

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

April 5, 2004

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

Other member of Council present: Council President William L. Hills.

Mr. Beougher: I'll call Community Development to order at 8:03. The first item on the agenda is the approval of the minutes of the March 15, 2004 Community Development Committee meeting. Are there any changes to the minutes? (No response). Seeing none, they will stand as written. Are there any changes to tonight's agenda? I would like to make a motion to remove Item 1 (RYF football field) from Other Legislation since it's seen it's second anniversary and looks like it's not going anywhere. Is there a second? Mr. Baxter with the second. All in favor of amending the agenda, signify by saying aye. (All voted "Aye"). Any opposed? (No response). Motion carries.

The next item is the, Item 4, Amend 971.07, Scheduled Events and Activities of Chapter 971, Municipal Parks. And Mr. Walsh is here to talk to us.

Mr. Walsh: Good evening.

Mr. Beougher: Good evening.

Mr. Walsh: This should be concerning athletic field scheduling.

Mr. Beougher: Yes. That is correct.

Mr. Walsh: We schedule athletic fields in our department. Not just for Parks and Recreation purposes, but we also schedule them for other organizations and agencies that need to use them. We felt like it was necessary to create a policy that would help us to do that. We did run this through the Parks and Recreation Commission through a few meetings and they have approved it. And we would like to formalize the policy which we are currently operating under by bringing it to Council. The policy will help us provide accountability for the users including use and abuse of the facilities. Things like insurance and pricing. We continue to track our costs and evaluate the usage of our facilities and we've tried to set what we think are some fair pricing on this. It's fairly direct. And under one section (l) of this, it sort of talks about priorities and who gets what. Essentially, Parks and Recreation obviously gets the priority on scheduling the Parks and Recreation facilities followed by the schools. And then other Reynoldsburg organizations, then teams. This is basically what the schools do with us. When we want to use one of their facilities, we get priority right after them. And then other organizations. So we want to do the same things for the schools. So that's pretty much it if there's any questions.

Mr. Beougher: Any questions from members of the committee? I do have a question. When you talk about, okay lets, page 1, (l)(3), and you say "Reynoldsburg sports organizations utilizing the fields for Reynoldsburg teams including but not limited to RSA and RYF". Would it be prudent

to indicate that those organizations are non-profit organizations or 501C3's or something like that? I don't know that we'll have a for-profit sports organization coming to town. But I don't know. I mean, that's kind of why we're waiving the fee. And if somebody's here to make a profit, we shouldn't be waiving those fees I guess is my point. Is that something that we can look at?

Mr. Walsh: That's certainly a possibility. I can't honestly say I know of any _____ sport organization that makes money.

Mr. Beougher: Right. I understand.

Mr. Walsh: But we could certainly add language to that effect. We would want to investigate certainly these two that are listed as to what type of organization that they are and consider if there's going to be any other possible types (inaudible).

Mr. Beougher: I believe they're both organized as non-profit corporations and operating under IRS 501C3. So I think they would both be covered. And to kind of back that up, on the next page, you do say something about appropriate _____ sponsored by a for-profit company. You're charging them \$100 fee per day.

Mr. Walsh: Yeah. And we do occasionally, we will occasionally get requests like that. For example, a group may want to come in and run a soccer camp and invite either all Reynoldsburg kids or anyone from the area to come in and participate. And yeah, that would be a for-profit venture there.

Mr. Beougher: Okay. Any other questions? (No response). If not, this does not require an emergency. This is just policy arrangement and we're just going to send it forward for first reading and let it carry through the normal cycle. Is that correct? And you can get back to us on those questions by the next, well, we've got a while. In the next six weeks. I'd like to make a motion to send this forward to Council for a first reading next Monday. Is there a second? Mr. Stearns with the second. Any further discussion? (No response). All in favor, signify by saying aye. (All voted "Aye"). Any opposed? (No response). Motion carries.

The next item on the agenda is the Authorization of agreement with the Reynoldsburg Soccer Association. One of those 501C3's, to run the Civic Park Concession Stand. Mr. Walsh.

Mr. Walsh: Thank you. This agreement again, formalizes an agreement that we've had that's been verbal for a number of years prior to my becoming director. This basically puts it into writing of who is responsible for what. We have worked on this off and on for quite some time. We've had this go back and forth between our department and RSA for revisions. So we've had many, many drafts. And I think we're at the point where it's time that we can do something with it. Essentially, the basics of this is at the two year initial term that they would be able to operate the concession stand at Civic Park and that is extendable as long as everybody agrees to it for two additional years. We require that they have to be open not just for RSA programs and events, but also for Parks and Recreation programs and events. This is also non-exclusive that it is, there are others who we may authorize to sell concession type items in the park. I don't anticipate that

being the case, but if there are occasions when perhaps RSA might not want be open and we have other ways of doing it, we could allow that. So this is a non-exclusive agreement. And overall, this basically provides a nice service for the folks in the park if they want to grab a coke and some popcorn or a hot dog and watch their kids play. And of course we also have adult softball out there throughout the summer and I know they would like to use it as well. So again, this just formalizes what we've been doing over the year. Over the number of years.

Mr. Beougher: Any questions from the committee? Mr. Stake.

Mr. Stake: Thank you, Mr. Beougher. Mr. Walsh, I've visited the concession stand many times over the years. My kid's in baseball. I was just wondering if the City Attorney had a chance to review this agreement.

Mr. Walsh: Yes. He's reviewed it on a number of occasions.

Mr. Stake: Okay.

Mr. Walsh: And he has reviewed this draft.

Mr. Stake: Okay. Thank you.

Mr. Beougher: I did notice that RSI is identified as a non-profit corporation, or organization in here. And I did also note that they are required to have insurance. When we originally undertook the construction of the concession stand, there was some talk about them participating in that and they wanted a ten year lease and that didn't happen. We _____ ourselves, and so having a two year renewable lease seems appropriate. Any other discussion? (No response). If not, and this is also again on the normal track. I'd like to move to send this for first reading to Council next Monday night. Is there a second? Mr. Baxter with the second.

Mr. Baxter: Before we go to the motion Mr. Beougher, just a quick question. Does this prevent us from going into contract with other organizations if wish to do so? For that same concessions.
Mr. Walsh: Yes.

Mr. Baxter: Or are we only allowed to have the one contract with the Soccer Association?

Mr. Beougher: It's non-exclusive. So that means it's non-exclusive.

Mr. Walsh: You're talking about the use of the facility itself? We're giving them a license to use the building. If someone else wants to use it, typically the way I've handled these is, they need to talk with RSA. So if some organization says, hey we want to come in and run it for a little bit, then that's going to be up to RSA whether they want to share that or not. But of course they have to approve that through us. They can't sub-let this to someone else.

Mr. Baxter: So then you would not want to enter into another contract with another organization. You want to go through RSA.

Mr. Walsh: There is a clause in the contract as well that says that, indicates ways that either party would want to get out the _____ clauses. And if we were going to re-issue this to someone else, then we would have to do something like that, or they would have to come to us and say, we don't want to do this any more.

Mr. Baxter: The bottom line, you'd have only one contract. You wouldn't have two running simultaneously.

Mr. Walsh: I have no intention of doing that. Correct.

Mr. Baxter: Okay. That's what I wanted to hear.

Mr. Beougher: That would create a lot of security problems internal to the building that we're not equipped to handle at this point, having worked in the concession stand a few times. And I did make a motion. Is there a second? Mr. Stake with the second. And having said that I've worked in the concession stand, I should probably disclose that my son is a participant in the RSA program. I'm not a member of the board or have any fiduciary responsibility with the board or the organization. But in the interest of disclosure I just mentioned that. I just write the checks and work in the concession stand. Any further discussion? (No response). All in favor of sending this forward, please signify by saying aye. (All voted "Aye"). Motion carries.

Next item, Discussion of authorization of purchase of temporary construction easement and permanent easement for construction of bikeway (ONG) and appropriation of funds. Mr. Walsh again.

Mr. Walsh: This is the bikeway project that essentially will connect Huber Park to Blacklick Woods Metro Park. The project starts in Huber Park behind Spangler Field near Livingston Avenue and it travels to the south and under the bridge. But in order to get to the bridge, we have to cross the Ong property. So that's what this easement is for. One easement is a temporary easement for construction and the other easement is a permanent easement. Ohio Department of Transportation was the party responsible for negotiating getting the easements and they've done that. And the price for the permanent easement was \$6,130, and for the temporary easement it was \$370 for a total of \$6,500. They're asking for slightly more than that so we can take care of things like recording costs and such. The price is based on the fair market value of the land and the size that we've been taking. Also, Mrs. Ong has indicated to me, and had indicated to Phil Kiser prior to me that, once the property develops, and this is the property that's the northwest corner of 256 and Livingston Avenue, once that property develops, she wants to donate the one acre that is on the west side of the creek, which is on the park side of the creek which is not developable for her. So she would want to give us that. So we're looking forward to that some day when that property develops. But this currently will get us under way and get the bike path to the bridge to go under the bridge.

Mr. Beougher: Okay. Does that raise any questions with members of the committee? (No response). Quiet tonight. Okay. And this is listed as an emergency.

Mr. Walsh: Yes.

Mr. Beougher: We have a deadline to...

Mr. Walsh: We need to get payment made.

Mr. Beougher: Okay.

Mr. Walsh: This is one of these kind of short notice kind of things. The rules of easement negotiation according to ODOT, and there must be a bible that has ODOT's name on it I'm sure. But they tell us that they're responsible for doing these and then we need to turn around and make sure that payments get made. So that's what we're asking.

Mr. Beougher: Okay. Mr. Stake.

Mr. Stake: Thank you, Mr. Beougher. I just have one question for Mr. Whitney, the Auditor. Are we okay appropriating that money from that fund?

Mr. Whitney: (Inaudible).

Mr. Stake: Okay. Thank you.

Mr. Beougher: Okay. It seems like one of the first things I did when I was appointed to Council four years ago was, the planning for this project. So it's taken a long time so let's get it done. I'd like to make a motion to move this forward to Council for adoption as an emergency and refer it to Finance for appropriation. Is there a second? Mr. Clemens with the second. Any further discussion? (No response). All in favor, signify by saying aye. (All voted "Aye"). Any opposed? (No response). Motion carries.

And with that, I will adjourn Community Development at 8:17

Community Development Committee

- - -Susie Smith, Assistant Clerk of Council

(Transcribed - Susie Smith)

April 5, 2004

SAFETY COMMITTEE MEETING MINUTES

April 5, 2004

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

Other member of Council present: Council President William L. Hills

Mr. Clemens: I'd like to call the Safety Committee meeting to order at 8:18. The first item on the agenda is the approval of the minutes of March 15, 2004 Safety Committee meeting. Do I have any amendments to it? (No response). If not, they'll stand approved. The next item, approval of the agenda. Are there any additions or deletions? If not, they'll stand approved.

