

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

June 4, 2007

Members of Community Development Committee present: Preston Stearns, Antoinette Newman, Brett Baxter, Donna Shirey.

Other members of Council present: Ron Stake, Doug Joseph, Mel Clemens, Council President William L. Hills.

The meeting was called to order at 7:30 p.m.

Mr. Stearns: The second thing on the agenda is approval of the agenda. Are there any changes, deletions that anyone would like to make on the agenda for tonight? (No response). If not, then we will accept the agenda as it has been presented.

The third thing on the agenda will be the Election of a Chairman and appointment of Vice Chair. While I've got this opportunity, I wanted to make note as to who the members of the Community Development Committee are. And they are I, Preston Stearns, Temporary Chair; the next person is Councilman Baxter, Councilwoman Shirey, and Councilwoman Newman. So at this time we will elect a Chair. And do we have a motion for the selection of a Chair? Mrs. Shirey.

Mrs. Shirey: I would like to nominate Preston Stearns for Chairman.

Mr. Stearns: Thank you. Do we have a second on that? Second by Councilman Baxter. Are there any questions? (No response). All in favor, signify the vote of aye. (All voted "Aye"). Thank you very much. And at this time we'll appoint Councilwoman Shirey as the Vice Chair.

Okay. Item number 4 will be the approval of the minutes of the Community Development Committee meeting held April 2, 2007. Are there any changes to those minutes? (No response). If not, then we'll accept them as they have been presented.

If there's nothing else to come before the Community Development Committee, we will adjourn at 7:31.

Community Development Committee

June 4, 2007

- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Lyday)

SAFETY COMMITTEE MEETING MINUTES

June 4, 2007

Members of Safety Committee present: Doug Joseph, Antoinette Newman, Ron Stake, Donna Shirey.

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

Mr. Joseph: I'll call the Safety Committee to order at 7:32.

The second item on the agenda is approval of the agenda. I would like to add one item this evening, which would be item number 9, at the request of the Mayor, "Discussion for the abolishing of the Animal Control position". I'm going to make the motion that we add that to the agenda. Is there a second? Second by Councilwoman Newman. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Okay. It's been added.

Item number 3, the Election of the Committee Chairman and the appointment of a Vice Chairman. I'll open the floor for nominations for Chairman. Mr. Stake, yes, please go ahead.

Mr. Stake: Councilman Joseph, I'd like to nominate you as Chairman of the Safety Committee.

Mr. Joseph: Okay. Is there a second? Second by Councilwoman Newman. All in favor? (All voted "Aye"). Opposed? (No response). Election of Chairman, Doug Joseph. Thank you very much. I appreciate the opportunity to serve as Chair. And I would like to appoint Mr. Stake as the Vice Chair. Can you continue serving in that role?

Mr. Stake: I certainly will. Thank you.

Mr. Joseph: Thank you. Number 4, Approval of the minutes for May 21, 2007 Safety Committee meeting. Are there any questions or changes to the minutes? (No response). If not, they'll stand as submitted.

Next item, item number 5 will be Discussion, Liquor Permit Request, new, Livingburg Inc, 6537 39 E. Livingston Ave, Reynoldsburg, Ohio 43068. I spoke with Chief Suci on this matter earlier today and he informed me that the applicant is withdrawing his application, and indicated that no action will be needed, so I'll simply return this to the Clerk.

Item number 6, Discussion of suggested streets for bidding for repair. Who's going to take care of this? Mr. DeBolt?

Mr. DeBolt: Mr. Chairman, members of Council, Mr. Mayor, as you know, over the last couple of months, we've provided you some memos with some proposals for repairing streets this year. Just as a brief recap, earlier in the year our intent was not necessarily to pave the streets that are listed, but over the course of the winter, the toll that the severe winter took on the streets when the weather did break, later in the Spring than usual when we inspected the streets, we found many of them to be in more disrepair than was expected. Therefore, also based on some other factors such as escalating oil, and asphalt being an oil based product, and the prices possibly going up, and inflation based situation any way from year to year, we thought we'd go ahead and put together a program for your consideration to go ahead and pave streets for this year. The ones that we have

identified are I think, definitively in need and we'd like to go forward with the advertising for the bids this week with EMH&T. And I wanted to keep Council informed because when they came forth with the proposal with how much the streets would cost, it was at a higher amount than we originally intended. But in checking with the Auditor's Office, we felt that there was sufficient funding to at least propose it at this stage and bring it up for discussion again tonight.

Mr. Joseph: Thank you, Mr. DeBolt. Is this something you're looking at moving forward very quickly with I'm assuming?

Mr. DeBolt: Yes. Because again, we are somewhat late in the process and EMH&T would like to go ahead and basically advertise for the bids ASAP.

Mr. Joseph: When do you think we would, if we move this quickly as an emergency, when do you think we'd see bidding done on this?

Mr. DeBolt: Well, they're ready to move forward here this week. And basically, they'd go ahead and advertise and see what kind of bids we're going to get. So they're prepared to do that. We knew that we had to move quickly so they've been working on it.

Mr. Joseph: Are there questions, members of the committee? (No response). Members of Council of Mr. DeBolt on this issue? Mr. Hills.

Mr. Hills: Mr. Joseph, just procedurally, I think maybe, I may be wrong, but I believe we have authorized already, the estimates and the bidding. So it's just a matter, we've always asked the Administration, bring back to us what it is. I think they've probably put more streets out there than we knew were going. And so I think there won't be an action of vote actually tonight. It'll just be, I think, if there's agreement that some of these streets shouldn't be on here, they ought to be pulling them off. And when they advertise for bid, it would be on no more than the maximum that are here.

Mr. DeBolt: Lesser amount.

Mr. Hills: But I don't think it'll take a vote because I think we already authorized them to go do it. It just got a little bigger while they were out there looking at them.

Mayor McPherson: If I could? Yeah, our point is, we want to make sure that Council's aware of the new numbers after the original proposal from EMH&T. And then of course, as with any contract that we bid out, we have to bring that back in for Council to approve that. So that's when you'll get the other look at what they actually come in at. You know, as long as there's not any strong objection to this tonight, we'll go ahead and have EMH&T start the bidding process and then we'll bring the bids back to Council for your acceptance, or for your authorization for us to accept it. Mr. Hills is correct.

Mr. DeBolt: There is one slight addition to what we've been doing. In talking to Dave Koch from EMH&T, he suggested it might be a good idea. Because two of the streets that are in question,

Merchants Drive and Officeview Drive are concrete streets. All the others are asphalt based. And there's been some concern about what kind of bids we would get. Therefore, he suggested, and I concur, and so does Mr. Miller, that perhaps putting those out as a separate bid just for those. And then the other six asphalt based streets as a separate bid as well. And in doing that we would come up with a projected bid of 671,000 for the asphalt streets. And then 351,000 for the two cement based streets. So that's what we are proposing to do.

Mr. Joseph: Councilman Clemens.

Mr. Clemens: Yes. And I was glad to see you mention that. Even though these streets are my district, I looked them over. And as a matter of fact, I went down again today, and I'm not really sure that we need to spend that kind of money on, those two streets aren't used that much. And as a matter of fact, you take Officeview, the west side of Officeview, there's nothing wrong with it really. And the east side has some blocks that should come out and be repaired right. So rather than do the whole section, I think if we do different blocks that are back, the 10 x 10 sections, it would save us a lot of money. Merchants Drive's got a few right when you pull in off of Brice Road. Then it's alright until you get to the intersection where it hits Officeview and there's a few there. But the whole west side of Officeview, the concrete on that is not _____ or not even cracked. And I'm glad you're splitting it up because I'm not really sure those should have to be done. They don't get the traffic that they get on our neighborhood streets or like we do on our busiest streets. Merchants Drive is just a cut-through really to cut in if you want to go back to Odd Lots or something like that. Officeview gets very little traffic. The concrete is not in good shape on certain sections of Officeview but to do the whole west side, I mean, that's a lot of money. So I'm glad that you're going to bid those out separately because I do think that that's \$350,000 that basically, we don't need to spend.

Mr. DeBolt: If I could add a few points to that Councilman Clemens. One is that again, the streets, you know, I did provide pictures to you earlier. And again, in looking at the pictures when we inspected them ourselves, I would have listed one of the streets on site at the very top of the list, but once EMH&T did their study and checked the borings and that, that particular street ended up towards the bottom. So we just need to be careful because the sub-surface condition sometimes of the streets sometimes is a lot worse than it might appear, for one. And secondly, with the new fire station there off of Merchants, I think it would get more use than it has in the past. So that was a concern to try to finish that road to provide access to Brice Road.

Mr. Clemens: I don't think they'll be using Officeview.

Mr. DeBolt: As a matter of fact, that was one that we thought that was one of the most, the least one out of the three in that area.

Mr. Clemens: And I do say, Merchants does have a bad section, a few bad sections in it. And I agree with that. But to put the money, the 223,000 on Officeview, I'm just not sure that's a good idea. So bidding them out separately, we'll see how they come out.

Mr. Joseph: Councilman Baxter.

Mr. Baxter: Thank you, Chairman. The thought that I'm having here, and I don't disagree with your point, Councilman Clemens, they're direct, but I think we're trying to improve that area of town. And in that area, if we're trying to increase the amount of renter ship that we have in those office space, as well as in the Odd Lot area and keep those businesses thriving, we have to invest back into the infrastructure and show that we're interested in that area. And I think it was one of the biggest reasons I was for making those changes, was to try to drive more business in that area should our interest needs to be in that spot. So that was the only reason why I thought it was a good area. Although it is 300,000, I understand. And I would be more than willing to look at patches if we could fix it rather than do the entire road if that's a possibility. I think that's a good point. But I do think we need to fix the road there as well as, I know you said it's a cut-through, but still, it's an eyesore. And the more we can do with it the better.

Mr. Joseph: Councilman Stake.

Mr. Stake: Thank you, Chairman Joseph. I appreciate President Hills and the Mayor clearing up what was added here and those kinds of things because I was a little confused myself. And I tend to agree with Councilman Clemens. I'm wondering whether our money might be spent in other places a little bit better. There's not a lot of, Merchants Drive, I mean, that's the back of a bunch of buildings basically. I don't know how many people use that. I guess my concern would be how much traffic we get in a relation to the need. And the more traffic based on the need, I'd be more comfortable with. I haven't seen any numbers on traffic on some of these streets. But really, Merchants Drive is really the only one, Merchants Drive and Officeview are the only ones I have a concern over. Being money's tight, fixing streets, I certainly would rather that we put our money, and I'm not saying we don't do anything, maybe we can repair, patch some of the places that are definitely needing help, but I'd rather put some significant dollars into another street that may have more traffic. Thank you.

Mr. Joseph: And I think there's been some concern that we've gone from basically just some repair work to over a million dollars worth of expenses here. And the timing I think is of a question of whether we can get it done this year. Whether it can get done or if it's going to get kicked into another year. And I understand the arguments about the cost of materials going up over the next year. But as you look at this list of projects, these road improvements, is this just a random listing? Or are they ranked in any particular order?

