

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
February 23, 2004

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

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

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

Minutes of the regular Council meeting held February 9, 2004 were approved without objection. The agenda was approved.

Community Comments and Requests--- Mr. Bruce Sowell was present.

Mr. Sowell: Thank you very much. My name is Bruce Sowell. I live at 6402 Birchview Drive North. That's in the City of Reynoldsburg. That property being on the western end of town. First of all, I want to thank you for the opportunity to come in tonight. The item I wish to discuss has been withdrawn from the last meeting. That deals with full time Code Compliance. Having done the job for almost 4 years, I think I have an idea how things work in the city. First of all before I state anything, I'd like to remind everybody that this is the last full week of Black History Month. One of my heroes was recently celebrated in this city. I grew up with him. That was Martin Luther King, Jr. Martin Luther King stood for a lot of things. One of the things he fought for was equality, freedom, and justice. And he also fought discrimination. And sticking with that, I want to thank the city for their gracious participation in that event and I hope that event becomes more than just annual, but a regular event. I was reading the Reynoldsburg This Week dated February 19, 2004 - - and it says, 'Council considers adding city staff'. And one of the positions that they talked about was Code Enforcement. Well, obviously having done that job I read a little bit further. And as I got to the second page, there was a statement made in here, quote, by Stephen Moore who is the Chief Building Inspector. And the reason why he asked for the Code Enforcement Officer to be made full time was I stated right here was, he said, 'the current Code Enforcement Officer could become more proactive in addressing code violations with the additional hours.' He said, 'we're trying to work the best we can with the time we have, but we see that we're missing things'. And I want to let everybody know that when I was Code and Compliance Officer, I was in every neighborhood every day at least once or twice. I knocked on a lot of doors, talked to a lot of people, got a lot of things done. Handled a lot of complaints from both the current Council people and the former Council people. Nobody complained about the job that I did. I responded to over 4,000 complaints. I had never lost a court case. I had buildings torn down. Received letters of complement from the citizens for a job well done. Put together the community service program which actually saved the city, and the schools by the way, over \$13,000 of clean up cost. I received an award from the court for my work with the kids which is for having them get the city streets cleaned up. And I still get calls from parents right now, still wanting to know where those community service kids are working at because they want to get their kids in it to try to do something to better the city. Now, we think that this issue might be revisited in another form of another part time person. The problem that you have with part time people is turn over. On those 4,000 calls I was inside of some dirty houses in bad situations. I had to get court orders to get people moved out. There was trash stacked to the ceilings. I lacked the appropriate gear that I need to go in these houses. I confronted irate people, verbally attacked and almost physically attacked. But I continued to do my job. And I basically said the same thing. So back in May 2, 2001, a request for to be put made full time was presented to

the Council. It set before Council on the Council docket until December 16, 2002 when it was withdrawn as item 7 by Mr. Clemens. Now I think the city would be doing a grievous disservice by not hiring a full time Code Compliance Officer. One that is qualified. One that knows exactly what we're doing when we get out here and able to deal with the situation. Two part time people are not going to do it. The low pay and the stuff that I went through, it's not going to happen. And the only reason I'm not your Code Compliance Officer today is because of two things. Politics and discrimination. I came to a time working for this Administration where the only possibility of obtaining a full time position was that you had to push a broom. The janitor made more money than me holding the fifth most important position in the city. Like I said, I didn't come here to debate but I wanted to come here to let you know that when I was running to the friends, and first they would say call the Mayor, the Mayor's friends and everything, I still did my job. I did it rather well. If you're going to do something to promote code enforcement in the city you have to upgrade the city codes for one. Some of these codes haven't been updated since '65. I had to keep a copy of a code book, which I kept right in the truck with me as I went around. My last year of code enforcement in the city was a living hell. I mean, the harassment. I was harassed on a daily basis to a point to where I couldn't even get out of the truck every day. But like I said, for us to not hire a full time competent Code Compliance Officer, I mean, one that has the background, one that has the ability, along with the authority to do the job, it would be a short change in the city and making a disservice. I come from a city, like I said, many a time and many an occasion, city of East Cleveland, I could tell you how a city transitions and deteriorates because of lack of competent enforcement. You have to have somebody there who's capable of doing the job and doing it well and doing it right. Please don't short change the city. Thank you very much.

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

Mr. Clemens: Bruce, as you know, we withdrew it, so it's no longer there at the present time.

Mr. Sowell: Yes, I do.

Mr. Clemens: As far as turnovers, we haven't had any turnovers other than you are gone and we got somebody new. As far as your harassment and discrimination against the Administration, if you have anything to say about that, you say it when the Administration head is here and not when he's not.

Mr. Sowell: Sir, I was prepared to, if the Administration would have been here tonight, I would probably have said the same thing.

Mr. Clemens: Well, that's the time to do it. We don't talk when somebody's not here. If you want to speak or discuss anything that concerns Mayor McPherson, you do it to his face when he's here. I'd appreciate it much more.

