, exterior 60feet per child, interior 1000 square, separate or within a radius to transport to a park. The one thing I was not able to find out is, what is the square footage of the current, onsite recreation facility?

Ms. Cabral: These are 2 separate buildings and facilities and businesses, but I, it's about 600 square feet.

Ms. Williams: We're allowed to have 14 kids at one time out on the playground (inaudible).

Mr. McGrady: Well that's why I ask that because in your diagram, there was no markings on the square footage.

Ms. Cabral: Well these kids are not going to be outside, they are in there for tutoring.

Mr. McGrady: Right but also in your paperwork, you said the students would come in, those individuals that did not need tutoring would go to the daycare. That was the trigger right there, that if they don't need tutoring, now you have a daycare facility.

Ms. Cabral: At the old daycare. Not this one, but the old one. There is daycare at the.. for kids over 5. For ages 0-5+ she can take 43 children at the existing facility. This is a separate business next door and they're really not, they're going to have separate teachers, are not connected with each other. But what will happen, she is the owner, her bus will pick the kids up and she may drop them off at her main facility and then drive next door and drop the other kids off at the tutoring center.

Mr. McGrady: I'm grasping what you're saying there, but what I'm saying is, the testimony provided was that those individuals that did not need tutoring would go to the existing daycare.

That's my point. I want to get to you. So now you have x number of students in the current daycare and you're looking at up to 17 from the tutoring capacity, now let's say you have 17, another 17, 10 do not need the tutoring based on the testimony to the BZ Board, they're going over to the daycare.

Ms. Cabral: But there still will not be more than 43 at one time at the daycare.

Mr. McGrady: Which prompted my question, is just an extension of the daycare. In short, it is an expansion of the daycare pursuant to ODJFS.

Ms. Cabral: No, it's not because it's not being used for daycare purposes, it's not being classified as a daycare center. We are not requesting by the building department code that it be a daycare. And because of that reason, just because some kids that she picks up might go to one or the other doesn't make this one by default a daycare if the kids that don't need tutoring only go to the daycare center, her first daycare center. Only the kids that are going to need the tutoring and after school education are going to go to this place. So she may have some kids from the same school that are one or the other, but there won't be more than 43 at the one or 17 at the other and it can't be at any given time by code, by building code.

Mr. Clemens: Yes, Councilwoman Kelly.

Mrs. Kelly: I have a couple of questions to help clarify things for myself. You talked about the bus may pick students up from school, so say they pick up elementary kids and they, we'll just go with Reynoldsburg, say they get out about 3:25, so...

Ms. Williams: 2:35.

Mrs. Kelly: Ok, so say, 2:30. So and if it closes at 6, so will some of those kids stay at tutoring from 2:30 until 6:00 potentially?

Ms. Williams: Well, what it is, is the school agers, we already have, they're already in our building. So when they come in from school, they need their own space basically, I just want to provide them their own space so that they can have their own education, their own space to do their homework in that sense...

Mrs. Kelly: So then those kids would be picked up and they will be there at the tutoring place from about 2:30, they could potentially stay there until about 6. Ok, and for me, from 2:30 to 6, that sounds like daycare. Extended after school care vs. tutoring.

Ms. Cabral: Well when are kids supposed to get after school education? After 6:00? That's what I don't understand. If they're going there specifically for education and there are trained teachers in this space and the kids that don't need it go to the daycare center, why would it be considered daycare? Some parents might pick their children up at 3:30 or 4:00 after their lessons.

Mrs. Kelly: Some parents at the daycare center probably pick their kids up earlier than 6:00 too. So if we had kids at the daycare center and we had some of the trained teachers that were just working at the daycare center, and we had a space within your current building that just did some tutoring, that would essentially be.... This is how it appears. When you're saying they're going to be at the place from 2:30 until 6, that sounds like day care with tutoring built in.

Ms. Williams: Well, what happens is, when they get out of school, they go around and pick up the kids from school, so by the time they get out of school and get back to the building, it's about 3:30 and at that time they do their homework, they got to do whatever they have to do, they get their homework, they get their snacks, basically at this point before the school year again, we close at 9:00 but over there they close at 6:00 because most of the kids are gone so most of the parents are picking up about 4:30 and 5:00 and no later than 5:30 so I definitely wouldn't be open at 6:00 over there so it's like an after school program that is focused just on school age kids.

Mrs. Kelly: MmHm, it's like a school age daycare, an after school, school age daycare. Is there some reason that you didn't request just an additional space just for a daycare center?

Ms. Cabral: It was always her intent that she expressed from the day I met her, because I had done the other building for the previous tenant before she purchased the business, was it was always that was supposed to be the daycare center where they get a lot more attention and a playground and outdoor play, and this was supposed to be for the kids that are challenged, that need help and they may need a couple of hours of help with maybe a half an hour break in between.

Mrs. Kelly: So the school age, you have school age children at the daycare, at the 43, there's 43 kids, you have school age kids there as well.

Ms. Williams: and those kids, those are the kids for my school age program. They'll be going over there, so I won't be getting any more kids, it's just the kids I already have.

