

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES
MAY 2, 2005

Members of Community Development Committee present: Lane J. Beougher, Antoinette Newman, Preston Stearns.

Other members of Council present: Eric Gilbert, Mel Clemens, Ron Stake, Brett Baxter, Council President William L. Hills.

Mr. Beougher: I'll call Community Development to order at 7:30.

The second item on the agenda is approval of the minutes of the March 21, 2005 Community Development Committee meeting. Are there any corrections, or additions, or deletions to the minutes of the 21st meeting? (No response). Hearing and seeing none, they will stand as submitted.

Item 3 is approval of the agenda. Are there any additions or deletions? (No response). Hearing and seeing none, it will stand as submitted.

Item number 4, Amend 971.08 of Chapter 971 Municipal Parks, changing fees and charges for parks and recreation programs and park facilities. Mr. Walsh, welcome.

Mr. Walsh: You have in front of you, some fees request changes that we would like to make. Some of our programs are based on estimates that we get from contractors who provide these programs to us. (Checking microphones).

We have fees and charges in front of you tonight that we require some changes on. Some of our programs are based on contractors who provide these programs to us. And they occasionally raise their prices. These fee increases reflect those price increases from our contractors. So in order to continue in our process of attempting to make sure our programs are heading toward covering all of our direct costs, we need to bump these up by what we ask for.

Mr. Beougher: Okay. And this is on the agenda for discussion tonight. We will not be taking any action. What is the schedule for your release of the new guide to Parks and Recreation?

Mr. Walsh: _____ July.

Mr. Beougher: July. Okay. So if we come back in two weeks and move it on the regular process, is that sufficient? Or do we need to accelerate it any?

Mr. Walsh: I think we'll be okay at this point.

Mr. Beougher: Okay. Are there any questions from members of the committee? (No response). Any questions from members of Council? Mr. Clemens.

Mr. Clemens: Yes, Paul. Under Youth Programs, I don't know that much about it. Just explain to me. When it says like, "\$75 for Basics of Coloring". How long does a program like this go

on?

Mr. Walsh: These typically meet once a week for a number of weeks. I don't know exactly how long this one particular program does last. But it is a number of weeks. We use professional instructors there from the Central Ohio Art Academy down on the corner there. That's where the programs are held.

Mr. Clemens: The reason I'd like to know is, and it drops down and says \$85 for drawing of a horse portrait, 85 bucks is a lot of money for a youth. I mean, a youth program. I just wondered if it's a matter of weeks, or just two times, or what it is. Do you have any idea?

Mr. Walsh: I would have to take a look and see how long these actually last.

Mr. Clemens: How many times they get to come? Or how long it lasts? Since it does look like quite a bit of money, if the program's only for two hours or something like that, to me it's a little expensive.

Mr. Walsh: On the art programs, the instructor there at the Central Ohio Art Academy has said that she doesn't know why we don't charge as much, very much. Because most places that she works with, charges significantly more than we do for this. I don't know why that is. But we're one of the lower ones that she works with.

Mr. Clemens: Maybe they've got a wealthier community.

Mr. Walsh: Well, maybe our expenses are lower. I don't know.

Mr. Clemens: I'm just curious about the length of time they get it.

Mr. Walsh: I can get that for you.

Mr. Beougher: Mr. Baxter.

Mr. Baxter: Thank you, Councilman Beougher. Good evening, Paul. One of the things that came to my mind is, I noticed we've been here before. And we've looked at these numbers once before. And I think we passed legislation if I remember right, to have the increases we have today. And we're back here looking at these things. Obviously, because you've found there are some additional costs. Do we have a program in place in which we reach out to each of the vendors of our programs on an annual basis and ask them to subscribe at a certain dollar amount so that we can try to curtail, or at least know that there are changes coming each year?

Mr. Walsh: Our expectation was that we would be having changes at least twice a year. I think the first time when I came in front of you, what was that a year or two ago when we first started getting Council approval on fee setting, I think I said at that time, that we would at least have to do it twice a year. We do have a brochure that comes out twice a year. And so we do try to get fees set. Most of the fees for the second half of the year are okay. But we do occasionally get

changes and things like this.

Mr. Baxter: I certainly remember you saying that, and I appreciate you bringing that out. But I think the point I'm looking at, is not just the fact that we're going to have fee changes. That's expected. But moreover, as a way to insure that the people are coming in, putting these programs on. We commit them to a cost at the beginning of the year, and that way we don't have to worry about it going up just because Worthington decided to raise their fees. All of a sudden now, we have to go through this effort again because that same instructor decided to raise it here as well. I'd like to see a program in place where at the beginning of the year we can say, this is what we're going to offer, and be able to produce it throughout the year, and hold them to that. Almost like a contract.

Mr. Walsh: Sure. I don't see any reason why we couldn't do that.

Mr. Baxter: I think that would be a great idea.

Mr. Walsh: We've just always done it twice a year is all.

Mr. Baxter: Okay. Thanks, Paul.

Mr. Beougher: Mr. Stake.

Mr. Stake: Thank you, Mr. Beougher. Mr. Walsh, just following up on what Mr. Baxter had to say, I was wondering, do we have written contracts with these vendors?

Mr. Walsh: We have agreements with them.

Mr. Stake: Written agreements with them?

Mr. Walsh: Yeah. Because we typically will go and ask them to provide these programs. And some of these, we've had for quite a few years. Well before I even came here. In fact, the Art Program is one of those.

Mr. Stake: Is there any way to incorporate in those agreements maybe, a multi-year, two year, three year fee agreement? Or one year fee agreement? Maybe make your life a little easier.

Mr. Walsh: We could give that a try. Yeah. That's for sure. I don't know that anybody would do us any more than one year though. I don't think that would happen. Not with the programmers that we work with.

Mr. Stake: Okay. Thank you.

Mr. Beougher: Any other questions from Council? (No response). Paul, I have a question. What is the participation level in some of these programs? I mean, I know that the soccer programs are very well attended. Especially in the spring because kids aren't playing football too. Baseball's a great program. But some of the more, I don't want to say obscure programs

but, looking at the cost of drawing a horse. I mean that's, you probably won't get a whole lot of participation in that class I wouldn't think.

Mr. Walsh: Our art classes are pretty popular. Some of them actually, we do fill up. Others don't. There are some of them that we end up not having because we don't have people sign up for them. Classes in fitness, some fill up really well and others, we end up not providing. Drama is another one where, we have some drama classes that are just monstrous. We'll have 15, 20 kids in them. And then occasionally, one will come along that we'll get two or three to sign up and we have to cancel that particular program. But it kind of comes and goes. It's hard to say. I can get you all the statistics. We keep that all on the computerized system that we have of how many we have of signing up.

Mr. Beougher: That might be worth seeing. I think there are other members of Council that are interested in the statistics as well. So maybe when we come back in two weeks, we can have those in front of us and we can discuss it in a more informed way.

Mr. Walsh: Sure.

Mr. Beougher: What I'd like to do is, make a motion to table this for two weeks. Is there a second? Mrs. Newman with the second. All in favor, signify by saying aye. (All voted "Aye"). We will talk about this again in two weeks, Paul.

And item 5, also for discussion only tonight is, Main Street Streetscape Phase I Corridor Enhancement. And this is at my request. And in turn, it is at the request of Mr. Baxter, who was interested in some information on how we are going to maintain the Streetscape Program that we've already installed. And Paul, if you want to, you've issued a memo with some attachments, and if you want to kind of summarize those for us, we'll start there.

Mr. Walsh: When we got into the Phase I section of the Corridor Enhancement, I think we knew that we would have to deal with some maintenance down the road. We've been talking about it for a number of months, and I've had some conversations with a number of Council members on these issues. And based on information from the original designer, who had maintenance estimate costs, as well as from a local landscape firm, the irrigation contractor, and some actual work that we have actually been performing out there, we came up with some levels of maintenance that we felt were appropriate for this project. In our discussions in the staff, we felt like we've invested a significant number of dollars in Main Street. And we wanted to make sure that it had a look that was complete at all times so that it was continuous from one end to the other. We do know that we have different types of property owners that have various levels of maintenance on their properties. And since we had put this project together, we felt like it would be important to maintain a continuous look. So this proposal was broken down into a couple of sections. We're proposing using some city staff to do some of the work on this project, and to contract out other specific type aspects of that. For example, on the city's side, providing someone to perform a regular litter sweep. Now, we've been doing that with existing staff. The Parks and Recreation Department started it last year with some summer help. And when the summer help left, we got too short handed and the Street Department stepped up and began doing

the litter sweep. I think you've seen a significant difference in the litter on Main Street in Phase I, if you can recall what it used to look like on a regular basis. And there's been a lot of litter picked up on Phase I. And we've had positive comments from the public. And just recently, I just found that we had a positive comment from one of our businesses out on the street. They said they didn't believe that the city would be able to keep it cleaned up. And we have done that. That has obviously pulled people from other things to be able to keep that done, but we've been making that work thanks to the Street Department. We also have talked about keeping the sidewalks cleaner. We've got the decorative brick in the sidewalks now. If you go down that street, you'll notice there's stones and dirt and things that get kicked up onto the sidewalks. So we discussed those issues of having a way to keep that cleaned up as well. And another aspect of that is, the paving stones do occasionally get growth in them. We have one section right now that has some weeds growing up in them that we're going to have to address. I did some of this myself last year. I just went out and parked the truck, and went out and cleaned up some weed problems in some of the paving stones. But I can't really do that all the time. So we need to have that dealt with. Turf maintenance, we talked about. There's some turf areas that have been put in the Streetscape, and it's been the consensus that that would be the purview of the property owners to maintain the turf areas. And all but one or two currently are doing that. And I need to stop by and talk to them and let them know that it's time for them to start taking care of their grass areas. Tree and shrub maintenance, we have a significant number of trees and shrubs that got put in as well as the landscaping with the 13,000 bulbs and the numerous bushes and such. Those can be maintained by a contractor. That's what we're recommending. Taking care of the landscape beds, such things such as mulching and edging, and weed control and insect control, it's going to be critical to keeping this area looking nice. Irrigation system is another component. That is, I haven't measured the number of miles of pipe in that irrigation system but Phase I is about a mile long, and the irrigation system is on both sides of the street. So there's way more than 2 miles of pipe, and numerous heads, and two electronic controllers. And that's a significant amount of maintenance to try to take care of with no additional staff. We felt like it would be a good idea to bring in a company to handle that job. The company that has put it in, has done a very nice job of for warranty items. I've been really impressed with them. And they've offered us pricing and such for that. That wouldn't necessarily be something that would have to be under a contract because they're well under \$10,000 to help us out with a seasonal issue of our irrigation system. So that's my summary of the issues that we're looking at, and some recommendations that we've made to help address what we want to do on Phase I. Obviously keeping in mind that when Phase II comes in, this will be a model for us to work with.

Mr. Beougher: Thank you, Paul. One question I have before I open it up, you mentioned to me earlier, and you may have said it and I missed it, the construction contract had a warranting period of a year from substantial completion, and that ends when?

Mr. Walsh: The significant portion of that ends in July when Midwest Landscape will no longer be maintaining the beds, and shrubs, and trees.

Mr. Beougher: Any particular date in July, do you recall?

Mr. Walsh: I don't have the exact date, but it is in July.

Mr. Beougher: Okay. Thank you. Any questions from members of the committee? Mrs. Newman.

