

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
APRIL 9, 2007

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

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

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

Minutes of the regular Council meeting held March 26, 2007 were approved without objection. Minutes of the special Council meeting held April 2, 2007 were approved without objection.

The agenda was approved.

Communications- -Clerk read report from Clerk of Courts: total monies collected from courts held during March 2007, \$38,679. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- -\$2,342 for the Computerization Needs Fund and \$315 for the Enforcement and Education Fund.

Reports- - -Safety/Service Director Steve DeBolt stated that they sent a letter to residents of Priestley Drive regarding the parking ban. He said they are going to be using the speed van; that they have put up additional signs, "Children Playing", in the area; and that they purchased a special stop sign that has additional lighting on it. Mr. DeBolt said he is trying to get assistance from the residents to allow Police Officers to use their driveways for monitoring.

Mr. DeBolt also gave a report on snow removal.

Mary and Dick Hudson gave a report on Clean-Up Week. (Information available in Clerk of Council's office)

Councilman Stake stated there was a question regarding the liquor permit for 7820 East Main Street, and it had been found that it was proper per the Chief of Police. Request can be returned without a request for a hearing.

Clerk read motion: That the Council of the City of Reynoldsburg does hereby support the Letter of Intent signed by the Mayor on March 22, 2007, which reflects the basic terms under which the YMCA of Central Ohio would partner with the City of Reynoldsburg to develop a community recreation center which would be chartered as a YMCA and operated by the YMCA of Central Ohio.- - -Mr. Stearns moved adoption. Mr. Clemens seconded. All voted "Aye". Motion passed.

AN ORDINANCE ACCEPTING THE ANNEXATION OF 0.65+/- ACRES, LOCATED IN TRURO TOWNSHIP TO THE CITY OF REYNOLDSBURG BY DAVID AND SHARON BLACK. (DUSTIN L. KELLER, AGENT FOR PETITIONERS) AND DECLARING AN EMERGENCY- - -Clerk read ordinance by title for the one required reading.

Mrs. Black: I'm Sharon Black. I live at 6946 Blackoak Drive. And we own the property on 7720 East Main. We'd like to sell our property. We've been trying for about 2 years. And Dustin Keller had a petition to annex into the city. But he became frustrated because he couldn't buy the property. The bank wouldn't give him the money. We thought we jumped through all the hoops, got an EPA inspection, and that was extremely expensive, but we did it. And so we thought we were all done. And then the bank said, you have to have city sewer and water. So we don't know how to do that. The bank wants it. And the property is like, I think 7/8 Truro Township and 1/8 Reynoldsburg. And so my husband talked to the attorney, I don't know if he's here but, he said that we want to know, can we buy city sewer and water on our Reynoldsburg property? The part that we own? I don't know. And then tap into it on the Truro Township part. Or do we have to annex? Would it be good if we annexed? I have no idea. And my husband's in school. He's the one who's supposed to be doing this, but you're stuck with me. So we want to know, is it to our advantage to annex? To try to annex in? Why would we want to? Would you help us get sewer and water?

Mr. Hills: I see Mr. Hood standing up. Let's see what he has to say. Mr. Hood is our City Attorney.

Mr. Hood: Thank you, President Hills. The reason I am recommending that this annexation petition be rejected is because this was, the annexation petition was not signed by the owners of the real estate, Mrs. Black and Mr. Black. It was signed by the agent for them, Dustin Keller. The Resolution that has been included, the Resolution by the Franklin County Commissioners that was included in your packet, has an oversight in it. And it says very plainly in the Resolution that it was signed by the owner of the real estate property. That is an oversight. It was not done. Therefore, I'm recommending that you reject the petition for annexation as being improper and not in compliance with the Ohio Revised Code.

Secondly, I spoke to Mr. Black. We spoke about easements regarding the placement of utilities, the water and the sewer, but I have not discussed with him yet about whether or not we can extend those services without annexing into the city. He may have spoken to my assistant; I was in a meeting about some sewer issues going on in the city around 4:00, and I did have a message from Mr. Black. I just haven't spoke to him myself yet. So, but that's an avenue we can explore. But for those reasons I stated earlier, that's why I'm recommending to the full Council that this petition be rejected.

Mr. Hills: Okay, Mrs. Black. Did you have any comments you wanted to make?

Mrs. Black: If we annexed into the city, would we be able to get sewer and water?

Mr. Hills: Those are questions, I think you're going to have to spend some more time with Mr. Hood and our Safety/Service Director to answer all those. And I think, we want to be sure what Mr. Hood is saying, it appears, and what the county also indicates is that Dustin Keller is the one that came in and applied for this.

Mrs. Black: Right.

Mr. Hills: And as Mr. Hood has said, he's not a proper party to this annexation.

Mrs. Black: Right.

Mr. Hills: So I think that certainly, this annexation may start over. I don't know that I would file that until you've had some discussions with the City Attorney and the Safety/Service Director to find out where it is and get some answers to those specific questions. I'm sure Mr., well I'm not sure, but it would appear to me that Mr. Keller must have been leasing the place from you.

Mrs. Black: Right. He did, with an intent to buy.

Mr. Hills: And I'm not sure he had all the details he needed at the time that they started annexation forward. If so, you would have signed it rather than Mr. Keller I believe.

Mrs. Black: Right. Well, I'm just not sure if there's an advantage to annexing. I don't know.

Mr. Hills: There may not be. I think Mr. Hood, I saw him jump up again.