Mrs. Kelly: So the school age kids will go to the tutoring center, the non-school age kids would be in the other one.

Ms. Cabral: I mean, if you would want to reclassify this as a daycare, we can always, we've applied thinking we were going forward from the last meeting. We did go ahead and apply for the building permit, it hasn't received any feedback on it yet, but we could change it from E education to E education/daycare.

Mrs. Kelly: Because here's what I'm hearing you say, is that your school age kids are going to go over to the tutoring session and that's where they're going to get their care, homework help things like that because they're in school so they have homework. Your non-school age kids, your smaller kids that aren't going to have the schooling needs, they're going to be at the daycare part where they have 43 kids. To me what you've done is created 2 different programs, your non-school age daycare program meeting the needs of those kids and your school age daycare

program after school program where they're going to be getting snack, and help with homework and things like that, so you've separated the age groups basically is what it sounds like and to me, what you've done if you're really created a separate kind of daycare part vs. when you think of tutoring center, you think about places like a Huntington and places like that, kids go in there for tutoring, they're in there for a half an hour to an hour tops, \*\* center, half an hour to an hour tops, they're in, they're out, they're done. This is something, they're picked up after school, they're being taken there, they're there until a parent picks them up, you have all of your school agers in one place. When you look at that as a comparison, it sounds a lot more like an after school daycare care program vs. a tutoring facility. I think that is where the confusion is coming in.

Mr. McGrady: And I'm going to go right to the chase. I've been in contact with Childcare policy ODJFS, and they agree, it's an extension to the daycare facility and what you need to do, is you need to, per them, not Mac or this Council, you need to have approval for the additional space by the Department of Commerce and a fire inspection.

Ms. Cabral: Which we've applied for.

Mr. McGrady: And here's the thing here. Your lock on that gate is not a secure lock. And I went through there again. Your lock on the playground gate.

Ms. Cabral: but this is a different project.

Mr. McGrady: I understand that, but I'm saying on the current existing facility, that needs to be addressed also.

Ms. Williams: You are not allowed to have a lock on a gate when kids are on the premises, that's a fire hazard.

Mr. McGrady: But it's not the appropriate lock, that's what I'm referring to. You have a hasp lock. Bottom line is it's an extension to the day care, the existing daycare.

Ms. Cabral: That's a different project than the...

Mr. McGrady: I'm talking about this one here, this proposal that you're presenting, is being viewed by the state, as I submitted your information, they said I agree with you Councilman McGrady this is nothing more than an extension to the day care and what you have to do is, you have to contact them, because my question to them was about the safety and overcrowding.

Ms. Cabral: Well there won't be overcrowding because we would be able to put more than that..

Mr. McGrady: I got that, but you still have to make contact with ODJFS, Department of Commerce to have your additional space approved.

Ms. Cabral: Right but we were not allowed to apply for the building permit until we applied

here for the zoning clearance. So if they're saying do this first and you guys are saying do this first, so we're kind of... we've got them both in motion now. We have applied for the building permit, which is Department of Commerce, to get that space approved, but we're going to have to do some work in it before and get it, you know, the permit will be issued, but I can't get the permit issued until you guys give the zoning clearance and their saying they want that before....

Mr. McGrady: But you have the sign up there already.

Ms. Cabral: Pardon me?

Ms. Williams: What sign?

Ms. Cabral: We don't have a sign in the window.. do you?

Mrs. Kelly: So we need them to clarify, we would like for them to re-apply as a daycare?

Mr. Clemens: Are you going to tutor these kids from 2:30 til 6?

Ms. Williams: When they come in from school, they get there about 3:30 some at 4 because they're picking up Columbus Public, they do transportation all at one time, then they bring them all to the space at one time, so by the time they get there its around 3:30 or quarter to 4, so they will get their tutoring and stuff and by the time they get finished with their homework or whatever, then it will be time for their parents to come.

Mrs. Kelly: It will be tutoring and a snack. It's tutoring and a snack. It's an afterschool daycare with tutoring.

Mr. McGrady: Daycare with tutoring including.

Mr. Clemens: What I want to know is, only thing I want to know is, if they're going to be busy tutoring and studying all the time, they won't be going over and playing.

Mrs. Kelly: No, she has 2 different programs, the little kids and then the school age kids, right?

Ms. Williams: and what Mr. McGrady was asking...

Mr. McGrady: Daycare? Approval by Commerce?

Ms. Williams: No, what you were saying Mr. McGrady, about the steps I have to take and my license with the state, I have to go through zoning, then I have to go through the city, and then I have to through the fire and then the state is all last, the Health Department, all of that, but I have to start with zoning. So I have to get my clearance for zoning, then I go to the city for Building Permit. I'm already set up for training on Thursday with the State of Ohio because there is stuff I have to do for that in order to... but that's the last part. I can't go to the State before, because I don't have clearance from the City.

Ms. Cabral: We have to get the zoning.

Mr. McGrady: I understand what you're saying, but you're going to have to figure out that hurdle somehow, because what you're asking us to do, from my perspective, is assume the liability for you to put these additional individuals in there without state clearance. That's what I'm hearing you say. Listen to what I'm saying, because you want us to approve it before you contact ODJFS to get a permit to extend your...