Mrs. Newman: Mr. Walsh, we spoke about several months ago, and I remarked about the high expense of maintaining the Streetscape. And I think we all want to do that. The only problem is I feel is, the citizens of Reynoldsburg perhaps should not be expected to bear the entire cost of that. Have you given any thought, or has anyone given any thought to your knowledge, to perhaps charge an assessment to the businesses who are mostly benefitting from this to help defray some of these costs?

Mr. Walsh: That's not a question I would be able to answer. I was just charged with dealing with trying to maintain it. I wasn't, nobody had said anything to me about looking to find revenue sources from businesses. So I think that might be someone else.

Mrs. Newman: I mean, that's a high number. You know, as we go on, it's going to get a lot higher.

Mr. Walsh: Yes, it will.

Mrs. Newman: I think we really do need to consider how we're going to pay for this. That's all. Thank you.

Mr. Beougher: That brings a follow-up question to mind, Paul. And I don't know that we know the full story on what sort of agreement was made with the business owners on the easements, and what we had said, what the city had said, and promised. I think it might be useful to have some information on that. Maybe that needs to come from the City Attorney or whoever else negotiated those easements. Like I said, this is on for discussion tonight. And maybe if that information were able to get to us in the next two weeks, that would be appropriate as well.

Mr. Wash: Okay.

Mr. Beougher: Mr. Stearns.

Mr. Stearns: Thank you, Chairman Beougher. Paul, I understand that there have been some fires in the mulch down there. When would the irrigation system be working to kind of like, keep them damp due to the fact of people driving along and tossing cigarette butts out there? I think that's about the only way I can think of that could kind of keep some of the fires down.

Mr. Walsh: That would definitely keep it dampened down. And we do not have the irrigation system on yet.

Mr. Stearns: We don't?

Mr. Walsh: It's going to be on in early May. That was the plan.

Mr. Stearns: Yeah. I think that would certainly be the best way to kind of keep it down.

Mr. Beougher: Members of Council? Mr. Clemens.

Mr. Clemens: Let me be the bad guy, Paul.

Mr. Walsh: Okay.

Mr. Clemens: Let's get back to, I looked at the total for the 12 month budget. An extra \$79,290 for 12 months. And I don't think that figure's correct, because go back to your staffing where you're asking to make two part-time, two three quarter time personnel full-time. That adds 20 more hours a week if I'm not mistaken. They're working 30 hours a week now, are they?

Mr. Walsh: Correct.

Mr. Clemens: Okay. You go through that, your insurance, your PERS, your medicare and so forth, and it comes out \$25,400. And if you go over to your 12 month budget, you've got \$25,400. But you're not counting any of your other time into that? Am I correct? That's just the time that they're going to put on?

Mr. Walsh: That would be the additional time. That would be the cost of the additional time of making them full-time.

Mr. Clemens: Okay. That's correct. But that's the only time they're going to put on down at the Streetscape.

Mr. Walsh: That would be the estimate. Yes.

Mr. Clemens: Okay. Going back to your staffing, you're asking for 2 three quarter time people to be made full-time.

Mr. Walsh: Correct.

Mr. Clemens: And you're picking up 20 hours at the cost of \$25,400. Because we're picking up insurance for two single. It must be single.

Mr. Walsh: Yes. Currently they are.

Mr. Clemens: Okay. If they leave, we would hire somebody that had children, then that would double. Because the insurance would double. However you want to look at it. My thought is, rather than go through the insurance bit of 10,200 and so forth, you could put on another three quarter time person for 30 hours, and you'd pick up an additional 10 hours. In other words, three, three quarter people is 90 hours, two full-time people is 80 hours, and you'd have three people instead of two people, and we wouldn't be picking up \$10,000, \$200 worth of insurance, and we wouldn't be picking up the benefits. I've always been kind of an opponent for that as to try to keep from picking up our benefits which are so expensive for the City of Reynoldsburg. For less

than that \$25,400, I don't know if you're hiring somebody \$11 or something an hour. I don't know what 30 hours figure out at but I'm sure it's much under the \$25,000 that we'd be spending to make two guys full-time when we could have three guys and we pick up 90 hours instead of 80 hours. And that's something I'd like you to think about as we go through it and discuss it. The equipment, the \$23,500 for the sweeper, vacuum, and trailer, I go along in some respects with Mrs. Newman. We've put a lot of money and a lot of expense into the Street Program. Especially that section up there is around 7 million dollars. When we do this, this will be around 8 or 9 million dollars. We're going to have the same principal down here taking care of it as we do have taking care of it up there. We've put in brand new sidewalks. I realize we took out the other, but we did put in new sidewalks, free for the property owners in that section. Everybody else in Reynoldsburg has been assessed on their sidewalks. We run an assessment program. Everybody had to pay for those. And nobody comes out and sweeps their sidewalks. So I don't really feel obliged for the city to do this if we could get some cooperation from our business owners. Now we've done this to improve the looks of the City of Reynoldsburg and I agree with it. We've done it to help them bring in more business. Make it more inviting for the people coming into their businesses. And I hear they're excited about it because they didn't have to pay anything for it. I understand that too. But I think they should in turn, maybe it's not your job to do it, but maybe it's somebody's job to do it and see if we can get some cooperation like Mrs. Newman suggested to help us out a little bit. Put a little bit of effort into it. Possibly put so much a month into it, each of them to help us out a little bit. Because we start paying 80, \$85,000 a year, and when we finish this it'll be another 85, when we start getting our maintenance up for the two sections, up to around 160, \$175,000 a year with no help from our business people and our business association, it's getting quite expensive for the City of Reynoldsburg. And I think maybe if some how we could meet with them or discuss it with them or the Chamber of Commerce, we'll get some help, or get some financial help as we go along. But I realize a lot of these things have to be done. We put our self in the situation, and I think I discussed it with you, and possibly there's a chance of changing it or adding something. Our biggest problem in cleaning up is getting our mulch from running down on the sidewalks. And a lot of that has to do is, because if we'd put a strip of sod along our sidewalks, that would have kept the mulch from running down on the sidewalks. It would have been a buffer and not come down on the sidewalks like that. And if that can't be done, possibly they do make metal now. We could run metal down along the edge where our mulch is to help keep it off. Because I know, and you know, and we all know, the water and the rain and the snow, it's going to wash down on the sidewalks.

Mr. Walsh: That's right.

Mr. Clemens: So anything that can help us, I do know you need help and I'm not opposed to that. I am opposed, and I've said this with other departments, I am opposed to putting full time people on to pick up, when they pick up all their benefits, which the city is, financially we're having a hard time with our insurance and so forth, if there's any way that we can keep hiring three quarter people and make up for it, I'd appreciate it. Thanks, Paul.

Mr. Walsh: Could I address the three quarter issue?

Mr. Beougher: You may.

Mr. Walsh: We did have at length, discussions about the three quarter time personnel issue. And the challenge that we have in Parks and Recreation, we currently have two folks who do a wonderful job for us. But I've been here for three years and, I believe we've been through 7 or 8 people in the last 3 to 4 years in those positions. Because of the fact that they're three quarter time. They look at those as hopefully a leap frog to get into a full time position if they can get it or they move on to something else. And we've lost some good folks that were three quarter time people because we just don't provide the benefits and we don't give them the hours that they need. And that was my concern. And the reason why I didn't suggest we bring in a three quarter time person is because of the problem of losing people all the time and continually having to re-train them. It's a real problem for us, is try to deal with that. So that was the reason for not looking for a third one.

Mr. Beougher: Thank you, Paul. Mr. Clemens.

Mr. Clemens: And I understand that Paul. I understand that. But I also understand the constraint we have on our budget.

Mr. Walsh: Certainly.

Mr. Clemens: Anything that we can do to help out, I'd appreciate it.

Mr. Beougher: Okay. Any further questions? Mr. Baxter.

Mr. Baxter: Thanks, Chairman Beougher. The reason I wanted to ask a few questions here is based upon the same things that Councilman Clemens touched on. First off, the work that you're looking to do Paul, is this seasonal work, or is this year round work?

Mr. Walsh: Litter pick-up is year round. It's absolutely year round.

Mr. Baxter: Okay. So you find you have the same amount of need during the winter as you do in the summer, throughout the year?

Mr. Walsh: Right.

Mr. Baxter: Okay. And how many hours spent would you say, over the last year, have we been doing toward litter clean up and sweep, or whatever else we've been doing, trying to keep it looking nice?

Mr. Walsh: We haven't done any sweeping except for the test sweep that was done once by a contractor to see how long it would take them to do it. So we haven't done any of that.

Mr. Baxter: Okay.

Mr. Walsh: Litter pick-up is really the only thing we've done except for a few times and going out

and, myself going out and cleaning out some of the weeds and some of the, in the cracks. I don't have the exact number, but we were trying to hit it three times a week. And it typically takes at least two to four hours every time you do it, depending on how bad it is. The winter is worse. There seems to be a lot more trash in the winter time than there is in the summer time for some reason. I don't know why that is, but it is. The Street Department has been doing it for the last number of months, and I haven't gotten numbers from them as to their frequency or how long it's been taking.

Mr. Baxter: Okay. Follow up if I would?

Mr. Beougher: Sure.

Mr. Baxter: Thank you. I bring this up because I look at 20 hours as what you're going to gain. Correct? By bringing your 2 three quarters up to full time. And I like Councilman Clemens, believe that we try to keep our budget as best as we can. But I do believe you hit on a point that you and I spoke about earlier that, getting quality people and having them trained and doing the work, your productivity increases with those people. You have people that are happy working for the city, making a decent wage, and also able to take care of their families from an insurance perspective. So, although I believe from a fiscal standpoint, we do need to pay attention to the budget, I definitely believe we want to bring in people into the city who we take care of and want to be here and stay here. And I don't think we've had a problem in the past if I remember correctly. We've got some people that have been here for a very long time, and I would say that is part of the reason why we do that. Because we take care of our people here. So I think that bringing somebody in, or bring those two people up to full time, would bring more than just the cost but also bring some long term people into the city. It would also bring up some productivity, because you'd have people who know they have a place for long term. Thank you.

Mr. Beougher: Thank you, Mr. Baxter. Mr. Clemens, I'm going to recognize Mr. Stake first, and then I'll get back to you. Okay?

Mr. Stake: Thank you, Mr. Beougher. Mr. Walsh, I just have a quick suggestion. Along the several bus stops that we have on Main Street, I might suggest we put some trash barrels by them. It seems that's where most of our litter ends up.

Mr. Walsh: It does.

Mr. Stake: Okay. Thank you.

Mr. Beougher: Mr. Clemens.

Mr. Clemens: I understand what Mr. Baxter said, and I agree in some respect as far as longevity. The only point I'm trying to make is, we're talking about adding 20 hours a week for \$25,400 a year. That's the only thing that's bugging me on it. It's the financial part of it. We're only paying \$11 an hour. I would be for an increase in wages to secure if you think, more dedicated personnel. You'd still keep it three quarter time, and still have three people. The only thing I'm

trying to bring out, once we get benefits, once we tie the job into benefits, it's there forever. And if these people leave that we have, and we bring in two other people and they're married, it jumps up another 10,000. Then we're paying 35,000 for 20 hours a week extra. It's just something I want you to look into. It's not something, it's just something that interests me on that part of it.

Mr. Beougher: Thank you, Mr. Clemens. Thank you, Mr. Walsh. This does not have a legislative request associated with it. It was based on a memo, and I just wanted to bring it up so we could ask questions tonight. And I assume at some point, you will be wanting to bring it forward as a legislative request and I'm sure we'll have further questions at that point. So at this point, I would like to, Mr. Baxter.

