

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
JUNE 13, 2005

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

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

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

Minutes of the regular Council meeting held May 23, 2005 were approved without objection.

Mr. Baxter moved to amend the agenda by adding a Motion to reject the bids for the 2005 Major Corridor Revitalization Phase II project and to authorize the advertisement for rebidding. Mr. Stake seconded the motion. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed; agenda amended. Mr. Hills said the item would be number 11b on the agenda.

Community Comments and Requests:

Mr. Andrews: Thank you Council. I'll try to make this brief. I just wanted to follow up on something from the committee meeting last week. I actually became very upset with the broker for the property. And the thing that made me upset was, the fact that people in that business seem to take for granted that cities die from the inside out. And that, kind of condemning our neighborhood to something that I don't think is at all inevitable for us. I really do believe that the community and that commercial district are linked. And the health of one is going to affect the health of the other. We've seen a lot of community involvement recently. We've got, Huber has its block watch, has its community organization. We've now got a block watch over in our area, and we're also going to start a community organization in that area. The residents are becoming involved. They want to clean this area up, and they want to improve this area. They want to bring it back. I came to this city 11 years ago and I love this city. I really do. And I really want to stay where we're at. I don't want to move out. We moved into that area because it was a multi-cultural area. That was the kind of area that we wanted to bring our kids up in. And you know, then we got some problems with some government housing and things like that. And the area started to decline. People kind of just went on and lived their lives. Nobody paid attention. People are paying attention now. And what we need from you, is we need support. We need help in enforcing the codes. We need help in getting the kids in the neighborhood to act with respect. And that's already happening. We had a real problem this last year with kids walking down the center of the street. And they just wait for you to stop. I even had a kid one time, just step out in the street in front of my vehicle and made me stop and then got up and walked away and laughed. That's stopped. I haven't seen anybody for at least three weeks doing that. So it proves that when you do come in and you do start to take action, and when you're supported by our police the way we have been, and I really want to thank our police department because I think they do an excellent job. I really, really do. So I just want to say again, you know, Council, support us. We can rebuild that area of town. It doesn't have to become a James Road. Okay? It

can become a nice vibrant community again. We don't have a lot of vacant houses. That's a good sign. Now, we've got some people in some of those houses that maybe do not do a good job taking care of their property. We can fix that with code enforcement and caring neighbors, and people that are willing to get up and take a stand and take care of the rest of it. So, that's all I wanted to say. It's not inevitable. We can bring this back. And we're willing to help and do our part. Thank you.

Mr. Hills: Thank you, Mr. Andrews. The next speaker slip is Sherri Stubbs.

Ms. Stubbs: Good evening. I also want to say that I think it's important for the former Big Bear store to remain a commercial property. I agree with Mr. Andrews. What's good for the business area is going to affect the neighborhoods. And if that is allowed to turn into a non-commercial entity, I just feel like the character of that whole neighborhood and that whole area is going to be changed forever. At the June 6 meeting, Mrs. Newman echoed my concerns regarding the development efforts for this part of the city. I have asked for documentation of the efforts at the May 23 meeting, and I am eagerly awaiting those. I know some of you probably think I'm a little silly for asking for that but, I invite any of you to drive down Brice Road. And when you look at the Columbus side, the west side, it's nearly fully occupied. The little shopping center's fully occupied. What used to be Builder's Square years ago, is now a beautiful antique mall. All the restaurants are full. The Reynoldsburg side however, has a gas station, a one plus acre lot near Home Depot, the former Cantina del Rio behind Home Depot, a former barbecue restaurant, the former State Farm building on Officeview Place sits right off Brice Road, and various small retail parcels in Century Center shopping center, all vacant. It seems odd that the Columbus side is occupied and ours is not. I agree also with Mr. Andrews about listening to the real estate agent for the applicant. Mr. Clemens made an important point last week regarding his prospective on this issue. Council must take his comments I believe, with a grain of salt. He represents the owner of the property. He stands to lose a large commission if this 3.1 million dollar building does not sell. I think it's also important to note the amount of time that he's stated he had been marketing this building. If I noted this correctly, he said he's been marketing that building for 7 months, and that the owners were marketing it prior to that. That means the property has only been marketed professionally since maybe November or December. I hardly think that's a sufficient amount of time to try to market a commercial building to a commercial tenant. And I also imagine that his marketing efforts have been less aggressive since that purchase contract has been put on that building. I also have to question his ability to market a property in this area. He has, seems to have a lack of knowledge of our area. He has referred to the Sam's Club on Brice Road at Consumer Square as a Wal Mart. And I know Wal Mart probably owns that property, but that store has never been a Wal Mart. He said he marketed the Big Bear store to Wal Mart and hopes that they would come there. I'm thinking, doesn't he know we already have a Wal Mart? A beautiful one out at Taylor Square. It seems like a huge waste of time. I guess I really would just like to say, any successful real estate agent knows that there is more to selling a property than just listing it for sale. You have to have the ability to sell it. And I just hope that you're able to take those comments in stride, and I appreciate the opportunity to express them. Thank you.