Item number 4, Authorization of maintenance contract for police building security and fire detection systems and to waive competitive bidding. Chief Miller.

Chief Miller: Thank you, Mr. Clemens. Good evening. Before you is a piece of legislation asking for approval of a service agreement for the multiple security systems that are installed in the police facility. If you'll recall, we moved into the building in November of 2001. All of that equipment had for the most part, a years warranty agreement on it. And so we managed to make it through most of 2002 working under warranty. In 2003, we had an agreement, and I believe you'd been given a copy of that, that was proposed by the company that installed the equipment. And it was very expensive, and due to the newness of the equipment, and due to the cost, and due to the current fiscal, or the fiscal situation that was occurring in 2003, the decision was made not to enter into that agreement. We are now in 2004 and over the course of the last two years have been working with a company that you see before you that has given us a bid on, a three year bid essentially that just takes us just slightly over the \$10,000 limit. And we are asking you to approve it and obviously to waive competitive bidding. Let me say one thing. One of the things that we all need to understand is that every year, regardless of whether or not you would approve this contract, we have a minimum \$2,000 investment, or cost that's going to go out in terms of inspecting the fire safety system. So Viper would be able to cover that \$2,000 plus the rest of the systems in the building. And that includes the audio/video system that is throughout the building. So like the cameras that are in the jail area, the cameras that are on the outside of the building, it includes that area. It includes the touch screen monitor that is in the dispatch area that controls all of the locking mechanisms in the jail area and throughout the building. And it also controls the views of the cameras that are brought up in the dispatch room. And all of the touch pads that allow access in and out of the building that we use the cards for. All of that is controlled. We are into our third year in the building. And our biggest concern is that, with proper programmed maintenance, the systems will last and will be effective and should hopefully keep running as they're supposed to. But that's with programmed maintenance. This is a company that both Mr. Smather's, our Network Administrator, and Mr. Taggart, Building Maintenance have worked with and they would recommend your serious consideration. And they're here to answer any specific questions. Do you have any questions?

Mr. Clemens: Are there any questions for Chief Miller?

Mr. Baxter: I just have one.

Mr. Clemens: Yes, Mr. Baxter.

Mr. Baxter: Mr. Clemens, have we had service calls already placed to a company to look at it within the last year? I know we haven't had contractors you said. But were you required to have anybody come out and look at any equipment or repair anything?

Chief Miller: We are mandated by state law to have the fire system inspected. And that's where you see there's been a \$2,000, maybe just under \$2,200 for that. We've also in 2003, had approximately 24, \$2500 in expenses for the company that installed the equipment to come out and take a look at some issues.

Mr. Baxter: And under maintenance, those would be covered.

Chief Miller: So for example, in 2003 we had approximately \$4500 in costs for maintenance.

Mr. Baxter: And those would have been covered charges if under maintenance.

Chief Miller: Yes.

Mr. Baxter: Okay. Thank you, Chief Miller.

Mr. Clemens: Chief, I have a question. Not so much on the \$12,000 but on the next section, "The service contract for three years following the above listed is projected to cost \$10,000 per year subject to other variables". Then it's got an asterisk, "This bid is subject to changes that are not listed above in the scope or work". I don't necessarily like that because the cost could be anything to be honest with you. I mean 10,000 is just projected cost. I have no problem with the 12,000 but I don't know whether I want to tie something to something that we have really no idea what the cost is going to be.

Chief Miller: Well if it exceeds the service agreement, and the scope of work is as described here, then yes, it might cost more. We found, today...

Mr. Clemens: What I'm trying to say is, and that's fine, projected cost of 10,000, but it says it's bid is subject to changes that are not listed above and in the scope of work. If we start making changes, we could increase that 10,000 to 12,000 or 13,000. That's what I'm kind of thinking about.

Chief Miller: Well, if you're suggesting that we would unilaterally change the scope of work, I could not do that. Because you're approving this scope of work in your legislation.

Mr. Clemens: Because I don't want to get above that 10,000 for the next three years is what it is.

Chief Miller: Neither do I.

Mr. Clemens: I don't either. I mean, because we're waiving, waiving the bid and I just don't want to, are there any other questions for the Chief? Mr. Stearns.

Mr. Stearns: Thank you, Mr. Clemens. Chief, have any other vendors been contacted as far as just getting a rough idea as of what their contract would be?

Chief Miller: No. We have not. This is a company that has stepped forward and done business for us. And one of the things that we discover, not discover, I mean, every time we get into a situation where we have a major outlay for equipment that needs ongoing service, ongoing service is the biggest issue for companies. The quality of service and to date, this company has done very well. The one that we're suggesting. And they have a good working relationship with Mr. Smathers and Mr. Taggart.

Mr. Clemens: Are there any other questions for Chief Miller? Mr. Beougher.

Mr. Beougher: Yeah. Mel, I just want to point out that even if it goes up to 12 or 13,000, we're still less than 26. I mean, you're still about half the cost of the original installer. And I've had some issues with the original installer myself and I would ask the Chief, Viper is an authorized service agent for all of the products that were installed?

Mr. Taggart: Yes.

Mr. Beougher: That's it?

Mr. Clemens: Mr. Hills.

Mr. Hills: Mel, if I could ask a question. Mr. Beougher, unless I've misheard, the 26,000 or 30,000 or whatever it was that the installer offers for a contract, we did not execute. We did not pay them for that year.

Chief Miller: We did not pay that. No.

Mr. Hills: So we didn't pay anything for that. But from what I'm gathering from what you're saying here, warranty went through roughly 11-02.

Chief Miller: Yes.

Mr. Hills: And in '03, we expended about \$4500.

Chief Miller: Yes.

Mr. Hills: In the maintenance and repair of that equipment.

Chief Miller: Well, not in the maintenance. About 2100 in the maintenance and inspection of the fire system. And then about 2400 for the rest of the systems.

Mr. Hills: For the rest of the systems. And so we've had actual costs in '03 of approximately 4500. And you're asking us to enter into a contract for 12,000.

Chief Miller: Right.

Mr. Hills: In '04, of where we have expenses of 4500 in '03. Is there, do we think it's, where are we going to save money by entering into a contract for 12,000 if all of our costs have been, our highest year costs have been 4500? Is this because we're looking at this equipment is going to start to fail? But when I read this, if the parts fail, we still pay for the parts. Correct?

Chief Miller: Yes.

Mr. Hills: I mean, nobody's going to give us free parts.

Chief Miller: No.

Mr. Hills: We've just got a body coming out here twice a year to do this, check on things, or when something breaks, they'll come out to fix it. And I assume their labor is in this 12,000. Is that correct?

Chief Miller: Yes.

Mr. Hills: So I'm hearing Mr. Taggart. So are we going to have things start breaking down in '04? Do we anticipate that? Is that why we go into a contract?

Chief Miller: We're an emergency service organization. Yes. I'm concerned about the equipment being down for any length of time and not having a maintenance agreement on it. Especially in the jail area. And I'll give you, let me say two examples. We had a night one night where the magnetic lock on the front door of the police department locked. And we couldn't get it unlocked. Which meant people who wanted to access the police building could not get in. Now, the company came out and we got it fixed.

Mr. Hills: And that was in the \$4500 we paid.

Chief Miller: Yes. Yes. When something, it's an insurance policy.

Mr. Hills: Thank you, Mr. Clemens.

Mr. Beougher: And I will attest that as the equipment ages, it will start breaking down more often and there will be door adjustments and all kinds of things will begin to happen. So at some point we'll probably reach that break even point. But as you say, it's an insurance policy.

Mr. Clemens: Are there any other questions for Chief Miller? (No response). My only question is, of course if you think the 12,000 for this year, and I agree with Bill, that seems high compared to what we've been doing. I hate to tie us in for three years for 10,000, 10,000, 10,000. I'd kind of like to see how it came out this year. If we don't have much service on it this year, we could consider it again next year. I'll move this on though for first reading then we can talk about it and discuss it a little bit more. So I'd like to move this to Council for a first reading. Do I have a second? Second by Mr. Beougher. All in favor, say aye. (All voting voted "Aye". Mr. Stake refrained from voting). Thank you, Chief.

Chief Miller: Thank you.

Mr. Clemens: The next item on the agenda, Appropriation for State Route 256 widening I-70 exit ramps. Mrs. Reichard.

Mrs. Reichard: Thank you, Mr. Clemens. Members of Council. This is the project that got stopped last year when Pickerington would not participate with us at 256 and 70 which also includes a light at Farmsbury and some modifications to the lanes at 256 and 70. It is our understanding at this point that this has been, the Service Committee in Pickerington has sent this to their Council with a recommendation for adoption. It is also my understanding that tomorrow night is when they will address the issue. So we're bringing this back. I've been working with MORPC and ODOT to move this forward. We do not need the legislation, the resolution that we passed last year, ODOT says works. We don't need to do anything more. All we need to do is appropriate the money. What I'm asking for tonight, well first of all you will recall, we appropriated the money and then we unappropriated the money and put it back in the unappropriated Capital Improvements Fund which is where this would come back from. That it just go on, it just be sent to Council for a first reading because we really need to wait and see what Pickerington's going to do tomorrow night to see if they pass this legislation on and then we can do whatever is necessary which would probably be an emergency.

Mr. Clemens: Do you know the amount of money we need to appropriate? I don't have that in front of me.

Mrs. Reichard: \$308,000.

Mr. Clemens: 308?

Mrs. Reichard: Yes. 308. That hasn't changed. Yeah.

Mr. Clemens: Alright. Are there any questions for Mrs. Reichard? Mr. Baxter first.

Mr. Baxter: Do we still have the funds available for this?

Mrs. Reichard: Yes. We just put them back in. Now we're going to take them back out again.

Mr. Baxter: They're still there though?

Mrs. Reichard: They're still there.

Mr. Baxter: Okay.

Mr. Clemens: Mr. Stearns.

Mr. Stearns: Yes. Thank you, Mr. Clemens. Are these matching funds? Will Pickerington be paying the same amount or will theirs be different?

Mrs. Reichard: No actually MORPC's picking up 150,000 of Pickerington's part. It was the only way they could get them to participate in the project.

Mr. Stearns: Why's that?

Mrs. Reichard: I'm sorry sir. I can't answer that.

Mr. Clemens: They turned it down the first time. Mr. Hills.

Mr. Hills: Yeah. This is a been there done that.

Mr. Clemens: That's right.

