

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
May 8, 2006

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

Members of Council present: Brett Baxter, Doug Joseph, Mel Clemens, Antoinette Newman, Donna Shirey, Ron Stake, Preston Stearns.

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

Minutes of the special Council meeting held April 24, 2006 were approved without objection. Minutes of the regular Council meeting held April 24, 2006 were approved without objection.

Mr. Hills moved that agenda Items 7 (Community Comments and Requests), 8 (Communications), and 9 (Reports) be moved to Items 19, 20, and 21. He stated that Item 11 (ORDINANCE AUTHORIZING PROFESSIONAL ENGINEERING SERVICES RELATED TO THE REPLACEMENT OF THE SUMMIT ROAD BRIDGE) was being removed and would be dealt with at committee meeting. Mr. Stake seconded. All voted "Aye". Motion passed; agenda amended.

Clerk read motion: That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for the 2006 Fourth of July fireworks display; bids not to exceed \$25,000 including delivery costs, exhibition and insurance. Mr. Baxter moved adoption. Mr. Stake seconded. All voted "Aye". Motion passed.

Clerk read motion: That the Council of the City of Reynoldsburg does hereby reject the bid received on March 24, 2006 for the Taylor Road Reconstruction (Contract B - Sanitary Sewer Extension under Main Street). Mr. Joseph moved adoption. Mr. Stearns seconded. All voted "Aye". Motion passed.

Clerk read motion: That the Council of the City of Reynoldsburg does hereby approve the Mayor's appointments of James E. Hood, Reynoldsburg City Attorney, and John A. Brandt, Reynoldsburg Development Director, to the Licking County Tax Incentive Review Council; appointment terms to be for two years and will expire on December 31, 2007. Mr. Stake moved adoption. Mrs. Newman seconded. All voted "Aye". Motion passed.

AN ORDINANCE TO AMEND SECTIONS 191.02, 191.04 AND 191.07 AND ADOPT SECTION 191.191 OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO, IN ORDER TO INCREASE THE CITY INCOME TAX BY ONE-HALF PERCENT (0.5%) FROM THE CURRENT RATE OF ONE AND ONE-HALF PERCENT (1.5%) TO A RATE OF TWO PERCENT (2.0%), BEGINNING JANUARY 1, 2007, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY GENERAL OPERATING COSTS OF THE CITY'S DIVISION OF POLICE, AND TO PAY COSTS OF CAPITAL IMPROVEMENTS APPROVED BY THE CITY AFTER DECEMBER 31, 2006, INCLUDING THE PAYMENT OF

DEBT SERVICE CHARGES ON SECURITIES ISSUED TO PAY COSTS OF THOSE CAPITAL IMPROVEMENTS, AND DECLARING AN EMERGENCY. Clerk read ordinance by title for the first time. Item referred to Finance Committee.

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 191.02, 191.04 AND 191.07 AND ADOPT SECTION 191.191 OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO, IN ORDER TO INCREASE THE CITY INCOME TAX BY ONE-HALF PERCENT (0.5%) FROM THE CURRENT RATE OF ONE AND ONE-HALF PERCENT (1.5%) TO A RATE OF TWO PERCENT (2.0%), BEGINNING JANUARY 1, 2007, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY GENERAL OPERATING COSTS OF THE CITY'S DIVISION OF POLICE, AND TO PAY COSTS OF CAPITAL IMPROVEMENTS APPROVED BY THE CITY AFTER DECEMBER 31, 2006, INCLUDING THE PAYMENT OF DEBT SERVICE CHARGES ON SECURITIES ISSUED TO PAY COSTS OF THOSE CAPITAL IMPROVEMENTS, AND DECLARING AN EMERGENCY- - Clerk read resolution by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens seconded.

Mr. Hills stated that he had a speaker slip for the issue.