Mr. Sowell: Okay. Well, like I said sir, without showing any disrespect, I felt that it was imperative that I came down here to say what I said _____. _____ I didn't come in to get any debates. I'm just telling you what my own personal experience was.

Mr. Beougher: Thank you. Mr. Hills.

Mr. Hills: Bruce, I thought it would be most appropriate just to let you go ahead and make the statement you've attempted to make on two different occasions and you were not able to make and I was going to sit here and listen to them. I am the Acting Mayor and your issues apparently are with the permanent Mayor, Bob McPherson. But I appreciate what Council was saying, but I think it needs to be made clear that you worked for 4 years as a part time person and you didn't, you were asked to resign at best. Okay? You didn't leave under the most favorable terms.

Mr. Sowell: I know that, sir.

Mr. Hills: And I gather that, you know, we can sit here and we can hear what you're saying and the press _____ one way or another, but your termination from the city was not in a voluntary type basis. And I wasn't going to bring that up but now that you have had (inaudible) the Administration. And if they were justified at what they did or not justified in what they did, and it has not been _____ any farther. So your comments have been made, Council has been very patient, and I think the Administration was somewhat patient to allow you to make these statements rightly or wrongly, they're in the record. But let's call the record what it really is.

Mr. Sowell: Well sir, like I said, these are my own experiences. This is basically what I based on what happened to me.

Mr. Hills: As I said, these are things that you weren't able to say before. You now have said it.

Mr. Sowell: Thank you.

Mr. Hills: Is enough, enough?

Mr. Sowell: What do you about enough, enough sir?

Mr. Hills: You've had your opportunity to say it, it's there. Council didn't stop you. Administration didn't stop you. Administration was justified in the actions they took as to why you are no longer employed at the city.

Mr. Sowell: I don't believe that, sir.

Mr. Hills: (Inaudible) why we need to go down a different avenue other than here.

Mr. Sowell: Well sir, like I said, first of all sir, like I said, I didn't come in to debate. I came in to make a statement. My own personal, what happened to me.

Mr. Hills: And you tried it twice before, and you didn't. Tonight you got it done.

Mr. Sowell: Thank you.

Mr. Hills: So that's why I say, is enough not enough?

Mr. Sowell: It's appreciated that I had the opportunity to speak, sir.

Mr. Beougher: Thank you.

Mr. Steams: Bruce, I just want to say that as far as a new member of Council, and I want to say it's a lot different than what it was I think than what it would be, what it was last session, last year. And I certainly hope that you could say that the person that is going to maintain the job and that works, if she happens to be full time or whatever the outcome would be, like I say, the city does need the full time person. Because I see the reason why some of the things are not getting done now and which it is a problem, is that the person is not trained like you were. You were on the job for 4 years. This person that we have right now has been on for a year. So I think that if and when the opportunity comes, that Council would really consider making the position full time so that the appropriate training could be given to her, to whoever the person is, and that they can go on and do an outstanding job for the city. But, as far as you're concerned, I really sympathize with you for the things that you endured from the time that you were serving as a Code Enforcement Officer. We had discussed some of the things, and I do know what you did go through, and I just want to say this from my perspective, I sympathize with what you did, and I certainly hope that no one else will have to do that, you know, in the future.

Mr. Sowell: That sir, is exactly what I was saying. Like I said, in keeping with that, when Martin was at the meeting that he had before he, the night before he was killed, he said it, he looked over, he didn't get a chance to go with them. And I didn't either. But, like I said, my interest has always been this city. I've worked hard at it. I devoted a lot of time and a lot of years to it. I don't want to see it happen to what I know can happen by lack of enforcement. Like I said, I've progressed now. I'm into a position where I can now finally get things together. But like I said, having read this, the city does need a full time Code Compliance Officer. Very much so. But we want to make sure that they have the appropriate training and appropriate background to make sure that the job gets done well. That's all I'm saying.

Mr. Beougher: Thank you, Mr. Sowell.

Reports--- Mr. Hills presented the 2003 Mayor's Annual Report, and read a letter from the Mayor. Mr. Hills said he would suggest as everyone is working with the budget, if there are any questions, concerns, don't hesitate to call him. He said he will either get a response or have someone respond.

Clerk read Motion: That the Council of the City of Reynoldsburg for the year 2004 does hereby establish a ten (10) day Spring Clean-up Period from June 4, 2004 to June 13, 2004. During the ten (10) day Spring Clean-up, residents may have garage sales; the City waives the garage sale permit requirement during this ten (10) day period, but all other requirements for garage sales, such as signs and hours, remain in full force and effect.

Garage sales during the ten (10) day clean-up period do not count against the restrictions on the number of garage sales in the Reynoldsburg Codified Ordinances.- -Mr. Clemens moved adoption. Mrs. Newman seconded. Safety/Service Director Reichard said she would like for there to be a standardized time that would begin the second weekend of each June. She said as she understands, that would take an ordinance to do that. Mr. Beougher said that the Safety Committee would entertain an ordinance at the next committee meeting. All voted "Aye". Motion passed.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE TIRE BALANCER FOR VEHICLE MAINTENANCE DEPARTMENT, APPROPRIATING FUNDS THEREFORE, AND DECLARING AN EMERGENCY--- Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mr. Gilbert seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Steams "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 4-04 adopted.