Mr. Hills: Mr. Stearns, if I could help. The reason that our number is 308 is because it consists of the paving and widening costs of 256 and the installation of a stop light. And it's ODOT's estimate of the cost is 308. I believe Pickerington's costs at one time were 230.

Mrs. Reichard: Yes.

Mr. Hills: Of which they were not able to, their vote of their Council indicated they were not able to do it last time. And now the reason it's different is they have less road to widen and so it's an estimate of what costs it's going to cost ODOT to improve in the corporate boundary of Pickerington. And that's why it's different. And Pickerington, and I think at our request, I think Reynoldsburg also requested of MORPC, if you can help Pickerington, help Pickerington. Because all cities derive a benefit from doing this. But why the initial cost was less is because there's less work ODOT has to do in Pickerington than what Reynoldsburg needs to do in here. ODOT's taking care of everything within so many feet of I-70 in their jurisdiction. And then as it goes into the cities, each goes to their own cost and Pickerington is just fortunate enough that somebody is going to pay about 75% of theirs. But if that makes it happen, I think both Reynoldsburg, Columbus, Pickerington, and Pataskala and everybody else that travels 256 and 70 would benefit from it. If that helps at all to answer your question.

Mr. Stearns: (Inaudible).

Mr. Clemens: Are there any other questions for Mrs. Reichard on this subject?

Mr. Gilbert: Thank you, Mr. Clemens. Mrs. Reichard, if Pickerington approves this, do you know, is there a tentative time frame for the project to begin?

Mrs. Reichard: It is going to be, as my understanding that it will be done in the '05 fiscal year which begins July 1. So we're hoping it's going to be done this summer.

Mr. Gilbert: The only reason I ask is, the need for the traffic signalization at Farmsbury _____ and I'm well aware of it with it being in Ward III and the problems we've had at that intersection. If there's some delay on that, I'd like Council, for some reason Pickerington doesn't go along with this or the project doesn't move forward, ultimately I would like to see us take a look at least putting the signalization in there in the meantime as a safety measure for the residents that have to go out and turn left or right on to 256 as a backup.

Mrs. Reichard: I would agree but for more than just that safety at that intersection. I think we can,

those lights can be timed as such that we can hold some of that traffic and relieve some of the congestion in front of the shopping center and on to 70. I'm supposed to receive a call from Mr. Lawler on, Bob Lawler from MORPC on Wednesday morning at the disposition of what happens with Pickerington on Tuesday evening.

Mr. Gilbert: Okay. Thank you, Mr. Clemens.

Mr. Clemens: Any other questions for Mrs. Reichard? (No response). If not, I'd like to appropriate \$308,000 for this project and send it to the Finance Committee. Do I have a second? Second by Mr. Gilbert. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you, Sharon.

The next item on the agenda is the request that City Council accept the Final Resolution for rehabbing of .77 miles on Main Street, US Route 40 as indicated within these plans by means of planning, signal upgrades, resurfacing the curb repair lying within the City of Reynoldsburg and to transfer \$87,990 from the CIP Fund to the Streetscape Fund 440 and appropriate to the account of 440.001.5659. Mrs. Reichard.

Mrs. Reichard: Thank you, Mr. Clemens. There's been a lot of discussion over the last 10 days about this ordinance and the amount of money that is in the Brice/Main Streetscape Fund. I think most of you will recall that once the monies were appropriated for the sale of the bonds, and the transfer of the dollars, etc. that we heard from both AEP and SBC substantial increase and the cost of their portion of the project. Consequently I think what's happened, because as when we went to look for this 87,990, it was, at first it seemed to have disappeared, but I think it got swallowed up by some of those larger contracts that we were not anticipating. So in talking with the Auditor, and talking with the Mayor, and with Mr. Stake, and with Mr. Hills, I have really been looking into this. And what I would like to suggest tonight is, that we just move the legislation forward without the appropriation. We take the money, we reduce one of the PO's to either AEP, either AEP or SBC because those bills, especially for SBC, we don't even know when that's going to come in, and address the issue at that time with the appropriate piece of the project. The money was put into the fund. \$100,000 was put into the fund of permissive tax to cover this. And I think what's happened is, it's gotten lost in the shuffle. And so what I'm saying to you is, we have money in the fund to cover this at this point. Now when the AEP and SBC bills come in, if they come in as high as we think they're going to, which would take us over the original appropriation that you all did at the beginning of this project, we address it at that time with perhaps money from the unappropriated CIP Fund. But as we know, permissive tax is for rebuilding the roads and for maintaining the roads. The money was put in for that and I think it ought to come out for that. So with all of that said, this would not be an appropriation. What it would be is a passage of the Final Resolution that you see attached to the legislative request.

Mr. Clemens: Remove the appropriation.

Mrs. Reichard: That is correct.

Mr. Clemens: Are there any questions for Mrs. Reichard? Mr. Hills.

Mr. Hills: Mrs. Reichard, I think that's a great suggestion. I think certainly there was \$100,000 put into that bowl of vegetable soup. And as I try to explain to somebody, the green beans were supposed to be the repaving and the peas and corns were AEP. But what happened is the green beans got mixed in with the peas and corn. And I think unmixing those are just fine but the \$100,000 didn't I don't believe, came out of permissive tax. That came out of the Street Department in their paving. I don't believe it's permissive tax. We can check the ordinance that we did. But it wasn't, we didn't actually go to the permissive tax fund which must be used. We had moved the 100,000 out. But I absolutely think that using the funds that are currently available in our Street Fund account until those funds are exhausted will give us a much better track record of what were our actual cost in the project and how much do we have to kick in at the end. Because everybody will squirm at that time. But at least we're going to squirm only once and not four or five times as we go through it. So I think it sounds real good. And I greatly appreciate the fact that we're, this is where we intended.

Mr. Clemens: I think that's a good suggestion, Bill. I think we learnt our lesson, should have learnt our lesson the Safety Building by doing that. I think it's best to do it at the end and not try to pick up in the middle and never know where it's at.

Mrs. Reichard: Well it certainly helps us track the funds and what went where.

Mr. Clemens: Mrs. Frazier.

Mrs. Frazier: On the Final Resolution, I think you want to keep the reference into the 87 whatever it is. If we were going to appropriate money, we'd need a separate clause. But I think that only just says that that money, that's what you're spending and that's our part. I don't think you want to take that out of there. Okay?

Mrs. Reichard: Right. Thank you. Thank you for clarifying that, Nancy.

Mrs. Frazier: So what you've got in front of you Mel, that's what you're sending on.

Mrs. Reichard: Yeah. We cannot make any changes to this Final Resolution at all. So it goes as is.

Mrs. Frazier: Well, actually you can. You can't make any changes to your contract or any of those other documents that you got, but if we were going to appropriate the money from CIP, we would have added a clause. But this is just referencing that money, so you want to leave what's written there in. Okay?

Mrs. Reichard: Yes. Thank you.

Mr. Hills: Mrs. Frazier will take care of that by next Monday.

Mrs. Reichard: Indeed.

Mr. Clemens: Any how, whatever Mrs. Frazier said...

Mrs. Reichard: Well this would also need an emergency clause because it would have to be in effect by May 7 and downtown.

Mr. Clemens: And we could have it in our packet so we could see it on a Thursday. We get it on a Friday.

Mr. Hills: Another way of looking at it, it means the green beans can't get mixed with the corn and peas again. Because we just locked it in now and it's supposed to be _____.

Mr. Clemens: Well, I'll make a motion we pass something that's going to be done and to us by Mrs. Frazier and we'll see what the surprise is in our packet Friday. But any how, I'll make a motion that we send this to Council as an emergency. Sharon, didn't you say?

Mr. Baxter: Mel.

Mr. Gilbert: It's a resolution.

Mr. Baxter: It's a resolution. Yeah. Just one quick question before you get there. Are we going to go try to find the green beans?

Mr. Clemens: I don't care whether it's potatoes or what it is. I'm sure it will be worked out. This is just something that we have to get done.

Mr. Baxter: It's just, you're going to go back and try to find those missing funds though.

Mrs. Reichard: Well, they're not missing. They're just fuzzy right now. But they're all there.

Mr. Hills: If it helps just briefly, we worked very hard as we did this project to get our best idea of what all the estimates were. And we put them all together and we saw where we needed bonds, where we could move monies in. One place to move monies in was our portion. The paving of Main Street is a half million dollar project. Our portion's just a little under \$100,000. And we had moved that over. Now what did happen once we said, okay this is the money and this is how much we're going to bond, there were a couple of estimates from utility suppliers that when the bid came in, it was double the estimate. So all of a sudden when you didn't have any cushion in there, you're coming in to a deficiency. And so what happened here, that \$100,000 is there. It wasn't so specifically earmarked for the street that when a utility comes in and says, I need a PO for this amount of money, there was enough money in there to do it. But as we look at it now, you just shifted some of our street money which, probably the green beans is a bad example but, some of the street money went over and was earmarked by ordinance or by PO to somebody else. And a better way to do that is put it back in the streets, let the PO work itself out if we have a problem with money. All of the money is, Mrs. Reichard and I have decided that she says it's going to come in under cost and I still say it won't.

Mrs. Reichard: No. No. No. No. I said specifically the construction contract is going to come in under funded. Only that one.

Mr. Hills: The money is in the account and now has been really earmarked and specifically by this resolution is now going to go to ODOT to pay them their portion.

Mr. Baxter: Thanks for the _____.

Mr. Clemens: Are there any other questions for Mrs. Reichard? If not, we'll have this resolved and it'll be in your packet Friday. I'd like to make a motion that we approve this, send it to Council. Second by Mr. Gilbert. All in favor, say aye. (All voted "Aye"). Opposed? (No response).

Item number 7, Ordinance to amend the Code of Ordinance of the City of Reynoldsburg, Ohio, Amendment of Chapter 751, Home Sales by addition of Section 751.05 "Spring Clean-up period". It had its second reading 3-22-04. Are there any questions for Mrs. Reichard on this? Mr. Beougher.

Mr. Beougher: Thank you, Mr. Clemens. Sharon, I took a look at the last three years worth of ordinances, or motions and it looks like each of those three years we were working on the first through the second weekend of June which is sandwiched conveniently between Memorial Day and Father's Day. Is there any way we could maybe move this ahead a week to fit that same time frame once we put it into effect forever?

Mrs. Reichard: So you're talking about the first weekend through the second weekend of June.

Mr. Beougher: Yeah. And I think the ten day period started on a Friday if I'm not mistaken. So maybe we'll say the first Friday of the month of June extending for a ten day period. Some language to that effect. That way it keeps it clear of Father's Day and graduation's on a Tuesday anyway so we probably wouldn't have too many yard sales. But we'll have parties and yard sales competing but that's not everybody in the city.

Mrs. Reichard: Since what I'm looking for is consistency, whatever your wish, that's what we'll make it.

