

MINUTES REGULAR COUNCIL
REYNOLDSBURG CITY COUNCIL
March 8, 2004

President Pro Tempore of Council Lane J. Beougher called the meeting to order at 7:30 p.m.

Members of Council present: Ron Stake, Preston Stearns, Brett Baxter, Eric Gilbert, Mel Clemens, Antoinette D. Newman. Council President William L. Hills was present as Acting Mayor.

The Invocation was given by Lane J. Beougher. Mr. Clemens led the Pledge of Allegiance.

Minutes of the regular Council meeting held February 23, 2004 were approved without objection.

The agenda was approved.

Community Comments and Requests- -Mr. G. Jerome DeCarlo was present.

Mr. DeCarlo: Good evening, ladies and gentlemen. For the record, my name is G. Jerome DeCarlo Jr., and I reside at 643 Smithers Drive here in Reynoldsburg. And I would like to preference my comments tonight just by explaining that this is not a personal attack on the Mayor. We all wish the Mayor well. However, I take exception to some comments that I read in the paper a few weeks ago by you Mr. Beougher when you said there was no community objection to the motorcycle shop. And at that particular time I did not have an objection, but I did read an article in the Columbus Dispatch dated 2-29-04 which I provided for you. If you look in the third column, and the reason why I'm bringing this before the Council because, according to the City Charter, Article 5, Section 5.02 letter b, it says, and I'm quoting for the individuals who don't have a copy, "The Mayor shall be a full time official of the city, and shall not hold any other full time public or private employment or any part time public or private employment that could in any way interfere with his or her being available day or night to fulfil the position of Mayor". Now, upon reading this article, did not have a problem until this interviewer by the name of Jane Woods, or Joann Woods, asked the Mayor what his commitment would be. And he says here that he would be committed to this business a couple of nights a week, which to me sounds like some type of employment. Now the question that I'm asking the Council this evening is, was it ever clearly defined what the Mayor's role would be outside of being a primary business owner? The reason why I'm asking that is because later on, he says, and I quote, "some people like to go rock climbing or scuba diving, we like hanging out and working on motorcycles". Which again speaks to an act of employment. Now the question that I have, is the Mayor a business owner or is he actively going to be involved in the production of these custom motorcycles? Because if that is the case, this would be in direct conflict of what the Charter says per letter number b. What say you?

Mr. Beougher: Mr. DeCarlo, we're not going to respond tonight to your comments. We'll take them under advisement, and I did ask you to contact the City Attorney and I asked him before the meeting if you had done so, and he had indicated you had not. The City Attorney is the expert on the Charter and if you would like to discuss the interpretation of the Charter with him, I'm sure he'd make himself available to you.

Mr. DeCarlo: Thank you. That was my first point. My next point is...

Mr. Beougher: You've made your comments. This isn't a debate, I'm just responding to your comments.

Mr. DeCarlo: Exactly. But if you will, just for a minute, I've come down here I think on several occasions, and I've been told you can't say this here, you can't say this now, and so when I'm following the rules and the protocol, all I'm asking for is the same courtesy that I've extended you. I didn't make a show when you told me I couldn't speak. It's not in the Charter that I can't speak on any given day, so I'm doing, I'm abiding by the rules. And the second point that I have that I want to discuss is not a problem, I just have a problem, or take issues with some of the comments that have been made in the paper. For instance, we have been talking, or you all have been talking about hiring a full time Code Enforcement Officer.

Mr. Beougher: How does this refer to the motorcycle shop? That's the topic on your slip.

Mr. DeCarlo: Okay. So you're going to play, okay, that's fine. I wanted to explain Mr. Beougher...

Mr. Beougher: Yeah. I want to hold you to the topic that you asked to discuss.