Mr. Shirey: I thank you for giving me the opportunity to speak. I want to voice a concern for the elderly in this area that have talked to me. My parents live here, and the other day, my father said to me that he and mom might have to move out of the community because of health care costs, utilities, gas, and now the tax increase. After a talk with my father, I want to say that this increase was created by over spending. The Finance Chairman many times, brings emergency legislation up on ways to spend money. Does he ever check the books to see if the money is there? Apparently not or we would not have, as Mr. Hills said, spend 400,000 more next year than we bring in. I don't know how you will vote on this or how the citizens of Reynoldsburg will vote when they get the chance, but I want to put the Finance Committee on notice and see if they continue to spend money they don't have. None of us here could ever run our home finance the way our city is. And now the city's in trouble. I wish you the best of luck to do the right thing. I don't want my parents to move out of their home. They were not the only ones who talked to me on this issue. Several have. But this one touched me very deeply because it concerns my parents as well. So I just hope that whatever way it goes, we start looking at how much money we spend and to make sure the money's there before we get into this again. Thank you.

With the roll called, members voted: Mr. Baxter "Yea"; Mr. Joseph "Nay"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Resolution No. 40-06 adopted.

At Mr. Clemens' request, Mr. Hills excused him from the remainder of the meeting.

ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF REYNOLDSBURG ADOPTED BY ORDINANCE NO. 131-95 ON NOVEMBER 27, 1995 AND AS SUBSEQUENTLY AMENDED - 8015 East Broad Street; southeast corner of Broad Street and Waggoner Road; from CC to CS; applicant, Giltz & Associates, Inc. (51.225+/- ac.)- -

-Clerk read ordinance by title for the second reading. Item referred to Service Committee.

AN ORDINANCE AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE CITY OF REYNOLDSBURG FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO TO EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS, AND MAKE INSPECTIONS **AND DECLARING AN EMERGENCY**- -Clerk read ordinance by title for the third reading. Mr. Baxter moved to amend the ordinance as redrafted 5-2-06; and to include the date in the Whereas clause to be "5-27-06"; and in Section 3 to include "Chief Building Inspector" in the blank spaces. Mr. Joseph seconded. All voted "Aye". Motion passed; Ordinance amended.

Mr. Baxter moved adoption. Mrs. Shirey seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 41-06 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: REPEALING AND REPLACING CHAPTER 1325 1999 OHIO RESIDENTIAL CODE FOR 1, 2, AND 3 FAMILY DWELLINGS - -Clerk read ordinance by title for the third reading. Mr. Baxter moved adoption. Mr. Stearns seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 42-06 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 160 EMPLOYEE COMPENSATION, SECTION 160.02 "Authorized Positions, Personnel, Classification and Pay Grade" Subsection (f), AND APPROPRIATING FUNDS THEREFORE- -Clerk read ordinance by title for the third reading. Mr. Baxter moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Joseph "Abstain"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 43-06 adopted.

ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF 79.1+/- ACRES IN ETNA TOWNSHIP, COUNTY OF LICKING, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Harrison W. Smith, Jr., agent for petitioners (Harvey))- -Clerk read ordinance by title for the third reading. Mr. Joseph moved adoption. Mr. Stearns seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 44-06 adopted.

Community Comments and Requests:

Mr. Wright: Since I don't get too much time up here, I'll just go ahead and ask away I guess. If it's alright, I'd like to ask a question of Mrs. Newman, if she supports the Calvary International going into the Big Bear Store and operating in the Big Bear Store. Do you support that?

Mr. Hills: This is the opportunity to make comments. I don't know that the questions, we're not into a cross exam.

Mr. Wright: Cross exam?

Mr. Hills: You're somewhat out of line. This is your opportunity to make Council and the members here of Administration or whoever else is here, aware of something you want to address. If you want to express your views, should Council choose to then ask you some questions if you want questions, we can certainly have that debate. But what this purpose is, is not for you to come up here and just question Council. Not in Community Comments.

Mr. Wright: You mean I'm not allowed to ask questions of Council?

Mr. Hills: I guess, when you sit here and say, Mrs. Newman, are you in favor of this, or are you going to do this, that puts an elected official on the spot. Which if you want to do that out of the formal setting, then you can talk to Mrs. Newman all you want. But this is not what Community Comments is about. If you have something you want to bring before Council that's not on the agenda to make us aware of, please do it.

Mr. Wright: It's definitely not on the agenda any more. But, at least I didn't see it on there. But I just had a question. I mean, that's just what I came up to do. It's just a question.

Mr. Hills: You're starting something Mr. Wright, that is not going to be acceptable. This isn't a question and answer. You can't come up here and sell politics. You're not going to come up here and just ask questions. If you want to address, if you want to list the questions, I'm going to ask the members, it's probably best if you want to note the questions for the record, if they want to respond at some later time, they can. We're not going to get into a debate with you when it's a matter of asking questions of members.