Mr. DeBolt: If you look at the third number on the list, the PCR, Pavement Condition Rating, that's the rating with the lower, the score being more in need of resurfacing to higher. Actually, no I'm sorry, that's incorrect. That's right. The lower the number, is that correct Jim? The lower the number, the more need.

Mr. Joseph: Evergreen Blvd. would be a higher priority than Lancaster Avenue?

Mr. DeBolt: Correct.

Mr. Stake: Eastgreen Blvd.

Mr. Joseph: Oh, I'm sorry. Eastgreen.

Mr. DeBolt: Eastgreen, right.

Mr. Joseph: Okay. So again, we're looking at having this bid out, but is there a commitment if we get the bids and they look good, and you're saying you'd be coming back to Council at that point?

Mr. DeBolt: To present it to Council. Correct.

Mr. Joseph: So really there's no action by Council at this time?

Mr. DeBolt: Again, we just want to keep you informed. We did, since I sent you the last memo, decide to split up the bids. I thought that was important to make you aware of as well.

Mr. Joseph: Okay. So what we'd be looking at coming back in a couple weeks? A month? A month and a half? What type of time frame?

Mr. DeBolt: Jim?

Mr. Miller: Four weeks to advertise; three weeks preparing the books; five to six weeks at least.

Mr. Hills: I think the goal is to try to be back before August recess. So I think that's why there's a need to move it forward, and quickly. They're ready to go forward. It's just, the Administration always comes back to say, Council what do you think? And in this case, it got a little bigger while it was there. But just to clarify I think if I could Chairman Joseph, Lancaster Avenue has already been removed.

Mr. DeBolt: That's correct.

Mr. Hills: The total is 259 less the 237 on Lancaster making 1,022, a million and twenty-two thousand dollars. Because it's gone. And now it comes down to, I think just as a, something to throw out here, we as a city get in about \$650,000 a year new dollars that can be used for street repair.

Mr. DeBolt: And we had not done any last year as well.

Mr. Hills: We sure spent it somewhere, I'm sure. There aren't many accounts that you haven't....

Mr. DeBolt: I wasn't here so correct me if I'm wrong, but I was under the impression we didn't do a street project last year.

Mr. Hills: There was a street project of 3 or 400, 500,000 something like that.

Mayor McPherson: I don't think we did anything last year.

Mr. DeBolt: I think it was the year before we did a small one.

Mayor McPherson: The year before we did 420 or something like that. Last year we didn't do anything.

Mr. Hills: Bottom line, what we get in about a year, if I understand the Auditor right, is approximately \$650,000 of new dollars to go into streets. So right now you're down to a million. And if you bid the others out, I think as Mr. Clemens was suggesting, it'll take you down to, I don't know, I probably lost my numbers, about 671,000 of streets. And then the concrete bid out.

Mr. DeBolt: Right.

Mr. Hills: That's one way to look at that, but I've got to say that it's not easy to sit up here and say do this one and not that one, but Merchants Drive is gone. With the concrete issue, do you want to put that into the asphalt and then have something, you're going to have to reject everything, I'm not sure that's good. So I think separating out those bids may be of a benefit. That's just sort of kind of where we are. And you just want to know which ones that we're going to say, okay, go out and go ahead and finish the bidding project. Because that's what you're in the middle of right now.

Mr. Joseph: Okay. Mr. Harris.

Mr. Harris: Yeah. Mr. Hills is correct. We get around \$650,000 in that is earmarked, can be earmarked for streets. Some is completely streets. Some is in the CIP. We've already done 450,000 this year with Graham Road, Waggoner Road, and then Main Street. So now you're talking about a million on top of that would be a lot. I would certainly feel more comfortable with just the asphalt part of it being around 630,000. That would fit into the original projections that Mr. DeBolt gave which is between five and nine hundred thousand. I think that makes a lot more sense from a financial point and not going over, dramatically over what we take in every year as we have done with some other things in the past.

Mr. Joseph: Thank you. Mrs. Newman.

Mrs. Newman: I'd like to say I agree with Mr. Clemens as far as patching and repairing those two streets, Merchants and Officeview. But when we let those bids, is that what the scope of the work is going to be for the bids? Are we going to have it both ways?

Mr. Clemens: I think we'll get a bid probably back on what the complete job would be. We look at it, and if we feel that we don't want to spend that kind of money, it's too much, we can break it down or go into another phase and have somebody come in and do sections of it.

Mrs. Newman: Okay. And then Mr. Baxter, I think your point was well taken too about improving that area of town. But I don't think we plan to do a deficient job even if it's patched. I'm sure it'll be adequate. That's all I have to say.

Mr. Clemens: I think eventually, and we went through this on Merchants Drive, the big section on Merchants Drive, we finally did away with the concrete because it's such a problem, and we asphalted it which you'll notice along the fire house that section's asphalted with a concrete strip in the middle. Because the concrete has gave us a problem in the base. As Mr. DeBolt has said, we can have problems on it. You can fix it one year and come right back the next year. So we could get into a situation, if we do take up all that concrete, we could get into a situation where the subgrade is not good and then it would cost us a lot of money to come back in and do a subgrade. We've bumped into that before. So I think it's best we bid them out like you said, separately. And if we feel that, and if you look at it again and so forth, and we feel that we can do maybe ten blocks of it or whatever it will take to fix it up, especially Merchants as you pulled in off of Brice Road, there's two or three blocks right there and then there's a couple at the intersection, might be a way of saving us money that we can use on other streets within our neighborhoods. Because we do, and I know, I get a lot of complaints, and I know that there's a lot of complaints in each neighborhood. There's so many streets and I think the Mayor will agree on this, because of our financial situation, we dropped down from a million and a half what we used to do, to nothing. And we do that for four or five years and you're behind six or seven million dollars on your streets. And there's going to be a hard way to catch up. And that's why we had hoped that we'd get the tax issue passed where we could catch up on it. So it has put us in a bind. So I think that it's a little more important within our neighborhoods. I think we did a big job on Main Street and we want to do a good job on 256, Waggoner Road and so forth, and I think it's time, these other streets, we start concentrating on our neighborhoods where the people live. And maybe we're going to have to do something as far as commercial is concerned. Maybe they're going to have to pitch in one of these days and help us out a little bit. There is such things as that. But until we do come up with it, a heck of a lot more money which we do need, because we should be spending a million and a half to two million a year to catch up on what we didn't do. We're going to be in a situation, and I think you know this Steve and I think the Mayor knows this, we're going to be in a situation 3, or 4, or 5 years from now that if we don't do something, our streets are all going to fall apart. And they are, in the process....

Mr. DeBolt: That was another factor in trying to do something this year. Because we might get to a point where we can't keep up.

Mr. Clemens: I understand. So let's see how this comes out on the bid and we can move from there.

Mr. DeBolt: If I could add, Councilman Clemens, in reference to what you said and Councilman Stake as well, I would like to point out that Eastgreen, Kingsley, and Farmsbury, and Hanson are all streets that we would call like feeders in the neighborhoods. And those are highly traveled streets. And those are again, in need of pavement. So I think to work back into the neighborhoods, we agree with that. That we'd like to see the neighborhoods get some attention. And I think that's a good place to start with those streets that get a lot of traffic into those neighborhoods.

Mr. Joseph: What kind of life span do these streets have normally once they've been repaired to the

degree we're looking at doing?

Mr. DeBolt: Well basically, we're looking at, it depends if you do full surface or not. For instance, on Main Street, we're not going to do full surface up on the east side of Main Street. So again, I'm not an engineer. I might defer to Jim on that. But I've heard that we may be looking back at Main Street within three to five years since we're not doing the subsurface. Whereas, if you do everything, you're looking maybe ten to fifteen years potentially for a street. So, is that in the ballpark, Jim?

Mr. Miller: That's correct.

Mr. Joseph: Do members of the committee have anything further to add? I know that this list is, as presented, is the committee comfortable with this? Members of Council comfortable? Mr. Baxter.

Mr. Baxter: Chairman Joseph, I'd just like to bring one other issue up here. In the event that Merchant Drive and Officeview turns out to be something that the city decides they may not want to do, we may get to that point. The cost of those two streets, at least from your listing is \$351,000 that would not be spent. I would say then, that Lancaster Avenue then, may become something that we may want to think about. And if we had it bid out, then we could easily transition from one direction to another. So thinking ahead, if we had that ability, that would give some flexibility for the city.

Mr. DeBolt: Well, that was the thought process, to try to include that in initially. But what happened in the meantime is that, once the street was examined closely, more closely by EMH&T, the slurry seal process that was going to be used, is only good to a point when the street, like we have the ratings here I believe, if the street is rated in the realm of let's say fair to good, and you slurry seal it, you can extend the life maybe another five to seven years, maybe ten years. But once it gets to that point, which Lancaster was rated as a 69, it's right on the boarder. Therefore, that process would then not be the best affective cost spending of that money. Therefore, we withdrew it based on the fact that it's better to get the full life what's left out of it. Maybe three to five years, and then make a major project of repaving it. So that's why I withdrew it this year.

Mr. Joseph: Councilman Stearns.

Mr. Stearns: Yes, Chairman Joseph. I have a question for Mr. DeBolt. Did you have a rating for all the streets in the city, or just certain ones that were picked out, or how were they selected?

Mr. DeBolt: We've had a program proposed to us by EMH&T. To do that for the entire city was rather costly. It was \$50,000. So we did not bring that forth to Council. But at the same time, we don't have that rating per se because that would entail them going out and looking at all the streets and doing that type of program. But our Street Superintendent Larry Ward, he does keep his own records, and he's out there doing it again now as a matter of fact for next year's. So I would say we don't have the specific ratings for it, but the streets that he picks are in the realm of those ratings within I'd say, 10 points. But we don't have them on that type of scale. But he has

a scale that definitely needs to be done. But work that falls on that rating is pretty much, again, some of them are in the 50 to 58 range are all in that same time frame. So I'm sure, Mr. Ward has some other streets. I think Noyes was one, and Knob was one. They were on I think, two years ago program. But they didn't disintegrate as fast as these others did just over a year. So they're like on the boarder line where they didn't need to be done. And I guess if we rated those, those would probably be up in the 60 range. Probably need to be done next year. So, no we don't have it for the entire city. We couldn't because of the cost. We have talked to another company that could provide the same service at a lesser cost. But we felt it was more practical to try to spend the money on the streets that are very evident that need to be done. And then perhaps look at that in a long term. Other cities have done it like Bexley. It does work. But again, you're investing money in something that right now, we think it's pretty apparent, the streets that need to be done.

Mr. Stearns: Thank you.

Mr. Joseph: Other questions? Councilwoman Shirey.

Mrs. Shirey: Thank you, Chairman Joseph. I think we all agree that the streets need to be repaired. I think one concern that I have is spending money that we don't have. And I have to agree with the Auditor, Mr. Harris, that we need to stay within our budget. I think that, one question I do have is, how many times have these streets that are on the list been reevaluated by us?

Mr. DeBolt: Well I don't know how many times each street has been on the list. When you say reevaluated, do you mean, considered each year?

Mrs. Shirey: Um hum.