Mr. Hills: The first Friday in June to the second Sunday in June? Is that what you're suggesting?

Mrs. Reichard: That's the way it would work.

Mr. Beougher: I would just say for a ten day period. Because it could be the third Sunday in June I think.

Mrs. Reichard: Nope. Not if you have the first Friday.

Mr. Beougher: Yeah. You're right.

Mrs. Reichard: Its' followed by the first Sunday.

Mr. Beougher: You're right. Okay.

Mrs. Reichard: So through the second Sunday?

Mr. Hills: I think the first Friday to the second Sunday would always be in roughly a ten day period.

Mrs. Reichard: How's that work?

Mr. Beougher: What if the first day of the month was a Sunday?

Mrs. Reichard: Well then the first Friday would be the following week.

Mr. Hills: You wouldn't have the first Friday until after that.

Mrs. Reichard: It's complicated.

Mr. Beougher: Right. Which would make the end date the third Sunday.

Mrs. Reichard: That's correct.

Mr. Beougher: So I would say the first Friday for a ten day period and we're done.

Mrs. Reichard: Okay. The first Friday for the next ten days.

Mr. Clemens: That's the first Friday in June for a ten day period.

Mrs. Reichard: Okay. Works for me.

Mr. Clemens: Would you like to amend that at this Council? (Inaudible). Mr. Beougher has made an amendment to change it to the first Friday in June for a ten day period. Do we have a second? Second by Mr. Gilbert. All in favor, say aye. (All voted "Aye"). The amendment's passed. Are there any other questions for Mrs. Reichard?

Mrs. Reichard: Let me just say this, Brett Luzader has been working with Swaco to get our hazardous waste pickup during that same period and get it advertised. Be advertised like a year before. This year it is going to be October 9. Saturday, October 9. So, and we're also trying to, as we work on that and I think most of you know, June there's a lot of baseball games etc. going on over at Huber Park, and if we take the park for that weekend, and that's essentially what we do when we have the hazardous waste pickup, it takes the kids out of the park. And so Paul and I have been talking about perhaps moving this hazardous waste pickup to another location. Perhaps some business like K Mart parking lot or something. We're going to be looking around

to see, and it also gets it more out in the open and shows the folks what we're doing. So Paul has been working with me to seek other places that we might hold this event. So I just thought I would let you know what was going on behind the scenes.

Mr. Beougher: There's nothing going on at the post office on Saturday. Right? Just kidding.

Mrs. Reichard: Yeah, right.

Mr. Clemens: Thank you, Sharon. I'd like to send this to Council for its third reading for adoption. Do I have a second? Second by Mr. Beougher. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

That ends the Safety Committee meeting at 8:50.

Safety Committee
- - -Susie Smith, Assistant Clerk of Council
(Transcribed - Susie Smith)
April 5, 2004

SERVICE COMMITTEE MEETING MINUTES April 5, 2004

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

Mr. Gilbert: I'll call the Service Committee meeting to order at 8:50 p.m. The second item on the agenda is the approval of the minutes of the March 15, 2004 Service Committee meeting. Are there any additions or deletions to those minutes? (No response). None being heard, they'll stand as read. Item number 3 is the approval of the agenda. (Tape Change). Truro Township for 3.2 acres more or less, applicant Paul F. Smith. We'll make that Item 3a.

I apologize to the members for not having this in your packets Friday but it is a standard annexation where we would need to if Mrs. Frazier or Mrs. Smith could help me. We need to request for a Resolution of services provided back to us prior to the next committee meeting. Is that correct?

Mrs. Frazier: As soon as we can get it.

Mr. Gilbert: Okay. As soon as they can be provided. Are there any questions or comments on this at this point? My intent is just to forward this to Council for its first reading. It will be back in committee for additional discussion if you have any questions at that time. I'll make a motion that we forward this to Council for its first reading. 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 4 is Amendment to Chapter 960 of our Storm Water Regulations to add Section 960.03, Illicit Discharge and Obstruction of the Separate Storm Sewer System. Mr. Ward is here from our Street Department and oversees our Storm Water Department. And hopefully your visit for this committee meeting will be a little less eventful than your visit to our last committee meeting.

Mr. Ward: Yes, sir. Good evening. This is an ordinance we've been working with our engineers, EMH&T, and it's all part of the requirements for EPA Permit for Phase 2 of our Storm Water Program. I spoke with Mr. Underwood. He looked it over and had no problems with it. Unfortunately he's out of town tonight. But the language was put together by EMH&T, so we just need it passed to have it codified and be part of our regulations to prohibit illegal dumping into

the creeks and the water ways or any obstructions. So again, it's all part of the EPA requirements. Correct. Does this raise any questions or comments from members of Council at this time? (No response). There was no check mark beside the rule suspension or emergency so I'm assuming this...

Mr. Ward: This could go for three readings.

Mr. Gilbert: The three readings. So we'll have two additional opportunities for discussion on this item. Any questions or comments from members of Service at this time? (No response). None being heard, I'll make a motion that we forward this to Council for its first reading. Do I have a second? Mr. Stearns with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

This will be Mr. Ward again. Item number 5 is to Amend Chapter, additional amendment to Chapter 960, to include MS4 in the definition of Municipal Separate Storm Sewer System to add a definition for "Harmful Quantity" which I'm sure you'll help us to understand here this evening, Mr. Ward. Go ahead.

Mr. Ward: Again, this is part of the, to clarify some language. MS4 is an acronym that's used quite a bit for, instead of having to say Municipal Separate Storm Water Sewer System. So we just want to add that in the definition because it is used a lot in dealing with other ordinances and other language with our Storm Water Program. The harmful quantity, it's in the ordinance that we just discussed a moment ago. So it's to clarify some language there. There's maybe a little bit of gray area, but what it's for is to distinguish between someone dumping a wheel barrel full of leaves into the creek versus someone dumping that quantity of oil or a hazard chemical. So it would depend on the substance being dumped to decide whether or not it was harmful. We just needed that in to clarify that.

Mr. Gilbert: And we already have a definition of harmful in our code I would imagine. Mr. Parkinson? Well, Ms. Keefer's not here. I can ask her that later. Does this raise any questions from members of Service at this time? Mr. Beougher.

Mr. Beougher: So we're adding both definitions? We're adding harmful quantity? I mean the definition here is pretty nebulous. "Any amount of a substance which is injurious to health, animals, vegetation, or other property". By who's, who's the judge of that? I mean, I'm sure the EPA is. Right?

Mr. Ward: The ultimate judge. Yes.

Mr. Beougher: Yeah. Judge and jury. Right? Okay.

Mr. Gilbert: That might be a good question for Mr. Underwood when he returns because it reminds me of the term "noxious vegetation". Wouldn't you say? (Inaudible).

Mr. Beougher: Okay. Thank you.

Mr. Gilbert: So we'll save that for him. Any other questions or comments from members of Council? (No response). None being heard, I will make a motion that we forward this to Council for its first reading. Do I have a second? Mr. Stake with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 6 is a Discussion of our Solid Waste Fund. I would just note briefly that in the fall of 2003, Mr. Clemens had provided some research to me in regards to our refuse collections in the Solid Waste Fund. After an analysis of this information from the Solid Waste Fund, we realized that these funds had not been fully utilized since their inception in 1995. And when taking into consideration, the limitation placed on the use of these dollars, the minimal amount of cost for the administration of this fund in the absence of, or temporary delay in regards to the allocation of these funds for a specific use, we had brought forward the concept of putting these funds to use by providing payment for at this time, a quarter of our residents refuse collection fees. Which the figures provided to me by the Water Waste Water Division estimates the cost at \$325,000. Which I would ask that this ordinance requesting that these funds be utilized for the payment of the third quarter billing cycle for the refuse collection. Which my understanding in talking with Janet in that department, begins in July, August, and September, 2004. The city's broken up into three billing blocks and we had our first cycle begin the first of January. The second began I believe, the first of April. And this would take place for the third billing cycle which would begin in July. And the department had assured me that this could be done at minimal administrative cost. The figure provided to me was \$400 or below. And that is the motion that I have on the table, that I'll put on the table this evening, to create an ordinance for next Monday's Council meeting provided that these funds in the Solid Waste Fund be utilized for the payment of the third billing cycle of 2004. Any questions or comments at this time from members of Council? Mr. Beougher.

Mr. Beougher: The way you worded that threw me. So do we need an appropriation to...

Mr. Gilbert: No.

Mr. Beougher: We're just saying that we're going to waive the next three cycles, or starting in July.

Mr. Gilbert: The three billing blocks which would be the third billing cycle for 2004. Correct. Mr. Stake.

Mr. Stake: Thank you, Mr. Gilbert. Would we be notifying the folks that they're not going to need to pay a bill in that quarter by sending them a letter or anything, or how would they, are we just not going to send them anything?

Mr. Gilbert: It would be my, in our discussions with Janet, the processors of the billing would indicate that on the bill that it would be zeroed out.

Mr. Stake: Okay.

Mr. Clemens: That's what the additional cost would be.

Mr. Gilbert: We're providing that information on the statement.

Mr. Stake: Okay. Good. I think that avoids some confusion.

Mr. Beougher: And I'm sure that our newspaper reporters would help us out in informing the public as well.

Mr. Gilbert: For this ordinance I would make a motion that we direct the, that the Solid Waste Fund provide for the billing payments for the third billing cycle beginning July, 2004 and going through August, and then ending with the September block in the cycle. 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 7 was a Discussion, Final Plat of the Woods at Slate Ridge. Just to update the members. I had a discussion with the site manager for the developer. And this was a situation where there was some initial discussions let's say as to compliance with the zoning overlay that we had provided for this particular development at the Woods at Slate Ridge. And one of those requirements that evolved from the end agreement was that the developer would replace the trees, or put in new trees where trees that were supposedly to be protected by the zoning overlay but were not. And there was some question as to whether they had kept up their end of the agreement. And in the information that was provided from the developer was that the reason some of the trees had not been completely replaced to date was due to the change in seasons with the winter with the winter season? And the developer had provided invoices for the trees that had been provided for at the end of last summer and throughout the fall and assured me that once the weather breaks they will again return to keeping up their end of the agreement in replacing the trees that were taken down. And with that said, that was the reason I had held this Final Plat Section 5, Part 2 until we got some type of an explanation and that was the information that was provided to me by the developer. Does that raise any questions or comments from members of Council at this time in regards to moving this forward? Mr. Stearns.

Mr. Stearns: Is there a count on the number of tree that will be replaced do you know?

Mr. Gilbert: I believe there is on the agreement. And Mr. Underwood has that in his office from the...

Mayor McPherson: Two hundred.