Mr. Long: Mr. Clemens, I believe that the City Attorney has a comment on this.

Mr. Hood: Just generally speaking, and as we spoke about this a few weeks ago, when I asked that they be notified to hold a hearing this evening. I referred you Councilman McGrady to 1145.09 the standards for a Special Exception Use Permit. Even if you find that they're operating a daycare, because they are operating a daycare next door in the same building, it still may fit within the Special Exception Use Permit criteria. So I'm not sure how relevant those questions are. I think, once again, you need to talk about the harmony with the existing businesses, ok, if it's the same, it's obviously harmonious, additional traffic, it sounds to me like they're going to be bussing children like they do already, so I don't believe there will be additional traffic, but you may inquire as to that. Health, safety, morals, welfare of the people residing in the neighborhood, they are operating a daycare next door, I'm not sure this would change that. Shall be served adequately by our public services, you may inquire about that but I don't believe there will be additional burden for having another 17 children there. It will not impact the right of way, we could probably ask our utility directors, but based on the use next door an additional 17 children wouldn't have a dramatic effect on our public right of way. And be in accordance with our zoning code as defined. So I guess it's an over all catch all that you may want to inquire. But I had to refresh my memory on 1145.09 again, but that was the purpose of holding this hearing. If you do make specific findings that it doesn't \*\*\* with one of those subsections, then I would urge you to deny the request. If you find that it does meet the building code, even though they have not been fully granted their permits from the state because they're waiting on inspections and everything else, that is for them to regulate. Not the city.

Mrs. Kelly: I have a question Jed. Would it be pretty easy for them to change the description of what they are asking for to daycare center vs. tutoring?

Mr. Hood: I honestly don't know and to be honest with you, let me back up... once again, I don't know that it matters for their request to you. I'm certain it matters for their request to the State.

Mrs. Kelly: Well I don't want to approve tutoring, when it's not tutoring, it's daycare.

Mr. Hood: I understand that but I don't think that our zoning codes allow us to choose what use goes in there. If you find that it meets the other criteria in the Special Exception Use Permit, because a daycare already exists in that district, in fact at that same address.

Mrs. Kelly: If we were though to approve that we were saying that it was tutoring, if we were to prove that it's day care, and they take that zoning to the state, that shows that it's daycare, there are stronger, stricter regulations on daycares than there are tutoring centers.

Mr. Hood: I don't think there's any doubt. I don't think their asking for a daycare permit. They're asking for a tutoring permit.

Mrs. Kelly: right, so if we denied a tutoring permit, can they come back and ask for a day care permit.

Mr. Hood: they are not allowed to re-apply for a period of 1 year after they were turned down.

Mrs. Kelly: So could they change it to a daycare permit.

Mr. Hood: I don't believe so, no. But once again, I don't believe you've heard any testimony that it's going to be a daycare.

Mrs. Kelly: Absolutely it's going to be a daycare.

Mr. Clemens: If a bus comes in with 16 kids and they're all after school children 8 of them got to tutoring and 8 go to the other building.

Mrs. Kelly: They're all going to stay. They're all going to stay at that one place. So they're all coming after school, they're all school age kids, they're all going to be cared for, they're all going to stay there, but the difference between, there's not really a difference when I'm looking at a daycare center. I pick you up after school, I take you there after school until the end of the day vs. daycare. So that is daycare vs. a tutoring center if you look at how each of those run. That's a school age daycare program.

Mr. Hood: Well, what I'm concerned about is 1145.09. Those are the things that this inquiry is supposed to be constrained to and that's what I would urge you to inquire about before you make your decisions.

Mr. Long: I think one thing that I'm a little stuck on here is that ODJFS and the state regulate daycares. They don't regulate after school tutoring programs which this good woman has applied to do and she has applied for a variance that is within our codes as the City Attorney has pointed out. Now we can sit here and argue semantics, is the structure and design of her program you believe is teenage daycare or whatever, but it still doesn't change the fact that she has not applied and in her mind is not running a daycare. It is an after school tutoring program.

Mr. Clemens: I agree, I have no problem with it, I think it keeps them off the streets to be honest with you.

Mr. Long: it gives them the help that they need.

Mr. McGrady: I applaud the tutoring program that she's incorporating into daycare but, and I understand what Mr. Hood is saying, but the trigger is, now this is why I said we need to look at our Code because the loophole here, is from my perspective is that she's going to come to us as a tutoring facility and I passed everything off to the state and they said yes Mr. McGrady, I agree with you also, this is nothing more than an extension of the day care.

Mr. Long: It depends on how you present it to the state.

Mr. McGrady: I submitted their packet.

Mr. Long: Then the point that the City Attorney is making, in their application, they are within our codes.

Mr. McGrady: I understand.

Mr. Long: The point there, is that if we approve them as the application has been submitted, they then go to the state and then it's up to the state to turn around and deny their request. It has nothing to do with what we have passed here. You're asking us to act as ODJFS..

Mr. McGrady: No sir.

Mr. Long: yes you are, you're using the comments that they made to you in order to be able to deny their application when they are within our codes.

