

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
May 9, 2011

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

Members of Council present: Fred Deskins, Jr., Leslie Kelly, Doug Joseph, Mel Clemens, Barth R. Cotner, Chris Long, Nathan Burd.

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

Minutes of the regular Council meeting held April 25, 2011 were approved without objection.
Minutes of the special Council meeting held May 2, 2011 were approved without objection.

The agenda was approved.

Mr. Hills: Item No. 7 is Community Comments and Requests. This is the opportunity for anyone to address Council on any issue they would like. We do have passed out to you, titled "Options on how to clarify Reynoldsburg Ordinances related to Backyard Chickens". I do have a speaker slip and the gentleman would like to address us tonight. I will note just for Council, I believe our definitions of animals and things in our wildlife ordinance is in 505.01 of our Code just as we hear what's being said for a point of reference. Dr. Boone, would you like to come forward and if you would, give your name and address for the record, and I think you have quite a lengthy synopsis of the good and the bad of it, right?

Dr. Boone: I have my helper here.

Mr. Hills: That's good. We all need helpers.

Dr. Boone: My name is Richard Boone, this is Grant, and we live at 197 Canterbury Lane. Mr. Chairman and members of the City Council, residents of Reynoldsburg, my family has lived in Reynoldsburg for twelve years and enjoyed the benefits of our community with its diversity of people of different races, social and economic status, religious, ethnic backgrounds and yet still maintains that respect for people, and values all those different interests that we have as a community. In the midst of the changes that are taking place within and around Reynoldsburg, we are proud the direction the city has taken in having a Community Garden too, a Farmers Market, and a Tomato Festival as our link to our agricultural heritage. My children are benefitting from an excellent education at the schools. My daughter, Crystal will be a Junior this Fall and part of the first class that will be at the new High School building and part of the _____ Academy in its second year, and Grant will be a fourth grader attending the new elementary school and also sharing a focus on the _____ curriculum.

So we're looking forward to see how those relationships develop, like with the Ohio Department of Agriculture, that might provide a local resource for our children's education with that environmental and agricultural focus.

As you know, agriculture continues to be Ohio's largest business and yet most citizens of Ohio have no real connection with agriculture. First Lady Karen Kasich made a \$95,000 contribution this February to a group called Local Matters that will reach out to children in Central Ohio teaching them about gardening, home grown Ohio foods, and where food comes from. Like many parents, we try to teach our children by example, as well as with words. We enjoy living within the City of Reynoldsburg and also try to maintain a connection with the land and environment. We picked out a lot that has many trees and a small creek. We planted a bona fide garden and have flowers to attract hummingbirds. We planted bushes native to Ohio, fruit trees, blueberry bushes, and raise a garden each year. Now, none of these items would provide enough food to feed our family, but they keep us connected with how food is produced. Each year, we try to do something new and we recently added rain barrels. This year we'd like to add a few backyard chickens, a few egg-laying hens to give us a living experience of agriculture. Many residents of Reynoldsburg can tell stories of raising chickens and we would like to provide that for our family.

In contacting the City officials and looking at the City Ordinances, there seems to be some tension within the Code, but some of it seems to be clear that I'm not permitted to have the chickens. So I wouldn't want to count my chickens before they're hatched, but I investigated surrounding city ordinances and then looked at our City Code and just have, you know, a couple examples of options that could be, ways we could amend our City Code to make to clear that I'm allowed to have backyard chickens. While there is a section on the definition of animals, and 505.33(d) on animals that are allowed to be owned or harbored within the municipality, you can have pure domestic dogs and pure domestic rabbits. So I would say, one option is just to add domestic poultry to that list.

The second option is like what the City of Columbus has had for years, or what the City of Bexley has recently adopted and gone to a permit system wherein a resident must have their plans for housing and caring for their chickens approved before getting a permit to own chickens. Columbus uses their City Department of Health to issue permits; Bexley is using their Animal Control Officer. We already have a permit related to, it happens to be dangerous dogs. I don't want to draft too much of a parallel between chickens and dangerous dogs, but we have a permit system in place already in our Code related to animals here in Reynoldsburg.

The third option is like what the City of Worthington has done and they've added a section that lists stipulations just related to owning backyard chickens and I've just made up some examples of what such stipulations can be. Those are not exactly what Worthington has.

Mr. Hills: Questions? Dr. Boone, does that complete your presentation? I have, are there questions of Dr. Boone? Have you asked and been denied that you can't have them? Is that what is here tonight? Because I'll ask the Mayor, have we had many people say 'I want to raise chickens'?

Mayor McCloud: Not that I'm aware of.