ORDINANCE ACCEPTING TWO UNRECORDED DEEDS OF EASEMENT FOR PLEASANT VIEW HEIGHTS SANITARY SEWER PROJECT AND DECLARING AN EMERGENCY--- Clerk read ordinance by title for the one required reading. Mr. Gilbert moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Steams "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 5-04 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR PLEASANT VIEW HEIGHTS SANITARY SEWER, APPROPRIATING FUNDS THEREFOR AND DECLARING AN EMERGENCY (Sanitary Sewer Improvement No. 787) (CIP #93)--- Clerk read ordinance by title for the one required reading. Mr. Gilbert moved adoption. Mr. Stake seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Steams "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 6-04 adopted.

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 first reading. Item referred to Safety/Service/Finance Committees.

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

ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF REYNOLDSBURG ADOPTED BY ORDINANCE NO. 131-95 ON NOVEMBER 27, 1995 AND AS SUBSEQUENTLY AMENDED - 340 S. Waggoner Road; from R-3 and R-I to S-1; applicant, Reynoldsburg City School District by Gregory S. Baker, Attorney--- Clerk read ordinance by title for the first reading. Mr. Beougher set a Public Hearing for March 15, 2004 at 7:00 p.m.

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 first 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 first 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 first 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 second reading. Item referred to Community Development Committee.

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 second reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR "MOBILE REPORTING SYSTEM WITH SUPPORTING SOFTWARE" (COPS MORE `02 Grant) FOR THE REYNOLDSBURG POLICE DEPARTMENT--- Clerk read ordinance by title for the third reading. Mr. Clemens moved to amend the ordinance as redrafted 2-23-04 which appropriates funds and declares an emergency. Mr. Gilbert seconded. All voted "Aye". Motion passed; ordinance amended

Mr. Clemens moved adoption. Mr. Baxter seconded. With the roll called, members

voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Steams "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 7-04 adopted.

ORDINANCE AUTHORIZING ENGINEERING SERVICES FOR THE MAIN and GRAHAM INTERSECTION IMPROVEMENTS AND APPROPRIATING FUNDS THEREFORE---

Clerk read ordinance by title for the third reading. Mr. Clemens moved to amend the ordinance as redrafted 1-22-04. Mr. Stake seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Clemens moved adoption. Mr. Gilbert seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Steams "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 8-04 adopted.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - 7354 East Main Street; proposed use of land/structure; retail, motorcycle assembly, storage, sales--- Clerk read ordinance by title for the third reading. Mr. Gilbert moved to amend the ordinance as redrafted 2-23-04 which includes Section 2. Mr. Clemens seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Gilbert moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Steams "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 9-04 adopted.

ORDINANCE ACCEPTING RECORDED DEEDS OF EASEMENT FOR PHASE I OF THE REYNOLDSBURG MAJOR COMMERCIAL CORRIDORS STREETSCAPE PROJECT--Clerk read ordinance by title for the third reading. Mr. Gilbert moved to amend the ordinance as redrafted 2-20-04. Mr. Clemens seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Gilbert moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Steams "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 10-04 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR Evans, Mechwart, Hambleton & Tilton, Inc. TO PROVIDE INSPECTION SERVICES TO COMPLETE THE STREETSCAPE PHASE I PROJECT AND DECLARING AN EMERGENCY--- Clerk read ordinance by title for the third reading. Mr. Stake moved to amend the ordinance as redrafted 2-20-04 which added emergency language. Mr. Gilbert seconded. All voted "Aye". Motion passed; ordinance amended.

Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Steams "Yea"; Mr. Baxter "Nay"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed; Ordinance No. 11-04 adopted.

Request for Executive Session by Acting Mayor Hills to consider the employment, and dismissal, and compensation of public employees.- -Mr. Clemens moved to recess to Executive Session. Mr. Stake seconded. Mr. Beougher said those attending would be elected officials, the Clerk, and the Human Resources Director. With the roll called, members voted: Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Steams "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea". Motion passed. Mr. Beougher said following the Executive Session, Council would reconvene only to call the roll and adjourn. Council recessed at 8:00 p.m.

Council reconvened at 9:53 p.m. With the roll called, members responding were: Mrs. Newman "Present"; Mr. Beougher "Present"; Mr. Stake "Present"; Mr. Steams "Present"; Mr. Baxter "Present"; Mr. Gilbert "Present"; Mr. Clemens "Present".

Meeting adjourned at 9:54 p.m.

Lane J. Beougher, President Pro Tempore of Council

Nancy C. Frazier, Clerk of Council

(Transcribed/S. Smith, Ass't. Clk of Council)