Mr. McGrady: I wasn't looking to deny their application...

Mr. Long: I haven't heard that you're willing to approve it.

Mr. McGrady: Well I started, then I yielded, and I yielded, but my question eventually would be to give them opportunity to contact ODJFS, but they're saying here that the steps that need to be presented to them first. My problem with it is that we're going to extend this, what's the mechanism that we're going to follow up with this to ensure that their in compliance with ODJFS to ask for the extension which, which, now I know where you're going. Basically what we're saying is, we're giving them the approval to add additional individuals here up front before they have the letter of certification. I yield to the floor, I'm finished.

Ms. Cabral: the process that we have to go through in order for her to get her certificate from ODJFS, is she has to have an occupancy approval. The only way we can get that in Reynoldsburg is we had to come here first to get the zoning clearance, and then we apply for the building permit which we overlapped a little bit, but once that permit has been approved, the plans have been approved then the work has to be completed and inspected and signed off. Then the occupancy approval is issued to her which she then gives to ODJFS. Once she gives it to them, then the fire department comes in and does their inspection and if they pass, she passes with fire, then ODJFS comes in and does their inspection. So we can't jump, we have to do it in that order in order to get it done. Now the question I have for everybody is, is there, like the last

time she went into this existing daycare next door. There was a mix up over the parking issue. If you would approve even calling it a daycare center, can we amend the application tonight and call it education/daycare even though we don't consider it daycare, neither does ODJFS, but her funding comes through that concern so we have to have all these steps. If she can't get the building construction approved, get the building permit issued and all of that other stuff, she can't move in anyhow because she'd get shut down by the city and the state for occupying without a permit.

Ms. Williams: So everything starts here.

Mrs. Kelly: I just wanted to reiterate something. I believe and I've already stated why, that it is an afterschool daycare. I hear what you're saying Chris, that we do not regulate that, however what I don't want to open the can of worms is for everybody who wants to come in and say I'm running a tutoring center, after school for school age kids from 2:30-7:00 til 6:00, it's not a daycare it's a tutoring center and that's what I'm doing and I'm picking them up after school and I'm keeping them there until 6:00 and I'm giving them a snack, because if you think about what's going on in daycare facilities for your non-school age kids, they're getting a snack, they're playing, all of those things. There's less regulations that are there. So I don't want to open up a can of worms for people, everybody to say their opening this facility or that facility but it's not a daycare it's a tutoring center and I'm picking kids up from age kindergarten school age to high school to be at this spot.

Ms. Cabral: Can I ask, what is the issue with it being a daycare. Would it be a problem if it was a daycare?

Mrs. Kelly: What I'm saying is that daycare centers have a lot more regulations and a lot more monitoring than tutoring centers have. I would be, personally myself, I'm more comfortable saying when you're doing what you're doing, I'd like to have another daycare there vs. it's a tutoring center, because to me...

Ms. Cabral: I feel like if that would facilitate this process, I don't think she'd be opposed to calling it that even though, that's not what it is. But if we're going to get turned down unless we just change the name..

Mrs. Kelly: I'm just one person. I think you're fine.

Ms. Cabral: I guess the question is, is it seems semantics to a certain degree, but I can understand your concerns because of the time frame, but where are the kids going to go, they need, most of these kids need more than a half hour/hour then they get at those other places because they need a lot of help.

Mrs. Kelly: and please know, I am absolutely in favor of working and helping the kids absolutely 100%. Again, I've already stated how I feel, I'm absolutely for the program, but to me it's just child care putting a different name on it.

Mr. Clemens: If I read right and discussed it with the zoning department. We went through this problem when it went through the Zoning Commission, it could have been either, correct?

Ms. Cabral: We applied for it as tutoring.

Mr. Clemens: You could have asked for the daycare, I know they discussed that, you chose to ask for tutoring rather than daycare and our zoning officer, they couldn't make up their minds either so they let you do whatever you wanted and you chose to go... so they had the same problem that we're discussing now. I think you took the easier way out to be honest with you. But I have no problems with it other than what Leslie said because we are overcrowded now with daycares. I don't want to be overcrowded with tutoring centers to be honest with you. As Jed said, we have to come up with, if we deny it we have to have a reason, and there are only so many reasons we can give. Does anyone else have any questions pertaining to this?

Ms. Cabral: May I say something about the market? This lady took over a daycare center that I had done the construction drawings and the work for. That lady couldn't keep it in business, she didn't know how to run the business part of it and get the kids in. So she sifted out and she's got it full. So if something's not working out, they're going to drop out of business and daycares do come and go like any business does. If they don't treat the kids right, I've seen lots of these places, I've done quite a few in Columbus. They're here one day, the next there's a new owner or turned into something else. Others stay for a long long time so..

Mr. Clemens: Are there any other questions pertaining to the daycare center, tutoring center, whatever it's called? Do I have a motion to send this to Council for second reading? Mr. Long motioned to send this to Council for its second reading. Seconded by Mr. Skinner.

Clerk called the roll: Mrs. Kelly "Aye", Mr. McGrady "Nay", Mr. Clemens "Aye", Mr. Long "Aye", Mr. Skinner "Aye". Motion Passed.