Mr. DeBolt: I did compare this list. I had the '04 through '06 listing. And some of the streets did not come up on the same list based on the fact that they might have just stayed in the same condition. They didn't get worse. But again, these are the streets that pretty much got worse over the past year. And most of these streets weren't on the same list in the past. A couple of them were. So I don't have it definitively how many _____. I know at least two of them were, but not all. And how many times? Again, Larry keeps a pretty good program. And he's doing it again for this year. I guess I could find that out if you needed that. But again, it's kind of a rolling evaluation. I think he looks at all the streets over a course of the year for one reason or another. Whether it be just repairs for paving or a pot hole filling. So I'd say all of them are looked at, but to give it the depth of evaluation to consider repaving the street, that's difficult to do for all of them because we have to spend money to get that done through EMH&T.

Mrs. Shirey: I agree with Mr. Clemens, and everybody up here is saying we need to have it done. But if we can just do some small repairs in areas that really don't need it which would save us \$351,000, to me, that makes more sense than spending over one million dollars out of our budget.

Mr. DeBolt: All I would say is that, in considering these streets, I share concern with the budget that when we looked at the monies that are available, a lot of those funds can only go to streets. And whether we spend it this year or next year, it would still be on streets and most likely these

streets based on the condition. For instance, the Permissive Tax Fund, it could go to any street. The Street Fund, it could go to any street. And three of these streets I believe, or three or four are in Licking County and they have a designated fund for the Permissive Tax in Licking County so that some of that money could be designated to it. So when you look at the various funds that the money could be used from, I think the funds are there that would add up to the amount that we need. And I wouldn't bring it forward if I didn't think that was the case. But I share your concern with making sure we have monies available. And I don't want to drain any funds either. I think we're all in agreement with that. I think we're just in a situation where, since we haven't done it in the past, the recent past, and based on the projections that I get from EMH&T and Larry Ward, that we're going to be facing a situation to this future where we won't be able to keep up, this would allow us to, perhaps, maybe not even keep up for the next few years, but at least make some progress. And again, I think it has been pointed out that we've been assisted by ODOT on a couple of projects. One coming up. Hopefully one that's being done this year, and with the county. So that's, with their assistance, we've been able to pave some major streets. These are our responsibility. And I don't think we're going to get any help other than rely on ourselves. And I think the monies are there to look to pay them.

Mr. Joseph: Councilman Stake.

Mr. Stake: Chairman Joseph, I think funding is an issue as well. And I appreciate Council members considering that. I don't see a problem with the funding this year on the streets. I think we've waited, we slowed down our Street Program significantly. We didn't do anything last year. I believe we do have the funds available to do what we need to do. My concern is priority based on traffic. And that was my only concern. I do think we need to get on with the Street Program this year, next year, and the following year. Because the longer we wait the more the price goes up. So whatever terms we can come to that's reasonable, I certainly would be for it. Thank you.

Mr. Joseph: Councilman Clemens.

Mr. Clemens: And I agree with Ron. We have to start spending the money. But I agree with Councilwoman Shirey that we don't want to over spend on what we have. And as you said, Permissive Tax, Licking County. That Licking County money has built up for about the last 12 years. When we use it this year it isn't going to be there next year. We get very little from Licking County. We get it from Franklin County. But that money that's in Licking County, why we have so much up there, we've not been using it. We've let it build up, let it build up. So the money that comes in off of auto taxes and so forth, it'll have to build up. There won't be anything there next year. But I have no problem using it on the streets that you have there. Because I know they need worked on over there in Licking County, those streets do. But I agree with Ron. This is something that we're going to have to look into seriously within the next year or two on how we're going to come up with additional funds. Maybe we're going to have to do what we did before and ask the people to help us. We're so far behind, and really to do a good job, it's going to take a lot of money. \$600,000 a year is just a drop in the bucket as far as helping our streets out. I mean, it's not even keeping us stable. And I agree with Ron. My only problem was with the money that we were spending is, I just felt it could be used some place else. I mean, as I said, Merchants Drive is right at the intersection off of Brice and I agree with that. But not all this other

part of these, Officeview and Merchants Drive. I think it needs to be used other places. But let's, as I say, let's go ahead and bid it out the way you have it and then we'll see how it comes back and go from there.

Mr. Joseph: Mr. DeBolt, do you have any idea the last time we proceeded with a, where a program like this mid-year and had it all done within the time frame we wanted? Is there any precedent on being able to get that done in the time frame we want it? Or is that not the case?

Mr. DeBolt: I personally don't know. But in talking to the engineers, it depends on what companies are out there and available. I might defer to Mr. Miller. He's worked with other communities in bidding process too.

Mr. Miller: To answer your question, mid-November is when you can't get asphalt any more. And finishing this Street Project, if contractors are available to work on it, I don't see any reason why they could not finish by that November date where they are no longer able to get materials.

Mr. Joseph: The key question is, can we get the contractors?

Mr. Miller: I wish I had a crystal ball to be able to tell you that. I know that contractors right now, there's not a lot of work out there for them right now and it's a very, very competitive market. If I was a betting man, I would say that you would be able to find the contractors to do it.

Mr. DeBolt: I asked Mr. Miller a question that, the fact that we are spending some funds just to prepare the bids, and again, a lot of that money, if we did not proceed this year, would not be lost because a lot of that work would be done. So if we rebid in January, we'd be ahead of the game so to speak and we'd be able to move forward rather quickly if that occurred.

Mr. Clemens: If we get the right contractor, it would take no time at all really to do the job. I mean, this is not a big job.

Mr. Miller: It depends on the contractor.

Mr. Clemens: If we get the right contractor.

Mr. Miller: You could very well be correct.

Mr. Clemens: I mean, there's no problem at all if we get the right contractor. I mean, it's not a big job.

Mr. Miller: And to reiterate what Mr. DeBolt just said, if it turns out that the right contractor is not available, and the work cannot be performed in the time frame that it needs to be performed in, you're going to have all of your documentation ready to go again in the Spring where contractors books are empty and they're looking to fill up their year backlog of things to do.

Mr. Stake: Just one more thing. I believe we've already authorized for the bidding to be done,

correct? So I mean, it's not like we're talking about whether or not to authorize bidding tonight. So that process has already been put in motion. We're going to have to see what we get and whether we can do it this year or next year basically, correct?

Mr. Miller: Correct. And we're also awaiting after this meeting to know what to include in the bid package. For example, if we removed the concrete streets or if we include them. I'm expected to go back tomorrow and report on that so we can get started on preparing the bid books.

Mr. Joseph: President Hills.

Mr. Hills: Just for clarification, there are two concrete streets, correct? Merchants Drive and Officeview.

Mr. DeBolt: Correct.

Mr. Hills: And there are eight possible streets we're working at. So six of them are asphalt, and they're going to go out. And there's a second bid that's going to go out on the two concrete being Merchants and Officeview.

Mr. DeBolt: Correct.

Mr. Hills: And I think that's what, somewhat everybody agreed to I think is where we are. And that gives us the option to look at those individually. And Doug, to follow up on your earlier question, I've been here a while and I don't know if I ever remember discussing the Street Program in June. I think probably March is the latest we've done it before. But maybe some jobs will follow through and a contractor that's decent may still be out there. You don't know that. You don't know until we get started. And I know in order to get started, we have to in essence, agree with the list as we've modified by discussion, and then they have to go ahead and bid it so they can have it back so we pass it before, if we're going to pass it, it's passed before August recess. And that allows everybody to get started in ideally September, October. Who knows? Or August?

Mr. Joseph: Other questions? (No response). Okay. Mrs. Frazier, since we don't have to take action on this, what would be the proper way to move this forward?

Mrs. Frazier: Just table it indefinitely.

Mr. Joseph: Table it? Okay. I'll move we table it indefinitely. Is there a second? Second by Councilman Stake. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries. Okay.

Next item, item 7, Discussion, Mill and fill of State Route 256. Go ahead.

Mr. DeBolt: Mr. Chairman, we were contacted by ODOT. And again, prior to my time, you may remember that I think this was a project that was considered to be included in the Main Street Project that was separated out for funding purposes. And they've approached us again and had included it in the 2009 I believe it is fiscal year for the state proposal. And that would mean that

any time between July of next year and the following spring, this project could be completed. And similar to the Waggoner Road project, I believe it's a good deal for the city. Whereas, we have a major thoroughfare in the city that could be paved for our, including 20% of the total cost. And estimated at this point, that would be \$50,000. And that would be to pave 256 between Main Street and just, I guess north of Farmsbury. And one thing that I did mention in the packet, is that we, it's kind of a given, but I will mention it because it could be significant funds, is that we are responsible for 100% of the curb and ramp upgrades. And we've identified those as 10 new ramps that would need to be, I guess, new ramps altogether that would have to be ADA compliant. And 12 that could potentially be just upgraded. Therefore, that money's estimate would be approximately thirty some thousand dollars. Again, we're looking a little closer at that just to see if any of those ramps may be ADA compliant the way they are. Initial review shows that that would be the cost we would have to spend. But at this point, we have some time because ODOT needs to know in October. But again, to move it through the process, I wanted to start the process as soon as we were notified.

Mr. Joseph: What was the amount again you said for the curbs and gutters and all that?

Mr. DeBolt: It's estimated I'd say between 30 and 35,000.

Mr. Joseph: Okay. Questions of the committee? (No response). Council? President Hills.

Mr. Hills: Just a follow up as we discussed earlier. And the 34,000 that is an estimate now, that's to come later in another piece of legislation.

Mr. DeBolt: That's correct. Again, I didn't move that forward until we wanted to.....

Mr. Hills: No. That isn't even before us.

Mr. DeBolt: Right.

Mr. Hills: And as I read the letter from ODOT back in May, I'm not sure there's a need to appropriate the \$50,000 today. Because what we need to do is authorize the Mayor to enter into the agreement with ODOT. We're going to go forward and we're going to be a participant at the 20% on this. Because we're going to get, this letter says once final plans are developed and quantities split or determined, the city will be invoiced. We've been there before. So I don't think we have a funding issue here. We have an authorization of, ODOT said we're going to go do this. And in essence, that might as well be saying, you better get ready as we did on Waggoner, as we did on other places, they're going to come in and do it. We've got to participate.

Mr. DeBolt: That's true.

Mr. Hills: But I think it's July '08 is the earliest we're going to expend any dollars. And as they get ready to bid, we're going to get invoiced on preliminary invoice, and I think that's the funding time. What we need to do here is stick in the back of our mind, in our '08 budget, we need to know there's 50,000 plus that's going to come out of an account to go into that. And so I think the

goal here that they want is just the Mayor to authorize this contract saying we're going to work together.

Mr. DeBolt: That's true. Similar to Waggoner Road, they needed that same commitment. But to give you an idea what they're telling us, it's going to be at this _____.

Mr. Hills: And that's good. And I think we need to use those things. And it's nice for us to look at the budgeting process. We know that there's going to be that expenditure out there. But as far as appropriating in '07 dollars, something that isn't going to be spent until '08 or '09 calendar year, I don't know that there's a need to do that.

Mr. DeBolt: That's a good point. Especially with what happened with the 256 interchange. We've got a bill well after, what, 3 or 4 years later? So I wouldn't say that that would be our total amount, but it's a projection.

Mr. Stake: Chairman Joseph, I agree with President Hills. I do think that we need to plan for this in '08. The Mayor, I'm sure will plan for this in his budget. We somehow need to be cognizant that we're going to have to pay this in '08, but I don't see any reason to fund this in '07.

