

SPECIAL SAFETY COMMITTEE MEETING MINUTES

February 21, 2006

Members of Safety Committee present: Brett Baxter, Ron Stake, Doug Joseph, Donna Shirey. Other members of Council present: Preston Stearns, Mel Clemens, Antoinette Newman, Council President William L. Hills.

Mr. Baxter: I=ll call the special Safety Committee meeting to order February 21, 2006 at 7 p.m. The first order of business here is, Continuing Discussion, International Property Maintenance Code which was first held on 2-6. And then held again on 2-13. I will add to this agenda, one thing prior to that conversation is, is to make a notice that our next meeting will be on March 6. Not next Monday, due to previous scheduling concerns. With that said, we last left off on 302.7. And we=re about to have a conversation on fences, correct?

Mr. Hopper: That=s correct.

Mr. Baxter: If you go ahead and continue, we=ll try to get as many of these out tonight as we can.

Mr. Hopper: Okay. 302.7 discusses accessory structures.

Mr. Baxter: That=s on page 9 in the book for those who are looking.

Mr. Hopper: Accessory structures talks about other things, in regarding fences also. And again, that=s the reason I have put into one of the amendments is to, AAlso See Chapter 1351". Because in our existing ordinance, fences relate to other things than just a regular wood fence, or a chain link fence. It also deals with hedges, trees, anything that grows together to a certain length, could also be considered fences. And then we would regulate it that way. So I just again, want to make sure that we=re looking at fences more than just what we=d normally think of as a fence.

Mr. Baxter: Very good. And for those who are looking to determine what that is, you=ll see in your black binder, a chapter titled 1351 of which you will see 1351.01. It is to define locations. Define and permits. 1351.02, Barbed Wire Fences. .3, Electrical Charged Fences. And .4, Permit Fees. And .99, Penalties. And this is what you=re asking to have them reference to this 302.7, correct?

Mr. Hopper: That=s correct.

Mr. Baxter: So is your intent to include all of those sections of it? On 1351?

Mr. Hopper: Yes.

Mr. Baxter: Okay. Any questions? (No response). Hearing none, let=s go ahead and move on to

the next comment which is 302.8. Insert AAll motorized vehicles and/or trailers shall be parked/kept only on improved hard surface such as concrete or asphalt. Also see Section 351.18 of the Codified Ordinance of the City of Reynoldsburg@.

Mr. Hopper: That is where we=ve made a change. The old text in the ordinance talked about a front yard. And what I=ve done is, I=ve proposed that we take the word Afront@ out of the code text. And to also insert that AAll motorized vehicles and/or trailers shall be parked or kept on an improved hard surface such as concrete or asphalt@. That=s one of the areas I think, that we deal with more often when it comes to code enforcement is, vehicles parked on a grass surface. Current code says front yard. They park in the side yard or the back yard, we don=t have any enforcement over that. So, trying to clean that up a little bit and take it one step further. That if they want to park in their back yard, or they want to park on their side yard, they=ve got to improve that surface and it=s got to be concrete, asphalt, brick pavers, something like that that would be improved.

Mr. Baxter: Very good.

Mr. Clemens: I=ve got a question. Yes. Now, does this encompass the area of the vehicle?

Mr. Hopper: I think it would.

Mr. Clemens: I mean, that=s something we have to make straight. Because I=ve had a little discussion on that with other people on this. Does that mean they can put in four pavers under each tire and that=s it?

Mr. Hopper: I would think this would, it says it=s got to be parked on an improved surface. I wouldn=t think that just four blocks wouldn=t be considered an improved surface.

Mr. Clemens: It=s been handled that way now. That=s what I mean. This has been an argument about this. It=s hard to handle because that=s being done now. And we=ve not been able to enforce it because they=re on concrete, or asphalt, or brick. I don=t want to get in the situation where we pass this and go through it again. And the Mayor and I have discussed this, haven=t we, Bob? This has been a problem. And we do have people now that put up and down a couple of pavers under each wheel and that meets our code. I was wondering if it encompasses a certain area. The area of the vehicle, or the area of the trailer, or the area of the boat. This does include boats, doesn=t it?