Mr. Clemens: This will go to Council for its second reading, at that time I will ask for it to pass as an emergency.

Ms. Cabral: We would like to be notified. We were not notified about the last meeting.

Mr. Clemens: This will be coming up next Monday night 7:30.

Ms. Cabral: The question I have which wasn't answered, was if we did change it and called it Education/daycare would that be a problem.

Mr. Clemens: I don't think you can. You'd have to change it and it would be a year.

Mr. Hood: It would have to be returned back to the BZBA, I think we're too far along the process to amend it at this point.

Ms. Cabral: I wasn't notified about the last meeting of last Council.

Mr. Hood: I know maam, that's why we continued it and why we asked the clerk to have you notified, I'm sorry, the applicant by mail, so that's why we're having the hearing this evening instead of 2 weeks ago.

Mr. Clemens: So be here Monday at 7:30.

Adjourned 8:08pm

Service Committee

- - -April L. Beggerow, Clerk of Council

June 16, 2014

MINUTES FINANCE COMMITTEE MEETING  
REYNOLDSBURG CITY COUNCIL  
June 16, 2014

Members of Finance Committee present: Chris Long, Mel Elemens, Leslie Kelly, Cornelius McGrady, III., Dan Skinner.

President of Council Doug Joseph was also present.

Chairman Long called the Finance Committee Meeting to order at 8:08pm

Call to Order

Approval of agenda

Addition of item 15, Proposed Ordinance change to the Secondhand Dealers from the Chief. So that will be item 15. Are there any other changes to the agenda this evening? Hearing none it will stand as amended.

Approval of minutes of the Finance Committee meeting held 06/02/2014. These will be held for 2 weeks.

Discussion: Mowing Assessments for 2013 – Franklin County.

Mr. Burd: Thank you Chairman Long, members of Council. Everyone except Councilman Skinner has dealt with these before, this is an annual item that we do, our mowing assessments for the year. Councilman Skinner and I spoke about this last week so I'm not going to go into great detail as to what they are, I think you're all familiar with it. The one thing I will point out is that last year, which was actually just covering the summer of 2012, between the 2 counties, we sent forward \$26,398 for assessment. This year which covers last summer, we're sending forward \$36,474.00 and the reason I point that out is that it's somewhat astounding to have a \$10,000 jump and it just goes to show how difficult it was to keep up with code compliance last year in regards to mowing. Given the climate we had and staffing we had so this is a higher amount than normal that we're sending forward but we are sending it forward as required by code and I made a mistake on the legislative request by not marking these as emergencies, we need to get this to each County Auditor in September so if you wouldn't mind adding emergency language onto it whenever you pass, you can go three readings on it but whenever it does pass it needs to be effective immediately so we can take care of getting it moved forward.

Mr. Long: Ok, as Mr. Skinner is unaware, these used to weigh about 80lbs and we would have to carry them around so you lucked out on that one. Any questions from any members of the committee or council on this. So I'll make a motion that we send this on to Council for its first reading with a recommendation of adoption as an emergency. Second by Mrs. Kelly. All voted Aye. Motion passed.

Discussion: Mowing Assessments for 2013 – Licking County

Mr. Long: Ditto on this one. No further questions, it's pretty much the same thing. And I'll make a motion to send this one also onto Council for its first reading with a recommendation for adoption as an emergency. Second by Mr. Clemens. All voted "Aye". Motion passed.

Discussion: Purchase of Cellebrite and F.R.E.D. for Police Department

Chief O'Neill: FRED is the Forensic Recovery Evidence Device. These are 2 separate components and we lumped them together only because we are asking the OCJS for one kind of lump sum funding that will allow us to upgrade our FRED machine and what that does is it will allow us to basically execute search warrants on computers and get inside the hard drive of a computer and kind of pull it apart. Obviously computers advance pretty quickly in our current FRED machine has been around for a couple of years and so we need to upgrade that and move into the next generation. Cellebrite is sort of the same thing but it's geared towards mobile devices like Apple iPhones, Galaxy, iPads, that sort of thing. They're 2 separate pieces of equipment, we had contacted OCJS they had some extra money laying around, we were not going to be able to put these in the budget and we asked them for \$22,000 to purchase both of these piece of equipment and included in that is 3 years of annual upgrades on the Cellebrite itself. They Ok'd the Grant for us over the phone with the caveat that we front the money and then once we purchase it, they will reimburse us. So all were asking for is approval to spend this money and in the long run it's going to be budget neutral, it's just under \$22,000 total purchase for both of these devices.

Mr. Long: I see you've mentioned account 5600, is that your Forfeiture?

Chief O'Neill: I couldn't tell you off the top of my head where he found this, I believe it is the Forfeiture account.

Mr. Long: So budget neutral, not going to impact the General, so. And the Auditor has stood up.

Mr. Harris: They didn't give me a copy of that one, but if it says 5600 account, that's probably out of his 110 5600 account which means it was probably in the budget since he's not asking for an appropriation. Are you asking for an appropriation Chief?

Chief O'Neill: No.