Mr. DeCarlo: Right. But the problem that I have is that every time I come down here, I feel as if I'm not getting the same courtesy that other people are. Only because what I have to say may be construed as being volatile. And I'm saying to you, and I'm saying to everyone on the Council, as a citizen, I can give you 2500 reasons why any time I want to come down here and speak respectfully, I'm not disrespecting anyone, I'm exercising my right to speak up. I pay property taxes out here which guarantees me the right I pay to stay. So when I come to you as a citizen, and I say to you Mr. Beougher, Mr. Stake, whoever, I have some issues with this, I don't feel it's fair or even right for you to tell me, come back two weeks from now. Because if memory serves me correctly, if memory serves me correctly, there have been other situations in time where people have been told to come back, only to be stonewalled for a later date and then it never comes back up. And that's all I have to say. But let me just say this, one last point. I'm going to keep coming down here until I get to express my concerns. I have never seen it in the Charter anywhere where I'm not allowed to speak on this day or you have to come back on the second, we reserve this for the fourth. Where is that written? If it's written, I'll abide by it. But what I'm saying is, you can't just say to me well, because we don't feel like hearing what you have to say today Mr. DeCarlo, come back some other time. Or fill out another slip. Because if that's how you're going to do things, then I'll fill out five slips. I'll fill out five. And if it's two minutes a piece, I'll fill out one, then talk about that, you time me, I'll speak again. But what I'm saying to you is, under no circumstances will I come down here, waste my time, because to me this is not an opportunity for me to grandstand. I have better things to do. I have a paper due tomorrow. I have better things to do than to sit up here and be shut down by the Council. But when I come down here it's because something is so important, so pressing to me that I feel as if I need to bring it to your attention. And as far as me contacting the City Attorney, I don't feel like that's my job. You're on the Council. You have an opportunity, an obligation to uphold this Charter. If I brought it to you last week, you could have contacted the City Attorney. You could have said,

Mr. DeCarlo has some questions about this, please contact him. What I'm saying is, you have to build a bridge. I can't sit up here and be expected to do every single thing. I brought it. I caught it in the paper, bringing it to your attention, and now you expect me to go sit down with Mr. Underwood. Sure he's a nice guy but I don't have time for that. What I'm saying to you is, when I come back in two weeks, is it possible for you to have sat down to him and said, please interpret this so we can give Mr. DeCarlo an answer? Is that possible?

Mr. Beougher: Thank you for your comments. We'll take it under advisory.

Mr. DeCarlo: Thank you. You have a nice day, Mr. Beougher. Thank you.

Communications- - Clerk read report from Clerk of Courts: total monies collected from courts held during February 2004, \$22,468. Monies also collected during that same period pursuant to Ordinance Nos. 146-94 and 104-02- -\$1,190 for the Computerization Needs Fund and \$120 for the Enforcement and Education Fund.

Clerk read Motion: That the Council of the City of Reynoldsburg does hereby adopt the Resolution in Support of the Defense Supply Center Columbus (DSCC), its mission and value to the region, as referred to in the resolution signed and dated March 8, 2004. Mr. Beougher moved adoption. Mr. Stearns seconded. All voted "Aye". Motion passed.

Clerk read Motion: That the Council of the City of Reynoldsburg does hereby authorize and direct E.M.H.&T. to advertise for bids for the Dysar Ditch at Instone Drive project. Mr. Clemens moved adoption. Mrs. Newman seconded. All voted "Aye". Motion passed.

ORDINANCE RETURNING MONIES TO VARIOUS FUNDS REGARDING COPS MORE '02 GRANT FOR MOBILE REPORTING SYSTEM WITH SUPPORTING SOFTWARE FOR THE REYNOLDSBURG POLICE DEPARTMENT AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 12-04 adopted.

ORDINANCE AMENDING ORDINANCE NO. 71-03 PASSED SEPTEMBER 8, 2003 (Supplement to Codified Ordinances for the City of Reynoldsburg, Ohio)- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 13-04 adopted.