Mr. Gilbert: Two hundred? Yes. Sorry. Thank you, Mayor.

Mr. Stearns: What size trees are they going to be?

Mr. Gilbert: It varied with the size that was provided for in the overlay. I think the minimum was 5 inches in diameter. Maybe I'm off. It's written out with...

Mayor McPherson: Two and a half to five I believe.

Mr. Gilbert: Two and a half to five. Thank you, Mayor. Thank you, Mr. Stearns. Are there any other questions or comments from members of Council in regards to this? (No response). None being heard, I'll make a motion that we forward this to Council for its first reading. Do I have a second? Mr. Stearns with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 8 is Amendment of the Final Plat of Summit Ridge, Section 5. And this is in regards to change the street name of Marin Place to Marinette Place. And this item was held until we had a clarification from the City Attorney which I had asked that Mr. Parkinson meet with Mr. Underwood to grant Council some clarification on how we could most efficiently move forward legislatively with this item. And each of the members should have received in their packet, an explanation from Mr. Parkinson as to how we can do this. Which the recommendation that came from that meeting between Mr. Underwood and Mr. Parkinson was to pass an ordinance changing the name. Which the ordinance is then recorded and a margin notation is made to the recorded plat noting the street name change. Does taking that legislative process raise any objections from members of Council? (No response). Any comment from members of Council at this time? (No response). And was there, Mr. Parkinson was there a time issue with this?

Mr. Parkinson: Thank you. It would be your city's preference to move this as quickly as possible as building permits will be taken out and we'd like to have the right address down for those.

Mr. Gilbert: Okay. That seems important enough. And I guess we would put that under the health, safety, and welfare. We need a correct address to go on our building permits for proper inspection. Therefore, I would make a motion that we forward this to Council with a recommendation for adoption as an emergency. Do I have a second? Mr. Clemens with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 9 is a Discussion of Development impact fees. The members should have received some additional information. At our request last week, we had asked Mr. Brandt to provide us with a little more direction as to how we could go about implementing impact fees within the context of what the Ohio Revised Code allows our community to implement. And we were fortunate enough to receive a study, or some general information back from EMH&T. And I'll let Mr. Brandt, or Mr. Parkinson if he wants to provide some information on this and give a brief overview to Council.

Mr. Brandt: Thank you, Mr. Gilbert. Members of Council. You may recall, this has gone back, oh probably a year and a half was the first information I sent to Council on this subject merely from an informational perspective to let the group look at it and think about it. And then subsequently on March 15, I sent to you a packet with fees fact sheet from Ohio State and several other documents for your review. And then on April 2, the information that Mr. Gilbert's alluding to. There are a number of cities as the white paper indicates that have looked at this and are involved in it. MORPC's currently doing one based on a seven county area and has indicated as I've put on

the memo that they will forward us the results of that review upon completion thereof. We read the paper where our friends in the City of Columbus are considering a similar project. And at this point, I would think, I do have if anyone wants something else to read, I got today, there's about 55 pages that came in via e-mail that I haven't even printed off because we're almost to the point where there's enough trees given up before we got any funds out of it. I would think that it might be appropriate to ask EMH&T to formally prepare a proposal to us and forward it to us for Council's review and then move ahead. Because as Ms. Keefer's white paper, and I might add, she's an excellent person and seems to have a real grasp on the subject. Would take approximately 6 to 9 months to put something in place. Hence, we're looking at Christmas time before we could have things wrapped up. And with the rate of change and potential development, it would be better to have something in place as opposed to wishing we had something in place.

Mr. Gilbert: Thank you, Mr. Brandt. Any questions or comments from the members on this? (No response). Is that a best case scenario? A 6 month process?

Mr. Brandt: I'm just merely reiterating what she put in the memo. She put in "it's anticipated adequately to _____ proposed fees for a community of Reynoldsburg's size. The city should allow 6 months study period followed by a 3 month public input period." I'm sure that can probably be adjusted or tweaked if need be depending upon the action and our response to their proposal I guess would be probably the best way to determine it.

Mr. Gilbert: I guess my only concern is, this is to help offset development costs in regards to residential type development. And if that, and I know it's a long process. I had read your information on what Delaware had to go through. But development that would come in in the meantime that's residential in nature that may not be subject to these types of considerations would be a concern. That's why I'd asked about...

Mr. Brandt: What we may ask for them in their review would be, is there an interim level, entry level if you will, that could be adjusted upward based on the final analysis. I would imagine, or feel that they could probably provide us with some solid evidence or information that would give us a base or floor to work from. Wherein we wouldn't face any potential obstacles.

Mr. Gilbert: Very well. Other members of Council? (No response). Any questions or comments at this time? Or objections to obtaining a proposal? (No response). I guess I would want our request to include that some type of a short term analysis for us to put temporary, or to put some type of temporary impact fees in place. That can be adjusted if that's at all possible. That might not be, I guess we're not getting a definitive answer that that is the case at this time. Mr. Beougher, did you comment on this last week? The last committee meeting in regards to initial fees?

Mr. Beougher: I did. I mean, I made a comment that you know, we could put something in place on a temporary basis that would be defensible or more than defensible. I think we could do that. Would it pay for all the impact? No. But it would at least help to offset it. We're at the point in life of our city where we're reaching the end of our development cycle. And you know, it used to be you could plan on expanding and having the new expansion pay for the old infrastructure and

keep on marching forward. But we're reaching the end where we need our development to pay for itself. So I think this is a great idea. I fully support it. And once again, the Residential Review Committee did advocate a study because we as Council members and Planning Administrator were ill prepared to do this type of in depth study.

Mr. Gilbert: Mr. Clemens.

Mr. Clemens: I agree with the impact fee. But I think we better look at something that's defensible and to sit up here and say we can do something defensible, I don't really look at it that way. That's why we're discussing hiring somebody to do it. I can set fees and anybody can set fees. But to defend them and defend them in court's a whole different ball game. Whether it's \$5 or \$1,000 you've still got to defend it on why you're doing it. Possibly we could have it done as Eric suggested through some earlier fees we could set up through the program that you're thinking about having done that's possibly been done somewhere else at earlier stages as they did the study.

Mr. Brandt: They may well have that. And in addition for example, the City of Columbus already has a park land ordinance where they can either provide the land or contribute x number of dollars to their Parks and Recreation. And inasmuch as this involves both, potentially the Police Department and the Parks Department, we'd certainly look for their support and guidance in their needs and so on as this would generate additional dollars for their respective departments.

Mr. Gilbert: Okay. Mr. Baxter.

Mr. Baxter: Thank you, Mr. Gilbert. I look at this a little bit differently. Almost like putting the cart before the horse. I think we need to have an understanding what we want to use the impact fees for before we say we want impact fees. It appears we know we want for Parks and Rec, we know we want for Police, or Fire. We've talked about several different things. I think before we were to start something, we should identify specifically what the fees would be used for thereby making it more defensible. And then address it at that time. So it seems like we're trying to go get the impact fee first and say, well we could use it for all these things. It makes more sense to identify what they are specifically and then address impact fee.

Mr. Gilbert: Well, we identified them in our initial discussion which was Parks and Recreation. And due to the nature of our non-conforming boundaries, the emergency services impact fees would be dedicated solely to the Police Department. And those were the two areas that we had identified that we would have the consultant look at. Mr. Brandt, am I correct?

Mr. Brandt: Yes. Inasmuch as it's also my understanding from the comments that the legal people have made that there is a very strict guideline of limitation as far as utilization of the funds as well. It's not as though we could extract funds somewhere way out on Main Street and utilize it down on Brice Road or something of that nature.

Mr. Gilbert: Okay. Mr. Clemens, you have something else?

Mr. Clemens: No. John has stated what I was going to say.

Mr. Gilbert: Okay. Anyone else with questions or comments? None being heard, I would ask, we'll hold this for two weeks and then the two weeks, is that enough time for EMH&T to bring a proposal back to us? If we could look at, I guess to be specific would be the Parks and Recreation and the emergency service or police as specific use. That's what's been identified in the information that's been presented to Council. A short term implementation for us to review as well as an overall implementation of impact fees. That could be adjusted once the public, the consultants are done with their work and the public input phase is completed. If that's even practical for us. Mr. Parkinson, if you could ask Ms. Keefer to look into that. Anything else the members would like to add to our request? (No response). None being heard, I'll make a motion that we hold this item for two weeks. Do I have a second? Mr. Stake with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you, Mr. Brandt.

Item number 10 is an Ordinance to authorize EMH&T to prepare specifications and advertise for bids for cleaning, televising and root cutting up to 15,000 feet of sanitary sewer and appropriating funds therefore. Mr. Stake, this already had consideration in your committee at the last committee meeting. Did it not?

Mr. Stake: I believe it was in the budget.

Mr. Gilbert: We wouldn't need an appropriation then, would we?

Mr. Stake: Not if we already appropriated through the budget.

Mr. Gilbert: Do you have your minutes from Finance? Or Mrs. Frazier has a recollection.

Mrs. Frazier: You're alright.

Mr. Gilbert: It doesn't need to go to Finance? It's already been there?

Mrs. Frazier: It doesn't need to.

Mr. Gilbert: Okay. So we don't need to appropriate. Alright. We'll make a, this item had it's first reading on March 22. Are there any questions or comments on this at this time? (No response). Members of Council? (No response). None being heard, I'll make a motion that we forward this to Council for its second reading. Is there a need for any rule suspension or emergency language on this? It didn't have any on the legislative request. I'm assuming it will go for its three readings. None being heard, I'll make a motion that we forward this to Council for its second reading. Do I have a second? Mr. Stake with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 11, Ordinance to amend the official zoning map of the City of Reynoldsburg. This is for 340 S. Waggoner Road from R-3 and R-I to S-1; applicant, Reynoldsburg School District. We should note, we did receive in our packets over the weekend a recommended approval from the

Planning Commission with two conditions attached. And the applicants are here this evening. Mr. Hartman. If you have anything you might add from your discussion that evolved out of Planning.

Mr. Hartman: We are here to answer any questions. I know we've been before you I believe, three other times. Council and the Committee. So I'm not going to bore you with the details of our project again, but I'll certainly be here to answer any questions.

Mr. Gilbert: What evolved on your discussions with the emergency access? Or secondary access?

Mr. Hartman: We have met with the city and we have prepared a draft easement forwarded on to the city for review. We are waiting for comments back. We've agreed as a school district to hire a surveyor to go out with the city personnel and find the best access points to go through there. We've also had initial contact with AEP because we'll have to have their approval to go under the transmission lines that are there. They are very receptive. We've also had additional conversations since the last time I met with the city with _____ who also possibly has an issue with some deed restrictions and they're very receptive to this secondary access point also.