Dr. Boone: It's really just that paragraph I think that the person from the city quoted that said "Animals which may be owned or harbored with the municipality are: "

Mr. Hills: Under that 505.33(d)?

Dr. Boone: Ah-huh.

Mr. Hills: Since it does not say chickens there?

Dr. Boone: Right. There are other sections in that Code that talk about what you can or cannot do with horses, chicken or poultry, but apparently you're not allowed to own them. Do those relate to selling them or what?

Mr. Hills: Do we have, Mayor, do you know if we have anyone who raises chickens and.....

Mayor McCloud: We have chased some chickens since I've been here Mr. Hills; they're not very common, but we have responded to citizen complaints about chickens in some neighborhoods.

Mr. Hills: So chickens are here.

Mayor McCloud: I think we have chickens somewhere.

Mr. Hills: Okay, questions or comments? Chris, excuse me, Councilman.

Mr. Long: Thank you, President Hills. How many hens are you talking about?

Dr. Boone: Six.

Mr. Long: Six, and it's, the roosters are what make the noise, correct?

Dr. Boone: Correct.

Mr. Long: The hens make no noise.

Dr. Boone: Well.....

Mr. Long: Not relative in comparison.

Dr. Boone: Less than my neighbor's dog.

Mr. Long: Right, okay. Thank you, Sir.

Mr. Hills: And you, excuse me, yes, Councilman Deskins.

Mr. Deskins: You're not going to have any roosters, it's all hens and did I understand you to say you were going to try to have eggs?

Dr. Boone: Right. They're.....

Mr. Deskins: Can't have, it won't happen.

Dr. Boone: Yeah it does. Egg-laying hens.

Mrs. Kelly: Yeah, they're non-fertilized.

Mr. Deskins: Really?

Dr. Boone: That's how we get eggs.

Mr. Hills: Councilman Clemens.

Mr. Clemens: Whether it's one, six, no matter what it is, this ordinance pertains to everybody. We just don't give out an ordinance for one person, I mean, so when you pass something, you've got to look at really what's going to happen, and you've got to look at the point of how many people are interested in, and do we change the City's code for one person, or do we change it for everybody, or do we have chickens in everybody's back yard? Do we put it under Code Compliance? Do we count them? Do we go in every day and see if it grew a little baby chicken out of an egg, and I know that's where they come from. I mean, there's things you've got to look at. So it's not just as easy to say let's change the word and put poultry in, I mean, so I mean, if it's something that goes before Committee and discussed that's fine, but you've got to look at the overall deal of what you're getting into. This is not the first time this has come up in my fifty years on here.

Mr. Hills: We've had, we've had other animal, domesticated discussions; I don't remember talking chickens, but....

Mr. Clemens: Right.

Mr. Hills: ...just for clarification, is it Columbus, Worthington, and Bexley who have recently adopted ordinances that make it permissible under certain restrictions?

Dr. Boone: Columbus appears to be ancient; Worthington and Bexley are the more recent additions and changes.

Mr. Hills: Okay, I certainly appreciate.....any other questions? Yes, Councilman Kelly.

Mrs. Kelly: I personally love the idea. I really like the Local Matters; it's a fantastic organization, and I think any time we have opportunities to explore different ways of food production, and learning opportunities for kids is great. Maybe I'll get some chickens.

Mr. Hills: Any other questions, comments? Dr. Boone, we appreciate the comments. I'm sure Council will consider this and have discussions with Administration; and if there's a choice to move forward, it will end up in a Committee somewhere as we work on it, and if it gets there, I'm sure you'll be talked to, because, I mean, you've given every suggestion. I appreciate when any citizen comes in and comments, but one who takes the extra steps to saying, this is what other people are doing, this is what works and hasn't worked, it makes our research a little bit easier, and I appreciate that.

Dr. Boone: Thank you.

Mr. Hills: And thank you. And thank you for helping your Dad to take the time to do it. Okay.

Mrs. Kelly: Mr. Hills, I have a question for you on that.

Mr. Hills: Yes ma'am.

Mrs. Kelly: If we did something like permits, the permits would give us more control or something like that, right?

Mr. Hills: Well, I think that's what Mr. Clemens is referring to. Where do you want the, if you do it, where do you want the regulations to come from? Is it out of the Building Department? Is it, you know, that's again in the formulation of how you would do it.

Mrs. Kelly: Okay.

Mr. Clemens: I mean, that's what I say, this takes a ____; it's not just because 'I love little chickens', I mean, we've got the city to worry about.

Mrs. Kelly: Uh-huh.

Mr. Clemens: Everybody's back yard, not just one back yard.

Mrs. Kelly: Uh-huh, that's why I like to the permit part.