Mr. Hills: Okay, Ms. Stubbs. Is there anyone else who has any comments, Community Comments and Requests this evening? (No response). Hearing and seeing none, we will move on to item number 8.

Communications- - Clerk read report from Clerk of Courts: total monies collected from courts held during May 2005, \$35,973.35. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- -\$2,198 for the Computerization Needs Fund and \$220 for the Enforcement and Education Fund.

Reports- - President Hills noted there would be a Public Hearing on the rezoning of State Route 256 and Slate Ridge Boulevard, which would be re-set for Tuesday, July 5, 2005 at 7 p.m. Hearing had originally been set for June 13th.

Consent Agenda Item(s):

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

for first reading: ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF 3.82+/- ACRES IN TRURO TOWNSHIP, COUNTY OF FRANKLIN, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Grant Medical Center)- - item referred to Service Committee.

for first reading: ORDINANCE APPROVING TRANSFER OF SPECIAL EXCEPTION USE PERMIT - (7354 East Main Street)- - item referred to Service Committee.

for second reading: ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6300 East Livingston Avenue; proposed use of land/structure - church); applicant, Bishop George Dawson- - item referred to Service Committee.

Mr. Gilbert moved approval of the actions on the consent agenda; Mr. Stake seconded. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed; disposition listed above.

Regular Agenda items:

Motion(s)

Clerk read motion: That the Mayor be and is hereby authorized and directed to advertise for bids for the maintenance of the landscaping beds and plants of Phase I of the Main Street Corridor Revitalization. Mr. Beougher moved adoption. Mr. Stearns seconded.

Mr. Hills stated that this is a 29 month contract. Mayor McPherson stated that he knew it was going to be an irregular date but he can't say one way or the other that the 29 months is the regular date. Mr. Hills stated that it is his understanding that we made all of those promises to the business owners. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed.

Clerk read motion: That the Council of the City of Reynoldsburg does hereby reject the bid received on June 8, 2005 for the Major Commercial Corridor Revitalization Phase II Project; and hereby authorizes and directs EMH&T to readvertise for bids for the Major Commercial Corridor Revitalization Phase II Project. Mr. Baxter moved adoption. Mr. Beougher seconded.

Mr. Stake asked why we were doing this.

City Engineer Parkinson: We wanted to know the same thing as well. We talked to the plan holders, those that we had hoped would submit a bid and inquired as to why they were not able to submit. We also talked to the contractor that did submit a bid. We found out a few things. One, our project competed against others that were on the street as well. Other big projects for the resources necessary to prepare a bid. So we were unlucky in terms of the advertising that there were other big projects out that also demanded their attention. That kept some from even bidding on ours. And it also distracted the sole bidder from a real close scrutiny of the plans and specifications to give us his most competitive bid possible. He wasn't able to focus to that degree. And so some things were just glossed over and a number was applied. The one that jumps out at us as being the most disconcerting, were the walls. His price was \$250,000 more than we would have expected. Our expectation was based on the price that he bid last year plus a 5 or 6 percent inflationary increase as well. So we were just shocked. What we found out was, that his reviewer, his estimator, misunderstood how we were trying to tell them to build the wall. And he thought it was to be a poured in place, monolithic monster structure that you could drive a car into and not knock down. Well that wasn't the intent. And he just missed that detail. He misunderstood. And because he didn't have time, or the luxury of time from his perspective, he couldn't call and ask. It was a simple question. If he could have called and asked, we could have explained it and he would have understood better. We think, and so what we have done is, we have revised that detail. We have added notes to make it far clearer as to what our intent is so that we don't have that problem again. The other thing that happened is, this is a monster project as you all know, as you have been struggling with. It was 150 sheets more or less. It's huge. Smaller companies would be intimidated by such a large project. And so what we've tried to do is make it more friendly to the smaller companies. We have broken the project down into three contracts now. And if I'm going on, stop me. But we've broken it down into three projects. The big heavy stuff, the electric lights, the wiring and the traffic signals, or another bundle. And then the irrigation system and the landscaping is a third bundle. And we hope that this will entice those that have expertise in things like irrigation systems and landscaping to step forward and actually submit a bid on just that package. For those like the Jesse Howard's and the MP Dory's of the world to just submit for bid on the electric and the signals. And in this way, we can entice others to participate in our bid in the next round. And that should help as well with some prices.