Mr. Baxter: Just one last question if I might. Since this is just a stupid assumption, you know how I am with those, are we doing the rest of the city, Commercial Corridor with clean up as well? Or are we just focusing on the part that we made pretty?

Mr. Walsh: We're focusing on two parts we've made pretty. The other part that we spend time on is Olde Town Reynoldsburg. A number of years ago, we noticed that there were issues with weeds growing in the grates, problems in the cracks of the bricks. That again, was a project the city had put in. I asked who was responsible for it and they said, 'well kind of we are. We plant the trees, we take care of things.' So during the summer months when things are growing, every Wednesday, we have someone out in Olde Town in that Streetscape area, cleaning up the weeds. Either killing them with a spray or burning them out with a torch. And just doing little general clean up like that to those areas. That's why it's looked a lot nice in the last couple of years, is because our department's been out there doing that.

Mr. Baxter: Nice job they've been doing by the way.

Mr. Walsh: And we did it with existing folks there. We didn't ask for any help on that one.

Mr. Baxter: Okay. Thank you.

Mr. Beougher: With that, thank you Mr. Walsh. And once again, thank you for being proactive on this issue and bringing it to our attention.

And with that, I will adjourn Community Development at 8:00.

Community Development Committee
- -Susie Smith, Assistant Clerk of Council
May 2, 2005
(Transcribed - Susie Smith)
SAFETY COMMITTEE MEETING MINUTES
May 2, 2005

Members of Safety Committee present: Mel Clemens, Brett Baxter, Ron Stake, Preston Stearns.
Other members of Council present: Eric Gilbert, Antoinette Newman, Lane J. Beougher, Council President William L. Hills.

Mr. Clemens: I'd like to call the Safety Committee meeting to order at 8:01.

The first item is approval of the minutes of the April 18, 2005 Safety Committee meeting. Do I have any additions or deletions? (No response). If not, they'll stand approved.

The next item on the agenda is approval of the agenda. I have nothing other than I have a speaker which I'd like to add as 3a. Do I have any other additions or deletions? (No response). If not, it'll stand approved.

The speaker this evening is Mrs. Joan Curnutte.

Mrs. Curnutte: Thank you, Mr. Clemens. My name is Joan Curnutte. I live at 6739 Bartlett Road, and I'm co-chair of the Concerned Citizens of Huber. First, I would like to comment on Streetscape. We have noticed that on the south side of Main Street, if you're going west from where the city limit sign is, up to Rosehill Road, there are always about 7 or 8 signs. For sale, for lease, painting. And I trust that that was not the intention of the prettified street. And I wondered whether you might find out whether the city is going to pick up those signs as well as other litter.

I want to comment tonight on item 1b from the Council minutes of April 25, 2005. My

recollection of the telephone conversation between Mr. Hills and me differ somewhat. I'm offering my recollection in the spirit that reasonable men and women can agree to disagree. My recollection is support by two things. First, this was the only time in 64 years that I had ever been addressed as "you people". Second, since I was required to learn shorthand in high school, it's been my habit to jot shorthand notes of lectures, meetings, and phone calls, to help me remember things that might need follow up. As usual, I made shorthand notes of the call with Mr. Hills. The following is the transcription: "Myself: Hello, Mr. Hills, this is Joan Curnutte. I'm co-chair of the Concerned Citizens of Huber. I apologize for calling on Saturday, but I couldn't call during the week because I was ill with the flue. Mr. Hills: What do you mean you couldn't get me during the week? I'm always available. Mrs. Curnutte: I did not try to get you during the week because I had the flue with a bad cough. I was just explaining why I'm calling on a Saturday. Mr. Hills: Well, I'm always available. Mrs. Curnutte: We sent Council a memo on October 25 asking for Council's opinion on the administration's interpretation of two representative's situations. We have no record of a reply. Have you had time to review the documentation we submitted? Mr. Hills: Well that was answered during a Council meeting. I'm sure you were there. Mrs. Curnutte: Are you referring to the reference that Sharon Reichard made in her end of the month report? Mr. Hills: No. It wasn't that. It was after that. And it wasn't Sharon Reichard, it was the Mayor. It was Mayor McPherson who adequately addressed your issues at the Council meeting. And the fact is, that this is a neighborhood issue. You people just don't like each other, do you? Mrs. Curnutte: This is nothing personal. We use two of the most severe examples to illustrate our concerns. We are worried that if these situations are permitted, then anyone in Huber who wants to use their property in a similar way, must also be allowed to do so. We're worried about the impact on our property values, our safety, and our quality of life. Mr. Hills: The fact remains that you people have a neighborhood conflict here that has nothing to do with the city. But you can get a copy of the Council minutes from the Clerk that says what the Mayor said. Mrs. Curnutte: Okay. I will call the Clerk's office. I'm not being argumentative. As a neighborhood, we just want to share our concerns with our elected officials. We took a great deal of time to document our concerns with respect to relevant city codes. We did not just make complaints. Mr. Hills: Well, I will try to go back and look at what you sent. We get so much stuff in Council. And I will check with the Clerk for the minutes of the Mayor's remarks too. Mrs. Curnutte: I have one other question. Mr. Al Smith spoke in opposition to our concerns. Obviously, he had been given a copy of our memo to Council. Mr. Smith had not filled out a speaker slip, and we wonder why he was permitted to speak. Mr. Hills: No one has to fill out a speaker slip. I have never refused anyone the right to speak, even if they don't fill out a form. Mrs. Curnutte: Thank you. I have not understood the rules that way before. Good bye, Mr. Hills." The end of my notes. Other neighborhoods regularly express their concerns about new developments before City Council. They're concerned that the proposed non-residential developments will adversely effect their property values, their safety, and their quality of life. Our Huber area has no open space for development. However, we are equally effected by people who use the residential properties for non-residential uses. We will continue to research ways in which we can maintain the residential character of our neighborhood for which it is zoned. Thank you for the opportunity to present our position.

Mr. Clemens: Thank you, Joan. I do want to thank you for bringing up the sign issue. And I do want to thank the Mayor for, I think the job that they did, as far as removing political signs from the

right-of-way. I think it was cleaned up this year. I think that was a good process. And I hope the process stays as far as cleaning everything else out of the right-of-way. And I think that if we do that, it will look 100% better. So thank you, Bob. I think you did a good job on it.

Next item on the agenda is, Liquor Permit Request, new, Speedway Superamerica LLC dba Speedway 4487, 7881 E. Main St., Reynoldsburg, Ohio 43068. Chief Miller.

Chief Miller: Thank you, Mr. Clemens. We conducted an investigation into this liquor license and according to the Ohio Revised Code, we could find no reason for the City Council to appeal the license. This is a location, it's my understanding next to Wheelsports.

Mr. Clemens: Okay. Thank you. We'll let this stand and not ask for a hearing on that.

The next item on the agenda, Discussion, Motion authorizing application for G.R.E.A.T. Grant. Chief Miller.

Chief Miller: Thank you, Mr. Clemens. Again, this is I think the second year that we've applied for this grant. It's training that is given to our students at the 7th grade level. It's G.R.E.A.T. Grant stands for Gang Resistance Education And Training. The grant covers many of the training materials that are needed for the program, along with some other incidentals and conferences, etc. Those are spelled out in the material that we provided for you. It does not cause us to need any additional personnel. Our DARE personnel will be the ones who provide, our two DARE officers will be the ones who currently provide that training, and will continue to do so.

Mr. Clemens: It's my understanding we need \$17,342 appropriated from the General Fund.

Chief Miller: Yes, sir.

Mr. Clemens: And that will be paid back as we use it and would be reimbursed to the city.

Chief Miller: That's correct. If we were awarded the grant, the City Council would need to approve an appropriation in that amount, \$17,342 to a fund. And then as the money is spent, reports are submitted quarterly to the federal government, and the city is reimbursed.

Mr. Clemens: You're just asking for approval to apply for the grant this evening?

Chief Miller: Yes, sir.

Mr. Clemens: Okay. Are there any questions for Chief Miller on this subject? (No response). If not, I'll make a motion we send this to Council as a motion for approval. Second by Mr. Baxter. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

The next item on the agenda is to Amend Ordinance 371.07(b) Section 2, "Use Of Highway For Soliciting; Riding On Outside Of Vehicles". This was held 4-18 because I want everybody to add it and then I wanted to add something to it. And if I haven't lost it, I'll tell you

what I wanted to add to it. All this does basically is, take the soliciting situation away from City Council and puts it in the hands of the administration. The hands of the Mayor or the Chief of Police to handle these permits as far as solicitation is concerned. What I wanted to add to it Bill was, I wanted to add in (b), I wanted to add Section 4, "If the issuance of the permit is denied, the applicant may appeal the denial of the permit to City Council". Does that sound alright? I want to give them, we don't want to handle it but they should have the right to appeal I would think.

Mr. Underwood: Mel, I think, Mr. Chairman, before we get to that, it would be my recommendation with that ordinance, that the, either the Mayor or the Chief of Police be charged with issuing the permit. Not both. And then you develop some criteria to measure issuance of the permit by. Obviously, the Mayor's not going to do it. Probably the Mayor's secretary will do it or somebody's going to designate. The Chief probably is going to do it or it will probably be somebody in the police department do it. And so they're going to be designating people. There should be some criteria developed that they can measure what they're doing when they issue this permit. And if you're going to, and it should be one or the other for consistency. Whether it be the Mayor's office or the Chief, and they can sure tell you which one they would prefer I think. And once you get the criteria, then when somebody appeals, if they're denied a permit, then Council has got a measurement to base your appeal on. If there's an abuse of the criteria, abuse of discretion, you've got something to base your appeal on. Otherwise, you're just going in thin air and saying, 'I don't like this, or I like this', and you have nothing to base it on. But I think you need to do those things first. Develop that, and we can certainly develop an appealant procedure. That's very easy. But I think you need to develop that prior to adding in the appealant procedure.

Mr. Clemens: Okay. Why don't I get with the Mayor, and get with you, and we'll draft something up and get with you and see what you think about it.

Mr. Underwood: But I still think you need to develop some criteria.

Mr. Clemens: Basically we'll be changing most of the ordinance by doing that.

Mr. Underwood: But whatever your committee wants in the way of criteria.

Mr. Clemens: Alright. That's fine. Why don't we hold this, and I'll talk to the Mayor, to Bob and see what he feels and how it should be handled, what criteria. We do have, the criteria we have now is it has to be a charitable organization and so forth like that. And it has to be an organization that's with the Internal Revenue Service. I don't think there needs to be a lot more but I'll get with Bob and we'll work something up, and we'll bring it back to Council. So why don't we put this on hold until we get something worked out. It's just something that I feel, and I think most Council feels, Mr. Hills feels, that it's something that should be handled outside of Council instead of coming to the Council table, and taking up all the time it takes to handle it. So I'll get with him and we'll get back with you and see what we can work out. If that's alright with everybody, I'll just put that on hold until we get something worked out. Thank you.

And that ends the Safety Committee meeting at 8:16.

Safety Committee
- -Susie Smith, Assistant Clerk of Council
May 2, 2005
(Transcribed - Susie Smith)
SERVICE COMMITTEE MEETING MINUTES
May 2, 2005

Members of Service Committee present: Eric Gilbert, Antoinette Newman, Brett Baxter.
Other members of Council present: Mel Clemens, Lane J. Beougher, Ron Stake, Preston Stearns,
Council President William L. Hills.

Mr. Gilbert: I'll call the Service Committee meeting to order at 8:16 p.m.