Mr. Hills: Again, I thank you for the information. Does that finish the issue on chickens? Thank

you again for coming in.

ORDINANCE MAKING APPROPRIATION FOR REIMBURSEMENT TO MORPC FOR ADMINISTRATION COSTS INCURRED FOR THE COORDINATION OF ROUND 24 of THE SCIP/SGF, AND/OR THE LTIP (Summit Rd Reconstruction, Phase II) AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the one required reading. Mr. Deskins moved adoption; Mr. Clemens seconded. With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Long "Yea"; Mr. Burd "Yea". Motion passed; Ordinance No. 17-11 adopted.

ORDINANCE AUTHORIZING APPLICATION TO FRANKLIN COUNTY ENGINEER FOR USE OF PERMISSIVE LICENSE TAX FUND FOR THE CITY'S TOTAL LIABILITY ON ALL THREE PHASES OF THE ROSEHILL ROAD PROJECT AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the one required reading. Mr. Deskins moved adoption; Mr. Cotner seconded. With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Long "Yea"; Mr. Burd "Yea". Motion passed; Ordinance No. 18-11 adopted.

ORDINANCE ADOPTING THE "OLDE REYNOLDSBURG STRATEGIC PLAN"- -Clerk read ordinance by title for the second reading.

Mr. Hills: Prior to turning this over to Councilperson Kelly, I would like to note, and you have copies in front of you that letters were delivered to the Clerk today regarding the Graham Road, Jackson Street discussion we've had before over the potential use of Graham Road, which is not mentioned anywhere in the Plan, but the potential use of that, from Barbara Strussion, 1730 Graham Road; and also Shirley Vingle, 1735 Graham Road. They are two pages apiece and they are available to the press and anyone else through the Clerk's Office. I would hope that all Council members will read and digest these letters and be ready to discuss them at the Committee Meeting a week from now and with that, Mrs. Kelly, Councilperson Kelly, I'd like to turn this over to you and I know you also have a speaker slip.

Mrs. Kelly: Yes, I do have a speaker slip. Mr. Knapp.

Mr. Knapp: Can I do it from back here?

Mrs. Kelly: Yes, you sure may.

Mr. Knapp: I'm not much of a speaker, sorry. My name's Gary Knapp. I live at 1730 - 1741 Graham Road, sorry about that. I'd tell you how long I've been in Reynoldsburg, but then I'd give away my age so, but I've been here a long time and I'm here voicing my opinion about moving the truck route from Route 256 and Jackson, back to Graham Road again. I think in the last eight years, this is the third time I've fought this fight. The first time, it was with the city; the second time, the Service Director decided to do it on her own and we, with the help of Council, we moved it back, and I didn't know these issues were coming with the Community Development Committee. We found out by accident, actually, last week or so ago and my neighbor went to the Committee Meeting last week. He's out of town this week, but we don't want it on Graham Road.

We have, and I think the last time when we dealt with this issue, Larry from the Street Department, they did the traffic study; we had 10,000 cars a day, 70,000 cars a week, and I may be off a little bit, but I'm not off a lot, on Graham Road minus, that wasn't even including the truck traffic; and we, I've talked to people in Marabar, I've talked to people on Palmer Road, Drugan Court, up in Leighton Village, a lot of them are fired up about it already and I would just as soon stop it now as to get into a big hassle, you know, filling this place with people, you know, complaining and getting upset about it. There has been, you know I went through the Community Development minutes and there has been several mentions by different people specifically for these issues. One of the people even said, you know, they were going to send it out to the City Engineer. I hope that hasn't happened. Okay and what I was kind of hoping tonight, that you Councilwoman Kelly, could pull this back to Committee prior to the second reading, so we can have input and deal with these issues prior to this moving on. I'm not really that astute on how Council works, but I would hope that would be something that we can do, but this is a very volatile issue, a very hot topic up in that neck of the woods and I hope that, you know, we move past this; and I'd be available any time for comment, you know to talk about it, but it's just, I can't get out my driveway now. I live right at Palmer Road, the first house north of Palmer on the west side of Graham, and there are a lot of times when I can't get out of my driveway. I know I live on a busy street, and the thing I saw in the news tonight, where since 2006, where my property value has declined 30% since 2006 just with the economy. You know, switching those trucks over there, that isn't going to help me either. So I just, you know, hope that you understand where we're coming from and this can be addressed and stopped. I haven't had a chance to talk to the Mayor. I have talked to my Councilman and a couple other Council people about it, but you know, and I feel bad that I didn't give the Mayor a call, I just haven't had time, so that's where we're at and hopefully this ends it. Thank you.

Mrs. Kelly: Thank you. Mayor McCloud.