Mr. Stake: Okay. Thank you. I have a question for Mrs. Reichard. Since we're doing this over and going through this again, I guess, and I know the last time around we were not requesting proposals from anybody else for project management and inspection services. Are we still pursuing that philosophy? Are we, you're not bidding out or...

Mrs. Reichard: We're not to that point yet. We need to get this bid out on the street and get that back in, see where the contract is. At the same time we bring some of that back, I believe is when we bring in for the project management and inspection. But as I stated before, we go through a process that is approved in the State of Ohio to hire engineering firms. And you don't bid engineering firms. You go through a process. And we've done that. As we all know, this is a very complicated project. Yes, EMH&T did the design along with EG&G. And it is with that reason and many others that I believe, that that inspection and contract should go to EMH&T. It's not, it's ours. And they're our engineers. This is one of those times when it's to our, certainly to our benefit that they are the ones. But we're not at that point yet. I would really like us to concentrate on this bid first and get it out and get it advertised and get it back in here. Because as

it is, we're already going to lose a month of building season, of construction season. So it's really vital and critical that we get this back out on the street as soon as possible and keep our focus on that.

Mr. Stake: And Mrs. Reichard, I can appreciate that. I really do. I just remember the last time EMH&T was the project administrator as well as the inspectors, and we were asked to provide \$60,000 in additional inspection fees, and I just hope that doesn't happen again.

Mrs. Reichard: It will not.

Mr. Stake: Okay. Thank you.

Mr. Hills: Yes, Toni.

Mrs. Newman: Could I ask a question of Mrs. Reichard? What is this going to do to, I thought that we were bound to start our construction by a certain date. Is this going to delay us so that we run into trouble with our grants?

Mrs. Reichard: No. Mrs. Newman, what we've done is, John Brandt took care of the CBDG Funds and checking with them to make sure that they would not expire. So he sort of validated that that we don't lose any part of that 2.6 million. And I have talked with the folks with the OPWC funding. And while I've got verbal assurances from them, it should not be, I mean, people run into this kind of problem every once in a while. Actually, I think it happens more than any of us know. Especially on a project this size. And they understand that. And right now, I mean, I have written a letter to director, the director of the program and I am waiting for a reply. But it's again, asking for a different date. I think the date of July 15 is what I asked for.

Mr. Parkinson: The word back from the director's representative was that in his opinion, the City of Reynoldsburg made every effort possible to put the project out in a timely manner. And had they received a bid that was acceptable, would have complied with the requirements.

Mrs. Newman: So, it's through no fault of our own.

Mr. Parkinson: Therefore, it's not just a matter of, we didn't get the plans done, or we're waiting until we can find some money _____. We had done everything we could and they see that as a good faith effort on our part and that will bode well for us.

Mrs. Newman: I have another question.

Mr. Hills: Mrs. Newman. Yes, ma'am.

Mrs. Newman: With breaking the contracts up, you know say in three parts, you know, the heavy stuff, and the electrical, and whatever else it was, the landscaping or whatever, how are we going to be able to compare that to the one bid we bid for the whole job? And is that going to cause EMH&T more effort to coordinate all those different contractors if we have to, I mean if we end up contracting for example, with three smaller contractors?

Mrs. Reichard: What we didn't want really was three contractors out there. Which is why we didn't bid it out this way in the beginning. Because we know there are companies out there that could do the whole big thing. Things like Complete General. But now that we didn't receive a good bid, we believe this is the best way to re-approach it to get the best bid possible. Those are all broken up in segments in those big documents that you received. So we can go back and look, we're not comparing against what we had with our former bid. We're comparing against the engineer's estimate for those line items. So I don't really believe that's going to be an issue. But to say, if we end up with three different contractors, we have put a caveat in the new bid document that says, in terms of working together, making that work flow, we've kind of covered that base in our new bid document.