The second item on the agenda is the approval of the minutes. Are there any additions or deletions to those minutes of the April 18, Service Committee meeting? (No response). None being heard, they will stand.

Item number 3 is the approval of the agenda. There are a number of changes to the agenda this evening. The first would be to add item 3a, if you would note that on the agenda as, Special Exception Use Permit, 6300 E. Livingston Ave. That's the former Big Bear grocery store facility. Applicant, Bishop George Dawson. And then to hold items 6 (Discussion at request of Chairman Gilbert, General Regulations and Zoning Classification) and 10 (ORDINANCE ACCEPTING UNRECORDED GENERAL WARRANTY DEED (Reserves A and B, Woods at Reynoldsburg, Section 4, Part 2) (Woods at Reynoldsburg, LLC an Ohio Limited Liability Company)) until the next committee meeting. And then I would just note, item number 11, the Clerk's were in receipt today from the applicant, in regards to the rezoning at 7955 Oak Valley Dr. A request from Mr. Bates to withdraw his application for this zoning change. So included in this motion, at the request of the applicant, would be a recommendation to table item number 11 indefinitely. Just for the record, this item did receive consideration from the Planning Commission and was denied. The members should have had that in your packets over the weekend. So for those residents that are here in regards to that, that item has been removed. And we appreciate your interest and your efforts at the Planning Commission meeting last week. Thank you for your time. With that motion on the table, do I have a second? Mr. Baxter with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 3a, the minutes to the BZA meeting were received in our packets this weekend. And normally with a Special Exception Use Permit, we add these to the Service Committee agenda. We have a certain amount of time to do this before Council to make its consideration. In light of the members just receiving this information over the weekend, to meet this deadline, I would need to add that to this evening's committee agenda and have an ordinance in place for first reading at next weeks Council meeting. If the members would look over the

minutes, and then I will plan on contacting the applicant this week for you to have more time to prepare a presentation to Council in two weeks at our next committee meeting, if that would be acceptable. I would just make a motion that we forward this to regular Council for its first reading. Do I have a second? Mrs. Newman with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 4 is Discussion, Acceptance of relocation of Sanitary Sewer Easement, Wesley Ridge Independent Living Apartments. Mrs. Reichard. Is she here this evening? Oh, Mr. Parkinson. (Tape Change). This was brought forward by the administration.

Mr. Parkinson: Basically what happened is, when Wesley Ridge designed a sewer extension to one of their main buildings out there, they got the plan approved, they did the easement, turned it in. And then the architect did a little tweaking, and resulted in the sewer needing to be moved over a little bit. And when they did that, the sewer's no longer in the easement. So a new easement, and vacate the old.

Mr. Gilbert: Okay. Is there a time crunch here?

Mr. Parkinson: Not that I'm aware of. No.

Mr. Gilbert: Then you didn't fall all the way down your _____. Any questions from members of Service? (No response). Other members of Council at this point? (No response). Then I will make a motion that we forward this to Council on the Consent Agenda for its first reading. Do I have a second? Second by Mr. Baxter. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Mr. Parkinson you might as well stay for item number 5. This is in regards to the Dysar Ditch repair. Could you give us an update?

Mr. Parkinson: Yes. When we designed the project, we created a, there was no easement along the creek for that particular property, or any of those along that side of the stream. And so we created a permanent easement for the stream, and for the work that we had done to repair it. And it was signed by the property owner. And we included with that, a temporary easement for access during construction. But we failed to include a way to get there once we were done constructing without coming up the creek. So we went back to the property owners and asked them if they would grant us an access easement so that we could get equipment and people down to the creek where we had just spent a lot of money to fix. And they were very receptive to the idea.

Mr. Gilbert: Very well. Any questions from members of Service? (No response). Other members of Council? (No response). And we're in the same, this can run through its full three readings?

Mr. Parkinson: Yes, sir.

Mr. Gilbert: Very well. I'll make a motion that we forward this to Council for its first reading on the Consent Agenda. Do I have a second? Mrs. Newman with the second. All those in favor,

please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 7, this item did have its first reading on April 25 in regards to addressing erosion issues for two sanitary sewer manhole covers. And in quotations we have, "in the stream".

Mr. Parkinson: They didn't always used to be in the stream. We try not to put them there but the creeks have a way of moving as we have found out in the last few years. And a couple of our manholes are now literally right in the middle of the stream and they are in jeopardy. So we would like to move the creek back where it was. We are somewhat hand cuffed by the FEMA rules and the Flood Plain Administrator and his duties and so forth. And so there's a lot of, politely, a lot of hoops that we have to go through as a city, to allow ourselves to do this. These are the same hoops that we require developers to do when they work in the flood plain and things of that nature. And that's what it's all about.

Mr. Gilbert: Is this, would you consider, the only approach? Or best approach? Let me put it in a different manner. We're moving the creek back. It's just moved, let's say this way, how long until the creek moves again?

Mr. Parkinson: Well we're going to armor the side of the creek, very much as we did on Instone. It's not just going to be throwing some dirt back in and letting it get washed away again. There is going to be, probably Geotech style, and big rocks. We're going to make it so it is much more difficult to move again in the future.

Mr. Gilbert: And what impact does this have on the creek itself?

Mr. Parkinson: It will have very little. Basically what we have to do, and why we are asking for so much money, we have to prove that this is where the creek was at some point in the past. And that we have the same flow area that the creek will pass through when we push it back. And so we shouldn't expect, there will be no increase in base flood elevations. There won't be any impact to the creek.

Mr. Gilbert: Will it impact the flow of the stream?

Mr. Parkinson: No, it will not. It will not diminish the flow of the stream to where others up stream have to worry.

Mr. Gilbert: Will it reverse the flow of the stream?

Mr. Parkinson: It will not reverse the flow either. When I can learn to make water flow up hill, then I can retire.

Mr. Gilbert: Any other questions from members of Service? (No response). Other members of Council at this point? (No response). None being heard, I'll make a motion that we forward this, Mr. Parkinson, is there a time issue in regards to this?

Mr. Parkinson: Apparently, the legislative request did not have one. Personally, I would love to get going on this. For a Civil Engineer geek that I am, it's a pretty scary site to see these things out there. But the administration did not ask for one, so we will defer to the judgement of the administration.

Mr. Gilbert: Any thoughts on this from members of Council?

Mrs. Newman: I'd just like to make a comment. You know, it would seem to me, it would be pretty easy to prove to the EPA and the other authorities, that the creek wasn't there when we put the sanitary sewers in.

Mr. Parkinson: How do I put this nicely? It's your Flood Plain Administrator that I have to prove it to, who is very good at his job, and is not going to do anything less than what he would do for anyone else. And in his opinion, not put the city at any risk any more for me or you, than he would for anyone else. And that's why I have to prove it to.

Mrs. Newman: I didn't intend to make light of the issue, but it just seemed like a funny thing to me.

Mr. Gilbert: Off of the top of your head, the two areas of developments that are around that?

Mr. Parkinson: One's the, I think it's the Treebourne Apartments. Right there behind, just west of Lancaster.

Mr. Gilbert: Do you know originally, the manholes, I guess this kind of struck my curiosity as I looked it over again this week, how far the manhole covers were originally away from the creek?

Mr. Parkinson: Ten or twenty feet.

Mr. Gilbert: And what's today's normal repairing area? Is it forty feet? Fifty feet?

Mr. Parkinson: It varies based on a lot of things. But forty feet would probably be large.

Mr. Gilbert: Right. Would that factor in to the Flood Administrator's...

Mr. Parkinson: Probably not.

Mr. Gilbert: Probably not? Very well. Because I know, if you're in a certain repairing area, it can effect the erosion that goes on with a creek bed. Correct?

Mr. Parkinson: Yes. That's why we try to stay out of it. We try to keep the trees and all the natural vegetation that's holding the bank where it is. We try not to disturb it. In this case, it's already gone. We're going to kind of put it back.

Mr. Gilbert: Because I've heard some say, our record with that is not the best. And I know we've tried to improve on that over the past 4 or 5 years. But that's neither here nor there with this issue I guess. Other members of Council, any questions or comments? Mr. Beougher.

Mr. Beougher: This is not exactly on topic but, as you're looking at the Treebourne Village storm sewer, or sanitary sewer, you might take a look at the storm system there too. That has not been maintained very well by the property owner. And we may need to ask them to do some work at some point in the future.

Mr. Parkinson: The detention basin back there, that thing?

Mr. Beougher: The detention basin back there. The water has flowed over into Blacklick Creek and has eroded away the soil and it's a muddy mess.

Mr. Parkinson: We'll take a look. It is kind of hidden back there and it's actually quite hard to get to. Getting access to this site is going to be as big a struggle as anything.

Mr. Beougher: I had to intentionally go back there and walk around it.

Mr. Gilbert: Mr. Clemens.

Mr. Clemens: I would think if it's as an important issue as Dave seems to feel it is, and I think he's explained it completely as far as we're concerned, I would think this is something we would want him to move ahead on. I would not think that we would have to hold it for 6 weeks. That would be my thought, if the rest of the Council feels that way. And I think Dave, you'd like to get moving on it if I understand you correctly.

Mr. Parkinson: Yes, sir. I would.

Mr. Gilbert: Alright. I was going to ask the members if they had been provided sufficient information for us to move this forward. Mr. Baxter.

Mr. Baxter: Mr. Gilbert, just to satisfy my curiosity, as common sense might prevail, it seems easier to move man made objects than to move nature. I think that's what you were eluding to earlier. Would it not be easier to move the sanitary sewer somewhere where the creek is not going to get to it again, rather than trying to re-address the creek.? We spoke about this a few weeks ago, and you were pretty clear about their options are there.

Mr. Parkinson: There are options. And I don't know about these particular cases. We need manholes every time there's a deflection in the sewer. And sewers are set, point, point, and could we get in there and move the sewer? We need a manhole every time a sewer connects to another sewer, and every time there's a bend in the sewer. I don't believe that either, and I'll be happy to confirm this for you but, I don't believe that either location affords us a good opportunity to simply move the sewer. There is a separate, there is a third and completely separate issue that has to do with a Columbus manhole in the middle of Blacklick Creek down by the golf course. And there is an opportunity there to eliminate the manhole. It's not needed. And we could take it out. They could take it out rather, and just cover it all up if that's what they choose to do. In our cases, I don't think we have that luxury. I'll check it for you though. I'll get you a memo.

Mr. Baxter: It just seems to me, a sanitary sewer in the middle of a creek just doesn't make great sense.

Mr. Parkinson: Well it wasn't there.

Mr. Baxter: Some day there's going to be an issue.

Mr. Parkinson: And you're right. And we would not do that. And we didn't do it back in '70 or '80, or whenever these sewers were designed and constructed.

Mr. Baxter: No, we didn't.

Mr. Parkinson: I'll get you the memo before next Monday.

Mr. Baxter: Alright. Thanks, Dave.

Mr. Gilbert: We did it in '97 now. Little Jordan Run adjacent to the creek. Correct?

Mr. Parkinson: Adjacent. Not in.

Mr. Gilbert: Okay. I can show you similar, the manhole that you speak of, then I'll move this forward because I think all of our questions have been answered and, I know some of the options you mentioned last week, or two weeks ago, were costly. Is that up near the freeway?

Mr. Parkinson: Columbus' is, yes.

Mr. Gilbert: In Blacklick Creek?

Mr. Parkinson: Um hum.

Mr. Gilbert: Because that has a similar problem.

Mr. Parkinson: That's Columbus' problem. Yeah.