Mr. Wright: Sir, I'm not wanting a debate. I don't want a debate. I was just going to ask some questions, you know?

Mr. Hills: Do you have your questions written down?

Mr. Wright: Um hum.

Mr. Hills: Why don't you submit them to Mrs. Frazier and submit them to the press. We'll get the same thing out of it that way. I'll be happy to do it that way.

Mr. Wright: But if I, I just want to ask them...

Mr. Hills: If you want to read your questions, read your questions. I'm going to ask, I don't think it's appropriate, and I may look to the City Attorney, but I don't see where there's any benefit in the Community Comment section that we get into a, especially when you're asking someone's positions. Positions are noted up here when they vote on an issue.

Mr. Wright: Yeah but, I've heard other people ask questions of Council, and so I thought it was

alright.

Mr. Hills: Do we want to match as when, and who, and what? Is that what we're trying to get to, Mr. Wright? I mean, when you walk up to the mike and say, 'Mrs. Newman, do you agree with Calvary being able to be in Big Bear'; if you want to make that statement, that's fine. But I don't think it's appropriate for Mrs. Newman and you to debate on what her feelings are. She feels on what she votes.

Mr. Wright: I know. That's why I'm asking.

Mr. Hills: Then you probably know the answer, don't you?

Mr. Wright: I just want to be sure.

Mr. Hills: If you want to read your questions, please do. If you get a copy to Mrs. Frazier, we'll be sure that all Council gets a copy of it and you can give it to all the press. Does that accomplish what you need?

Mr. Wright: Well, I have to find out first.

Mrs. Newman: Mr. Hills, could I settle this? Mr. Wright, I think that I answered that question last summer when we took the vote on the matter. But I think you very well know what my position was. It's a matter of record.

Mr. Wright: Okay. So you wouldn't, you don't want them in there?

Mrs. Newman: Pardon?

Mr. Wright: You don't want them in there?

Mrs. Newman: I'm sorry. I didn't hear your question.

Mr. Wright: You don't want them to go in there?

Mr. Hills: Didn't she just respond to you, Mr. Wright?

Mr. Wright: Well, I just, I was kind of looking for yes or no.

Mr. Hills: You keep changing the question.

Mrs. Newman: Well you heard my vote last summer.

Mr. Hills: Now, Mr. Wright, I'm sorry, and I'm going to get a lot of bad talk with this, but your three minutes is now up, okay? Thank you. Your three minutes is up.

Mr. Wright: I didn't get any minutes. You were talking all the time, sir.

Mr. Hills: Your three minute time is up. Okay? Mr. Wright, please take your seat.

Mr. Wright: So we're not allowed to ask questions of Council? Is that it?

Mr. Hills: Mr. Wright, no one has said you can't ask questions. I said if you want to list, this list of questions you've got, give it to the Clerk of Council. Give it to the press. We'll get you your questions answered.

Mr. Wright: Well sir, I don't have a list. All I have is one. I just have one question.

Mr. Hills: Then you've asked your question, Mr. Wright.

Mr. Wright: But I only asked it of one member.

Mr. Hills: Well no...we're not going to go up and down the table. I've asked you to sit down. It's over. And I'd ask that Mr. Wright, if you don't...

Mr. Wright: Well how are we supposed to find out?

Mr. Hills: ..want to sit down Mr. Wright...Chief, I'm going to ask that you assist Mr. Wright in sitting down.

Mr. Wright: Now come on now. I like the Chief. I like the Chief. So don't get him...

Mr. Hills: Mr. Wright, I don't like putting the Chief in that position either. Now will you please go sit down?

Mr. Wright: Alright.

Mr. Stake: President Hills, I would hope that Mr. Wright would be more respectful...

Mr. Wright: I'm not going to give you a hard time sir.

Mr. Stake: ...to the people in the audience and to us up here.

Mr. Wright: You're the best chief we've had so I'm not going to, you know, I don't know why...

Mr. Hills: Mr. Stake, I appreciate your comments about Mr. Wright being respectful. But I'm not so sure he is. And he's tested my patience. And I've asked you to sit down. I've asked the Chief to help you sit down. Mr. Wright, you've had plenty of opportunity to speak. We're not going to rehash your questions of each member. I think Mr. Stake is right. You absolutely are not showing much respect for anyone in this room, including the citizens out here sitting with you.