Mr. Harris: ok, so it's already in his budget.

Mr. Long: And you are asking for an emergency on this. Any questions? Hearing none, I'll make a motion to send this on to Council for its first reading with a recommendation for adoption as an emergency. Second by Mr. Skinner. All voted "Aye". Motion passed.

Discussion: Appropriate \$154,611.98 from General Debt Retirement Fund to GO Bond Principal Fund to pay off Summit Road project.

Mr. Harris: Thank you Chairman Long and members of Council. I'm asking Council to appropriate the \$154,611.98 to the Debt Retirement account 310.991.5415 GO Bond Principal. This is to pay our share of the recently finished and finished up Summit Road reconstruction. We took this out of the Licking County permissive tax, we have requested the money from Licking County, the check will be written this week so we'll be getting the money next week so there is no money coming out of any account currently on our books to pay this. This is the final payment so that we don't have to take the 10 year loan on the recently completed Summit Road project and if there are any questions I'll be more than happy to answer them.

Mr. Long: Any questions from the Committee or Council for the Auditor?

Mr. Joseph: Mr. Harris, currently, how much do we have in the Permissive Tax Account for Licking County.

Mr. Harris: I believe it's about 185. So basically it takes about 10 or 12 years to get this much money. Which isn't a lot but.... If anybody doesn't know what permissive tax is, it comes from license tags, there's \$5 on the license plate tags that's a tax that comes to the city, there's \$5 that's held in advance for us by the County Auditors in all 3 counties and Franklin, Licking and Fairfield County. Franklin County is very specific as to what you can use it for, there's only like 6 or 7 streets you can use the money for so anytime one of those streets comes up, we try to use it. The most recent was Lancaster Avenue. We've now emptied that account out and now I've emptied this account so there's not going to be much in there for several years. That's the most restrictive money which is good, we use the most restrictive money whenever we can.

Mr. Long: any other questions from the Committee or Council? Hearing none, I'll make a motion to send this on to Council for its first reading with a recommendation for adoption as an emergency. Second by Mr. Clemens. All voted "Aye". Motion passed.

Discussion: Approval of 2015 Tax Budget.

Mr. Harris: I'm sure you are all looking forward to this one. As we've done every year, this is the tax budget which is required by Ohio Statute even though they don't really do anything with it anymore. This kind of started back in 1910 when they started the 10 mil and this is how they used to divide it up. Sometime in the 30s it was made permanent and still is to this day, however they still want this. So we are required to do so, it's the beginning of your preparation for the upcoming budget cycle this year. The Mayor and I had also worked on a memo that we gave Councilman Cotner and I believe he passed along to you what we're looking at as a calendar for this year for Council's discussion of the budget and this is the beginning process. This must be to the Counties by July 20<sup>th</sup> as an emergency and there will have to be a public hearing and Mrs. Beggerow and I looked at it and it will either have to be prior to the committee meeting on the 7<sup>th</sup> of July or prior to the Council meeting on the 14<sup>th</sup> for that public hearing so we can have everything done and to the Counties by July 20<sup>th</sup>. Any questions?

Mr. Long: Any questions from members of the Committee? President of Council, do you want to set the meeting for the 7<sup>th</sup> or the 14<sup>th</sup>.

Mr. Harris: These normally take 5 minutes, so whenever you want to do it, we just have to make sure it's done.

Mr. Joseph: Let's do it the 7<sup>th</sup>.

Mr. Long: Public hearing set for July 7<sup>th</sup>. I'll make a motion to send this on to Council for its first reading with a recommendation for adoption as an emergency. Second by Mrs. Kelly. All voted "Aye". Motion passed.

Discussion: Authorization to adjust renter deposit on water services.

Mr. Root: Councilman Long, members of Council, good evening. What this is, is we have a renters deposit from service sizes of ¾ inch to 2 inch. The one that we see the most of is ¾ inch which is residential and we're wanting to raise that from \$50 to \$100. These prices were set back in 1982 so the water bills have increased over the years. So what this does is if a renter moves in, they pay a \$100 deposit. Once they leave, we apply that \$100 to their final bill or if they skip it goes towards the balance of the bill.

Mr. Long: Any questions from members of the Committee on this? Hearing none, I'll make a motion.. I'm sorry, we need to get you an orange pen.

Mr. Joseph: year, jumping from \$50 to \$100, is that a pretty good range to be in for the average people that don't pay? I mean, would it be better to be a little bit higher if the average is higher than that?

Mr. Root: The average bill is \$300-\$400 a quarter. What this does at \$100 is hopefully if we can get to monthly billing, that would put the average billing at about \$100 a month, so that would cover a bill for a property. At this time it will not, but the goal is to get to monthly billing where it would.

Mr. Long: any further questions from Committee or Council? I'll make a motion that we send this forward to Council for its first reading. Second by Mrs. Kelly. All voted "Aye" Motion passes.

Discussion: Amend Sec. 732.05 of Codified Ordinances to include No amount of two dollars or less will be collected or refunded after all payment and/or credits have been applied to a final bill.