Mr. Hopper: Yeah.

Mr. Clemens: Rather than just the area of the tires.

Mr. Hopper: That=s something I will check into.

Mr. Clemens: If you would. Because I know that=s a situation we=ve had. We=ve had discussions on it and it=s been hard to handle and you can look into it.

Mr. Hopper: I think part of the problem is that word Afront yard@. That front also only allows us to enforce that code in the front part of the yard.

Mr. Clemens: Right. I understand. Right.

Mr. Hopper: But I will look and see if we need to add some additional language that would say...

Mr. Clemens: Encompass the area of the vehicle. Okay.

Mr. Hills: Mr. Clemens, Mr. Baxter, if I could clarify. Chet, is 351.18, AParking a Motor Vehicle On Lawns Prohibited@, this is as it is worded today? Already codified in our existing code?

Mr. Hopper: No.

Mr. Hills: Okay. This has changed from our existing code?

Mr. Hopper: Yes.

Mr. Hills: And under our existing code, we are apparently, in some situations, people are parking tires just on the tiles and we=re not able to... I would think that while we=re here we want to make it very clear. Now when I read this, AAutomobile, motorcycle shall be parked or remain on any non-parking or non-driveway portion of the yard. Motorized shall be on improved hard surface such as concrete or asphalt@. I wouldn=t think that just the paver under the tire is sufficient. I would think the whole vehicle must be on that surface. But you say, and this is different from what we currently have codified?

Mr. Hopper: Yeah. If you look in your 3 ring binder, when I made changes to the ordinance, towards the back of the book you=ll see that 351.18, you=ll see the old and the strike outs. And you=ll have that where the front=s crossed out and then we have the new language.

Mr. Hills: Okay. You took out the Afront@, left Aall yards@, and you added AAll motorized vehicles and trailers shall be parked/kept only on improved hard surface such as concrete or asphalt@. So that sentence in your mind and the Mayor=s mind, is going to encompass the entirety of the vehicle is to be on the hard surface. Is that what we=re saying?

Mr. Hopper: That=s what I=m saying. Yes.

Mr. Hills: How you interpret it and how it=s enforced, it=s going to be enforced that way I guess.

Mr. Hopper: Right. That=s how I envision it being enforced.

Mrs. Reichard: If I just might also say, we can go back and look at the language and maybe sort of wordsmith it a little bit to make it more clear that we=re talking about an asphalt or concrete pad that the vehicle sits on.

Mr. Clemens: My only problem, I want it to be able to be enforced and not have a problem.

Mrs. Reichard: Right. We need to be very, very clear because this has been a problem. So we=ll take a look at it.

Mrs. Shirey: Mr. Baxter, I have a question.

Mr. Baxter: Yes. Go right ahead, Mrs. Shirey.

Mrs. Shirey: Mr. Hopper, in regards to enforcement, your Code Officials, once enforcing, how are they going to enforce that? I mean, are they going to be able to write tickets to enforce this to go through? And is it going to be per vehicle, or is it going to be to the property owner? Because we currently have a situation in our neighborhood where there is a house where they have several cars and they keep swapping cars and actually park on the grass and nothing=s being done.

Mr. Hopper: Well, this is part of the Property Maintenance Code. So it would be enforced to the property owner. And we would start out with kind of like we do, what we=re doing right now is, we=d start out with a violation notice telling them they have so many days to correct it. Specifically spelling out what the violation is. And if we didn=t see a result, there are some things that I would like to do with some reinspection fees. And to get to that citation, we would have that power to write that citation and cite them into court.

Mr. Baxter: Okay. I notice that you had under Section 3 under 351.18, AWhoever violates this section shall be guilty of a traffic violation of the minor degree@.

Mr. Hopper: That may be something that I overlooked and probably should be taken out of, shouldn=t be a traffic violation.