Mr. Gilbert: Okay. Thank you. Any other questions? (No response). None being heard, I'd like to make the motion that we forward this to Council with recommendation for adoption as an emergency.

Mr. Baxter: We need to move this to Finance first.

Mr. Gilbert: Right. And once I make that recommendation, I will move it to Finance. Do I have a second? Mrs. Newman with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 8 is an Ordinance accepting a corrective deed. This is for the right-of-way for Taylor Road Southeast and Taylor Park Drive. There were some questions in regards to this from the administration. I spoke with the Mayor last week, he indicated to me that the administrations questions were answered, and he is in support of this moving forward. Is that correct, Mayor?

Mayor McPherson: That's correct.

Mr. Gilbert: Very well. Any questions from members of Service? (No response). Other members of Council? (No response). None being heard, I'll make a motion that we forward this to regular Council for its second reading on the Consent Agenda. Do I have a second? Second by Mrs. Newman. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 9 is an Ordinance accepting unrecorded deed of easement for the Village at Slate Ridge. This item did have its first reading on 4-25. Any questions or comments from members of Service? (No response). Other members of Council? (No response). None being heard, I'll make a motion that we forward this to regular Council for its second reading on the Consent Agenda. Do I have a second? Second by Mrs. Newman. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And that moves us to item number 12, which I have some speaker request forms here. Mr. Underwood has invited some attorneys from around Central Ohio to join us here this evening. It's good to have all of you, and I'll try to go in alphabetical order. This item, number 12 is an Ordinance to enact a Comprehensive Right-Of-Way Management Policy. The item did have its second reading on April 25. It had its first reading back in 2004. The members have been in receipt of correspondence from the City Attorney and special counsel in regards to this issue, as well as the ordinance. We've also been in receipt, I believe on two occasions, of letters from representatives of the utilities in regards to this right-of-way ordinance. And this evening, I believe there are a number of representatives here to speak on behalf of the utilities. And I would just take the opportunity at this time, to ask Mr. Dave Rhodes from SBC Ohio, if he could just come forward and present us with your comments.

Mr. Rhodes: Chairman Gilbert, members of Council, good evening. My name's Dave Rhodes. I'm Director of External Affairs with SBC Ohio. I do community relation type work for the City of Reynoldsburg between our company and this municipality. With me this evening, I have asked SBC attorney, and I believe a Council representative, Peter Rosato to attend, to basically outline our objections to the right-of-way ordinance. I believe you've received a letter as indicated, from myself. Again, I've asked Peter here, to kind of clarify that a little bit. We'd be more than happy to take any of your questions or concerns should you have any.

Mr. Gilbert: Very well. Thank you, Mr. Rhodes. Was Mr. Rosato going to make a presentation?

Mr. Rhodes: Yes.

Mr. Gilbert: Okay. Thank you. Just come forward, Mr. Rosato.

Mr. Rosato: Good evening. Let me just start out by thanking you for the opportunity to come and share our thoughts with you on this proposed ordinance. And we do appreciate the opportunity to do this. And obviously, SBC really values its relationship with the city. It's been here for a long time providing service to the residents, and we want to continue that positive relationship. With respect to the proposed ordinance, we do appreciate the city's consideration of the written comments that were submitted. We did receive a response from the city, a detailed response addressing our issues. We received that April 22 or so, and we've responded to that in writing again to further clarify some of the issues. Let me just outline, there are a number of things in this ordinance that SBC is concerned about and would oppose in its current form. But let me try to boil it down to the three big issues. The ones that are of primary concern. And the first is, a relocation provision that would deal with the relocation of utility facilities. Either facilities that are above ground now and would be required to be located under ground, or for that matter, facilities that are under ground and might have to be moved to another location. And the concern there is, that SBC be required to relocate its facilities at its own costs in situations other than a bonafide safety concern or traveling concern. SBC understands that the primary purpose for the roadway is to facilitate travel. And so therefore, its facilities cause an issue with travel. They understand the obligation to relocate at their cost in that situation. But that's a different scenario than being required to relocate these facilities when no travel concern or safety issue is present, and the company is simply being asked to relocate for aesthetic reasons. And tonight we've heard a lot of discussion that the city's having with respect to this beautification issues on Main Street.

Mr. Gilbert: Revitalization.

Mr. Rhodes: Revitalization. Streetscape, and those things. And relocation for those purposes can be done, but the company's position is that that should not be at the company's cost. It's facilities are there. They're there lawfully. They've been there for a long time, and they're not posing travel concerns or safety concerns. In that situation, the company would be opposed to paying substantial costs for relocation for aesthetic reasons. That is a significant issue. And the current form of the ordinance, although revised to address this concern, does not address it clearly enough to address the company's concern. And so that's something we want to continue to talk to the city about to make sure that we fully communicate, and clearly communicate how serious of an issue this is. And try to work with the city to come up with something that would work. And my experience in representing SBC on these types of issues for at least 7 years now, is that SBC quite clearly understands its obligation to make sure that its poles and other facilities do not interfere with travel. But aesthetic issues are another concern entirely. Let me address another provision. And by the way, the relocation provision, just for your reference, is in Section 907.06(A)(4) of the ordinance, just so you have a reference point. And again, our written response does articulate in detail, our concerns about that. The mapping, another issue, the second primary issue that I wanted to raise tonight and bring to your attention is, a mapping provision that would require the company to pay for the cost of establishing a computerized data base to identify where its facilities currently are. And then provide that information in computerized format to the city. And that is just not a workable plan as it's currently articulated in the ordinance. The facilities that we're

talking about have been here for decades. Literally, decades. And it would not be possible, or practical, or cost permissible to identify the exact location of these facilities, put that information in a computerized format, and then present it to the city. It just won't work. It's not been done. And we think it would be cost prohibited. And we don't think in the end that it's going to accomplish what we think the city might have as a desire to accomplish. That is, to be able to rely on that kind of information to approve a permit to do construction in the right-of-way. It just won't be possible ever to rely on that kind of data. It won't be reliable enough. And quite frankly, it won't do anything more than the current law provides in the form of OUPS, which is to notify the utility of a construction project to require the utility to go out and physically put eyes in the ground and find where those facilities are, locate them, identify them clearly, mark them, and then allow the construction to go forward. That's already in the law. That's what the law provides for. And we think that's the process that should be followed. And lastly, let me just raise one issue that we can all relate to which is the Homeland Security issues. We just don't think it would be wise to put this kind of information in a computerized format, make it available over the internet to disclose the location of utility infrastructure for obvious reasons. The one last issue, and this is an issue that I think relates solely to SBC. The previous comments I think relate generally to all the utilities. I think I speak for all of them on those two issues. The last issue does speak I think, more directly to SBC and that is 907.06(A)(9) in the ordinance. And that has to do with prohibiting arrangements, contracts, with affiliates. It would prohibit SBC from entering into an affiliate of SBC with respect to operations in the city. And we have raised this issue with the City Attorney's and understand that they're looking at that. The issue is, is that by law, state law and federal law, SBC is required to enter into these types of arrangements with its affiliates. Because it has an obligation not to discriminate in favor of, or against affiliates. So it has to be able to enter into these kinds of agreements, as it would with any other provider that would want to occupy SBC's facility. So the current provision of the ordinance would have SBC in a situation where it would be forced to comply with the ordinance, but then be in violation of federal law and state law. Which obviously, we don't want to be in a position. So we've raised that issue. Hopefully we can get that clarified. What this brings me to is, that we think there are significant issues with this ordinance. We understand the city's desire to have an ordinance on the right-of-way, the need to manage the right-of-way. We want to work with the city on that, but we don't believe that this ordinance in its current form is acceptable to the operations of the company. We think it's going to significantly raise the cost of doing business here, and in some ways interfere with service. And so we want to work with the city to get to a place where we can have an ordinance that works for the city and for the company. I guess at this point, we would be asking for the city to, it's my understanding that this is coming up for a vote next week. We don't think the ordinance is ready. We're asking that the city pull this back and allow for more time for discussion between the utilities and the city's attorneys. The history here I think is, illuminating in that, this was first raised to our attention back in July of '04. We timely and promptly submitted detailed written comments based upon the ordinance at that time. It then sat dormant for several months, and we received the city's very detailed response to our comments on April 22. We responded three days later with our written comments to further clarify this. And so we just don't all of a sudden see the need for a rush to a decision here after it's been dormant for several months. We want to continue the dialogue on this. So, I'd be happy to answer any questions, and also be happy to continue working with the City Attorney.

Mr. Gilbert: Mr. Rosato and Mr. Rhoads, I think there was, and you may not have read this yet but, there was a response that was forwarded to you today in regards to trying to address some of your issues.

Mr. Rosato: Okay. I'm not aware of that though.

Mr. Gilbert: It hasn't been? Okay.

Mr. Underwood: It's a draft.

Mr. Gilbert: Okay. It's a draft? Very well. And I imagine it's in process.

Mr. Rosato: Okay. Great.

Mr. Gilbert: And I imagine that would be this week at some point. Any questions or comments for Mr. Rosato or Mr. Rhoads from SBC at this point? (No response). None being heard, I appreciate you coming in and airing your concerns.

Mr. Rosato: Thank you.

Mr. Gilbert: If you could, before you leave, maybe leave your cards with the Clerk. That way if any of the members have questions throughout the week, they'll be able to contact you.

Mr. Rosato: Sure.

Mr. Gilbert: Thank you. Representing AEP is Thomas G. St. Pierre. Thanks for coming out this evening.

Mr. St. Pierre: Thank you Mr. Chairman and members of Council. AEP certainly appreciates the opportunity to provide comments on this ordinance. And we appreciate our relationship with the city which I think goes back close to 100 years here. We concur with our colleagues with SBC, and we will concur with Columbia Gas as well. I want to limit our focus on one issue. And I provided comments earlier today. Did you all get a copy of, a second letter from AEP to Attorney Underwood? Basically what we want to address is, we believe there's a mis-perception from some of the comments I've read in the local media that somehow this ordinance will provide a magic bullet to answer some of the cost problems with the Main Street project. And we don't believe that to be the end result. AEP's service is really based on three conditions. Number one, we must serve. Number two, we must provide our service at a price that's uniform across our service territory throughout Ohio in the Columbus Southern Power Company territory. And number three, because of that even price, we're under an obligation to our _____ payers to provide an even level of service across our service territory. The relocation provisions in the ordinance, particularly 907.06(A)(4), which my colleague from SBC also found fault with, upset that delicate balance. Because they vest with the Service Director, the discretion to order above ground facilities, under ground at the utilities expense. We believe that that's contrary to state law, and it's also contrary to our tariff. The Ohio PUCO recognized this issue of, what happens if

you have an even uniform price across the state? What happens if one community forces the utility to in effect, gold plate its facilities, or put all their facilities under ground? What you would end up with is a subsidy problem that rate payers outside of Reynoldsburg would be subsidizing the level of service within Reynoldsburg. And because of that, they've placed into our tariff, a provision which you have copies of in my submitted materials, which basically addresses this problem by compelling municipalities that order facilities under ground to pay for that additional expense. This issue is going to run directly contrary to an effort by the Service Director, which we anticipate might occur in the Main Street project. And we think the city's going down the wrong path and will not achieve the result the administration may be seeking. And frankly, we don't, I've seen a lot of these ordinances in several other communities. I've never seen them used really. So I think, what the city is proposing is, an additional 40 pages of regulation in an area that we see no need to regulate. I appreciate the time to talk to you and if you have any questions, I'll be happy to answer them.