Mr. Root: What this is, is we're wanting to write off anything \$2 or less on a final bill or credit. The cost of stamps, to send out a bill for \$.50 it costs us more to send that out and also for them to send us a check for \$.50 back.. In April of last year to March of this year, we've had a total of and this is totals of \$2 or less, we've sent out refund checks for a total of \$19.83, so this is not a large amount of money that we would be writing off.

Mr. Long: and I'm sure that not only the elements of the stamp but the time, personnel and everything else to be able to handle this either way are either on the clients end of it or on our end of it. Any comments from members of the Committee? Hearing none I'll make a motion that we send this forward to Council for its first reading. Second by Mr. McGrady. All voted "Aye" Motion passes.

Discussion: Authorize the Clerk of Council to send assessment information to the Licking County Auditor regarding unpaid water bills.

Mr. Root: This is kind of like the mowing assessment. What this does is any unpaid bill, we've worked on a letter with the City Attorney and sent out the letter notifying them that if the payment isn't in full that this would be on the list and sent to Council and then forwarded on for taxes and this is just a way to collect the money instead of just write it off.

Mr. Long: I think you and I talked prior to Council that the City Attorney has advised you that there should be some type of a mechanism in here to where we can accurately track and remove an individual once that payment has been made.

Mr. Root: Correct.

Mr. Long: So you will be offering an amendment to what we currently have.

Mr. Root: Yeah.

Mr. Hood: When we get the proposed ordinance in front of you, we will certainly include that language. What we have found over the past, doing these assessments, as we speak about them and the public becomes more aware of them, we actually do get people that come in to try to pay in between the time that you all have been discussing them before they have been certified so the list that you have in front of you may be amended as we go through the process as well. We've also found that once they get their first notice, they come to the City and try to pay the entire balance as opposed to a portion of it with their tax duplicate. It's my understanding from working with County Auditors in Franklin County, that as long as we have some way to notify them, they can remove them very quickly and easily as long as the superintendent has the authority from the City Council to do so instead of coming back to you and asking you to remove them address after address. That is the intent.

Mr. Long: Ok, that makes sense. Any questions from members of the Committee?

Mr. Clemens: How do you let some of them get so high like that?

Mr. Root: These are just bills that they ran up, and then they move. We send out a final bill and if they don't pay that final bill...

Mr. Clemens: We're not giving people more time and things like that..

Mr. Root: No, it's just the normal way it's been set up forever.

Mr. Harris: Mel, this is another reason why we spent the last couple of years working to try monthly billing. Some of these get up to \$600-\$700 in a 3 month period and all of a sudden a person is late and late and then they leave. Going to monthly billing, hopefully a lot of that will be rectified by the fact that there will be a bill sent out, you'll have til the 20-21<sup>st</sup> however it falls during the month to pay it and then on the 31<sup>st</sup> if you don't pay it, we shut you off so that we won't be...this shouldn't be as long, if that happens, then these will no longer be a problem. But the problem we have now is that the quarterly billing, people are already three months behind by the time they get the bill, if they move before the bill is due, you're stuck.

Mr. Clemens: What I'm saying is \$1800 is a lot.

Mr. Harris: Oh yeah, it is. And some of these, there was one from an apartment complex that had a broken pipe that was \$70,000.

Mr. Clemens: Yeah but I'm not talking about apartments.

Mr. Root: That one might be a business as well.

Mr. Long: Any questions from members of the Committee? Hearing none I'll make a motion that we send this forward to Council for its first reading. Second by Mr. Skinner. All voted "Aye" Motion passes.

Mr. Root: Councilman Long, I didn't put that as an emergency, but it's kind of like the mowing it can have the three readings but so we can get it to the Auditors in time for September...

Mr. Long: Ok, I will re-state my motion to move it forward to Council for its first reading with a recommendation of adoption as an emergency, Second by Mr. Skinner. All voted "Aye". Motion passes.

Discussion: Authorize the Clerk of Council to send assessment information to the Franklin County Auditor regarding unpaid water bills.

Mr. Long: Same as on the last one?

Mr. Root: Correct.

Mr. Long: Any questions from members of Council? Hearing none I'll make a motion that we send this forward to Council for its first reading with a recommendation for adoption as an emergency. Second by Mr. Skinner. All voted "Aye" Motion passes.

Discussion: Authorization to accept EMH&T proposal and solicit bids for brick crosswalk replacement and parking lot construction.