Mr. Joseph: Does the Administration have a problem with going in that direction?

Mayor McPherson: No. That's fine.

Mr. Joseph: Okay. Any other questions?

Mr. DeBolt: Well, I still would like to go with the direction that we would authorize participation so we can let them know by October.

Mr. Stake: And I'm very much in favor of that.

Mr. Joseph: Councilman Baxter.

Mr. Baxter: And I as well am in favor of that. Any time that we can get something done at a low price we ought to do it. But they should be done with wide open eyes here. And if you read the Department of Transportation's letter, it states that we are also responsible as partial and full depth pavement repairs. And have we looked to see, and we've been down this path before, cost that we're going to get hit with at 100% for those items? Because if you remember, we went from I think 300,000 to a million when we talked about going to the Franklin County line on I believe it was the Main Street. So are we in that same situation here? Have we even looked to see if we have those types of issues? Because this could turn out to be 50,000 and go to a million.

Mr. DeBolt: I don't think it will because this road is not in that condition. But it probably wouldn't be a bad idea for us to invest a minimal amount to find that out ahead of time. But I would be very surprised if that was the case based on the condition of the road. But I think if you compared the condition now with what Main Street was, it's probably a pretty big difference. But

you bring up a good point. We don't want to get on the hook for a large bill later on.

Mrs. Newman: If I understand this correctly, they're going to do the work any way. We're going to get invoiced. So we really don't have really much choice in the matter, do we? Regardless of the amount of investigation we do.

Mr. Baxter: If we don't have the money to pay for it, we've got a choice.

Mr. DeBolt: Yeah. If we sign on, that's a projection. So if it goes up, it goes up.

Mr. Stake: Chairman Joseph, I don't believe that we have to do the full depth pavement repair. It's an option that we would have. So we can perceive it with what we have and if we want to go beyond, if we do think we need full depth pavement repair in some places, I guess we could fund that. Or we could just do the regular pavement. Of course it's not going to last as long as full depth pavement repair. But you know, it's all dollars. So I don't think we're required to do that. That was a question I think that was out there. I didn't want to leave that impression.

Mr. Baxter: The letter that I'm reading doesn't give us an option. Or it doesn't say we have to either. I'm just reading it states, on that second paragraph, that additionally, the local is required to contribute 100% of cost of non-surface related items such as curbs, gutters, utility relocations expenses, and partial - and full - pavement repairs. It doesn't say optional. So I don't know. You might be absolutely right.

Mr. Stake: Well, I don't believe we did it on Main Street. We did not do it on Main Street I don't think. And it would be the same situation.

Mr. Joseph: Other questions? (No response). Okay. I don't have any either. So we can go ahead. And I will move that we move this on to Council for first reading for the requesting the authorization for the Service Director to move forward on the State Route 256 resurfacing project proposed by the Ohio Department of Transportation. Is there a second? Second by Councilman Stake. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries.

The next item on the agenda, item 8 is, ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: REPEALING AND REPLACING CHAPTER 741 SOLICITORS. Second reading 5-14-07. Held 5-21-07. Mr. Hood.

Mr. Hood: Thank you, Chairman Joseph. I apologize for missing the last Safety Committee meeting. Although I was informed by my Assistant Mr. Roth, that there was concerns and the legislation was held. What we need to know this evening from the Safety Committee members are what type of time frame you would prefer the expiration of the solicitor's permit to be. (Tape Change). And then move it forward to Council for a final reading and have it passed and put into law. So that's what we need to know of the consensus of the Safety Committee members, how long you want the permit to be in effect before it expires? And I know it was a concern of Mr. Baxter in the last committee, but Mr. Roth was unable to tell me at least, he didn't have a

consensus built of what type of time frame you all wanted.

Mr. Joseph: What is the current time frame?

Mr. Hood: Well, there really isn't one. And that's one of the reasons I didn't address it in the redraft. It's not really addressed.

Mr. Joseph: Is it implied?

Mr. Hood: No.

Mr. Joseph: Okay. So a person could just....

Mr. Hood: I guess the implication reverse, they would be annual. It would be an annual permit.

Mr. Joseph: Okay. Questions of the committee? (No response). Council?

Mr. Baxter: Personally I think that I'd like to be able to leave it open to the Mayor or the Administration to be able to write a date in to give them some flexibility with it. But I certainly would not want to have it something that is annual. So that when we get knocked on our doors at our homes, they say it's in the office. I want to know that they're being solicited and they've been given a permit to do so for that period.

Mr. Joseph: Councilman Stake.

Mr. Stake: Chairman Joseph, I guess my preference would be two weeks. If anybody needs to be out soliciting over two weeks, I think that can turn into a problem. Most of these organizations that do that, they're a few days. But any more than two weeks I think could turn into, if you did it annually or you left it open to somebody's discretion, I think that could turn into a problem. So I would recommend two weeks.

Mr. Joseph: Other questions?

Mrs. Newman: I would even be in favor of just having it for a week. Because most of these things as far as I know would not last longer than that. But a maximum of a week. And then have a definite date. That might be a little harsh. We could make a maximum of two weeks....

Mr. Hood: If I might comment. I'm sorry. I'm going to cut you off. I just remember that we do have a new fee involved with these and we are charging per applicant as opposed to per organization. So if we cut it too short, we're going to be charging people another application fee if they choose to solicit for another week. It's not that we're going to prevent them from doing so. They would just have to reapply for another permit. So if I may suggest, maybe a 30 day time limit unless the applicant asks for lesser time in which case the lesser of the two would be the expiration date. So basically, 30 days maximum unless they say, as Mrs. Newman pointed out, that we're only going to be here for a week. So if they choose only a week, then it would expire after that week. If not, it would go for the full 30 days. That was something that Mr. Roth and I

talked about in the office. We thought it was a good idea but we would offer and obviously defer it to the Council. So it's just something we had _____.

Mr. Joseph: How does the committee feel about going with 30 days?

Mrs. Newman: I think 30 days is too long. Because I think most of them, they would probably go ahead and opt for just the 30 days if they knew that's what the ordinance read, maximum of 30 days, so they would just go for the full 30 days. And I think we'd have less control over them that way.

Mr. Joseph: Other thoughts by members of the committee? Mr. Stake.

Mr. Stake: Chairman Joseph, if we're going to waive fees for some non-profit organizations, reapplying is not going to be an issue. So I really don't see a problem. And that's really who I think I'd be in favor of permits for solicitation for. I don't like to see companies come from Florida and start banging on our citizens' doors for 30 days at a time. I don't want to see that. So I think, I heard one week, I heard 30 days. I think two weeks is a good compromise.

Mr. Joseph: Members of Council have any comments on it?

Mr. Clemens: I agree with Ron on this. This solicitation bit, I'm not for it to start with. Don't get me wrong. We have so much solicitation on groups, youth and so forth that are outside Reynoldsburg that come in and solicit. I know in my neighborhood, there are ball teams that are on the west side of town, they just bring them in and dump them off and they solicit. And it's the same way with the churches and all of them. I have different ones come around that they are not involved in Reynoldsburg. And that's the reason I'd hate to go over two weeks or give it annual because they're going to be there all the time. So I think the way, the more that we can cut down the solicitation, the happier I'll be, I'll be honest with you.

Mr. Hood: Well, I understand that, Mr. Clemens. And I hope that the Council doesn't get the impression that these changes are going to entice or make more available solicitation in the city. That's not the intent of the ordinance. In fact, it's the opposite to make sure that we have the undesirables prohibited from doing such activities.

Mr. Joseph: Councilman Stearns.

Mr. Stearns: Yes, Chairman. I would like to say that the two weeks would be fine. That would be a reasonable amount of time to work with. So two weeks is fine. Fourteen or fifteen days.

Mr. Joseph: Okay. I agree also that two weeks sounds pretty good. So you want to....

Mr. Hood: I'll incorporate that into the ordinance. It's actually another title. I'm sorry. Another subsection. We'll make it read 14 days. It'll just need to be amended before the third reading I think next week.

Mr. Joseph: So we can move this forward tonight and then amend it next week?

Mr. Hood: As long as the Council Clerk agrees, I think that's my interpretation. We can move it forward and have it amended before. The only other change Mr. Chairman, is that we did incorporate the exhibit, the actual permit application itself, into the ordinance. That way it cannot be modified without councilmatic action. So if we have a new Mayor, a new Safety Chair, or a new City Attorney, it won't be able to be amended unless Council takes action. So those are the only two changes. And I think that addresses all the concerns that Council's given us through this process. So hopefully we'll get a clean copy to you. We will get a clean copy to you. Hopefully we can get it passed at the next meeting.

Mr. Joseph: Okay. Councilwoman Shirey.

Mrs. Shirey: Thank you, Chairman Joseph. I just want to confirm. So we're looking at two weeks, and the time frame that they're not supposed to be coming to the house is at 7 p.m. Is that correct?

Mr. Hood: I know we talked about that some weeks ago. The draft I have is Monday through Saturday, 10 a.m. to 7 p.m., Sundays and state, federal holidays, noon to 6 p.m. And I believe that was the last discussion we had on it.

Mrs. Shirey: Thank you.

Mr. Joseph: Other questions?

Mr. Baxter: There's not so much to the legislation. I think that I'm looking forward to this getting passed. But more from an enforcement standpoint that we get out the information to our residents so when they have somebody soliciting them, i.e. storm chasers and those type of things, there's a number they can call and report these activities so that we can enforce the ordinance.

Mr. Hood: We can absolutely put it on our web site. We can do that.

Mr. Baxter: I'm not sure. Are we looking to have them call the police? Are we looking to have them call the administration? How is this going to be....

Mr. Hood: Police Department. Absolutely. This is a minor misdemeanor for the first offense. And as you remember, we made it a more serious offense for subsequent offenders. So it's actually a jailable offense after the first violation.

Mr. Baxter: Great. I'm looking forward for this move forward then. Thank you.

Mr. Hood: The Police Officers would be enforcing this.

Mr. Joseph: Mr. Hood, is that pretty much the, as far as the penalty, is that pretty much in line with what other municipalities in the area have? Did you compare?

Mr. Hood: Most municipalities, it is a minor misdemeanor as ours was. This change will make it a more severe penalty for subsequent offenders, repeat offenders.

Mr. Joseph: So we'll be a little more stringent than most of our neighbors?

Mr. Hood: Yes, sir.

Mr. Joseph: Okay. Other questions? (No response). Okay. I'll move this on to Council for third reading. Is there a second? Second by Councilwoman Newman. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you.

Okay. Our last item tonight was the item we added, item number 9. Discussion, Abolishing of Animal Control position.

Mayor McPherson: Thank you, Chairman Joseph. This is an amendment requested to Amend Ordinance 160.02(f), and repeal Section 149.01, Animal Control Officer. This will abolish the position of Animal Control Officer within the Reynoldsburg Division of Police. The rationale for it is the reduction in work. And if you'll refer to the letter that the Chief sent to me on May 30, it pretty well details all of the rationale for why we've requested this elimination of the position.