Mr. Gilbert: While we're on this topic Mr. Hartman, we did have a speaker request from Roxanne Burris, 7955 Cheriton Circle. Roxanne, does that answer your questions? Feel free to approach the mike there and...

Ms. Burris: Yeah. That was one of the questions I had and that was about the emergency access. I just found out that you are going to hire someone to survey to look at the best location. Is there going to be any consideration to hire someone to do some kind of landscaping? A landscape architect so the access won't look like a real access and it will look like it was designed appropriately so that you don't encourage traffic going through there other than what it's intended use is which is an emergency.

Mr. Hartman: Yeah. We are amenable to any suggestions that the city will come up with within the easement. I mean, we can place that type of restrictions. I know there's been talk about, and forgive me I'm not an engineer, it's the ballards, and then we were talking about gates. There are different things. But we were also talking about different types of material. Whether we do an asphalt or that we do some type of paver that allows growth up between it. I think asphalt was the preference from the city's perspective because it could be used then as a walking path for students from the southern traction. But we're amenable to any of those suggestions. It's as simple as putting together an easement agreement and finalizing it.

Ms. Burris: Who makes those decisions?

Mr. Hartman: Well, that would be someone at the city. I wouldn't be able to answer the question. I assume it would go through the Parks Commission and Safety and Service Department.

Mr. Walsh: Our concern obviously about this going through the park is that it not look like a driveway. The list of requirements that we're going to provide to the schools will allow for that. So this is essentially going to look like a bike path, but we're going to request that it be able to

handle emergency traffic if it needs to be done. And we don't anticipate that that's going to happen very often. This park has been planned for having a bike path in it and the location of this access would be similar to what we had looked at to put in the access for a bike path. So in essence, this is going to be sort of the beginning of the bike path in the park and it will also help connect to the school. There is in the site that she's talking about, there is already landscaping in place. There's over 100 trees planted on the site. We have some split rail fence, some stone walls. It looks very nice. That's what we took over from the developer when we took the property. When we received the property from them. And we were going to ask that that all be replaced and cleaned up and put back in the proper way so that the park looks like a park again. So that's what we're going to ask to do and the schools have been very good about saying that they will be happy to make it look in a way that's appropriate for a park.

Mr. Gilbert: Ms. Burris, any other questions?

Ms. Burris: Just a comment on that. I'd like to suggest that the city provide some kind of public review of that process before its finalized. And I'd be happy to accommodate that. I'd like to see it before it's done. And then my second concern of course is the traffic along Waggoner. I don't know, the additional traffic that we're going to have on Waggoner Road. What is going to happen with that? How are we going to be able to get out of Waggoner, out of Rodebaugh once the school sites are built.

Mr. Gilbert: Okay. I know that particular area is under the jurisdiction of the county and Mr. Hartman, that was one of the stipulations that came from the Planning Commission, Ms. Burris of complying with the request of the county in regards to the roadway. Can you give us an, that was one of the initial questions we had here at the table. Is there an update on...

Mr. Hartman: We have been in discussions as of late as this afternoon with the county. And we agreed as a condition to, in front of the Planning Commission, a condition of the rezoning that the school district would work with the county to come up with some type of remedy to address the traffic concerns on Waggoner. It is kind of a tricky issue in the sense that it's outside the jurisdiction of the city and beyond the zoning on this property notwithstanding that the school district is very obviously, everybody's on the same page in the sense that it's relating to safety of the children and safety issues of residents of Reynoldsburg. And to that end, we will continue to meet with the officials at the county to try to come to some type of resolution as we agree to in front of the Planning and Zoning Commission.

Mr. Gilbert: Any questions from members here at the table? (No response). Mr. Hartman, what type of materials are being used for the structure? I didn't see that.

Mr. Hartman: I have Greg Galletti here from MS Consultants. He'll be able to hopefully answer any of those.

Mr. Gilbert: Is it brick, or split face block, or a combination of both, and what's the color?

Mr. Galletti: (Inaudible. Speaking off mike).

Mr. Gilbert: Okay. There was a brick in the lobby of the school administration building. Is that representative of, or I shouldn't say brick. I should say block. Is that representative of the color scheme? Or is that pink or red? How would you describe that?

Mr. Galletti: (Inaudible. Speaking off mike).

Mr. Gilbert: And were these specs approved by the School Building Commission?

Mr. Galletti: (Inaudible. Speaking off mike).

Mr. Gilbert: Okay. And how long ago did you provide that information to the School Building Commission? When did they submit their approval?

Mr. Galletti: (Inaudible. Speaking off mike).

Mr. Gilbert: Right. But for this particular site, when was this, when were your plans and information submitted to the School Commission?

Mr. Galletti: (Inaudible. Speaking off mike).

Mayor McPherson: Excuse me. Mr. Gilbert. We can't hear a thing he's saying. Could you maybe ask him to go to a microphone. Thank you.

Mr. Gilbert: I'm sorry.

Mr. Galletti: We've been submitting information to the School Building Commission since the POR, the program requirements went in which would have been the end of October, early November.

Mr. Gilbert: Of 2002, 2003?

Mr. Galletti: 2003.

Mr. Gilbert: What type of information do you submit to them?

Mr. Galletti: Well, they've got a series of steps you go through. There's a programming phase where you work out the square footage and the allocations for that. Then there's schematic design documents that are requested. You go through the step there and get a preliminary approval of those.

Mr. Gilbert: Utility type information? Things of that nature?

Mr. Galletti: Yeah. General, they want a general idea of the shape of the structure, the layout of the structure, the beginning of the specifications starting to happen. Initial systems. What type of heating system you're proposing. That kind of thing. And then there's a design development

submission which was already completed and approved, where you start to refine those systems, refine the building footprint, the mechanical systems, the structural system, all get layered on with more detail. And finally the construction document phase which is the one we're in now.

Mr. Gilbert: Right. And do they provide any overview as far as ingress/egress? Their assessment of your site and it's safety factors?

Mr. Galletti: No. No. That would not be part of their review.

Mr. Gilbert: Okay. Other members of Council, any questions at this point? (No response). None being heard, the other representative, Mr. Baker had contacted me today. I'm sorry, Mr. Clemens. Go ahead.

Mr. Clemens: Yeah. I'm not crazy about the split block but I suppose that's the cheapest way out.

Mr. Galletti: There's a pretty fine list of what the state will approve.

Mr. Clemens: Do they approve brick?

Mr. Galletti: They'll approve split face block. I believe they will approve brick if you can get it in with the cost constraints that they're kind of working with. An item that they wouldn't approve would be something in the stucco family. You know, the spray on foams and stuff like that.

Mr. Gilbert: Mr. Beougher.

Mr. Beougher: They'll approve brick. They just won't pay for it.

Mr. Clemens: Yeah. That's what I thought.

Mr. Gilbert: There is, it's a unique situation because with this being a semi-public use, the city had requested that the schools participate in the process and they have. And we appreciate your time and your efforts to provide information as to what our zoning regulations require. And with the stipulations that have been provided for by the Planning Commission, I believe some of the residents concerns have been noted. Mr. Walsh, if you'd be willing to provide some type of public process when the time comes for the reclamation to that particular area, I'm sure the school would be willing to at least participate in providing that information to the neighbors. And really with no other work to be coming before us with this body, unless there's any objections, I would make a motion that we forward this to Council with a recommendation for adoption with a rule suspension. Are there any questions or comments in regards to that request? (No response). I know there's a ground breaking scheduled for the 19th. And I think we have pursued our avenues that we have purview over. And if there's no objections, I'll make that motion. Do I have a second?

Mr. Hartman: Could I just have one clarification, Chairman Gilbert?

Mr. Gilbert: Sure.

Mr. Hartman: I assume that is emergency and rule suspension is what we're doing. Or is this...

Mr. Gilbert: Just a rule suspension.

Mr. Hartman: Okay.

Mr. Gilbert: And I believe that would go in, I don't really have grounds as far as an emergency in terms of the health, safety, or welfare of the residents at this point. Unless Mr. Hills, you might think that we do. And I'd be more than happy to defer.

Mr. Hills: If it's from the time frame that's been in front of us, there's plenty of room for emergency. But I'm not sure that health, safety, welfare, you're going to break ground when?

Mr. Hartman: The goal is, I'm trying to think of the date. Monday.

Mr. Hills: The 19th?

Mr. Hartman: The 19th. Correct. And my understanding is the zoning isn't, the approval of the zoning won't hold up our abilities to pull permits and start building. Because obviously we didn't have to go through the zoning initially. I may be wrong but that was my understanding from some meetings we've had.

Mr. Gilbert: I guess that's my point. None of this is binding.

Mr. Hartman: If I have that understanding. But if I don't, then I do have a problem and we do have an emergency because we're going to be on the line. We have bids that are out and obviously the clock's ticking and it's going to cost us a great deal of money.

Mr. Hills: Plot, grade, and utility and things like that don't come before us to start with. Right?

Mr. Gilbert: That's the administration.

Mr. Hartman: And that's scheduled to go before the BZA next Thursday.

Mr. Hills: On the 15th.

Mr. Hartman: Yeah. Correct.

Mr. Beougher: Mr. Gilbert, I think it's a bad precedent to do zoning on an emergency basis. And as you said, they can pull permits without it. So...

Mr. Gilbert: The City Attorney's informed me that this, boy how do I put this, this is not a binding process for the schools due to the semi-public nature of the development. Therefore, from our

standpoint, it is not, this taking it's normal course. Are you including rule suspension in your objection?

Mr. Beougher: I'd be hesitant to do a rule suspension. But, you know, I don't see any reason not to. Mrs. Burris, are you satisfied that you've had enough input into the process? She's the only one who's come forward to speak on it. So...

Ms. Burris: My concern is that I haven't seen anything concrete. And I know that, you know, you pass the zoning ordinance, and then the zoning is done. But that doesn't tie the developers to anything. So you know, and the plans that I've seen have been sketches. So, and I've made attempts to try to find something that would show me something a little bit more than just a sketch. Because I need to see what's going on, what's going to happen. I want to have some input with what's going to happen. I have invested in this property over here. This is my second property in the City of Reynoldsburg. So I invested in the City of Reynoldsburg. I've been here for 25 years. So I want to make sure that what's going to happen is going to be good for our subdivision.

Mr. Gilbert: I appreciate your concerns, Ms. Burris. And the explanation that's been given to me by the City Attorney, if this were a private development, these concerns would be remedied prior to the issue moving forward. However, we're dealing with a semi-public use which significantly reduces the autonomy of this Service Committee and this Council in making these decisions. With that said, I don't see another recourse. Mr. Clemens.