Mr. Gilbert: Members of Service? (No response). Other members of Council? (No response). This is a, in your letter you state, this is a tariff? Can you go over that again, the impact?

Mr. St. Pierre: Sure. As part of our condition of service, we're required to get our terms of service approved by the Ohio Public Utilities Commission. The commission has adopted, this is a portion of our tariff, as the conditions of our service. Meaning that for example, there's a price set for distribution, there's a price set for when we go under ground, above ground, when we meter, or when we non-meter. In this case it's addressing what happens in that example where a city is mandating an unequal level of service. What should be the end result?

Mr. Gilbert: Okay. Any questions from members of Council? (No response). Very well. Mr. St. Pierre, I appreciate your time.

Mr. St. Pierre: Thank you.

Mr. Gilbert: And if you can leave your card with the Clerk, if we have any questions we can contact you. Thank you. Mike Shannon, in regards to this ordinance. Good evening, Mr. Shannon.

Mr. Shannon: Good evening.

Mr. Gilbert: You're on the other side of the table this evening.

Mr. Shannon: Yes. Mr. Chairman, Mr. President, Mike Shannon with Crab Brown & James, here this evening on behalf of Insight Communications. To the extent I do sit on your side of the dais one day a week, I'll keep my comments very brief and to the point. If you would let me, I'd like to incorporate by reference, the arguments already made by esteemed Counsel. They are in fact experts at this form of utility law. As most of you know, I specialize in land use and zoning. However, Insight asked me to be local counsel with regards to this right-of-way ordinance, and I'll be working in conjunction with the Washington law firm of Cole, Raywood and Braverman. Insight has the same serious concerns about the relocation provisions of your proposed right-of-way ordinance. And we are also I think, in a unique position to the extent that we were

required to pay for the cost of installation for Phase I of your Revitalization Project. And this was dispar treatment we feel, _____ the other utilities. That cost approximated \$150,000. Phase II is more than twice that amount. We feel that we have been in effect, discriminated against by the process that was used to demand that Insight Communications pay for the relocation. We do not think that the franchise agreement is controlling or dispositive in this regard. I just became aware of my involvement in this case about a week ago. I had the opportunity to talk with your Mayor, and a brief opportunity to talk with your City Attorney. I look forward to talking with your special counsel so we can address these issues. But the bottom line with all due respect is, that we do respectfully request that Council not go forward with this May 9, to the extent you think it necessary to do so, you can expect to see my shiny face here again and make objections for the record which may be more detailed at that time. With that, I'd respectfully ask for you to table the ordinance and not consider it on the 9th, and would be happy to answer any specific questions.

Mr. Gilbert: Mr. Shannon, so your concerns lie in the same areas that were mentioned aside from the unique situation with Phase I.

Mr. Shannon: Exactly.

Mr. Gilbert: In regards to the ordinance itself, the same provisions that were mentioned in these letters and...

Mr. Shannon: Mr. Gilbert and Mr. Chairman, respectfully, we think it interesting that the city sees fit to have this enabling legislation to allow it to exact the installation cost from the AEP's and the SBC's. Yet in Phase I, this enabling legislation did not exist and we were forced to pay for the cost of installation under the guise of the franchise agreement.

Mr. Gilbert: Very well. Questions from members of Service for Mr. Shannon? Mr. Baxter.

Mr. Baxter: Well thank you. A couple of questions here. And I see from each of the different areas, AEP, SBC, and from Insight, and since you're the last up on the podium and you said you'd throw yourself at us, I'll go ahead and ask. Do you have the same concerns that this is a safety or travel issue? And is that the same way you made judgements on if it should be above ground or below ground, or how you make decisions on service and where they're placed?

Mr. Shannon: There is a distinction in the law between the type of utilities as opposed to a provider of electricity. We're providing a cable service. And that nexus, or that standard used by AEP, I don't think would be applicable to my client. But again, it's my reading of the law that the cost of relocation of the pole, or to the underground goes to the owners of the pole. Because we're basically tag a long, or we are an attachment. And many times our responsibility to pay for cost of relocation are triggered if we are adding enhancements or adding new services. So I am not going to, one of my _____ know my weaknesses, and I do not specialize in the public utility side. For example, PUCO would not regulate my client to the extent they do. Obviously, the utility companies that are providing power. So there is a distinction there.

Mr. Baxter: I do see that distinction. Secondly, if I may continue, do you also believe that the city has a right, and if more than a right but a do need to know who its clients are in its right-of-way.

Mr. Shannon: Oh, certainly.

Mr. Baxter: And we should as a city, know exactly who is hanging on the poles, what poles, and where they are.

Mr. Shannon: Yeah. I share that same concern when I wear my hat as President Pro Tempore of Whitehall when we did some of our revitalization projects on Broad Street and Main Street. We had some surprises. Some things where they were not supposed to be. And some things just didn't exist. So there's a general common good to be served by determining the specificity where those utilities are located. But that does not mean that we should be required to pay for the location of same.

Mr. Baxter: So then you did find it was more than an aesthetic value for your company to be able to go through that process. Not only did you find things you weren't aware of, but you were also able to continue the same service you were given prior to that.

Mr. Shannon: And in similar, just as in similar projects, the city paid for those relocation costs as opposed to my client.

Mr. Baxter: Very good. Thank you.

Mr. Shannon: Thank you.

Mr. Gilbert: Mr. Stearns.

Mr. Stearns: Yes, Mr. Shannon. In the Phase I portion, were you able to defer that cost that was incurred upon you to the customers? Or how did your company _____ that?

Mr. Shannon: I apologize. I cannot be responsive to that. My clients are in Washington tonight meeting with National Council and I don't want to be misleading. I will follow up in writing with a letter to address that, sir.

Mr. Stearns: Thank you.

Mr. Gilbert: Thank you, Mr. Stearns. Mrs. Newman.

Mrs. Newman: Yes Mr. Shannon, with all due respect, and I do appreciate the utility's position, I would feel that perhaps you could appreciate the residents position on this. You know there's a certain social cost associated with a blight on our community that those lines represent going up and down our streets. And that's a great social cost as air pollution as far as I'm concerned, noise pollution for example. It's very, very offensive to our senses. And to anybody's senses, passing along and viewing that. And I think that the powers that be should take this into consideration

too. Because it does constitute a blight on our street.

Mr. Shannon: I think certainly...

Mrs. Newman: And it's something that people who put up with for many, many years so that you could install your utilities and furnish utilities, cheaper. And quick construction may have been the mode of the time when we first got electricity. But I don't think that that's such a good thing today. Furthermore, would your, it would seem to me that your repair cost would be far less. And you would end up saving a lot of money in the years ahead were those lines under ground.

Mr. Shannon: Council person Newman, your points are well taken. But I would like to respond that when you consider the fact that we were the lone utility that were required to pay for the relocation cost in Phase I. And our competitors have already indicated that they were not required to pay those same costs. And now Phase II is requiring this enabling legislation to even get them to the table. The concern is a level playing field. And in our meetings with the Mayor, he acknowledged that this legislation perhaps would obtain that level playing field. But for the record, we have to deal with what's already occurred. But I understand where you're coming from.

Mrs. Newman: Thank you.

Mr. Shannon: Thank you.

Mr. Gilbert: Other members of Council? (No response). Thank you, Mr. Shannon.

Mr. Shannon: Thank you.

Mr. Baxter: Thank you, Mr. Shannon.

Mr. Gilbert: Any additional questions or comments at this time from members of Service? Mr. Beougher.

Mr. Beougher: Thank you, Mr. Gilbert. And I hesitate to say too much in the anticipation that it might be used against me or against us. But yesterday was a bit of an anniversary for me. I was appointed to Council and was sworn in 5 years yesterday by JoAnn Davidson. And that first year I was on with three of you it looks like, the rest are new faces but, there was some work to get our street lights timed. And we were told that there would be a wire running through the street lights and everything would be fine. We'd be moving traffic up and down Main Street in a more expedient fashion. And I told all my friends and neighbors that, hey, Main Street's going to clear up. We're going to see traffic flowing more smoothly. And about a year, a year and a half later, we find out that that could not be done. That project could not be completed because the utility lines were too close together. And we were unable to move traffic more efficiently on Main Street because of that. And no one would move the lines, even though we were told, and this is just heresy, but we were told that they were not installed at the right height in the first place. And that may not be true, but any way, my thought is that we should have some leverage to negotiate these sorts of things and, I'll use as an example, because one gentleman indicated the

thoroughfares, or the rights-of-way are for moving traffic. And the thought occurred to me that that is one example of inability to move traffic in the way that we wanted to do so. So I thought I'd bring that up.

Mr. Gilbert: Okay. Other members of Council? (No response). I would just note, we've had this at the table since early last fall. We have noted the concerns of the utilities and at this time, we will recognize Mr. Underwood, our Special Counsel, Mr. Bentine to state their side of the issue.

Mr. Underwood: Thank you, Mr. Gilbert.

Mr. Gilbert: Thank you, Mr. Underwood.

Mr. Underwood: We just have a few comments. I would like to correct Mr. Shannon on one issue. Insight's not the only company that buried lines at their own expense. When he gets further into it with his client, I think he'll find that out. Mr. Bentine.

Mr. Bentine: Thank you, Chairman. How are you? I'll be brief. We believe that you have every right to enact the ordinance before you. We are working with the utilities. In fact, we have three more slide amendments which we'll propose to you that Mr. Rodgers, who is another lawyer in my firm will briefly tell you about here in a second. I wanted to say a couple of things though. One, to again tell you, that's your right-of-way out there. And simply because the right-of-way has been given over to others for their use at your sufferance, doesn't mean that they have a permanent right in the public right-of-way. It's there for the public good. Let me say a couple of things too. You heard some chance of discrimination, and this rate averaging and what the PUCO has in its tariff. My opinion as somebody that's been at this for a day or two is, that the Public Utilities Commission of Ohio can no more regulate the speed limits of the trucks that these folks use on your rights-of-way than they can tell you what you can do to regulate them in the right-of-way. The Public Utilities Commission of Ohio is a creature of statute. It regulates the relationship between the consumer on the one side and the utilities on the other. It doesn't regulate you. It doesn't change your police powers. It doesn't regulate your relationship with your right-of-way. And in fact, the right-of-way statutes that were recently enacted make it clear in my view that it is a municipal authority which is paramount in the right-of-way. And that's consistent with a long line of Ohio precedent. Let me also say, with regard to discrimination that the principle sections of this ordinance are not in substantial form different than the principle sections of the City of Columbus right-of-way ordinance which frankly, all of those parties who are now complaining agreed to when it was enacted. So if we're talking about different things over different parts of the state, the City of Columbus has, again in principle form, the same ordinance that you have before you. Again, we are attempting to work with the utilities, with the issues that they have raised and we have three slight modifications that we will propose through Mr. Underwood to address some of those similar concerns that were raised in the last week or so. So Todd, do you want to speak to those?