Mrs. Newman: So who would coordinate all of that?

Mrs. Reichard: The construction manager.

Mr. Hills: Mr. Baxter.

Mr. Baxter: Thank you, President Hills. Mrs. Reichard, my question is just more toward the total cost. The three contracts are still going to meet what we expect the total dollar amounts to come in at. Correct?

Mrs. Reichard: It will not come in higher than that. That's correct.

Mr. Baxter: That's what I thought. Okay. Thank you.

Mr. Hills: I have a question. And I would follow up on Mr. Baxter, I do note that the engineer's estimate has not changed in the new contract. \$6,936,000. Am I correct on that?

Mr. Eifert: We had changed that. What we had done is we, I don't have that document in front of me. I'm sorry.

Mr. Hills: It's the one that's attached to the legislation. It's a 25 page document which is your second bidding. In case anybody had problems figuring this out, I had to look through all 25 pages before I found the rejection letter. It was on page 26. Once I figured that out then we were better. But it appears that the total engineer's estimate is 6936000 in each. Am I wrong on that?

Mrs. Reichard: What we also did was, we added, we need some things, some alternates in the event that one part of the contract would come in higher than the other so that we could balance it out.

Mr. Eifert: Sorry. I did not bring that.

Mr. Hills: If yours looks like mine, it's page 25.

Mr. Eifert: We had broken it up into the three different components of part "a" and part "b". The part "c", was that showing in your document there?

Mr. Hills: I can find, I started highlighting and I probably have 7 or 8 different sub totals as I go through there. So there's sub totals to the sub total of electrical. There's 2 or 3 sub totals in there. But I, when I looked at the bottom line I said, we're spending the, we are comfortable that our engineer's estimate was appropriate on Phase I. And so we didn't go out and raise our engineer's estimate by 10% and not to run into a bid problem is what it appeared to me when I read the document.

Mr. Parkinson: That's correct.

Mr. Eifert: Do you mean in the overall...

Mr. Parkinson: He's got two of them actually.

Mr. Eifert: Okay.

Mr. Parkinson: That's actually correct. We don't think we missed it by that much on our original estimate. We think the contractors missed it. And so we didn't just simply bump up the estimate by 10% in order to try to get a bid that's acceptable. When we did break down the packages, there are some, I don't want to say duplication of efforts but, there are some things that each of the contractors will have to do as opposed to one guy doing everything. So there's a little bit of increase there. There's also the sub contractor markup that the general contractor will put on a subs work that you save. So we think it kind of all balances out and we think we're right back to where we started.

Mrs. Reichard: And let me make one other comment in terms of any, or the activity, the amount of activity we'll get on this bid. There was one of the contractors that came in and they like, because they too were bidding on other projects, ran out of time and didn't give this their complete attention. They came to the bid opening and they'd already started their bid. So there are some who'll be able to just you know, take up where they left off. So we know that we're going to get a lot more bid activity. Well maybe a lot is the wrong term. But we're going to get more bid activity than what we got before. Again though, here we are in June you know, and everybody's got work and they're out there and they've been bidding on projects all spring etc. And I think when you look at the bid document that you were, or the prices, the line items that you were given, you can see there were 365 bid items. And for anybody who's ever bid anything, you know that's just a giant monster thing. And so they've had time to work on it.

Mr. Hills: 383.

Mrs. Reichard: 383. Okay. That's even worse. So I think we're going to get some more activity this time. We feel comfortable in doing that and getting this done.

Mr. Hills: I would certainly encourage everyone to have more activity. And I do share some of the comments and concerns. But I'm taking from this from what is being said, and so the audience will know, normally we don't discuss an item to this degree at a Council meeting. However, this had to be added to the agenda. So this is somewhat as a committee. With a motion, you don't have to waive committee referral, so we in essence, are sort of saying there's a

committee now asking some of the questions because we didn't have the opportunity to look at that until this weekend. But I'm taking from what you're saying that you don't really anticipate your project management fees or your inspection fees to increase substantially from having three contractors instead of a single contractor.