Mr. Baxter: That=s why I understand, question because it appears you=re going to ticket the car, or the owner of the vehicle, not the maintenance of the home. Also one of the things I think I understand that Councilman Clemens is trying to get to on this particular section is, if I put pavers, two by two going down the side of my house and put it down the side of my house, would that not be considered an improved, hard surface? And it wouldn=t encompass the whole vehicle, but there would be a path of pavers where my tires drive on. Would that be considered the type of improved surfaces? And I know in your mind, it=s not. But this code doesn=t address something like that. And I do know we had somebody in our neighborhood who did the same

thing. So that=s why I know what you=re getting at. Councilman Newman.

Mrs. Newman: Well I agree that the language should be clarified. Because the literal reading of this, you would think that pavers would be adequate. I mean, it complies with the letter of what this says.

Mr. Baxter: Certainly. So then the walk away today then, would be to take a look at this section and see what we can clarify what the intent is from an improved, hard surface. And maybe have that in your definitions page what that means.

Mrs. Reichard: And remove item Ac@.

Mr. Baxter: And then remove item Ac@. He=s correct. Replace it with whatever the fees would be referenced back into your fee section, correct?

Mr. Hopper: That=s correct.

Mr. Baxter: Okay. Let me see, check the time here. Okay. It=s 13 after. The next section here, unless there=s any other questions on 302.8. Hearing none, we=ll move on to 303. Also see Section 1171.06(b), and Chapter 1363 of the Codified Ordinances of the City of Reynoldsburg.

Mr. Hopper: Again, this was an area that we had to make some changes. Our current ordinance talks about fences around swimming pools being the water depth of 18 inches would then require a fence and the fence would have to be 5 foot high I think is what that says. Six foot. And what I=m doing is just changing the water depth in the ordinance and the fence height. Again, it makes sense to me if it=s something that=s being enforced throughout United States, it=s an International Code, who are we to say that it ought to be more restrictive than what the code=s saying? So 24 inch depth would allow for the homeowners to purchase a temporary pool that would be 18, 20 inches deep for the kids to play with during the summer time. We run into situations where we have those. They go to Wal Mart, they blow them up, they=re 60, \$70 pool and it=s got 20 inches of water. Well now we=re making them get a permit, put a fence around it, get an electrical permit, and that would alleviate that problem. They=re spending \$60 on a pool and 2 or \$300 on a fence that=s going to be gone in 2 or 3 months. So I=m just trying to make it a little more consistent with what the real intent of the code would be.

Mr. Baxter: When you reference swimming pools, you=re not referencing in the ground versus above the ground types of swimming pools?

Mr. Hopper: No.

Mr. Baxter: Because when I look at it from a fencing requirement, if you notice, a lot of these above the ground swimming pools come built in with their own fencing around that.

Mr. Hopper: Yes.

Mr. Baxter: And from what I'm reading here, would that then fit within the requirements A shall not be located any closer than 6 feet to any rear of the lot line and closer than 3 feet to any side of the lot@? So that would then dictate the position of the pool then.

Mr. Hopper: That=s correct.

Mr. Baxter: Okay. Any other questions to this section? (No response). What was your intent with 1171(b), was to bring all of this into play with 1363, correct?

Mr. Hopper: That=s correct.

Mr. Baxter: Okay. I don=t have any other questions. Any other questions from members of Council or the committee? (No response). Okay. We move on to the second page. It=s 304.3. And just as reference, if you do come up with some questions over the next week, or two weeks before the next meeting in March, by all means, just bring them to committee and ask. We can always go back and reference a section we=ve already completed. It=s not as if there=s anything holding us back. Okay. 304.3 is also ASee Chapter 1355 of the Codified Ordinances of the City of Reynoldsburg@. 304.3 is referencing specifically, the premises identification.