Mr. Rodgers: Good evening, Council members. Just quickly go over the three proposed revisions that we have to the document that's currently before you in an effort to address concerns raised by the individual companies who appear before you this evening. The first one appears in Section

907.03(e) which relates to financial, relates to transfer of permits and requirements if the permit is to be transferred to a new occupant on the right-of-way. We have agreed that some of the points raised by the utilities are valid with respect to the language that says that if they're recognized by the PUCO, then that's basically defacto or rebuttable presumption that they have sufficient financial and technical expertise to provide the services in the right-of-way that they're seeking to provide. We made changes before. Columbia Gas pointed out that the change we made before doesn't necessarily pick up Columbia Gas because of the way they're defined in the PUCO. And so we're going to be proposing some language to that section to make it clear that natural gas utilities as well as the other utilities are included in that language. So we'll be making a revision to that section. Another section that we'll be revising is found in 907.06(a)(4) in written comments that we received late today from AEP. They, in addition to the comments they spoke about earlier, they made a comment that 60 days from the date they get notice to time to relocate utilities may be unreasonable in certain circumstances and unworkable, and they are afraid that that would then tie into the criminal penalties or the civil penalties that are applicable in the ordinance. We agree with them that that may be somewhat unreasonable on a case by case, or project by project basis. And so we are going to propose some additional language that lengthens that time period. We'll put that discretion with the director under the circumstances. We'll do a time period that the director deems reasonable to get the relocation accomplished. So we'll be making that change as well. And then the last revision that we'll be proposing is found in Section 907.06(a)(9). It relates to the comments that SBC made earlier this evening that specifically relate to SBC with respect to affiliate transactions. We recognize that that is a valid concern that they have expressed and we will be proposing new language, the section that basically indicates that it is permissible to lease facilities to affiliates. Thank you.

Mr. Bentine: Let me correct one thing that I said if I could, Mr. Chairman. Because I certainly don't want to mislead this Council or anybody else. And so before Mr. St. Pierre or Mr. Seagan corrects me, I stated that everybody agreed to the Columbus ordinance. It was a compromise. What they agreed to do was not object. And so it was passed by the Columbus City Council without objection on those parts. And nobody appealed it or challenged it in court. So I do apologize but, from my point of view it was agreeing at the time. And that was several years ago. So I'd be happy to answer any questions that Council has.

Mr. Gilbert: Is there a way you could keep myself or the Council President posted this week on any discussions you have with utilities prior to Monday's meeting?

Mr. Bentine: Absolutely.

Mr. Gilbert: On the progress of this.

Mr. Bentine: I think frankly, we are down to the issues that you heard about tonight with the exception of those few that we've done. And I think really, you're meeting the issue. And the issue is going to be squarely before you. And that is really, who controls your right-of-way. And is that a public resource for the public good? Or do private entities somehow get a right to be there that frankly, become superior to yours in the exercise of the public welfare.

Mr. Gilbert: Very well. Thank you, Mr. Bentine. Questions for Mr. Bentine, members of Service? (No response). Other members of Council? Mr. Baxter.

Mr. Baxter: So we will be receiving these updates throughout the week, and it would be appropriate for us to move this forward. Correct? With those changes we should see throughout the week. Do you feel you're close enough to this? The final draft?

Mr. Gilbert: Mr. Underwood.

Mr. Underwood: _____ the three amendments and anything else that comes down to Mrs. Frazier. Then it can be amended at the table for passage next Monday.

Mr. Gilbert: Certainly.

Mr. Baxter: That's what I thought. Okay. Thank you. (Tape Change).

Mr. Gilbert: Sent this forward to Council for its third reading with recommendation for adoption as an emergency. Do I have a second? Second by Mr. Baxter. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And I will adjourn Service at 9:09 p.m.

Service Committee
- -Susie Smith, Assistant Clerk of Council
May 2, 2005
(Transcribed - Susie Smith)
FINANCE COMMITTEE MEETING MINUTES
May 2, 2005

Members of Finance Committee present: Ron Stake, Eric Gilbert, Mel Clemens, Lane J. Beougher.

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

Mr. Stake: I'd like to call the May 2 Finance Committee to order at 9:10 p.m.

The second item on the agenda is approval of the minutes of the Finance Committee meeting held April 18, 2005. Are there any changes to those minutes? (No response). None being heard, they'll stand as submitted.

Item number 3 is approval of the agenda. Do members of the committee have any changes to the agenda? (No response). I have one. The addition of the request for funding for the engineering and design bid for the two sanitary sewer manholes. I'd like to make that 3a. Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item 3a is the request for funding a \$21,600 be appropriated to account number 250.101.5629 from the unappropriated Sewer Capacity Fund. And this would allow the engineering for the manhole covers in the stream. Are there any questions from members of the committee? (No response). Members of Council? (No response). Okay. Then I will make a motion that we send this on to Council as requested by the Service Committee. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 5 is Further discussion, Funding for various projects. Mainly the Main Street Phase II and Taylor Road. And specifically, these would be the bonds, or I'm sorry. I need to back up one. Item number 4 is Discussion, Supplemental appropriation for the City Attorney's Special Counsel Account. Don't want to forget that one. Mr. Underwood, do you want to explain this request briefly?

Mr. Underwood: There's two requests. One was a bill that they forgot to send us last year. And

I put all the detail in there. And the other one, I think everything is in the legislative request. I'd be happy to answer any questions. I didn't bring it with me. I had an arithmetic mistake on the Porter Wright thing. I had 3700 and it was 2500. I added the 800 twice. And everything else is there and the other part.

Mr. Stake: So basically, you have two requests. One is \$25,000 to go into the Special Counsel account to negotiate the Commercial Corridor Phase II Utility Charges.

Mr. Underwood: Right.

Mr. Stake: So let's deal with that one first. I have no problem with that. Does members of the committee have any questions or comments for Mr. Underwood in regards to that? (No response). Okay. None being heard, members of Council? (No response). Alright then. In regards to that request, I'll make a motion, Mr. Underwood, you do need an emergency on this. Correct?

Mr. Underwood: Yes.

Mr. Stake: Okay. In light of that, are there any questions from anybody, or comments? (No response). Okay. Then I will make a motion that we forward to Council as an emergency, the request for the \$25,000. And I believe this will come from the General Fund. Second by Mr. Gilbert. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And the second part of this is \$2,579.71 to pay two invoices from Porter Wright. This is for the Speedway case and the Sowell case. And this comes back to September, 2004. And I believe these bills were received April 4. Mr. Underwood, just a question on this one. Do we need a Then and Now for this?

Mr. Underwood: I asked Mike Turner, and he said because it is less than 3,000, they have a Then and Now stamp, and they can put it on and pay it. So we'll send down the PO and get a Then and Now, if it's less than 3,000, they'll pay it.

Mr. Stake: Okay. Does that raise any questions? Mr. Clemens.

Mr. Clemens: I have no problem with it, but who decided a Then and Now would be less than 2,000?

Mr. Underwood: The law is less than 3,000. And every Auditor decides what they're going to do on it. The Auditor now says it's 3,000. By law they can go up to 3,000 and our Auditor says 3,000 is allowed.

Mr. Clemens: It's just a question. I'd just like to know Willie.

Mr. Underwood: That's what it is.

Mr. Stake: Okay. So the Auditor has that discretion?

Mr. Underwood: Up to 3,000.

Mr. Stake: Up to 3,000. Okay. Any other questions from members of the committee? (No response). Members of Council? (No response). Mr. Underwood, do you need an emergency on this as well?

Mr. Underwood: Yes. It would be good to get it paid. But whenever it comes through, it comes through. That would be fine. They waited a long time to get it to us.

Mr. Beougher: What's the rush?

Mr. Stake: Yeah. Let's not worry about it. Let's see how bad they want that I guess.

Mrs. Frazier: I have a question.

Mr. Stake: Yes, Mrs. Frazier.

Mrs. Frazier: I think if you would look in the file, there's a note in there that we had agreed that it was a Then and Now because it ran from one year to another. And while I understand the Auditor can stamp it up to \$3,000, this is 2004 bills and you're going to pay it with 2005 money. So when Mr. Underwood and I talked, we felt that it would be cleaner to do it as a Then and Now. So if you're going to do it this way, I would respectfully request City Attorney write this so that it's real clear. Because it's not clear in my mind how this is to be written. So I just ask that on this one.

Mr. Stake: Okay. Mr. Underwood, do you have any comments in regards to that?

Mr. Underwood: I'm going to write the purchase order that's to pay a 2004 bill that was submitted in 2005. Howard's going to take care of it with a stamp. We have no 2004 money. It all went back. We have no choice but to pay for it with 2005 money.

Mr. Stake: Mr. Clemens.

Mr. Clemens: I don't have any problem paying them. It just seems odd that now since it is 2005 and not 2000, we've jumped it up to 3 with a little stamp just to clear things up. Things like this, Council should know ahead of time when we're going to make a change on it. Especially on these, because this has come before us, not this one but others, back and forth. So it's fine to know that now that it's 3,000. And that's something we should have known before.

Mr. Underwood: It's been 3,000 for a long time, Mel.

Mr. Clemens: Well, nobody notified us of it Bill, until you came up with one. That's all I'm trying...

Mr. Underwood: I can't help that.

Mr. Clemens: No. I know you can't. That's all I'm saying.

Mr. Underwood: I came down and asked.

Mr. Clemens: Yeah. It worked out nice for you. I can't say that either. I'm just saying we should know.

Mr. Stake: Well, we're going to send this forward for its first reading and we can further discuss this I guess. But I will make a motion we send this forward for its first reading. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye" except one). Opposed? (One voted "Nay"). Motion passes.

Number 5. Further discussion, funding for the various projects. Reynoldsburg Major Commercial Corridor Revitalization, Phase II. Let's talk about that one first. Members had received on the table this morning, preliminary as of today I guess, the construction costs and funding in regards to Phase II. Are there any questions from members of the committee in regards to the document they received tonight? I know it's short notice and there's a lot of information on there. A lot of numbers. The way I understand this, the administration is requesting, and the Auditor is I guess, confirming this. They're requesting the bond to be in the amount of \$6,325,000 for Phase II. Is that correct, Mayor?

Mayor McPherson: That's correct.

Mr. Stake: And Dr. Whitney, you're okay with this?

Mr. Whitney: Yes.

Mr. Stake: Okay. What is the, somebody I guess, if they could tell me what the timing is on this and when this needs to be done in order, I guess we need to have this done before we can advertise for bids. Is that correct, incorrect?

Mr. Whitney: We have to have the funds in hand before we can sign the contract. As far as the...

Mayor McPherson: The issue is the grant money. It's not necessarily the contract, bidding the contract or anything. It's the actual grant money. We have to have everything done. We have to have the bond, be able to go out. I believe we got an extension to July 15, but I'll have to verify that and get back to you. So it's just a matter of getting the bonding process moving, and then bid it out, and have construction start. And I believe it was July 15, but I'll verify that with you. So in order to get it started by July 15, we have to get all the bonding done. Have to have the money in hand so we can sign the contract.

Mr. Stake: Okay. So what's your time line on that? Getting the bonding done?

Mayor McPherson: Well, the bonding, I think last week didn't you say you wanted to get it in the next couple of weeks? He wanted to go out for bid on the bond issue. Because all the little hoops that they have to jump through. I'd have to go back and review the minutes of what the bond counsel said last week. I just don't remember what he said.

Mr. Stake: Okay.

Mr. Whitney: What I intended for tonight, I distributed to you from Chris Franzmann, two ordinances, two bond ordinances. One for Main Street and one for Taylor Road. They're preliminary with one thing missing, and that is the maximum amount of the bond issue. Based on Chris' input from two weeks ago, that's what that thing I gave you today to have proven. That's what it was oriented for. And given the worst case scenario, I gave you two scenarios, what I would consider a best case and worst case scenario, given the worst case scenario, if we establish a maximum principle amount, 6.325 million, that will be adequate. We certainly hope we don't spend anywhere near that amount. We will not know until we get the bids back for the, from the principle contractor.

Mr. Stake: Okay. So what you'd be asking Council to do is to authorize a maximum amount of \$6,325,000 for Main Street Phase II.