ORDINANCE AUTHORIZING ACCEPTANCE OF STATE OF OHIO, OHIO DEPARTMENT OF TRANSPORTATION, STATE INFRASTRUCTURE BANK DIRECT LOAN AND DECLARING AN EMERGENCY (Kroger Development Project)- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Gilbert seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Nay"; Mr. Baxter "Yea"; Mr. Gilbert

“Yea”; Mr. Clemens “Yea”; Mrs. Newman “Yea”; Mr. Beougher “Yea”. Motion passed;
Ordinance No. 14-04 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDMENT OF CHAPTER 751 HOME SALES BY ADDITION OF SECTION 751.05 “SPRING CLEAN-UP PERIOD”- -Clerk read ordinance by title for the first reading. Item referred to Safety Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 160 EMPLOYEE COMPENSATION, SECTION 160.02 “AUTHORIZED POSITIONS, PERSONNEL, CLASSIFICATION AND PAY GRADE” SUBSECTION (a) “ADMINISTRATIVE” TO ELIMINATE THE POSITION OF ACCOUNT CLERK I; AND RETURNING MONIES PERTAINING TO POSITION OF ACCOUNT CLERK I TO THE GENERAL FUND- -Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 160 EMPLOYEE COMPENSATION, SECTION 160.02 “AUTHORIZED POSITIONS, PERSONNEL, CLASSIFICATION AND PAY GRADE” Subsections (f) and (g)(4) and (g)(4)(a)- -Clerk read ordinance by title for the second reading. Item referred to Safety, Service, and Finance Committees.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE 2004 FORD RANGER PICKUP TRUCK FOR THE BUILDING DEPARTMENT- -Clerk read ordinance by title for the second reading. Item referred to Safety Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 1111.01 “DEFINITIONS” SUBSECTION (d) OF CHAPTER 1111 GENERAL PROVISIONS; AND ADDITION OF SECTION 1127.11 “EROSION AND SEDIMENT CONTROL PLAN” OF CHAPTER 1127 STANDARDS- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 87-03 PASSED OCTOBER 27, 2003 THAT WAIVES COMPETITIVE BIDDING FOR VARIOUS EXEMPTED CONTRACTS AND EXPENDITURES OVER \$10,000- -Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 958 STORMWATER CHARGES - Section 958.06 “Equivalent Residential Unit Assignment”- -Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

ORDINANCE TO MAKE A FINAL APPROPRIATION FOR CURRENT EXPENSES AND

OTHER EXPENDITURES OF THE CITY OF REYNOLDSBURG, STATE OF OHIO,
DURING THE FISCAL YEAR ENDING DECEMBER 31, 2004 AND DECLARING AN
EMERGENCY- -Clerk read ordinance by title for the second time. Item referred to Finance
Committee.

ORDINANCE AUTHORIZING ENGINEERING SERVICES RELATED TO THE DESIGN OF
THE PRIVATE UTILITIES RELOCATION PLAN FOR THE MAJOR COMMERCIAL
CORRIDORS STREETSCAPE PROJECT, PHASE 2 and APPROPRIATING FUNDS
THEREFOR- -Clerk read ordinance by title for the third reading. Mr. Beougher moved
adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr.
Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea";
Mr. Beougher "Yea". Motion passed; Ordinance No. 15-04 adopted.

ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF 5.21+/- ACRES IN
ETNA TOWNSHIP, COUNTY OF LICKING, STATE OF OHIO, TO THE CITY OF
REYNOLDSBURG, OHIO (Connie J. Klema, Agent for Petitioner Marlyn C. Day)- -Clerk read
ordinance by title for the third reading. Mr. Gilbert moved adoption. Mr. Stake seconded.
With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr.
Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed;
Ordinance No. 16-04 adopted.

Meeting adjourned at 7:48 p.m.

Lane J. Beougher, President Pro Tempore
of Council

Nancy C. Frazier, Clerk of Council

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