Mr. Parkinson: No we don't. What we anticipate doing, last year we had bi-weekly project meetings out in the field. And with this project, with multiple contractors, in the event that we get multiple contractors, we anticipate accelerating that to once a week so that we can have the coordination between the multiple contractors on a more frequent face to face basis. And that would be the only thing. And we don't see that increasing the cost of our efforts because we have a substantial level of effort applied to this Phase II Project from our inspection department. And we think they can incorporate that into their daily route, or their weekly routine.

Mr. Hills: I think the comments are noted that, certainly I appreciate Mr. Stake's comments and others. And also your comments of having the continuity of being there from the beginning, designing, and everything else through the inspection. But I guess I wanted to be sure that there's the other side to Mr. Stake's coin. If there's any problems, and I'm just looking at the three people that we're going to be asking questions of. And that can be good or bad. That's why there's two sides to that coin. But, any other questions? Yes sir, Mr. Stearns.

Mr. Stearns: Thank you, President Hills. My question is, now that the bidding is going to be rebid, when do you expect to have this information back to us to know when the bidding would be completed?

Mrs. Reichard: The bid opening will be June 29. And we had planned to bring it to you on July 5.

Mr. Stearns: Thank you.

Mr. Hills: And you're comfortable that that is adequate time to get the bidders in?

Mr. Parkinson: She doesn't have anything to do on July 4.

Mrs. Reichard: That's what you call a lost weekend.

Mr. Hills: Okay. Any other questions from anyone on Council? Mr. Baxter.

Mr. Baxter: Just one more question, President Hills. And with this delay, now when do you see the start of construction? Obviously, if everything goes as expected.

Mrs. Reichard: Twenty days after.

Mr. Baxter: Twenty days after?

Mrs. Reichard: Within 20 days after.

Mr. Baxter: Okay.

Mr. Parkinson:after Council's authorization of the contract.

Mrs. Reichard: Yes.

Mr. Hills: Further questions? (No response). Administration, any questions from the Mayor?

Mayor McPherson: I think they pretty well summed it up.

With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed.

A RESOLUTION REAUTHORIZING AN AGREEMENT BETWEEN THE CITY OF REYNOLDSBURG AND THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, OHIO ON BEHALF OF THE CITY OF REYNOLDSBURG FOR A COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAM AND PROVIDE ACQUISITION SERVICES THEREWITH AND DECLARING AN EMERGENCY- - Clerk read resolution by title for the one required reading. Mr. Beougher moved adoption. Mr. Gilbert seconded. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed; Resolution No. 43-05 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION TO PAY EVANS, MECHWART, HAMBLETON & TILTON, INC. for professional services AND TO PAY the law firm of PORTER WRIGHT MORRIS & ARTHUR for special counsel services FOR ASSISTING THE CITY OF REYNOLDSBURG IN ITS EFFORTS TO OBJECT TO THE SW LICKING LOCK-IN APPLICATION, AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Gilbert moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed; Ordinance No. 44-05 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR 2005 SANITARY SEWER TELEVISIONING AND INSPECTION PROJECT, APPROPRIATING FUNDS THEREFORE, AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Gilbert said the item had come from committee with a recommendation for adoption, but asked that it be returned to committee for further discussion. Item referred to Service Committee.

ORDINANCE AUTHORIZING ENGINEERING OF A SANITARY TRUNK SEWER IN THE TAYLOR ROAD RIGHT OF WAY NORTH OF U.S. 40 TO THE NORTH PROPERTY LINE OF THE KROGER CO.; APPROPRIATING FUNDS AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Gilbert moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed;

Ordinance No. 45-05 adopted.

ORDINANCE WAIVING COMPETITIVE BIDDING; AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH T C WEISER CONSTRUCTION TO ACT AS CONSTRUCTION MANAGER AND SOLICIT BIDS TO CONSTRUCT REYNOLDSBURG SANITARY SEWER EXTENSION; APPROPRIATING FUNDS AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Gilbert moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Beougher "Abstain"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed; Ordinance No. 46-05 adopted.

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" OF CHAPTER 371 Pedestrians- - Clerk read ordinance by title for the first reading. Item referred to Safety Committee.

RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF REYNOLDSBURG, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2006 AND DECLARING AN EMERGENCY- - Clerk read resolution by title for the first time. President Hills set a Public Hearing for June 27, 2005 at 7:15 p.m. in Council Chambers.