Mr. Joseph: Are there questions of the committee? (No response). Of Council? (No response). Okay. Is this an item that you would like to have as an emergency?

Mayor McPherson: Yes. We would like to add the emergency to it in order to expedite the abolishment of the department.

Mr. Joseph: And again, with the abolishing of this position, we will have the county again? What about in the....

Mayor McPherson: We'll have all three counties.

Mr. Joseph: All three counties.

Mayor McPherson: Licking, Fairfield, and Franklin. We'll be able to avail ourselves of the Animal Control Departments of those three counties.

Mr. Joseph: They know that we're making this change?

Mayor McPherson: We're going to notify them once the process is done here.

Mr. Joseph: Okay.

Mr. Hills: I just wanted to note, I think the counties now also come here and work. It's not, we work solely doing this, the counties were still coming. And I think one of the key things to remember here is, if there's a violent dog of some sort or a dangerous dog, our Police Officers

respond to that.

Mayor McPherson: That's correct.

Mr. Hills: Not the Animal Control Officer. So I think that the citizens are going to see little if any change in the services being provided. And I would like to take the opportunity to commend Administration. This was a well-documented piece put together that does show substantial decline. And not all management decisions are easy, but when you have this type of material it's much easier to make the final decisions that need to be made. Thank you.

Mrs. Newman: Yes. I understand from your e-mail, that the citizens first contact though would be the non-emergency number at the Police Department, and they would then contact the appropriate county person.

Mayor McPherson: Typically, that's the way its always worked. It wouldn't change. If they were going to call in on an animal complaint, they could call our Police Department. And if it was something that we would respond to, the Dispatcher would dispatch a Police Officer. If it was just a standard animal control call, they would give them the number of the county office to call whether it be one of the three counties.

Mrs. Newman: They'll tell the citizen to call the county?

Mayor McPherson: We would have the citizen call the county to explain to them so they can make arrangements for whatever the situation would happen to be. No different than it is now when someone calls in. If it's during the time that we had the AC there, we would send our AC out. If it was on non, the other hours of the day, we either take care of it as a Police Officer or they were referred to one of the county agencies. So it's not going to change. The procedure. And Mr. Hills is right. Our AC only worked 40 hours a week. All the other hours were handled by the other counties anyway. So it's not that they're going to be put on that much of a strain to the other counties.

Mr. Joseph: How long has the city had an Animal Control Officer? For how long?

Mayor McPherson: I'm sorry?

Mr. Joseph: For how long have we had an Animal Control Officer?

Mayor McPherson: Twenty-seven years.

Mr. Joseph: Okay. Was there a particular reason why we added it at that time? Was there a perceived need?

Mayor McPherson: I have no idea. I wish I knew.

Mr. Joseph: Okay. Councilman Stearns.

Mr. Stearns: Yes, Chairman Joseph. My question would be, how much will the city save by abolishing this position?

Mayor McPherson: I'd have to go back and look. I don't have that with me. But between 50 and \$70,000 a year. You know, when you start adding benefits in.

Mr. Baxter: I think we have an answer coming.

Mr. Joseph: Mr. Harris will give us a more precise....

Mayor McPherson: If you wait a minute I'll look through here. I may have that with me.

Mr. Harris: With benefits, it's around 55,000.

Mr. Joseph: Okay.

Mr. Harris: This was part of the situation where we talked about a few weeks ago with the adding one Police Officer. This was one of the offsets for it.

Mr. Joseph: Okay. Councilman Stake.

Mr. Stake: Thank you, Chairman Joseph. As much as I hate to see anybody laid off, I do think that this is a better use of our Police Department resources.

Mr. Joseph: I agree. Councilwoman Newman.

Mrs. Newman: Yes. I mentioned this today to my husband and he said that a former Mayor, we didn't have an Animal Control Officer and he felt the need for one and that's why he hired one.

Mr. Joseph: Okay. Thank you. Other questions? (No response). Okay. I'll make a motion that we move this item on to Council as an emergency. Is there a second? Second by Councilman Stake. All in favor, please say aye. (All voted "Aye"). Opposed? (No response). Motion carries. And with that I will close the Safety Committee meeting at 8:33.

Safety Committee June 4, 2007 - Nancy C. Frazier, Clerk of Council (Transcribed - Susie Lyday)

SERVICE COMMITTEE MEETING MINUTES

June 4, 2007

Members of Service Committee present: Mel Clemens, Antoinette Newman, Brett Baxter, Donna Shirey.

Other members of Council present: Ron Stake, Preston Stearns, Doug Joseph, Council President William L. Hills.

Mr. Clemens: I'd like to call the Service Committee meeting to order at 8:34.

The first item on the agenda is approval of the agenda. I have nothing to add. Are there any additions or deletions from members of the committee? (No response). If not, it'll stand

approved.

The next item is Election of the Chairman of the committee. Do I have a nomination for Chairman? Mrs. Newman.

Mrs. Newman: I'd like to nominate Mr. Clemens for Chairman.

Mr. Clemens: Do we have a second? Second from Mr. Baxter. All in favor, say aye. (All voted "Aye"). I appreciate it. I want to thank you. I would like to appoint Mrs. Newman as Vice Chairman.

Next item is the approval of the minutes of the Service Committee meeting held May 21, 2007. Are there any additions or deletions? (No response). If not, they'll stand approved.

Next item is Discussion, 6 month review of The Spot Family Fun & Billiards Club. This was a Special Exception Use Permit. Applicant is requesting changes. This was held on 5-21-07. Do we have a representative from The Spot Family Fun & Billiards?

Mr. Maszon: Michael Maszon with The Spot Family Fun & Billiards. It's 1762 Brice Road, Reynoldsburg, Ohio.

Mr. Clemens: Alright. Mr. Maszon, this is a 6 month review of your Special Exception Use Permit. And this coming up, you had sent a letter where you would like to make some changes to the Special Exception Use Permit that was granted to you as far as your business is concerned. We all have the letter that was sent to us. So if you want to go ahead and give detail on what you would like changed, and then we'll discuss it.

Mr. Maszon: Okay. First of all, you know, originally we wanted to put in a quality billiards facility in Reynoldsburg here. We definitely wanted to run it alcohol-free much like Shooter's was ran down in Scarborough Center. We found though that the market has changed. These billiards leagues, we're unable to get them without having some sort of a beer permit. So we're requesting to at least have a D1 beer permit. We have over 2,000 members and about half of them or more are telling me they'd come out every day if we were selling alcohol. However, we sit there empty. You know, with 51% of our customers in, we can't survive without the D1 beer permit. The other issue is the hours of operation. The original, I think it was in the billiards room for a permit, or the ordinance already is, we could be open until 2. However, when we originally came through last year, Mr., I forgot exactly who it was that mentioned in the Safety and Service Committee had set our hours to 12:00 Sunday, Monday, Tuesday, Wednesday. And then we could be open until 2 on Thursday, Friday, and Saturday. It's leading to confusion. Just like last night, I had guys showing up at 12:45, like why'd you close early? And you know, we need to be open longer. You know, people are getting off of work at 10:00, 11:00 wanting to come out and shoot some pool and we're shutting down at midnight. So you know, we're losing out on a lot of our evening business. We're not able to bring in the Viking Pro Tournament because we don't have beer. We're unable to run the BCA, VNEA, and the other leagues, the American Pool Players Association league as well. They won't allow traveling leagues throughout the city to come and visit this area without us having a beer permit which is the silliest thing in the world, but, that's where we're sitting. And you know, we'd like to have permission to get a D1 beer permit.

Mr. Clemens: Okay. Mr. Maszon, you understand when this was passed on August 7, of course you were hearing as much discussion on this, that item number 2, these were items that you had discussed and that you agreed with. And a matter of fact, as you stated, it's what you would do. That the applicant will not serve, give, donate, or apply for anything to do with alcohol beverages, beer and wine. Now, there was a lot of discussion at that time when this was brought up about the neighborhood you would be in. And there was a lot of discussion from the neighbors and so forth, and also from Council. And I can understand your point of view as a businessman that having a beer and wine permit would bring in more business and so forth. But that was, at that time it was felt that that was not the situation that you wanted and that we wanted in that section of town. Do you have anything you can....

Mr. Maszon: I can't survive. Unfortunately you know, the numbers never came. You know, we put the best billiards facility that we possibly could put in. We had a great game plan. It just, we're not seeing the support. Everyone wants the beer in there. The families are coming out. You know, they want to bring the kids out and they want to drink a beer and watch the kids shoot. They don't want to have the kids just come out and just be left alone and away you go. You know, I guess whether its, the times have changed, or you know, I don't know how else to explain it. I personally didn't want to have to deal with the beer or any of that. I'd just much rather just run a nice, clean pool room. However, you know, we're going to have to have the introduction of beer or else we just cannot make, we're losing 4 and \$5,000 a month. I can't keep on doing that.

Mr. Clemens: Members of the committee, are there any questions pertaining to this? Mr. Baxter.

Mr. Baxter: Yes, Chairman. I have just a couple of questions here. And I think one of them's going to have to go to our Chief of Police to get a report to us on the activity since we've initiated this Special Use Permit. Have there been issues there at the billiards center? I haven't heard any, but I'd like to get a report back from our Police Department. If we have a business that's been operating and have had no issues to date, then I'd have a different opinion or maybe would sway my opinion on a different direction knowing how it has been a good business or not been a good business. That would have one of the decision points for me. The second side of that is, the percent of the business, do you have any idea from your business plan, how much of that would be alcohol then? Now that you're changing your model, you must have some expectation of alcohol being a percent of business.

Mr. Maszon: The problem that we have is that, let's say four guys, you know, they're on a team together. Three of them don't drink alcohol, one does. That one sways all four of them to go somewhere else. You lose out on all of that business. So it's not really the fact that alcohol is going to create a whole lot of extra revenue, or maybe it will. It will get them in the building though. And it'll get them in there shooting more pool.

Mr. Baxter: Your goal isn't to be a, first an alcohol location?

Mr. Maszon: Right. It's not a....

Mr. Baxter: Secondly, billiards.

Mr. Maszon: Right. The key thing is that without having the beer in there, I'm not getting the shooters that want to come out and shoot, and also bring along all the other people along with it. The business just will not float without it. The other part of your question with the problems, there has been no issues. You know, we've had zero reports of no problems. My cell phone was taken off the front counter and that's about the worst problem we've had. I take a full color high ____ picture of everyone that walks into the facility. I get their birthday, their name now. I will also now, if you do allow us to serve beer, take a picture of their ID and keep that on file as well. But you know, we will definitely be very stringent just like we've been since day one on making sure everyone's in a safe environment and everyone has a good time. _____ shooting pool, you don't want a lot of loud people running around, bumping into you and carrying on. Loud or obnoxious people will be asked to leave. And that's how we conduct business.

Mr. Baxter: Alright. I appreciate your answer. Thank you.

Mr. Clemens: Mr. Hood.

Mr. Hood: Thank you, Chairman Clemens. I want to say that I am sympathetic to Mr. Maszon's plight. I don't think any of us like hearing that a new business in Reynoldsburg is struggling. Especially to that extent, but I do want to interject in the conversation, the Codified Ordinance does prohibit consumption or sale of alcohol in a pool room. So before you would entertain that particular section of his request, the Codified Ordinances would need to be changed. It almost, it would be stricken from our City Codes. So I do want to interject that into the conversation. We would be talking about a major policy shift. I believe this code was passed in 1968. So it's been long-standing in the city.

