

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
APRIL 11, 2005

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

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

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

Minutes of the special Council meeting held March 21, 2005 were approved without objection.
Minutes of the regular Council meeting held March 28, 2005 were approved without objection.

The agenda was approved.

Community Comments and Requests- -Mr. Gary Burkholder was present.

Mr. Burkholder: Thank you, President Hills. I just wanted to I guess, throw out the idea and see how City Council feels about this as well as the city administration. As you know, Etna Township has formed a Joint Economic Development Zone with the City of Newark relative to pro-lodges at the industrial park. I'm told that's one of two that have currently been done in the State of Ohio. And I just wanted to broach the subject to see if the City Council would be interested down the road in forming any type of Joint Economic Development Zone with Etna Township. There are a lot of benefits in that you can share the tax revenues. Etna Township cannot levy an income tax without this type of special Economic Development Zone. But also, you would not have to provide the services if that territory remained in Etna Township. So it's a win, win situation currently for Etna and for the City of Newark. And I just wanted to see if there would be any interest with City Council. I appreciate your time. Feel free to get back with this or call us any time and we can go from there. Thank you.

Mr. Hills: Okay Mr. Burkholder. Does anybody have any questions of Mr. Burkholder? Yes, Mr. Baxter.

Mr. Baxter: Thank you, Council President. Gary, quick questions. Have you approached our administration with this offer? And if not, do you intend to?

Mr. Burkholder: Well, yes. I just mentioned it in passing at one time to the Mayor. But I also wanted to come to City Council and see if there was support for it as well. And at this point, let me just say that, the board has, the Etna Township Board of Trustees has not taken any formal action. But I thought it was a way possibly, I know that we had the CEDA talks some time ago and I thought that the Joint Economic Development Zone, there are a lot of benefits as far as benefitting the schools. So I thought I'd see if there would be any interest relative from the City Council and the administration.

Mr. Baxter: Great. Thank you.

Mr. Burkholder: Thank you.

Mr. Hills: Yes, Mr. Stearns.

Mr. Stearns: Thank you, President Hills. What is the difference between this and the CEDA proposal that you had some time ago?

Mr. Burkholder: Well I certainly was not an expert. That's before, right before I came on the Board of Trustees. And I don't know all the in's and out's of what a CEDA offered or didn't offer. In this case, the tax revenues are going to be split. A portion of it is going to go to the City of Newark. Newark will also be collecting the income tax, so they will have an administrative fee of about 4 ½%. I think it's approximately 35% of the income tax revenues from that district from the JEDZ zone will go towards the school board. Etna Township will receive a portion, and then there'll be a portion of 20% that will actually be reinvested in the zone. In this case, it's 228 acres of the industrial park is what pro-lodges this purchase. So 20% of the generated revenues will be put back into that district for infrastructure for improvements. So the schools do benefit from this as well.

Mr. Hills: Mr. Gilbert.

Mr. Gilbert: Thank you. Mr. Burkholder, does this mean the trustees are acknowledging that Reynoldsburg is in Licking County?

Mr. Burkholder: We always have.

Mr. Gilbert: Because I know when your JEDZ came out, Mr. George had indicated that the reason you went with Newark because Newark was the only community that was in Licking County. That was indicated in This Week newspaper by Mr. George.

Mr. Burkholder: Well, I don't know if that was accurately reported. It happened to work out well. They have a 1.75 income tax. But at least, I can only speak for myself, I'm certainly receptive to working with Reynoldsburg if it can prosper both of us. One thing I've said, and I said it recently at a Pataskala Chamber of Commerce meeting, and I believe it holds true with Etna Township and Reynoldsburg as well is that, we're all in this together. Taylor Road is a prime example. We need to think regionally. We need to work together cooperatively. We'll have our disagreements. But when you look at this as a region, we have very many common problems and I think we can accomplish more cooperatively than we can trying to be in competition.

Mr. Gilbert: Would that mean that we could, I know you had formed a coalition several months ago with I believe, Pataskala, Kirkersville, Hebron possibly, a number of communities that were concerned about regional growth. Is that an olive branch that you might extend to Reynoldsburg further to allow us to join you with that coalition?