Mayor McCloud: Thank you, Mrs. Kelly; and Mr. Knapp, let me reiterate what I said last week and that is, somehow the shorthand of looking at the potential of moving truck traffic from Jackson has become 'well therefore, it must go to Graham'. I do not support that, I have never supported that. I cannot imagine a moment in my life where I would ever support that; that that would make sense. When Mr. Vingle was here last week, I said that then. Rerouting truck traffic is an issue that needs to be looked at carefully and there won't be any snap decisions made about where it goes, but for one as Mayor, I can say I will never support moving truck traffic to Graham Road.

Mr. Knapp: Thank you.

Mrs. Kelly: Are there any other questions? Comments? Okay. I would like to say that the Plan, the Strategic Plan for Olde Reynoldsburg is just that. It is a plan. It doesn't define where anything will be. It's just an idea of a plan. Something to move forward with as far as discussion. So like the Mayor said, nobody up here has said anything about it going, this is where it's going to go. Go ahead.

Mr. Knapp: I appreciate that, but there has been people that have said that. I mean, I've got the minutes to the Community Development Meetings, and there's been several people that said that and it went as far as to say, have the City Engineer look into the feasibility of doing that. So I just, I don't get that. I don't understand that nobody's saying it, but it's in the minutes; I got the minutes to the meetings, so somebody's saying it, you know, and it's a hot topic already, so somebody's saying it. It's out there. You know, I don't know what to say. I appreciate the Mayor's stand on it, but.....

Mrs. Kelly: You're worried about it.

Mr. Knapp: I'm definitely worried about it; and I know, you know, people change. You know, we get new people in Reynoldsburg. They don't understand and I just, I don't want it, you know, and I don't need, believe me, I don't need another fight to fight, you know, I got my Dad's in bad health, I'm dealing with that, but you know, I don't need an issue to have to be dealing with you know, but I wouldn't be here if people haven't been saying it, that's involved in the Development Committee, that's involved with City Council, so, you know, thank you.

Mrs. Kelly: Mr. Clemens.

Mr. Clemens: First, you've got to understand, these aren't elected people that were saying that. I mean, that's like saying that I'm going to turn my hair gray; that doesn't mean anything. We control on what happens, as the Mayor said, studies are studies, we have them all the time and the people were volunteers and they try to do a good job. That doesn't mean they're going to tell the Engineer anything. He doesn't work for the Committee. He works for the City of Reynoldsburg. If there are things done, they'll be done across this table right here or through the Mayor. So that's the part you have to worry about. I know there's things were said. There's things said all the time. I hate to bring up everything that's said, but what's really something's done, it will be done through these members here. They're the elected officials and they're the ones that are responsible for it. As the Mayor said, he's responsible for his Administration. We're responsible for changing the ordinances and as far as changing the traffic, it can be done through the Mayor. I mean, he can do it through the Service Director, but that's a good way to lose your job. I know that, so I don't think people would do that without consulting Council. Do you agree?

Mayor McCloud: Yeah, I agree with you Mr. Clemens.

Mrs. Kelly: Okay, then I'm going to send this forward to the Committee, and we can have further discussion about it at Committee. So it will stand for its second reading and return to Community Development Committee.

Mr. Hills: Okay, I will note a couple things. Mr. Knapp, I had some of the same concerns you did when I read some of the minutes. I think Mr. Clemens has made them rather clear. They did not come from the elected officials or the officers of the city. I questioned the Development Director and others as to why it was saying that and if you look at the Plan itself, which is what we're looking at, there is absolutely no reference in the plan to Graham Road. In strategy 6.8 on page 54, it's route truck traffic off of Jackson Avenue. So

whatever was talked about in Graham Road in some general discussions did not get incorporated in the Plan. The Plan's not saying take Jackson Avenue which, number one, it's Jackson Street - I didn't think we've ever changed it to an Avenue; so that's being a little picky, but I'd hope we'd get our own streets right. It makes no reference to Graham Road. Now certainly, Graham Road drew the attention. So I don't know if that eases your feelings. I think the Mayor is very emphatic on his discussions. He and I have been through these discussions before at Council when I was a Councilman and he was President. It does come up and I don't think there's a desire by anyone sitting up here to see the truck traffic on Graham Road. Are there any other questions or comments? If there aren't, this will stand as its second reading and return to Committee. That means there will be a Committee Meeting next week. If on the 16th, it comes out of Committee for third reading, the third reading will be on May 23, 2011. If all questions are answered and there's any understanding, it probably will come out of Committee; if there's things that need to be looked at and re-discussed, it can always be held in Committee, but as of tonight, if there are no further questions or comments, we will let this stand as the second reading and refer to Committee.

Meeting adjourned at 7:55 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council