Mr. Wright: But some people on the Council have never voted on the issue and have never made their, they've never made their opinion known on that.

Mr. Hills: And if they choose to, they'll do it. Now I'm going to ask you to leave.

Mayor McPherson: Mr. Wright, just sit down.

Mr. Wright: Okay. It's no problem.

Mayor McPherson: Thank you.

Mr. Hills: I have another speaker slip which is Brandon Wright. Mr. Wright.

Mr. Wright: This actually is something that was on the agenda, but the last time I submitted my speaker form it was just overlooked. So all that I wanted to come and ask is, if we actually did get a final number on the actual cost, it would cost for the City of Reynoldsburg to perform this special election. And the second part of the question would be, if Council would be in session in August? And if I could just have a response. Probably Mr. Stake.

Mr. Stake: Well I did, Mr. Wright, I was trying to see if I could get to you before the meeting this evening. I know you came in right when we started but I did want to let you know that according to our Auditor, Mr. Harris, and the Board of Elections, I believe the estimated amount is \$22,500 for the special election. Correct, Mr. Harris?

Mr. Harris: That is correct.

Mr. Stake: Thank you.

Mr. Hills: Mr. Wright, I'll try to add on that I've been involved with Council for about 13 years and I think there's one or two Augusts we have not had a meeting. But usually, we won't meet every week in August. August is a scheduled recess. But there is a time any Council member, as actions come up that need addressed, we're always able to come in and have a meeting to address the issues that the Administration, or the Law Department, or whatever, would need.

Mr. Wright: Alright. And also, just the second part of my question, it's not so much that I have a problem that we're asking the citizens that, here is where we see that there's a problem. We need more officers on the street and this is how we can pay for it. But to me, it just seems like it's a very rushed plan and we're asking the citizens, oh tax yourself. We won't be here in August to promote this or really educate the people. And so that's where I stand. And I definitely, I don't know why Mr. Baxter voted the way that he did. But very much so, I think that before we ask people, oh tax yourself, we've got to show just a little bit of responsibility in making sure that we're showing to them that we're also responsible for the dollars. And just to me, it just seems, not like a waste of money, but it's money that could be used elsewhere. And just like they said during the meeting, that if we put this on the ballot in November, there's a zero cost. And I've only taken a couple of economics classes, but I know that zero cost compared to \$22,000, well that's a big savings. And if we're asking the people to tax themselves, I think that that is something that we really need to take into consideration. So those were my comments, and thank you very much.

Mr. Stake: Mr. Wright, I apologize for not recognizing your speaker slip at the last Finance Committee meeting. I overlooked it and I apologize for that, and I wanted to make that apology in public here today. But there's some things, there's some things being misconstrued out there. About 2/3 of the Reynoldsburg taxpayers, people who are earning income in Reynoldsburg, do not live in Reynoldsburg. And what's happening is, they may live in Columbus where there's a 2% tax rate. So they're paying 1 1/2% to Reynoldsburg and 1/2% is going to Columbus or whatever community they live in if their tax rate is higher than ours, and I think that makes up for, and I think our Auditor can speak to this a little bit better, but I think that's well over a million dollars, maybe close to 2 million dollars a year. That's just the kind of system that we have here in Ohio where you pay the tax to the city you earn the income in. Correct, Mr. Harris?

Mr. Harris: That's absolutely correct. The actual figure would be 2/3 of the money that would be raised from this would be raised from people who work in the City of Reynoldsburg but live elsewhere, and are probably already paying that tax to somebody else. It's not an additional increase for those people, it's just that we will keep the money here locally rather than allowing them to send it back to their home community be it Columbus, or New Albany, or Gahanna, or wherever they live.

Mr. Stake: And 80% of our citizens will see no tax increase. The other thing that was misconstrued earlier, and maybe Mr. Shirey was not talking about this, but if his parents are on a pension or social security, they will not pay any additional tax. That's not what's going to be taxed. It's your income tax. It's on money earned at your job or your profits in your business.