Mr. Hood: Well, we can speak about this after the meeting, ma'am. The City Council did do what we call a Resolution of Services that we would offer you should we accept the annexation. It does include water and sewer. Because of the defect in the annexation process, I'm recommending to the Council that they reject this. And we can start, and you, if you choose, and your husband, can choose to start it over. And we will do another Resolution of Services for that property, we would offer. And then it would be up to City Council once again, to either accept or reject the annexation. But this is something that you and I can speak about after the meeting. Because the only thing on the agenda today, this evening, is whether or not they're going to accept the annexation or not.

Mrs. Black: Are you the person I would get with about all the technical questions?

Mr. Hood: I can get you to the people you need to talk to.

Mrs. Black: Okay.

Mr. Hood: I'm the City Attorney, but....

Mrs. Black: I really didn't want to come today. I left many messages saying, I think this could probably get taken care of, you know, not here, but you know, just on a phone call. Because I really didn't want to waste your time.

Mr. Hills: Well I'm not sure it could be a phone, the problem is, it probably is more than a phone call. Because I think, trying to simplify this, the applicant that applied for the annexation probably didn't have the authority to do that.

Mrs. Black: Right.

Mr. Hills: And so that puts it in front of us as an invalid application for annexation.

Mrs. Black: Right. I'm okay if you'd reject that. I'm not sure I even want it.

Mr. Hills: It's going to go forward for a vote as to whether it's going to be. And we always send, I'll explain this at the same time, normally we send items forward in a positive. So that's why we're sending this forward as accepting. Then the votes will be, if Council wants to agree with what the recommendation was for an annexation, they would vote "Nay". If they want it annexed, they would vote "Aye". We've been advised by the City Attorney, it's not really in a position that we can even annex it because it's an improper application. So our hands are a little bit tied.

Mrs. Black: That's fine. I'm okay with that. I kind of just want to know what to do. If you reject this I want to know, what do I do?

Mr. Hills: That's when you need to get with Mr. Hood and let's get some answers to those questions that you have.

Mrs. Black: Okay. That would help.

Mr. Hills: Because I think, procedurally you probably have most of the stuff. It's just like, somebody signs a check that didn't have authority to sign the check is sort of where we are.

Mrs. Black: Right. It was a good thing. I mean, even though he was petitioning for it, if it was like a good thing, he would have had my blessing. But I didn't know what he was doing.

Mr. Hills: Well, and I think that, you're the property owner, and I think that Mr. Hood would always like to feel comfortable that the property owner does know what's being done with their property.

Mrs. Black: Okay.

Mr. Hills: Mr. Baxter, question?

Mr. Baxter: Mr. Hills, could we just send this back to committee until they got all the p's and q's worked out? And then they would have to be rejected or put back.

Mr. Hills: No. We have an application in front of us that's already been to the county, been back. And now the party that applied for it isn't here.

Mr. Baxter: It's potentially invalid. Okay. I understand.

Mr. Hills: And what our City Attorney has done is, this one doesn't have all the proper players in the document.

Mrs. Black: Well, I hope they reject it. I hope you guys reject it, because I don't even want to do it any way.

Mr. Hills: And that's true. Well, we're going to take a vote. And you'll know, as soon as she calls the roll, you'll know whether it is or isn't. But for clarity purposes, again, it came from committee with recommendation not to adopt. The wording comes up as accepting the annexation. So a "Nay" vote is agreeing with the committee not to adopt. And an "Aye" vote is to go forward with the annexation. Is there a motion?

Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Stearns "Nay"; Mr. Baxter "Nay"; Mr. Joseph "Nay"; Mr. Clemens "Nay"; Mrs. Newman "Nay"; Mrs. Shirey "Nay"; Mr. Stake "Nay". Motion failed; ordinance denied.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO PAY FINAL INVOICES REGARDING (1) Widening and Resurfacing S.R. 256 between the Marcus Theater entrance in the south, to a point north of Farmsbury Drive in the north; and (2) Livingston Avenue Bikepath that connects Huber Park to Blacklick Woods- -Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE AUTHORIZING INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF REYNOLDSBURG AND THE FRANKLIN COUNTY BOARD OF COMMISSIONERS REGARDING A SUB-GRANT AWARD FROM THE FRANKLIN COUNTY 9-1-1 WIRELESS FUND, AND APPROPRIATING FUNDS THEREFORE AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the second reading. Mr. Stake moved to amend the ordinance as redrafted 4-3-07 to include emergency language. Mr. Joseph seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mrs. Shirey seconded. With the roll called, members voted: Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea". Motion passed; Ordinance No. 22-07 adopted.

ORDINANCE ACCEPTING UNRECORDED GENERAL WARRANTY DEED FROM THE KROGER CO., an Ohio corporation (0.180 ac., N.W. Corner of Taylor Rd. & E. Main St.)- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING E.M.H.&T. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES RELATING TO THE FRENCH RUN FOOTBRIDGE EROSION PROTECTION PROJECT; AND APPROPRIATING FUNDS THEREFORE- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING E.M.H.&T. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES RELATING TO THE WIND RIVER DRIVE EROSION PROTECTION AT DYSAR DITCH; AND APPROPRIATING FUNDS THEREFORE- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING E.M.H.&T. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES RELATING TO THE GLENCREST STORM SEWER OUTLET AND DAWN DRIVE STORM SEWER PROJECT; AND APPROPRIATING FUNDS THEREFORE- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

Meeting adjourned at 8:00 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

(Minutes compiled/S. Lyday, Ass't. Clk. Council)