Mr. Whitney: That is correct. And also, the Taylor Road information you have, I have not had any further input on that. And so to fill in the blank for Taylor Road, I'm suggesting, or recommending the 10% premium over and above the figure you have on the handout. Which would be 2.425, or 2,425,500 as a maximum amount for the Taylor Road issue.

Mr. Stake: Right. So I guess getting back to my other question there, you want to go do this bond, or you want to be able to have the ability to go do the bond in June since you need to break ground July 15?

Mr. Whitney: Yes. Yes.

Mr. Stake: You want to do this in June?

Mr. Whitney: Yes.

Mr. Stake: Alright. Thank you. Any questions for the Mayor or Dr. Whitney from members of the committee? Mr. Clemens.

Mr. Clemens: I think that since we've done half of the project, it has to be completed. I'm not going to get into the financial part because it seems to change week after week, and it'll probably change next Monday night. So we can discuss it next Monday night when it comes down to it. I see it's jumped from 45 again up to 63. But it's something we started and I think it's something we have to complete. You can't do half of a project and walk away from it.

Mr. Stake: I agree. Any other questions or comments from members of the committee? (No

response). Members of Council? Mr. Baxter.

Mr. Baxter: Just one question. It says, 'other uses' Dr. Whitney, half way down. When you say other uses, I took that to mean you also included the Taylor Road project. Since it is titled 'sources, use analysis, Main Street Corridor Revitalization Project', I thought then maybe not. So what's the total we're going to go to bid for? Both Taylor and Streetscape? Or just Streetscape now?

Mr. Stake: We're talking about the bond issue right now. And for Main Street Phase II, they would like an amount not to exceed \$6,325,000. That's for Main Street.

Mr. Baxter: So we don't need to bond any of Taylor?

Mr. Stake: We're going to discuss that next.

Mr. Baxter: Okay. Thank you.

Mr. Whitney: The purple top here was only for Phase II.

Mr. Stake: We do have two separate legislative requests for the two bonds. And we're talking about Main Street Phase II at this time. It's my understand that if we would, and basically I guess, we need a final draft of the copies we have with the amount filled in what we decide here. But if we do the maximum amount of \$6,325,000 and bids come back and they're \$500,000 less, then that's the amount we're going to do the bond for. Correct?

Mr. Whitney: That is correct. Yes. We will not bond any more than we need. But as Mr. Clemens explained, the figures seem to change every week. And it's very likely they will change again before next week.

Mr. Clemens: I agree with you.

Mr. Stake: Okay. Thank you, Howard. Any other questions from members of the committee? (No response). Members of Council? Mrs. Newman.

Mrs. Newman: Yes. We have in our sources of funds, that Community Development Block Grant, \$250,000. The last thing I have on that in my file was dated January 6 where it had been approved by, recommended by the Franklin County Commissioners. And apparently we needed to get that approved by HUD. Now have we received final approval on that? Is that for sure? Something we can count on? I haven't seen anything.

Mr. Stake: Mayor, would you like to address that?

Mayor McPherson: Yes. We've been approved for the \$250,000.

Mrs. Newman: Okay. Thank you.

Mr. Stake: Any other questions from members of Council? (No response). Okay. Then in light of the fact that we don't I guess, need to break ground until July 15, we can run this I guess for a first reading and see what numbers we have two weeks from now. And then as long as we get this done by the end of this month. Correct, Howard?

Mr. Whitney: I think so.

Mr. Stake: Okay.

Mayor McPherson: If I can tag on, I think we need to talk to Chris Franzmann. But sending it forward for the first reading, we'll have Chris talk to us this week and let you know by next Monday whether it can go the regular process here or not.

Mr. Stake: Okay. And we'd just like to make sure we get back from him, the final copy of the ordinance along with the amount in there that we're doing here tonight, which is \$6,3250,000. So I'll make a motion that we send this forward for its first reading. Do I have a second? Second by Mr. Gilbert. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And the second part of this is the bond for Taylor Road. I guess the costs on Taylor Road are up over 2.4 million right now we're looking at, estimates there. Does anybody have any information on that?

Mr. Whitney: The latest figures I have are, including the engineering, 2,295,000.

Mr. Stake: 2,295,000.

Mr. Whitney: Yeah. 295 of that is the engineering.

Mr. Gilbert: How much of that?

Mr. Stake: 295,000. Isn't that what you said, Howard?

Mr. Whitney: Yes.

Mr. Stake: Okay.

Mr. Gilbert: What did the engineering run us on that?

Mr. Whitney: Pardon?

Mr. Gilbert: On the engineering cost of the project I'm trying to recall. Wasn't it close to half a million?

Mr. Whitney: Well, maybe Dave can answer that one.

Mr. Parkinson: (Inaudible).

Mr. Hills: Maybe another way to ask it is, what is the estimated construction cost on Taylor Road? The last I heard it was 1.5 million. A couple of weeks ago I asked if you all could provide us some additional information. There are things that are understandable why they might not be here tonight. But I would suggest as you've so well done as far as sending things forward for a first reading until we get some of these little details back in. I may be wrong but the last I remember construction costs on Taylor Road were to be approximately 1.5 million, and now we're saying it's 2.3 million. So we just need a little detail as to why it's from what we had estimated, or what you all estimated, to what it really is.

Mr. Whitney: Well, that information comes from the engineers.

Mr. Hills: The request was made two weeks ago of everybody that's here. It hasn't happened, but I'd think if by next week, somebody could tell us what the construction cost, since Mr. Gilbert just asked for the engineering, and nobody's real sure. So let's do it from another angle and let's ask, what are the construction costs? And then I bet we can subtract that from the total to figure out the rest must be engineering.

Mr. Stake: Yeah. If I could just ask that for the next committee meeting, we have the breakdown on the cost of Taylor Road from the administration. Would you get that for us, please?

Mayor McPherson: I'll see that you have it. I apologize. I thought it was sent to you. But we'll get it to you.

Mr. Gilbert: Mr. Stake, we should have the original amount. Mr. Parkinson, wouldn't that not be in your original scope of services project estimate?

Mr. Parkinson: The original scope of services would have included an estimate based on nothing. Based on looking at it and saying, this is what we think your cost will be, we should be in a better position to start pinning down some actual cost now that the design is 85, 90% done. And I apologize for not having that information for you.

Mr. Gilbert: I understand that.

Mr. Parkinson: But Mr. Hills is correct. It was in the 1½, 1.6 million dollar range was the construction cost. There was some right-of-way costs. There's some design costs. There's some inspection costs. There's a lot of other insularly little costs that go in there. I don't know if we've refined the construction cost estimate up a little bit for that, and Mr. Whitney added 10% to it as a buffer or contingency fund perhaps might be a term for it. And so that's why it keeps kind of creeping up a little bit. But I'll have your numbers, I'll have you better numbers next time.

Mr. Gilbert: So when you add the 2% in the engineering, you float a number like 1.5, that makes it,

that creates the perception as it's been floated, that it's increased almost a million dollars, close to a million dollars. But when you take out the 2%, the right-of-way as well as reimbursing the engineering, it's a little different story.

Mr. Parkinson: It is different. I don't believe we've revised the cost estimate from the original that we presented a couple of months ago on where we thought we were so. We'll get you a detailed break down of all the factors that lead into the total cost for this project.

Mr. Stake: Any other questions? Mr. Clemens.

Mr. Clemens: I'd like to get it moving. I know this has been a priority. It has been with me and I know it has been with Mr. Gilbert. And I know that they've been working on plans and they're just about done. I would like a good estimate just so that we borrow enough money when it finally comes to us, we're borrowing enough money that we'll know what we're doing and get it moving. I'd rather get this moving than the Streetscape, and I call it Streetscape. That's what it was when we first authorized it. But I'd rather get this moving. It's a safety issue. So the sooner we can get the financial part of it and get moving on it, I think it would be better for everybody. So come up with a figure that we can work on and get it to us next week and we can get moving on it.

Mr. Stake: Mr. Parkinson, do you think you could get something to us by next week.

Mr. Parkinson: I can have something in your packet this weekend.

Mr. Stake: That would be great. Thank you. Okay. Just one last question. Dr. Whitney, so you're asking for how much in this one now? What's the number?

Mr. Whitney: 10% above the 2,205,000. Which is...

Mr. Stake: 2.425.

Mayor McPherson: 2,425,000.

Mr. Stake: Okay. 2,425,000. Okay. Thank you. Alright. So in order to get this moving, I'll make a motion that we send this forward for its first reading. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye" except one). Opposed? (One voted "Nay"). Motion passes.

Item number 6 is Ordinance to amend the ordinance No. 1-05 passed January 10, 2005 which approved an Enterprise Zone Agreement with the Board of County Commissioners. Victoria's Secret Direct. And I believe this is just the housekeeping things that this comes to us. It had its first reading on 4-25-05. Do members of the committee have any questions or comments in regards to this legislation? (No response). Members of Council? (No response). None being heard, then I will send this on for its second reading on the Consent Agenda. Do I have a second? Second by Mr. Gilbert. Any further discussion? (No response). All in favor,

state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 7 is Ordinance to amend the City of Reynoldsburg, Ohio Personnel Policy and Procedures Manual. And this is in regards to the Assistant City Attorney being overtime exempt. This has had two readings. It had a second reading on 4-25. And this portion is in regards to the Personnel Policy and Procedures Manual. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). Then I will make a motion that we send this on for its third reading with recommendation for adoption. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

The second part of the is Ordinance to amend the Code of Ordinances of the City of Reynoldsburg, Employee Compensation in regards to overtime eligibility. Assistant City Attorney would be overtime exempt. Are there any comments or questions in regards to this item by members of the committee? (No response). Members of Council? (No response). None being heard, then I will send this on for its third reading with recommendation for adoption. Do I have a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Mr. Clemens.

Mr. Clemens: Could I bring something up?

Mr. Stake: Yeah. Sure. Go right ahead.

Mr. Clemens: I'd just like to bring up, since we're in the process of spending a lot of money and so forth, and considering spending money as far as the Streetscape on the recreation and so forth, the first quarter is over with. As a matter of fact, we're one month into the second quarter. It was my understanding, after the first quarter, that the Mayor would come back with a recommendation as far as an increase for the employees that we didn't give our employees that were not union. And the first quarter is over. As a matter of fact, one month into the second quarter is gone. Have you thought about it, Bob? Or are you considering coming to us and bringing it to us? Because you know, you did say after the first quarter you would reconsider.

Mayor McPherson: Yeah. I poured over the numbers again today, and I'm still not exactly sure what we're going to do. You know, I think probably I'll need to sit down and maybe if Ron's got some time in the next couple of weeks, talk to him about some of the revenues and projected revenues. And we are fortunate in that we are starting to see some increased investment revenues which is going to help. But on the flip side of that, we're also starting to see increased expenses. So it's just a matter of sitting down and making a determination whether or not the money's there. And I'll try to get back to you within the next couple of weeks on it.

Mr. Clemens: That's the reason I'd like to kind of know, because these additional expenses, I might not be voting for them. Because I'd rather vote for the increase in the employees. So if you could, I'd appreciate it.

Mayor McPherson: We'll get it back in the next couple of weeks.

Mr. Clemens: Thank you.

Mr. Stake: Thank you, Mayor. Thank you, Mr. Clemens.

And I will adjourn the Finance Committee at 9:40.

Finance Committee
- - -Susie Smith, Assistant Clerk of Council
May 2, 2005
(Transcribed - Susie Smith)