Mr. Wright: That is a good explanation. Thank you Auditor for that. But I think, here's where it bothers me is, when they said that there was a zero cost factor to put this on in November, and there's a \$22,000 cost factor to put this as a special election in August. Where if you do the research and you do the break down, people really don't vote in August. People are gone. Council's not in session. And I think to ask people you know, we would like to tax you and to give you these services, that's fine. But it's just the cost of spending \$22,000 for a special election where there's not a huge turnout, to me seems almost like an unfair waste of money. Which I'm just asking that if you could put it in November, yes the ballot may be crowded, but you should have thought of that before hand when you actually decided, well we need these officers and this is how we're going to pay for it. And I'm just asking if we could just really consider, and move it to November where there is a zero cost factor. Those are my main concerns. I mean, that's my real main concern is, \$22,000. How do you justify that for spending it in August when there's a zero cost factor in November? And not so much people who's getting taxed.

Mr. Hills: Just so we can clarify Mr. Wright, what was passed tonight was a 6 to 1 vote was to have it on the ballot in August.

Mr. Wright: Right. Which I understand.

Mr. Hills: That's been passed and that's going to happen. Now as far as Council not being here in August, I strongly feel that Council members will be around the city and will be supporting this tax

increase in August. I would see they'll be actively out supporting it because it is what needs to be done so you can have services that you deserve to have as a resident of this city. And that's what we're putting it together for. But I do appreciate your comments. And again, Mayor, yes.

Mayor McPherson: Just one additional comment. You need to understand that we have put together a committee to put all the information out to the public. The President of City Council is on that committee, City Auditor's on that committee, and I'm on that committee. So as we go in the next few months, you're going to be getting a lot of information about what this is all about. But the bottom line is, it's to increase the safety in the City of Reynoldsburg. It's to be able to continue to have our snow removed, to have our pot holes patched. And it's not something that just came up. It's something we've been working on for over 5 years. And I don't recall that you've been involved that long. But we'll show you history if you'd like to stop in and see it. And as we go along, I'm certain that we can show you exactly why we're putting this on now. One reason that we've all talked about, in August there'll be one issue on. Everybody in the city can see, and vote on that should they choose. And it's one single issue. They don't have to worry about it being confused with any other issue. Unlike some of the taxes that are passed on property taxes for fire services and things, those go to everybody. And ours is very limited and we'll show you the break down. We'll be passing pamphlets out and flyers. So you'll be able to see all this. It's not something that we're just doing here. There's going to be a lot of work. And all the Council members that are supportive, whether they're in session or not in August, I can assure you that safety is a primary issue in their minds. And they'll be available to discuss any of these issues with anyone, as will my Administration.

Mr. Wright: And I guess I will just leave on this, I'm not concerned why we're doing this. That's not my focus point. My focus point is, you're spending \$22,000 where there could be zero. You may say we've prepared for this and we've had ample time for this. Well if you did so, then you wouldn't have to do it as a special election in August asking to waste \$22,000. If this was a prepared plan, then when I came to Council meetings, it didn't seem to me like it was too prepared. It seemed like if it was prepared, you wouldn't need emergency readings for these and only telling the people that we're going to spend \$22,000 when you can do it at zero. So that's just my main factor is, if we're selling a tax to a person or people, then we've got to justify why we're spending that money. And to me, \$22,000 for a special election in August, I can tell you, not too many people come out to vote in August, but if they do and if this one shows that there's a lot of voters in August, then I will rescind what I said and I apologize. But from what I saw in the date from the Secretary of State's Office, no. Not too many people actually come out to vote in August.

Mr. Hills: Mr. Wright, I thank you for your comments and we will see what happens because it has been passed tonight as an emergency to go to the ballot so it can meet the 5-25 deadline to file with Franklin County Board of Elections.

I would note, for those who picked up the agendas tonight, there is a fact sheet that's been put together laying out by the agendas. Please take a look at it. That may open your eyes, or possibly understand a little bit better, the tax and how it is. If it raises questions, there'll be a number of people that would be more than happy to answer them.

Reports- - Clerk read report from Clerk of Courts: total monies collected from courts held during

April 2006, \$37,952. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- -\$2,442 for the Computerization Needs Fund and \$355 for the Enforcement and Education Fund.

Meeting was adjourned at 8:02 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

(Transcribed/Susie Smith, Ass't. Clerk of Council)