Mr. Clemens: Sometimes I don't actually take all of his opinions as being correct. Or completely correct. So any how, I see no problem with rule suspension. I mean, let's get it moved on. As far as helping the lady here, I'm sure we'll do that. I mean, the school's have always been forthright on some things with us. And I'm sure they will be in the future so that she can check these things over. But let's get it moving on.

Mr. Gilbert: Mr. Hills.

Mr. Hills: I don't disagree at all. I know Ms. Burris and I know she knows Mr. Strussion and she knows Sharon Reichard. So certainly whatever they're seeing, she's going to be able to see and have some input in discussing those. I'm sure Mr. Strussion's aware of that. I've sat on some committee's with Ms. Burris and she will get her answers.

Mr. Gilbert: Mr. Beougher, one final point.

Mr. Beougher: Yes. Thank you, Mr. Gilbert. I would like to point out that the land that the access road is going to be on is the city's property and I'm sure Mr. Walsh will make sure that it's to everybody's satisfaction before it's actually constructed and the easements are granted. So, I think that might be our stick.

Mr. Gilbert: With no other comments being heard, I'll make a motion that we forward this to Council with recommendation for adoption with a rule suspension. Do I have a second? Mr. Stake with the second. All those in favor, please signify by saying aye. (All voted "Aye").

Opposed? (No response). Motion passes. Thank you, Mr. Hartman.

I'll adjourn the Service Committee at 9:38 p.m.

Service Committee

- - -Susie Smith, Assistant Clerk of Council

(Transcribed - Susie Smith)

April 5, 2004

FINANCE COMMITTEE MEETING MINUTES

April 5, 2004

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

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

Mr. Stake: I'll call the Finance Committee to order at 9:39. The first order of business is approval of the minutes of Finance Committee meeting held March 15, 2004. Are there any changes to those minutes? None being heard, they'll stand as submitted. Item number 3 is the approval of the agenda. I do have some modifications to the agenda. 3a would be the bikeway easement from Community Development. 3b would be the appropriation of \$308,000 for the widening of 256 from Safety. 3c, I would like to bring Item number 2 from Other Legislation, Changing Investment Policy back just to get on the agenda here tonight and we will have an opportunity to discuss in the future. But I do want to get it on there. I'd like to hold Items 7 (Discussion, Adoption of the CIP), 8 (An ordinance declaring improvements to certain parcels of real property to be a public purpose, describing the public infrastructure improvements to be made directly benefitting those parcels, requiring the owners of those parcels to make service payments in lieu of taxes; establishing a municipal public improvement Tax Increment Equivalent Fund for the deposit of such service payments; approving and authorizing a form of Tax Increment Financing agreement; and declaring an emergency), and 9 (Ordinance to amend the Code of Ordinances of the City of Reynoldsburg, Ohio, Section 160.03, Salary Schedule, Subsections (a) and (b) of Chapter 160 Employee Compensation. We're still waiting on information on those. And I would like to remove in Other Legislation (Tape Change). Second by Mr. Gilbert. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 3a is the bikeway easement. Mr. Beougher.

Mr. Beougher: Thank you, Mr. Stake. This has been floating around for about four years and would like to make it happen and it's going to take a little money to do so. We're requesting 6900 for the easement payment and recording fees and other incidental expenses. And that's to be

appropriated from the unappropriated Capital Improvement Program Fund to account number 410.078.5602.

Mr. Stake: Okay. Thank you, Mr. Beougher. Any comments, questions on this? (No response). Okay. None being heard, I'll make a motion that we do appropriate \$6,900 for the easement payment from account number 410.078.5602. Is there a second? Second by Mr. Beougher. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Motion passes.

Item number 3b is the appropriation of 308,000 for the widening of 256. Mr. Clemens. Mr. Clemens. Yes. That does come from the Safety Committee with recommendation. It's something we did before. And Pickerington withdrew, screwed everything up as usual. So now they're about to do it again. Possibly pass it. Hope that we get this through this time.

Mr. Stake: Okay. Well, I hope so. Okay.

Mr. Gilbert: Do we want to add an amendment to keep our fingers crossed?

Mr. Stake: Maybe we should. Is there any comments or questions on this from anybody from the committee? (No response). Anybody from Council? Mr. Baxter.

Mr. Baxter: Well, thank you Mr. Stake. I personally would like to say I think it's good to see Pickerington stepping up and identifying that this project needs to be done. And I commend them myself to recognize that this needed to happen. It may be late. But it happened. And I'm glad to see it go forward.

Mr. Clemens: I am too and it should have worked the first time. But I'm glad they're coming back the second time.

Mr. Stake: Well hopefully, and I'm happy as well and hopefully it'll go through this time. So, okay, so I will make a motion that we re-appropriate funds in the amount of 308,000 from the unappropriated CIP, account number 410.089.5659 for the State Route 256 widening at I-70 exit ramp due to the fact that the project is going ahead. 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.

Okay. 3c, I just did, I believe there's some new Council members that maybe don't have information on the change in the Reynoldsburg Investment Policy. This was brought to us last year by Auditor Whitney and he asked me to revive this this year. It's been under Other Legislation. So I want to get it on the agenda so that we can discuss this in the future. I don't plan to discuss this tonight if that's okay. Mr. Whitney, I believe maybe we need to get some information to our new Council members. Okay. Very good. Any other updated information you might have for the rest of us, that would be great. So I would at this point, just make a motion that we hold this for two weeks and discuss it at that time. 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 4 is Discussion, Amend Chapter 971, Municipal Parks to add a Section 971.08 "Program and Facility Fees and Charges". Mr. Walsh.

Mr. Walsh: Obviously our department charges fees for programs and services. You have copies of the fees that we are currently charging. This is coming to you because I was informed by the City Attorney that we have to have all fees approved. This will be a history making event since we've never actually done this before. These are not all the fees for 2004. We're still doing some pre-program analysis on some of the programs that will be coming up in the fall. And those are the ones that will be in the brochure that comes out in July. So I'll have to come back with some additional ones for the remainder of the year. But these are the current ones. Each program that we do, we try to complete a pre-program analysis. This is something that we just recently started doing to document, identify all the different expenses that we have for each program. And in doing that, we try to set a fee that's going to be fair and appropriate. Typically, our programs in the past have significantly, well they've been significantly low on the fee setting which means that obviously our tax dollars are funding a lot of things. And with our revenue issues that we had, we were told to make some changes to fees. Some of these fees are higher than we had in the past years. We also are looking at other revenue sources to help offset program costs. So the fee is just part of that. We basically have three types of programs that we charge fees for. We have the actual Parks and Recreation Department programs which are run wholly and solely in-house. Things like, youth sports, and some of our camps, and our playground programs. We have contractor programs where we do create a program and we pay a person to provide the, the contractor program's where we pay an actual contracted person to come in and provide a program. Things like our drama program. We pay a person to provide that. And British Soccer Camp is another one. And we also have partnership programs that we provide. Things like Kids In Karate where we partner with a local karate school. And Jazzercise. Same idea. So we have three different types that we use. So we have different types of expenses for each one. So basically this is the list of fees as we are doing them now.

Mr. Stake: Okay. Thank you, Mr. Walsh. We certainly do have a fine Park and Rec program here in the City of Reynoldsburg. I appreciate it.

Mr. Walsh: Thank you.

Mr. Stake: A question I have is, I imagine you've discussed all these with the Parks and Rec Commission.

Mr. Walsh: Yes.

Mr. Stake: And they're fine with all of this?

Mr. Walsh: Yes.

Mr. Stake: Okay. And has the City Attorney reviewed this? I know you mentioned that he said

that you needed to do it a different way. Is he happy with the way you're doing it now?

Mr. Walsh: Yes. This was his recommendation.

Mr. Stake: Okay. Any questions from members of the committee? (No response). Members of Council? (No response). Okay. You don't need an emergency or anything on this. Correct?

Mr. Walsh: No, sir.

Mr. Stake: Okay. Then I would like to send this on for its first reading. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). Okay. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you, Mr. Walsh.

Item number 5 is Discussion, Amend Section 4.091 of the Personnel Policies and Procedures Manual Compensatory Time (Senior Police Management). Chief or Mrs. Reichard want to address this?

Chief Miller: Thank you, Mr. Stake. You've received a memo from me explaining what's, the issue at hand when the Personnel Policy and Procedure Manual went into effect. Language that had been in the old 164 ordinance allowed for the payment, extra payment to Lieutenant's when the Chief was absent from the city. And there was some discussion during a Council meeting that led to some research and discovered that that language was no longer in the new Personnel Policies and Procedures Manual. So I have tried to set out what the issues are and some of the concerns and then proposed some language.

Mr. Stake: Okay. Any questions or comments by members of the committee for the Chief? (No response). Members of Council? (No response). Members of the Administration? Mrs. Reichard.

Mrs. Reichard: Thank you, Mr. Stake. Mr. Beougher's name is in front of you and I almost said his name. You two are, your plates are switched. Any way.

Mr. Hills: Has the Mayor been up here?

Mrs. Reichard: He's back. Okay. Thank you, Chief. Very nice. In any case, just the comment that I wanted to make is, as this has been brought to the table again, and I think you probably all know by now that I'm the one that found that it, no, Millie was the one that found it wasn't in the code and I felt that I had to do something about it because there was no authority to continue the practice until we could go back and fix what is being proposed tonight. However, it does bring to the fore, the issue that we have other Superintendent's and Chief's who have people in their, that stand in for them. Their Assistant Superintendent's. For example, that because they are also in 160 as the Lieutenant's are, that we need to re-address the issue sort of in 160 and not just in one category in 160. So I would like the opportunity to take some time to take a look at that. I know that we need to go back because we've been, this practice has been in place and we need to get some legislation in place that sort of covers us for what we've done in the past since January 1 of 2003. However, I do think we need to open up the dialogue about giving parity for others who

are in similar positions and look at the possibility of putting them in the same category.

Mr. Stake: Okay. Thank you, Mrs. Reichard. Mr. Clemens, did you have something?

Mr. Clemens: Well, when that comes up I'll have some discussion on it.

Mr. Stake: Okay.

Mr. Clemens: I think there's a difference between, you're talking about we do have assistants. Assistant Building Inspector. We will have Assistant Street Department. Those positions do take over when the Superintendent's gone and that's why they're paid to be assistants. This may be a little different. I was looking at yours and it gives the current FOP language. 27.1 working out of rank. But the Lieutenant's aren't in FOP. They're not in the contract are they?

Chief Miller: No, they are not. I just wanted you to understand that there is a benefit that you grant to the police officer's and Sargent's through the contract.

Mr. Clemens: And I have no problem with them being paid at a higher rate but I'm not sure they should be paid at your rate. I mean that may be my problem there. I think they should possibly be paid at the minimum rate if they move up. But that's something we can discuss if Sharon wants to hold this and go over it I have no problem discussing it.