Mr. Burkholder: Well, I don't know if you would call it an olive branch, but I think you're certainly welcome to join. I've always had I thought, a pretty good working relationship with Reynoldsburg. I've had my disagreements on policy. I still believe that if you're going to have

growth and you're going to annex lands that you have to be responsible for providing for the infrastructure. I mean that's, but that doesn't mean that we can't come to the table and talk about these things and try to find a common solution. That group hasn't met for a while but it was a very positive meeting we had, and with Kirkersville, Harrison Twp., Pataskala, and Etna, I see no reason that Reynoldsburg couldn't participate as well. I think it's a good idea in fact.

Mr. Gilbert: Great. Well I appreciate you coming in and extending this offer to us. I would just say, in regards to my stance on this, it would hinge upon where you're taking your recent efforts, where you pursue to question with the Licking County Prosecutor's Office that would extensively disenfranchise the Reynoldsburg residents that pay Etna Twp. property taxes from voting in the JEDZ that you're going to be holding I believe in the August primary.

Mr. Burkholder: Well what question was that?

Mr. Gilbert: I would suggest, if you're willing to withdraw that off the table, I would certainly have an interest in looking into this further. But has there been a response from the Licking County Prosecutor's Office? Or have you received word back from them?

Mr. Burkholder: No, I haven't. But before that gets politicized, I think we need to clarify that. The last meeting I came, I didn't speak to City Council. But I was jumped by a Reynoldsburg resident with that same language. Why are you disenfranchising the voters of Reynoldsburg relative to the Joint Economic Development Zone? And my response was very true and very accurate. And that is, we're not disenfranchising everyone. We're simply asking the prosecutor, what is the law? If the law says that all ten precincts, the five in the unincorporated area, and the five within the city vote, that's great. That's the law. That was merely a request for information so that we could budget. About \$600 per precincts for a special election. If there are five precincts, it'll be 3,000. If there are ten precincts, it'll be \$6,000. So I want to make it very clear that there was never, ever an effort to keep the five precincts in the City of Reynoldsburg from voting in the JEDZ. That question has not been answered by the prosecutor, and it was for planning purposes only. I hope all ten precincts vote quite frankly. Because that gets everybody and everybody educated on what a JEDZ is and what the benefits are. But regardless of what happens there, it will be decided by Ohio Revised Code. I couldn't answer that question. I'm new to a JEDZ. And so I thought it was being responsible for the Board of Trustees to ask the prosecutor, who's going to actually be voting on this?

Mr. Gilbert: Very well. Well, we'll eagerly await your response. If you could pass that on to us once you receive it.

Mr. Burkholder: I have no problem with that. It's probably _____ as soon as we find out. In fact, I called over today to ask the prosecutor if that question has been answered yet and it hasn't. We actually checked with special counsel for the developer and that's not their area of specialty. So they were hesitant to try to answer that question. But I want to make it very clear, because I was a little offended that it was characterized as trying to disenfranchise voters. It's not. It's about following the Ohio Revised Code.

Mr. Hills: Thank you, Mr. Gilbert. Any other questions? Mrs. Newman.

Mrs. Newman: Mr. Burkholder, I'd just like to let you know that I appreciate the positive tone of your message tonight. And I'd like to know, could you briefly outline any downside, or possible downside for the City of Reynoldsburg in this proposal that you're making?

Mr. Burkholder: I don't know of any but that doesn't mean that some wouldn't exist. And I would ask everyone as responsible, elected officials to thoroughly investigate before you would enter into any agreement. The upside that I saw is that we could share the revenues, and if that land stays in Etna Twp., the City of Reynoldsburg wouldn't have to provide the services, and I'm thinking primarily police protection. I mean, I think it's pretty well known though, we also have a concern about our water and sewer district and our ability to protect that consumer base so that we can make our regional water and sewer district a more viable entity. I truly believe that the day will not come that Columbus is going to serve all the surrounding counties of Franklin County. And if that is Columbus' intent, I think it's their responsible growth and development. I think that the future is about investing in these regional water and sewer districts and making them viable entities and then working with the City of Columbus and the suburbs of Franklin County, like Reynoldsburg.

Mr. Hills: Any other questions from anyone on Council? (No response). Mayor, do you have any questions or comments?