Mrs. Newman: Well, I guess that settles that.

Mr. Clemens: I can understand, I've been known to have a beer and so forth, maybe one or two or something like that, but this was passed as a family organization. And you knew when you came in what the situation you were getting into.

Mr. Maszon: Yeah. And again....

Mr. Clemens: So that part as far as whether your business is thriving or your business is not thriving, it's immaterial as far as I'm concerned because you came in on that basis. I mean, and this was something that you said you would never apply for. That you would never need it and so forth. Maybe you could go another direction or we have to go another direction as Mr. Hood said. But as far as the Special Exception Use Permit, it was done for a reason. It was done because we all agreed that that's what should happen as far as this was concerned, as far as you were concerned. This is what you wanted. We gave you what you wanted. And now, 6 months later, you want to change it to something that I don't think's conducive to the neighborhood. It does happen to be my Ward and I know the problems we have in that section of town. And that was brought up when this all was taking effect. You know, it was brought to your attention that this is

the problem we have. Because we do have something sitting within 50 yards of you is another establishment that we've had our problems with. And what we were trying to do is keep from carrying those problems over to your problems.

Mr. Maszon: We don't get those people in our _____.

Mr. Clemens: No. But I mean, that was one of our big worries. Now, if we do put beer and wine there you may get those problems. Because you're opening up to, you know, you just can't say, this person can come in and have a beer but this person can't. So I mean, it was set up as a family arcade, or pool room as far as I'm concerned. If there needs to be a change and there needs to be a complete change, then I don't feel I could go with it. But maybe some of the other committee members, and I can understand Mr. Baxter's thought on that. I don't think you have any problems. I've not heard any and I've kept an eye on it. I've checked on it.

Mr. Maszon: No. We don't have any.

Mr. Clemens: And that's fine. Because that's the type of establishment we want there. So I mean, I have no problems with that and I'm glad that you haven't had any problems. Mr. Stake.

Mr. Stake: Chairman Clemens, thank you. And I appreciate City Attorney Hood pointing out that the billiards ordinance I guess, dates back to 1968, but things have changed a lot since 1968. And being a business owner myself, I know that you might start down one path, but many times you need to take a little turn here or there to be able to make your business successful. And I think that's what you're finding out. You have had no violations. You do provide onsite security, correct?

Mr. Maszon: Yes.

Mr. Stake: You have spent a significant amount of money on life safety and security inside your building.

Mr. Maszon: Yes. About \$8,000 just video cameras alone in security.

Mr. Stake: I just hate to run a business off that has that amount of dedication to the community in their business. You know, and I understand billiards, I don't see kids playing billiards myself. I mean, there may be some. I see it more as an adult thing. And if you want to make that business go and grow, I think you need to have at least beer. So I would be in favor of, I guess we'd have to change the billiards ordinance to do that, but I personally would be in favor of that. I don't know if I'm going to get much support up here, but I would be in favor of that to help you. I would rather see a successful business there that's well-regulated, than see an empty storefront that maybe another bar occupies which we have no control over. And I think that may be a possibility. I just wanted to make that note. Thank you.

Mr. Clemens: I can understand. I hate to see a business come and go either. As far as I'm concerned, there would be another bar there if we give you beer and wine license. Same

principle, same thing.

Mr. Maszon: It would only be a D1 beer. There is actually a separate permit for wine.

Mr. Clemens: Or for beer either. It's the same thing. It would be a bar. You can call it a pool hall, or whatever you want to call it. Now, as Ron says, we've got an ordinance that says we can't anyway. We do have Special Exception Use Permit that says you can't. To start with, you'd have to have the Special Exception Use Permit changed under what we're doing right now. To complete the situation, we'd have to change the ordinance that we have which would be a change that would come through the Service Committee. I for one am not going to bring the ordinance up, but anybody else is welcome to.

Mr. Maszon: Another thing I'd also like to bring up too is that this ordinance that we're talking about, there's, every bar in town has more than one pool table inside of it. None of them are applying for a billiards room facility.

Mr. Clemens: They're not considered a pool hall. That's what you are. You're considered a pool hall.

Mr. Maszon: Right.

Mr. Clemens: And I think that....

Mr. Maszon: I'm not looking for the liquor sales. A bar, you go in there, you take your shots, or whatever you're doing. I'm looking for just people that want to, people are asking me, they want to have a beer. You know, I mean, it's like they are so upset when they walk in the door. What else can I do? I've tried everything from TV, I'm getting the people in the door, you know, everything I can do. But I can't get them to come back out because every time they come in they say they want to be able to have a beer, and they're all good people. You know, it's the same people that are there already. Just to have a few beers _____.

Mr. Clemens: Okay. At this stage which we're on, our Special Exception Use Permit through the committee, I do not intend to send anything to Council to make the change on the Special Exception Use Permit. Unless somebody from the committee would make the motion to do so.
Mr. Baxter.

Mr. Baxter: Councilman Clemens, the question I have to ask is that, because of this Special Use Permit specifically states he will not ask for, does it not imply that we would have to start over again and not use this Special Use Permit? Because would that not be begging the question of, it said we weren't, but now we are, by making the change to it? So you know, what is the _____ process? Do we have to start over again and ask for a new type of variance then? You know, what are we talking about here? Are we changing the business? Are you no longer going to be a pool hall? Are you going to be a bar that only serves beer with pool tables?

Mr. Maszon: The only difference is, is that we're going to add one beer cooler up front or a step too

would be to add an extra little seating area for about seven seats. We're not going for, we're not, it's not going to be a bar. This is a billiards facility. One that would serve beer, and beer only. We're not even a competitor with the bar next door, because we're not a bar. We just want to be able to have a beer license.

Mr. Clemens: Nancy, if the committee wanted to change the Special Exception Use Permit, how would they accomplish that? If somebody wanted to make a motion to change it? To withdraw a section?

Mrs. Frazier: Well, you'd have to amend this. It would have to go through Council like it was first time out.

Mr. Clemens: That's what I thought. There would have to be an amendment. We'd have to make a motion to amend and that would go to Council, and then Council would authorize it.

Mrs. Frazier: That's correct.

Mr. Hood: Chairman Clemens.

Mr. Clemens: Yes.

Mr. Hood: If I may interject again? 1145.08 Subsection (d) allows for the amendment of the conditions of a Special Exception Use Permit upon the request of an owner of a property. And it says, "Amendment shall be accomplished by according to the procedures, requirements, standards of the ordinance applicable to approving any Special Exception." So I think, I don't want to get the process backwards. I think that you can't allow an amendment to a Special Exception Use Permit in contradiction of an existing law. I think the law would have to be changed before you allow that. So I think we would start over, and someone would have to bring to the Service Committee, a change of that codified ordinance; have it either abolished or amended; and then we may, the Service Committee may entertain Mr. Maszon's amendment.

Mr. Maszon: That was part of the supplemental information that I gave you guys last week or whatever; two weeks ago.

Mr. Clemens: Mr. Joseph.

Mr. Joseph: Thank you, Mr. Chairman. Mr. Maszon, prior to the smoking ban going into effect, was your establishment smoke free? Or did you allow smoking?

Mr. Maszon: We do no smoking before 7 p.m. After 7 p.m., there is smoking allowed. So now, as far as the smoking ban's concerned, yeah, I don't know, are they officially, 100% now, we're doing that? I know the Governor was talking about something about a vote and repealing, you know, but we're coming up to standards however we need to.

Mr. Joseph: Did you find any significant drop in business due to that?

Mr. Maszon: You know, I have not officially started invoking that. I didn't know, had not been notified that it was 100% that we do have to start the no smoking. And again, I'm to the point where, we are tapped out financially. You know, we're not doing the numbers. We're losing 4 and 5, \$6,000 sometimes each month. I made 4400 with over 10,000 going out last month. You know, I can't afford to wait much longer. _____ \$330,000 _____ be gone.

Mr. Joseph: Do you feel that the smoking ban's going to have an impact?

Mr. Maszon: It definitely will have an impact. Four out of five of my customers smoke. You know, now we are operating out of a private facility. I don't know how that affects things....

Mr. Baxter: Welcome to Ohio. It don't matter.

Mr. Maszon: But we do act as a private facility where we can say hey, you're not allowed in the building if there is problems that way.

Mr. Joseph: Thank you.

Mr. Clemens: What the problem is and what it seems really, is there's really, there's no sense discussing it right now. The only way, as our City Attorney said, that you could apply for it and get a beer license and sell beer there, we'd have to change the ordinance that was passed in 1958. So that will have to come from somebody if they wish to bring it before the Service Committee, the proper way to handle it, because that has to come first. This means it would make no difference whether we change this or not. It would not be legal.

Mr. Maszon: That's why when I contacted you, I'd talked to you and you said to speak with Mrs. Frazier. I didn't realize we needed to do anything else.

Mr. Clemens: I didn't either, but any how, Mr. Hood says we have to.

Mr. Baxter: Do we still need to do both though? We'd have to do both the, if we change the ordinance, then we'd still need a variance?

Mr. Clemens: Then we could amend this.

Mr. Hills: I think as Mr. Hood said, you can't change the Special Exception until the ordinance is changed, but if I could Mr. Maszon, I heard you say you haven't received notice that you can't smoke in your facility. The law passed. The rules have been codified I think since early May. So I'm surprised somebody hasn't already filed a complaint. But unfortunately with the press sitting here, you'll probably have one before the end of the week. At \$500 a pop, you don't want too many.

Mr. Maszon: Yeah. Is that what you get? I wasn't real sure exactly when that went into effect or if it was. I know it was sometime in May or June they were saying when it was going to be

coming out in the news way back in March or whenever they passed that.

Mr. Clemens: Alright. Well as it stands right now, there's nothing we can do to help you. If the ordinance is changed, then you can come back and ask for an amendment.

Mr. Maszon: What do I have to do to change this? Exactly what do I have to fill out?

Mr. Clemens: Talk somebody into bringing it before the Service Committee.

Mr. Maszon: Talk to who?

Mr. Clemens: I don't care. You're looking at them. Don't talk to this one.

Mr. Baxter: Member of the Service Committee. One of the four members.

Mr. Clemens: The Service Committee. Mrs. Newman, Mrs. Shirey, Mr. Baxter and myself.

Mrs. Shirey: Chairman Clemens, can I make a comment? I know that we always want to bring in businesses and hope that they would thrive. But I for one, you know, we have ordinances made here in Reynoldsburg, and I think we really need to abide by them. So I for one, do not want to see the ordinance changed.

Mr. Clemens: Okay. So with that said....

Mr. Joseph: Mr. Chairman. One other question. Other than the alcohol angle that you're looking to change, would altering the hours greatly improve your business?

Mr. Maszon: It may be 10%. It's not going to be enough.

Mr. Joseph: It's not going to be enough to make the difference that you feel you need to have.

Mr. Maszon: Yeah. I need double, or triple, or quadruple than what we're doing now. And the only way to do that is to bring in the beer environment. That's as simple as it gets.