Mr. Stake: I believe Mrs. Reichard would like to hold this until at least the next committee meeting. Any questions, comments from other members of the committee?

Mr. Gilbert: Chief, is there a time issue with this?

Mr. Clemens: Well, we don't have any Lieutenant's at the present time.

Chief Miller: No. Now you're going to have Sargent's who will be paid for out of rank. No, there's not. Other than the fact that as long as we recognize that there's going to have to be some retroactivity in terms of the fact that the Lieutenant's were paid on several occasions when I would have been absent from the city.

Mr. Clemens: I understand.

Mr. Stake: Mr. Hills.

Mr. Hills: Mr. Stake, the only thing I'd like to add here is this probably, and I understand what Mrs. Reichard is saying and I agree with her. Maybe we should take a look at that. Here we're taking a look at something that was in place. We didn't realize it went away. We passed a program that eliminated it and we didn't know it. It's sort of like the Smoking Policy. We had one of those in place but we didn't apply it. Here we had something in place and it went away and for some reason we didn't know it. So I think the precedence has been set for this. I certainly have no problems with holding it for a couple of weeks. But if the other's going to take a longer

interpretation or discussion, and I think it may, I think we may need to decide do we need to remedy this, and is it unique and different as it was before? I think all the Chief is trying to say is, give me back what we used to have. And we got rid of it without truly knowing we did.

Chief Miller: I did try, the language that you have before you, there were a couple of issues that Mrs. Reichard raised that concerned her.

Mr. Hills: I see the half day work and I appreciate that.

Chief Miller: And make no mistake, in all of my experience here there was never a time where there was a two hour limit. And all that was in 164, that original language mirrored what was in the FOP contract. So what the police officer's and Sargent's were receiving, it was also being given to the Lieutenant's. But because of the concern that was raised, I altered the language to try and address that. And make no mistake, I mean, let's say I take a days vacation but I am staying here in town and I'm going to be at home. I don't make a re-assignment. I'm available. So even when I'm taking a vacation but I am here in town, that assignment is not made. It's generally only made when I am leaving town and it would be several hours before I could return to the city. It is not done off the cuff.

Mr. Stake: Okay. Mrs. Reichard, did you have something? You were standing up earlier.

Mrs. Reichard: Yes. I was just going to offer that if we really wanted to have a good discussion about the future of this language over a period of time, then maybe it would be appropriate to do the retroactive. You know, if we find ourselves in that position we'll go ahead and do the retroactive to take care of that to cover what we've already done. And then by separate ordinance how we move in the future and look at all those positions collectively. Just an idea.

Mr. Stake: Okay. I guess I'm a little puzzled on how we do, Mr. Clemens.

Mr. Clemens: Yeah. And I have no problem. I think we should pay retroactive. But I think this is, as Sharon said, it's going to take some time. I have no problem putting this section back into force. My only problem was, is the amount of pay that the Lieutenant would received. Whether they receive the minimum or whether he would receive the Chief's pay. To me we have the opportunity to correct the situation if Council feels that way on how it would be paid out. And I think we should, like I say, agree we do have to pay retroactive on whoever takes part. But I think it is time to look at it.

Mayor McPherson: Just a clarification, Mr. Clemens. The pay has already been paid. So it was paid at the old rate. So it's not an issue at this point of what you paid. The issue is in the future.

Mr. Clemens: Okay. I didn't know whether we paid the other.

Mayor McPherson: Yeah. It's already been paid.

Mr. Clemens: But we should pay whoever replaces her now. You know, or pay it retroactive, one

of the two. Or pay it as it is until we change the ordinance. I mean if we don't change it, we don't change it.

Mr. Stake: Okay. Well, maybe we ought to hold this for two weeks so we can figure things out. I have no problem moving this forward, Chief. There are some questions raised and I'd like to get through those and we'll go ahead and deal with that the next time then if that's okay. So I'll make a motion that we hold this for two weeks. Do I have a second? Second by Mr. Clemens. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 6 is Discussion, Clarification and evaluation of the Smoking Policy. This was brought forward by Acting Mayor Bill Hills in regards to some questions concerning the Smoking Policy. And I guess I'll open that up for discussion. Any members of the committee have any comments or questions on this?

Mr. Clemens: I do. This has been kicked around here for a long time. So I think we should probably get it set. There's been a lot of discussion on different smoking places of where they should be and so forth, and the employees. And I think the employees have a right like anything else. I think non-smoking have a right just like anything else. I have checked around the building and with the Building Superintendent and his recommendation would be for the employees and employees only, would be in the municipal building to use the south entrance which is right out there. It's a double entrance and if you're outside there's an air lock. So if you open up one door you don't open up the other. It's like the municipal building front out here. You do have a space in between so we wouldn't have to worry about second smoke. So that would be one for the employees at the municipal building. I discussed it with the Chief as far as the safety building and her suggestion was the northeast porch. These are for employees only. And the outside of the employee entrance. And then whatever other area designated by the Mayor would be. But I think these two should be put in. These two sections should be put in as far as smoking areas for the employees. That's just my opinion. And I think the ordinance should, I think the policy should be renamed to Tobacco Policy and would include all tobacco products. So, that's my opinion. That's just how I feel about it.

Mr. Stake: Okay. Thank you, Mr. Clemens. Are there any, Mayor I know that you had written a memo prior to your surgery and I'd like to give you an opportunity to comment on this subject if you wish.

Mayor McPherson: Thank you. Well I agree with Mr. Clemens. I think it should be put back in, tobacco, all tobacco. We do have incidences here where people spit their tobacco out in the elevators, and you know, when they don't have a place to do anything with it they choose just to throw it in the elevators. We also, you know, we had the problem with carpets being stained when they spit into their cans that they carry around and miss. So you know, I think putting it in as just tobacco, smoking/tobacco I think is a good idea. As far as the employees smoking in those designated areas, I haven't even looked at them. I was not aware that that was a recommendation. My only concern is how it's going to smell if we have people inside an atrium area smoking and that smell does continue to permeate through a building and I just have to look at it.

Mr. Clemens: I mean completely outside. I mean outside. Not inside.

Mayor McPherson: Yeah. And I guess I would you know, just question as to why we designate two more areas when we already have areas for everybody to smoke. But you know, it really doesn't, it's not an issue as to where people smoke. The issue really came up when we found that there are several, or not several, but there were some people that were abusing the smoking. We started getting complaints from people that weren't smokers as to how many times the smokers are going out and smoke. Basically, you know, the policy kind of prohibited it and it's how you define while "on duty". But you know, I really don't care what the policy comes in at. My people, the people that are underneath the Mayor's office have designated times they can go to smoke and that's once in the morning and once in the afternoon. They can go smoke in the designated areas. How the other elected officials decide to treat it, that's really up to them. You know, I mean, they can set whether their people go out on breaks or they don't. You know, a break is not a right. You know, a break is something that your supervisor or the appointing authority gives you. So you know, it's just up to the individual appointing authority as to how they're going to have their people go out and smoke. How many times a day you know. If there's one that wants him to go out once every hour, for five minutes, that's entirely up to them. So you know, how that works is, it really doesn't matter to me.

Mr. Clemens: Mayor, and you can look at it, the only reason the south entrance was brought up for the employees, it's there. They don't have to walk any further than right out the door. And there is an enclosure right above it in case of bad weather. That's the only reason. And it is air lock so there's two different sections. If you'd take a look at it. You don't have to cross any areas...

Mayor McPherson: Yeah. Well, the only problem I would have with the south entrance is you're sending your employees out to the front of the building to smoke and I don't know, if you go by some offices and you know, you see people standing outside smoking you know, we as government workers get a bum rap anyway and then seeing people standing around smoking, that probably doesn't help anything. But out front they don't know who...

Mr. Clemens: Right out there's not much better.

Mayor McPherson: Yeah. Well there's no really good place I don't think to tell people to go smoke. But you know, again it doesn't matter to me.

Mr. Stake: And Mayor, you did give the people that you're the appointing authority over the ability to have a break in the morning and then in the afternoon and have a cigarette if they'd like to.

Mayor McPherson: Well, the way the policy, my people have continued to honor the policy and have not smoked while they're working. But you know, that's just the people that work for me. And I have since told them since I've come back that they can follow this policy. That I don't have a problem with it. You know, they just chose to follow the policy. The people that weren't following the policy still don't follow the policy so. So that's just the way it is. But again, that's up to the appointing authority. You know, that's fine. It's whatever the appointing authority decides to let their people do. As for mine, I have told them that they can follow the policy of

going out smoking a cigarette on their break if they want to. They have just chosen not to do it.

Mr. Stake: Okay. Thank you, Mayor. Mr. Hills.

Mr. Hills: Having sort of had a piece of this policy, not that I wanted it. I inherited this one quickly. I'm glad to hear you say Mayor that you do allow your employees to break. Because certainly the policy wasn't doing that the way you, initially the way it was intended was there would be no smoking during the working hours at least. And that was the way it came to me when I inherited it and had the problems. And I did not, nor would I, one of the four designated areas, because that specifically says in the policy, 'as designated by the Mayor'. And so I think Mel, changing that is going to be a joint effort with the Mayor's participation.

Mr. Clemens: You know, he could look at it, we could look at it. We can hold this for a couple of weeks and see if he agrees or not. I'm just trying to make it easy. If it's raining why walk clear over there and stand out in the rain. I mean if you go right outside here, that's fine.

Mr. Hills: I will agree with Mayor McPherson though that if there's an alternative to right out the front door, it's probably preferable.

Mr. Clemens: The front door's right out here.

Mr. Hills: Right.

Mr. Clemens: I'm talking about the south door right over here.

Mr. Hills: The south door by the Clerk's office?

Mr. Clemens: Yes. Yeah. That's the one.

Mr. Hills: Because it was the north door originally that they were, at one time it was the north.

Mayor McPherson: Just for information, the reason we moved it from the north door, that's where the suction goes in for the building and smoke was coming in through that way. You get you know, a few people out there and so that's why we moved it to begin with. I had no problem with where the area was as far as you know, visibility from the public, it probably was much better. But we were sucking all the second hand smoke in for everybody else so it just didn't work.

Mr. Stake: Thank you, Mayor. Okay. Any other comments or questions from members of the committee? (No response). Members of Council? (No response). Okay. Well I guess what we'll do, we'll hold this for another couple of weeks and we can get with the administration and see if we can work out the details and move this forward after that. So I'll make a motion that we hold this for two weeks. 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.

We'll adjourn Finance at 10:06.

Finance Committee
- - -Susie Smith, Assistant Clerk of Council
(Transcribed - Susie Smith)
April 5, 2004