Mayor McPherson: No. (Inaudible. Speaking off mike).

Communications- -Assistant Clerk read report from Clerk of Courts: total monies collected from courts held during March 2005, \$37,749. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- -\$2,468 for the Computerization Needs Fund and \$325 for the Enforcement and Education Fund.

Reports- -Mr. Hills stated that Mrs. Reichard sent Council a memo dated April 8 that listed potential discussions, cuts, and potential funding which Council will get into great detail with next Monday night.

Consent Agenda items:

Assistant Clerk read the following item by title. Disposition results listed at end of title.

for second reading: ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (a) of Section 143.05 "Eligible Securities" OF CHAPTER 143 Department of City Auditor- -item referred to Finance Committee.

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

Regular Agenda items:

ORDINANCE AUTHORIZING THE ISSUANCE OF A PERMIT TO THE LEUKEMIA & LYMPHOMA SOCIETY TEAM IN TRAINING TO SOLICIT DONATIONS ON SATURDAY, APRIL 23, 2005 AND DECLARING AN EMERGENCY- -Assistant Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mr. Beougher seconded. With the roll called, members voted: Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea". Motion passed; Ordinance No. 25-05 adopted.

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF PLEASANT VIEW DRIVE, SCENIC ROAD AND CERTAIN CITY EASEMENTS BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS, SERVICE CONNECTIONS, AND ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY- -Assistant Clerk read ordinance by title for the one required reading. Mr. Gilbert moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea". Motion passed; Ordinance No. 26-05 adopted.

RESOLUTION CONCERNING SERVICES TO PROPERTY PROPOSED FOR ANNEXATION OF 123.5+/- ACRES IN ETNA TOWNSHIP TO THE CITY OF REYNOLDSBURG (Summit Place L.P.; Maplewood Farms L.P.) AND DECLARING AN EMERGENCY- -Assistant Clerk read resolution by title for the one required reading. Mr. Gilbert moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea". Motion passed; Resolution No. 27-05 adopted.

ORDINANCE TO AMEND ORDINANCE NO. 12-03 PASSED MARCH 10, 2003 WHICH APPROVED THE PLAN OF OPERATION AND GOVERNANCE FOR THE CITY OF REYNOLDSBURG'S NATURAL GAS AGGREGATION PROGRAM BY AMENDING THE PLAN INCLUDED AS "EXHIBIT A", AND DECLARING AN EMERGENCY- - Assistant Clerk read ordinance by title for the one required reading. Mr. Gilbert moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea". Motion passed; Ordinance No. 28-05 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 160 EMPLOYEE COMPENSATION, SECTION 160.05 "OVERTIME ELIGIBILITY" Subsection A.1- - Assistant Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE TO AMEND THE "CITY OF REYNOLDSBURG, OHIO PERSONNEL POLICY AND PROCEDURE MANUAL" ADOPTED BY ORDINANCE NO. 14-03 PASSED MARCH 10, 2003 AND AS SUBSEQUENTLY AMENDED, SECTION 4.04 Overtime Eligibility (Exempt or Nonexempt), Subsection A.1- -Assistant Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

Request for Executive Session by City Attorney to discuss imminent litigation.- -Mr. Stake moved to recess for Executive Session. Mr. Stearns seconded. Mr. Hills said those attending would be elected officials, the Clerk, Assistant Clerk, Assistant City Attorney, Service Director, Mr. Bentine and Associate. With the roll called, members voted: Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea". Motion passed. Mr. Hills said following the Executive Session, Council would reconvene only to call the roll and adjourn. Council recessed at 7:49 p.m.

Council reconvened at 8:51 p.m. Mr. Hills stated that Mr. Underwood had invited two representatives from EMH&T, Travis Eifert and David Parkinson to attend the Executive Session, and they did so. With the roll called, members responding were: Mr. Stearns "Present"; Mr. Baxter "Present"; Mr. Gilbert "Present"; Mr. Clemens "Present"; Mrs. Newman "Present"; Mr. Beougher "Present"; Mr. Stake "Present".

Meeting adjourned at 8:52 p.m.

William L. Hills, President of Council

Susie Smith, Assistant Clerk of Council

(Transcribed/S. Smith)