Mr. Clemens: Are there any other questions from members of the committee? Mr. Hills.

Mr. Hills: Just one thing. Besides item (g) in 711.12, item 711.13 is hours of operation. He's also asking for modification of that. So if there's any more codification going to, for his Special Exception Use Permit to be considered, there's two different ordinances that need modification.

Mr. Clemens: Yeah. But he said 10% didn't make any difference really.

Mr. Maszon: And again, I thought when I had spoke with you and you had said you were not opposed at the time....

Mr. Clemens: I didn't say I wasn't opposed. I said you could bring it before the committee. Which I said, anybody has a right to come before Council and ask for a change. I mean, I wasn't opposed to you doing that. Because everybody has a right to come before us.

Mr. Maszon: I thought that was what we were, getting....

Mr. Clemens: Yes. You have the right to do that, which you are doing right at the present time.
Mrs. Newman.

Mrs. Newman: I feel that I agree with Mrs. Shirey. I don't feel that I'm much in favor of changing our ordinances governing this.

Mr. Maszon: I can't see how it would, I mean, we're not, there's 18 allotted. I guess beer permits available in the City of Reynoldsburg. One's available. You know, I'd be taking the last spot if you allowed it. It's the only way I can survive in Reynoldsburg. I've made a huge contribution over the last three years to Reynoldsburg. You know, even sponsored baseball teams last year and everything. I don't have the financing to do that and I'd love to continue doing that. However, the only way that I can survive, and it pains me to say it, is to bring in the beer. You know, and obviously times have changed. That ordinance is 40 years old. You know, I mean, at some point in time, do you update it or do you just, that's a lot of money I just put out on trying to make Reynoldsburg better. You know, that's all I've been trying to do since day one.

Mr. Hills: If I could, Mr. Clemens. I appreciate what you're saying, that times do change. And I hate to bring it to the bottom line real quick, but you stood here a year ago, or 6 months ago, said, I don't want beer.

Mr. Maszon: I don't. I still don't.

Mr. Hills: I mean, you sat right here and said, I want to open this spot, and I want to request these things, and I don't want it.

Mr. Maszon: Yeah.

Mr. Hills: And now you're coming back saying, now I want it.

Mr. Maszon: Well, now I'm coming back and saying that....

Mr. Hills: I just want you to understand. I hear what you're saying. And I sympathize with the problem. And I'm not criticizing your business plan. I'm just saying, you were granted a Special Exception which many people on Council had some concerns with what was done. That's why it was negotiated. And one of the key things was, I want family, I want kids. There will not be alcohol, nor will I ever ask for alcohol. And now you are. I sympathize with your position. But I'm not, you're putting Council in a bad spot that they stretched it on the first Special Exception. And now you're coming back and saying, I want, in order to stay alive, I have to serve beer in order to maybe get people in.

Mr. Maszon: It's silly.

Mr. Hills: And certainly, 6 months ago you were saying, I want nothing to do with it.

Mr. Maszon: I still don't. And again, here's my thing is that, people come in my, the families come. And again, the kids, they want to watch the kids. They love the fact that it's alcohol free. However, they want to go to the bowling center because they can drink a beer and watch the kids bowl. You know, and that's the, you know, it kills me to even say that. You know, that that's the times that we live in however.

Mr. Hills: I guess Mr. Maszon, the thing is, your first suggestion isn't working for the business that you proposed. And you're back here now. But we're in a position too our hands are tied because of the way the ordinances are written. The ordinances are stretched as much as they could to give you what it is you wanted last time. So I think Mr., Chairman Clemens has made it very clear that before anything can be done with that Special Exception Use Permit, there needs to be someone to address, if they are going to be addressed, is the ordinances. And I'm not hearing anyone that wants to jump up right now and let's say, we have beer, you can have beer where you've got pool tables. And I'll agree. You made an indication, which I think the Mayor will have to check into, that there are other pool tables in town that serve beer. Well the restriction says, on the premise of a pool room containing more than one table is prohibited. And so that may be something that everybody's going to have to look into. I thank you for bringing that up. I'm not sure, you haven't made many friends here tonight one way or another. You spoke of violating the smoking ban in the State of Ohio.

Mr. Maszon: I'm out of business after today any way.

Mr. Hills: Now you've picked on everybody else that has got other pool tables. But I just wanted, when I'm hearing people say, we all want to give you sympathy. It's not about sympathy. It's about where we were 6 months ago. And now your position is 100% changed. I'm not saying that's good or bad. That's the way it is. But I think Chairman Clemens is pretty clear when it's, at the present time, there's nothing we can do to modify that.

Mr. Clemens: I do have a speaker slip from two weeks ago. Ken Wright. Mr. Wright, you have something you would like to say?

Mr. Wright: Yeah. I live in the neighborhood, so I have a comment on this situation. On June 15 of last year, Mr. Maszon told the BZBA that he wanted The Spot to be a place where you wouldn't have to "worry about a whole bunch of drunks." He said he was looking for a family environment. Mr. Maszon said, "I'm not looking for an alcohol environment at all. I don't want that. I worked the bar scene for about 6 months when I was in college. And being a bartender, you learn the bad side of people when you see them start drinking. It would be surprising to you", he says. Mr. Maszon may have changed his philosophy in the past 12 months but I urge the Council to support Reynoldsburg Zoning which prohibits the consumption of alcohol in a pool room with more than one table. I live near Brice and Livingston. I can see no benefit to my

neighborhood in adding yet another business serving alcohol. Now today's Columbus Dispatch tells of another murder near Brice and Livingston. It happened around 2 a.m. yesterday morning at K J's Sports Bar, 6115 East Livingston Avenue near Brice Road. The young man, only 20 years old, was shot in the head and killed. Now that, there is only 20 seconds, 20 seconds drive time between The Spot and K J's Sports Bar. Twenty seconds drive time. And The Spot is only 50 seconds from my house drive time. So that's why I'm concerned about it. I don't see, I just don't see any benefit for the neighborhood. So, thanks for listening.

Mr. Clemens: Thank you, Mr. Wright. Is there any discussion from any members of the committee? (No response). Members of Council?

Mrs. Frazier: Mr. Clemens, can I just say one thing? In the material that he presented on his times, the ordinance that was passed, struck the part about midnight. Are you only open until midnight?

Mr. Maszon: Yeah. We are only open 'til midnight. The BZA Board is the one who wanted to go imposing more stringent time restraint on me than what the actual ordinance....

Mrs. Frazier: Because the ordinance took all that out - the hours.

Mr. Maszon: Again, the BZA is the one who imposed. And then it's followed up by Council. It was just....

Mrs. Frazier: We took that out.

Mr. Clemens: We took it out.

Mr. Maszon: I was not aware of that. I thought the significant things that we put in....

Mrs. Frazier: No. The only thing that was left was the stuff in capital letters. So his hours, I mean, the alcohol's one thing, but the 'hours' is another.

Mr. Clemens: Yeah. On the days of Sunday, Monday, and Tuesday, and Wednesday, Spot Family Fun & Billiards Club, shall be open until 12 midnight. That was struck out. On Thursday, Friday, and Saturday, The Spot Family Fun Billiards Club shall be open until 2:30. That was struck out. Those were all struck out.

Mr. Maszon: So those are the....

Mrs. Frazier: Because of the hours in the code.

Mr. Maszon: We don't have to be abiding by the midnight. So we could be open until 2 a.m.

Mr. Clemens: Well, what you do....

Mrs. Frazier: Until whatever it says in the code there. Until 2.

Mr. Hills: 711.13, which is hours of operation, "All licensed billiard rooms may be open". And then, "Operation only during the hours between 9 a.m. and 2 a.m. week days. And between 1 p.m. Sunday and 2 a.m. Monday."

Mr. Maszon: Right. And again, I was under the impression with the BZA that we were, and again, I thought that was passed last year. But I guess it was struck.

Mr. Clemens: We struck all that out. All you had to do is 2 a.m. is what it was.

Mr. Maszon: And again, this was all stuff that was laid out. And again, it gets confusing when you have all this _____.

Mr. Clemens: Okay. If there's no other discussion as far as this is concerned, the hearing of the 6 month review really will be over. There's no way we can help you as far as with the other ordinance in effect from 1958. So at this time, there's no way to approve anything for you.

Mr. Maszon: (Inaudible.)

Mr. Clemens: So it stands as it is. Thank you for coming.

The next item on the agenda is, Discussion, Multi-occupancy of residences, listed at the request of Chairman Clemens 4-23-07. Held 5-7-07, and held 5-21-07. I had a discussion with Mr. Hood pertaining to this. He asked me to hold it for a couple of weeks, because they have not been able to have communication with the attorney and he's still working on it to see what he can bring back to us. So we'll hold those for two more weeks.

With that, I'd like to call the Service Committee over at 9:07.

Service Committee

June 4, 2007

- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Lyday)

FINANCE COMMITTEE MEETING MINUTES

June 4, 2007

Members of Finance Committee present: Ron Stake, Mel Clemens, Doug Joseph, Preston Stearns.

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

Mr. Stake: I'll call to order, the Finance Committee, at 9:08.

Item number 2 is approval of the agenda. Are there any changes to the agenda? (No response). None being heard, the agenda will stand as submitted.

Item number 3 is Election of Chairman; and appointment of Vice Chairman. Do we have any nominations for Chairman of the Finance Committee? Councilman Clemens.

Mr. Clemens: Yes. I'd like to nominate Ron Stake as Chairman.

Mr. Stake: Thank you, do we have a second? Councilman Stearns. Thank you. Second. All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Mr. Clemens, if you'd please be Vice Chairman, I'd appreciate it, continue being Vice Chairman. Thank you.

Item number 4 is approval of the minutes of the Finance Committee meeting held May 21, 2007. Are there any changes to those minutes? (No response). None being heard, they'll stand as submitted.

Item number 5 is Discussion, 2008 Tax Budget. I believe this came from Auditor Richard Harris. Mr. Harris?

Mr. Harris: Thank you, Chairman Stake. It's that time of year again when we have to send the Tax Budget to the County Auditor's for all three counties that we are in. (Tape Change). So that they can give us a Certificate of Available Resources. And this really would be the beginning of the budget process for the city even though the operational budget doesn't start until September or October. And I'll certainly answer any questions if anybody has any.

Mr. Stake: Are there any questions from members of the Finance Committee for Mr. Harris? (No response). Members of Council? (No response). I've got a few questions I guess. I guess I was, I notice that you're much more optimistic this year on the 2007 projections than you were last year.

Mr. Harris: That's correct. The continued growth in the budget has been much better than had been for the previous five years. And with the changes that have been made, in The Limited complex, and from talking with Mr. Brandt and some of the people from The Limited, we are a little more optimistic. And now that Lowe's has signed and went at Broad and Waggoner, we think there's a chance for some additional revenue over the next five years than we previously had guessed. Also, if you'll look at page 1 on this, it looks like the revenue is down. However, the county for whatever reason, does not allow you to include the estate tax. We normally get between 250 and \$350,000 from the estate tax. But for whatever reason, the county doesn't allow you to count it in even though they know you're going to get it. It's just a government thing. So the reason that doesn't show as much as the 2007 budget estimate, if you add the 250 to \$350,000 in it, it would take it about 200,000 over for 2007 estimated budget.