Mr. Burd: Thank you again, Chairman Clemens and Council. As you all know, Brice Road is our marquee road improvement project this year and it's well underway. While that program is largely being funded by a grant, you know that annually we usually put together some type of program to make some repairs to our streets. When looking at what we could do this year, we felt that replacing the brick crosswalks on Main Street would give us the best bang for our buck. Unfortunately, as you all well know, we're not able to do as much as we would like on road improvement projects, so this is one that is in a highly visible, highly traveled part of the city. The crosswalks, just to be very blunt are a disaster at the moment. They're unsafe, it's not uncommon to see bricks just lying in Main Street because the bricks are popping out. They are unsightly, at one point they were attractive and gave us a nice atmosphere, not they're ugly because they are cold patch and asphalt holding them together in places so we don't have any aesthetic value from them anymore. They're also hard on cars. If you drive down that part of the road, you know when you get to the crosswalks because your car is going to jar pretty heavily and its incredibly loud to drive through them and we have been receiving complaints over the last several months from the residents and those complaints are totally warranted. So, we felt that this would be a good project to pursue. What would happen if this goes forward, is that the crosswalks that cross Main Street would be replaced with asphalt which would be a simple tie in to the existing road. It would be a very smooth transition and I think it will make for a much safer and quiet travel through old Reynoldsburg. We are also proposing as part of this project, to put the parking lot in at the site of the land that the Council recently approved and that the City is in the process of purchasing. By doing these together, since they are in the same geographic area, I think we'll save some money as opposed to doing them as 2 separate projects and so it seems the time is right to move forward with them both. And I think this will address 2 glaring needs in that part of the City. The need for some additional parking and the need for those crosswalks to be removed. The estimated construction costs for the entire project is \$418,000. They're requesting from you now an appropriation for the engineering that is necessary and also give us the authority to go out and solicit bids for the project. If you're supportive of this, I would ask that it pass on the second reading so that we can get this moving and then hopefully, soon after you come back from your recess, we'll have bids back and be able to move forward on getting this done this year. We'd also like to ask this to be passed as an emergency one because of the safety issue and two because we want to get this moving as quickly as we can. So if you have any questions, I will be happy to answer them.

Mr. Long: Members of the Committee, questions for Mr. Burd?

Mr. McGrady: Was this a budgeted item?

Mr. Burd: No. This would be a new appropriation.

Mr. Long: My question would be to Mr. Harris, are there funds in the General Fund to cover this?

Mr. Harris: This would not be coming out of the general fund, probably be coming out of the street fund and the permissive tax fund when we, or the state highway fund to pay for it but there are no General Fund expenditures here and no CIP. CIP we'll probably have to use for the

parking lot because we can't use the street money for that but there will be no money coming out of the General Fund for this.

Mr. Long: Perfect. Any other questions for members of the Committee? Hearing none, I'll make a motion that we send this forward to Council for its first reading with a recommendation of adoption as an emergency on its second reading. Second by Mr. Clemens. All voted "Aye" Motion passes.

Discussion: Ad Hoc Committee Report (2011); addressing structural imbalance; possible adjustments.

Mr. Long: At our last Committee Meeting, some members of the Committee requested some examples of previous tax ordinances be forwarded. Unfortunately, we just got them tonight so I don't know that we're going to be doing too much good with them so I would like to table this item for another 2 weeks and then we can go ahead and I would advise people to talk with the auditor, talk to the City Attorney to make clear determinations as to what this wording in these ordinances would restrict us to because there are some that are in there.

Mrs. Kelly: Dick this is for you. When I look at both of them and again, I just did a real quick glance, it looks to me, one has more specifics as to what it's being used for, one calls for capital and one doesn't it?

Mr. Harris: That would be for Mr. Hood.

Mr. Hood: Yes and I apologize for getting it to you at the late hour, as many of you know I was at Cub Scout Camp last week with 400 Cub Scouts so they read me ragged. But I did have this approved by the Auditor and the Mayor last week before I sent it to you this evening, you are quite correct, one is purely a half percent income tax increase and that revenue could be used for any purpose that the City Council deems fit for the General Fund. The other, is quite different and that is what the Council discussed at the last committee meeting that asked about specifically capital improvements and this is the language that we used in 2011 when we attempted what we called the cops and street levy. I deleted the General Fund so that additional tax it defines and talks about would only be able to be used in the CIP project and debt retirement, therefore allowing the Auditor, if we borrowed money to fund a Capital improvement project, to pay down the debt. So the second one would not go to the General Fund, it would be directly deposited into the CIP and then potentially moved by the City Auditor and the Council like you guys were discussing this evening about paying GO Bonds, in the debt retirement funds. And after you look at them if you have any other questions, please give me a call or the Auditor, but it's met the 3 full time electeds' approval before it came to you.

Mrs. Kelly: Ok, Thank you.

Mr. Clemens: I believe if we have this on the 14<sup>th</sup>, Dick this would have to go as an emergency by August?

Mr. Harris: 90 days prior to the November 4<sup>th</sup> election so it would be the first week in August, I'd have to look to see exactly what day but it would be 90 days prior to.

Mr. Long: I believe that we'll have 2 committee meetings and 2 Council meetings prior to us going on our August break.

Mr. Harris: And you also have to be able to pass it as an emergency so you need 5 votes.

Mr. Joseph: And Chairman, if the Committee wants you can have special meetings too.

Mr. Long: thank you sir. Any further questions? Hearing none, We'll move to item 15.

Discussion: ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Section 759.06 "License" OF CHAPTER 759 SECONDHAND DEALERS. (2nd reading 9/09/2014).

Mr. Long: Are there any additional questions on this? Hearing none, I'll make a recommendation to send this on to Council for its third and final reading with a recommendation of adoption. Second by Mr. Skinner. All voted "Aye". Motion passed.

Adjourned 8:35

Finance Committee

- - April L. Beggerow, Clerk of Council

June 16, 2014