ORDINANCE AUTHORIZING MAYOR TO EXECUTE A "Relocation of Sanitary Sewer Easement Agreement" (Amending O.R. Vol. 664, Page 870, Fairfield County Recorder's Office) (Wesley Ridge)- - Clerk read ordinance by title for the third reading. Mr. Gilbert moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed; Ordinance No. 47-05 adopted.

ORDINANCE ACCEPTING UNRECORDED PERMANENT ACCESS EASEMENT (.055 ac.) FROM RALPH C. HOWLE AND JUDITH HOWLE (Instone Drive)- - Clerk read ordinance by title for the third reading. Mr. Gilbert moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed; Ordinance No. 48-05 adopted.

ORDINANCE TO APPROPRIATE FUNDS TO CITY ATTORNEY SPECIAL COUNSEL ACCOUNT 110.554.5332- - Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mr. Gilbert seconded. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Abstain"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed; Ordinance No. 49-05 adopted.

Mr. Hills: We will be going into Executive Session in a minute, but if I could ask the Council's patience at 8:05, I was handed a speaker form. Mr. Wright, do you want to go to the mike right beside you there? Would you like to stand up and address Council?

Mr. Wright: Yeah. I just wanted to make a couple of quick comments on the church going in possibly at Livingston Avenue in the old Big Bear store. And I just wanted to say that I agree with

the people that think that the tax base is important and that a store should be in there. Commercial property should be in there. And there's another thing too that I didn't hear mentioned, I seen in the paper that that store was a viable store but it was just mismanaged. And the community needs the store. And they let the store go downhill. We saw it. We saw the floors getting dirty and all that. That's a company that was out of state. It was their fault they mismanaged it. But if a good company comes in there and puts a store in there, it will be just as viable as that store used to be. And so, the neighborhood around there, Huber needs that, needs a good store in there. And also, to put a church in a store, I mean you can drive around Columbus and you can see it all over Columbus. I think that is the surest sign of urban blight. Is when you start putting churches in commercial buildings. In commercial structures. And you can, and it's, if people see that, I mean if that takes place, then our part of Livingston Avenue is going to start looking like the rest of Livingston Avenue west. It's going to start going downhill. And we're putting too much money in the street project and everything and trying to make Reynoldsburg look good. And it's a good start, but you know, what good is it going to be to fix up Main Street and then have Livingston start to deteriorate and look bad. And even if the street project finally gets around to there, it's still not going to help that look. Because when people come in, the first thing they're going to see is you know, what's obviously a Big Bear store with a church in it. And it doesn't look good anywhere else in town that I've seen. And whether it's a, it doesn't matter if it's a church in a store front or a Chinese restaurant, what used to be a Taco Bell, or whatever it is, I mean it just, to me, I think it looks bad. And I think that's what will, it will start us downhill too if we do that. And I just wanted you to know, put my two cents in on that. Because I just live a street down. I live on Roselawn. So it's the first street down from Livingston Avenue. That corner there. And I've lived there for, every since 1971 we moved there. And that's how long we've lived there. And so we know the place needs that store. And some store to go in. And I think they will. I think people will realize, if it's there a while I think they'll get the right price and some store will buy it and they'll move in, and they'll realize they can do a good business there. And so, but I think that the looks of the, the looks and the psychology of the place is really important. And when you start seeing a lot of buildings used for other purposes and stuff like that it just, it starts going downhill and the rest of the city is proof of that. And we don't want it to happen here. So that's really all I wanted to say. I appreciate you letting me put my comments in.

Mr. Hills: Okay Mr. Wright. Thank you.

Request for Executive Session by President of Council to discuss imminent litigation with City Attorney.- -Mr. Beougher moved to recess for Executive Session. Mr. Stake seconded. Mr. Hills said those attending would be elected officials, the Clerk, City Attorney and Assistant City Attorney. With the roll called, members voted: Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mrs. Newman "Yea". Motion passed. Mr. Hills said following the Executive Session, Council would reconvene only to call the roll and adjourn. Council recessed at 8:16 p.m.

Council reconvened at 9:20 p.m. With the roll called, members responding were: Mr. Beougher "Present"; Mr. Stake "Present"; Mr. Stearns "Present"; Mr. Baxter "Present"; Mr. Gilbert "Present"; Mrs. Newman "Present".

Meeting adjourned at 9:20 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

(Minutes compiled by S. Smith, Ass't. Clerk of Council)