Mr. Stake: Okay. And you're more optimistic on expenditures.

Mr. Harris: Well, we always put the expenditures high because if things happen, we have to spend more money, we just, we would have to amend this. And by making it higher initially, it just keeps us from having to amend it. These certainly are not the numbers you're going to use for the operating budget. But it's something that the county needs to make sure that you have enough money available for any expenditures that might become necessary.

Mr. Stake: And I guess, really what I'm talking about is, the 2007 projections. I notice that last year when you did the 2007 Tax Budget, you had expenditures of 12.3. And this year you have, or I'm sorry, you had it at 13.2. And this year you have it at 12.3. Which is really a significant difference.

Mr. Harris: Part of the expenditures, we didn't know how soon they were going to get Main Street done. And those expenditures ended up actually, coming in at less than what the money borrowed was going to end up being. So that was a big part of the expenditures.

Mr. Stake: Okay. So I guess if I looked at the Main Street numbers, that would be the million dollar difference?

Mr. Harris: You'll find out. Yeah. There may be some slight difference in other places. But that's where the majority is _____.

Mr. Stake: And revenues, I think we're up 4 or 500,000 versus what you projected for 2007 and 2006. And then what you're projecting for _____.

Mr. Harris: That's correct.

Mr. Stake: Okay. I mean, I did hear before, that you did mention that we should use this as a guide for our budget towards the end of the....

Mr. Harris: It's a guide. But it's not something that's written in stone that these are what the

numbers have to be. But it is, the county wants everybody to get used to making sure 6 months before the budget starts, that you're going to have enough money on hand for whatever you think you're going to spend.

Mr. Stake: And I can appreciate that. You know, as we, we always talk about spending money. We're always talking about projections. And I guess, what I'm trying to figure out here, how much we should fund certain departments, I want to know that our projections are pretty close to what they're actually going to be.

Mr. Harris: We'll have projections as we get into September and October based on the most current numbers. And we always try to be more conservative. Because it's much easier, if you end up with more money, to find a way to spend it. If you've already spent it, then you have to go cut something and that's not a pleasant situation either.

Mr. Stake: No, it's not. Are there any questions? Did I raise any questions? President Hills.

Mr. Hills: You did. And I appreciate it. I think we got the '07 numbers at your request.

Mr. Stake: Right.

Mr. Hills: And I appreciate that. Because it does make it handy. And I think, if I'm comparing these, there is about \$400,000 increase in revenues for the coming year. But I do think it's interesting to note the total revenues for '07 estimate last year was 11741. But yet, the '07 budget was 12362. So we were, in our budget, we were expending more than our revenues. But we have funds in accounts that allows us to do that. So I do agree that there's somewhere between 3 and \$600,000 is kind of bouncing around different places. But I'm not sure it's all expenses or it's all revenues. I think some of it is in current accounts and things like that. But it was very helpful to have that '07 budget. And Mr. Stake, I do appreciate that. Because it did make me look at this and say, wait a minute, we've got more money. But then as you go back, there was some, you can make numbers do anything. But it was nice to have that comparison right here in front of us.

Mr. Stake: Well again, you know, using this as a guide for future budgeting purposes, I think it's important that we try and get as close as we can to what reality is. So I guess I'm just hoping, that in this tax budget projection, you're a little bit closer to reality than last year.

Mr. Harris: Well, and the other thing, with last year also, when we did the tax budget last year, there again, there's \$350,000 in estate tax that's not in there either that we know we're going to get.

Mr. Stake: Okay. Any other questions from members of Council? (No response). Then I'll make a motion that we send this forward for its first reading. Do I have a second? Second by Councilman Joseph. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you, Dick.

Item number 6 is Discussion, Amend Ordinance 75-06, adjust amounts, Phase IV sidewalk

assessments. Mr. DeBolt.

Mr. DeBolt: Mr. Chairman, as you know, over the past few years, we've been trying to conclude the assessment process. And I think we're seeing some light at the end of the tunnel here quickly. And again, in the process that's occurred, the number of the Sidewalk Programs have had to take additional time. Because as residents had questions regarding their individual sidewalk, you know, it's incumbent upon us to make sure it's accurate. And again, dealing with contractors and re-measurements and such, I think those adjustments have been made over a period of time. It did take time, but I think we're confident that what you have in front of you is the correct list. The adjustments have been made. Additionally, we've given people more time to pay so it wouldn't go on their taxes. But I think now, we're ready to move forward. And we're waiting for the amended certification to come from Bond Counsel Franzmann that the Clerk of Council will be filing with the Auditor. So that's where we're at now.

Mr. Stake: Okay. I guess, right off the bat, I would not be in favor of moving this forward this evening since we don't have that. Although you are asking for emergency legislation on this. So once we have that, I think we can go forward. Any problems from members of Finance Committee or members of Council? (No response). So I guess, under those circumstances....

Mr. Hood: If I could. I hate to keep interrupting.

Mr. Stake: Yes, Mr. Hood.

Mr. Hood: The only thing I would remind Council, we had some discussion about this months back when this was brought to the table before. This does have to be concluded before the August break. These need to be to the county and certified by September. So that would be the only time frame that I'm aware of.

Mr. Stake: Okay. So if we got that by next committee meeting, we could send it forward for...

Mr. DeBolt: We'll have it...

Mrs. Frazier: Mr. Stake. Bond Counsel's just writing the ordinance based on this material that they've got, and you should have everything correct from the Service Department, and Mr. Franzmann should have that ordinance by your Friday packet. That's what you're sending. It's to correct the ordinance that you've already passed. That's what you're waiting on.

Mr. Stake: Okay. We're just waiting for the Bond Counsel to write the ordinance?

Mrs. Frazier: Yes.

Mr. Stake: And I guess if members weren't happy with it at that time, we could hold it Monday night. Is that okay with members of the Finance Committee? (No response). Members of Council?

Mr. Clemens: If we have it Monday night I guess.

Mr. Stake: Well, if we have it Friday in our packets.

Mr. Clemens: Yeah. In our packets.

Mr. Stake: I would like it Friday in our packets. Otherwise, I'd recommend that we hold this Monday night. Well, even if we did hold it two weeks, we wouldn't have a problem getting it by then.

Mr. Hills: You've got plenty of time.

Mr. Stake: But, I don't have a, you know, we have, I guess we have everything we need to see attached to the legislation. Then we had this around May 25 or so. So if that's all we're waiting for, I guess I don't have a problem with it then. I just wasn't sure what the assessment documentation from Bond Counsel was. Then I'll make a motion that we send this forward with a recommendation for adoption as an emergency, as long as we have the information by Friday. Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

The next item on the agenda is, Discussion, Amend Ordinance 76-06, adjust amounts, Phase V sidewalk assessments. And I believe this would be the same situation, correct?

Mr. DeBolt: Yes, sir. That's correct.

Mr. Stake: We're back to item number 7 and this is Phase V of the sidewalk assessments and it was changed to \$103,485.50. And the same situation would be applied as in Phase IV where we're just waiting for the ordinance from the Bond Counsel. Any questions or comments from members of Finance Committee or members of Council? (No response). Then I'll make a motion that we send this forward with a recommendation for adoption as an emergency as long as we have the information by Friday that's necessary. Do I have a second? Second by Councilman Stearns. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 8 is Discussion, Supplemental appropriation, Mark Kipp retirement (vacation & sick leave payout). We've been informed that Mark Kipp would like to retire. And I don't know why he wants to retire. We have a great city here and he does a great job. But he does want to retire. With that, we do owe him both vacation time and sick leave payout. Are there any questions or comments from members of the, and this came from the Mayor. Mayor, do you want to add anything here?

Mayor McPherson: No. It's pretty self-explanatory. You'll see on the legislative request, the accounts that it'll be coming out of split between the Water Fund and the Sewer Fund.

Mr. Stake: Right. None of that money would be coming from the General Fund? It'll be coming from those two funds.

Mayor McPherson: That's correct.

Mr. Stake: Are there any questions or comments from members of the Finance Committee or members of Council? (No response). And you'd like an emergency on this?

Mayor McPherson: Yes I would, please. His retirement date is such that we need to put an emergency on it.

Mr. Stake: Are there any problems with that from members of Council? (No response). Then I'll make a motion that we authorize a total of \$37,290.76 being split equally from the..both Water Fund and Sewer Fund as an emergency. Do I have a second? Second by Councilman Joseph. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you.

And item number 9, Discussion, Mowing assessments for 2006 to Franklin County. This was removed on 4-16 at agenda time. Listed again at my request on 5-7 and held two weeks. And I think we've got this worked out, don't we Mr. DeBolt?

Mr. DeBolt: I sure hope so. I appreciate everyone's patience with this and thanks to Nancy and Mary especially. Because again, this is something that I think everybody wants done. The mowing of the grass again, by and large, most residents comply with the Property Maintenance Code. But as you know, last year was the first year where I think the city had to step in to get the grass cut. And you know, I think the Mayor made it clear that he wanted to get the grass cut, and we had some issues in terms of with the prior ordinance. I think those have been worked out with the new ordinance. So I don't think we'll have the problems that we've had in the past. And grass is getting cut now and we are having to do it again. But I think you'll find that it works a lot more smoother this year with the assessment process.

Mr. Stake: Well, now that it rained a little bit, it's going to grow a lot faster. But we are complying with our new code on that?

Mr. DeBolt: That's correct.

Mr. Stake: With the requirements of notification and everything else?

Mr. DeBolt: That's correct.

Mr. Stake: Okay. Good. Are there any questions or comments from members of Finance Committee? (No response). Members of Council? (No response). None being heard, President Hills.

Mr. Hills: If I could just ask, because I'll be glad to throw away this big stack of paper, but we filtered down to three pages rather than four inches. But I noticed there were some changes. So the Franklin County numbers were not as high that we're going to assess as originally projected.

But yet the Licking County numbers are higher than what they were. These are the ones that we can absolutely document that all the proper procedures were followed and that works out?

Mr. DeBolt: Yeah. We have the documentation that we know everything was sent out or posted.

Mr. Hills: And you have anything in place now that they're all handled in the same appropriate way so they can be assessed?

Mr. DeBolt: Yes. We made, it took a lot of time to make sure after going through this process the first time, to make sure that we keep track of them and actually are doing it as we go. We don't have to go back and track them down this time.

Mr. Hills: Okay. I thank you. Thank you, Mr. Stake.

Mr. Stake: Thank you, President Hills. Any other questions or comments? (No response). Then I will make a motion that we send, for its first reading, an authorization for the Clerk of Council to send assessment information to the Franklin County Auditor according to Ordinance 543.08 regarding the properties and the attached mowing invoices. Do I have a second? Second by Councilman Stearns. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And then now we do have the Licking County portion and it's pretty much the same thing. Are there any questions or comments from members of the Finance Committee or members of Council? (No response). Okay. Then none being heard, then I'll make a motion that we authorize the Clerk of Council to send assessment information to Licking County Auditor according to Ordinance 543.08 regarding the properties and the attached mowing invoices. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And I will adjourn the Finance Committee at 9:25.

Finance Committee

June 4, 2007

- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Lyday)