Mr. Hopper: And again, this is just an area where I just wanted to make sure that when we=re enforcing the Property Maintenance Code, that we go back and look at what=s in our current ordinance. There=s a little more language relating to how the premises identification should be. So I just wanted to make sure that we=re checking not only the Property Maintenance Code, but we=re also looking at our ordinances.

Mr. Baxter: Okay. And if you notice when you read that, it says that the numbers shall be a minimum of 4 inches or 102 millimeters high with a minimum _____ with a half inch. What is our current requirements for that? Or do we have any for numbering?

Mr. Hopper: Yes. It talks about 5 feet from the front door in contrasting colors. I=m not sure whether the Building Code tells us how big it has to be. I think we get the same size out of the Building Code. They=ve got to be 4 inches in height.

Mr. Stake: Mr. Baxter.

Mr. Baxter: Yes, sir.

Mr. Stake: I have a question.

Mr. Baxter: Mr. Stake, go right ahead.

Mr. Stake: Thank you. Mr. Hopper, on 304.3 here in your National Maintenance Code book, it says, Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Is that a private street or road? Or public street or road? Or does it make a difference? Is there a difference?

Mr. Hopper: I don't think so. The identification is for police and fire to be able to locate houses. That's the number one concern I think.

Mr. Stake: And that concern brings me to my next question I guess. My concern is that we have some developments where there's addresses back off of private road. And so I'm trying to get where this needs to be posted. I live in a development that has four homes back, probably a good couple of hundred yards off of the public road there.

Mr. Hopper: I don't think it really stipulates between private or public road. I think you've got to have an address on your property, on your house.

Mr. Stake: Well, it says it has to be visible from the road. I guess my question is, what road would it be? For instance, the public road or the, really it's a driveway I guess going back to where I'm at and my neighbors are at. So is that considered a road? Or is that a driveway?

Mr. Baxter: Is it a private driveway?

Mr. Stake: Yeah. It's private. Whatever you want to call it. It hasn't been named I don't think or anything. There's no name given to that.

Mr. Hopper: Once service got back in there, how would they know what house they were going to unless the house was.

Mr. Stake: Well how would they know which house is back in there, I guess from the public road?

Mr. Baxter: They can't at the moment. I still can't find your house.

Mr. Stake: A lot of people can't. I know.

Mrs. Newman: That's why he's there.

Mr. Stake: And the other thing is, my house is set about 300 feet back from the circle. And I guess my number's not visible from there either. So how would that be handled in my case?

Mr. Hopper: I think that we could approve other postings. Our current code says 5 feet from the front door. Well, there's a lot of houses that have the number block out at the garage. But there's a light over top of the garage, so it's visible. It's contrasting colors. It's something

that can be approved.

Mr. Stake: That wouldn't help me either. I probably would need something out towards the front of the...

Mr. Clemens: Neon lights on your garage.

Mr. Baxter: Do you have a mail box out there with a number on it?

Mr. Stake: The mail box is on Rodebaugh Road which is quite a ways away from my house. The other thing, and I don't know what the situation is in this case, but is it, maybe we need to add some language in that these types of developments, that there should be a sign posted out at the front of the development with the numbers for the homes that are back there. I think that would be an easy way to solve that. And then if need be, if mine can't be read from where it is on my home on my garage, I can post a sign maybe with a number on it up front. But those are something you need to think about I think in regards to this section.

Mr. Hopper: Okay.

Mrs. Frazier: But when you go to 1355.03, the last sentence in (a) there says, AWhere the residence is set back from the roadway so such numbers would not be visible from the road, the numbers shall be displayed on the mail box or other methods so as to identify the residence@. But you're saying that doesn't work either?

Mr. Stake: No. The number is on the mail box. But it's nowhere near the residence in my case, and really the three other houses back there, four other houses. Because they're out on Rodebaugh Road and the houses are back.

Mrs. Frazier: What is that lane that goes back there? You say it doesn't have a name?

Mr. Stake: No. There's no name. Chet, I don't believe there's a name to that.

Mrs. Frazier: Do you have an address?

Mr. Stake: I do have an address. Yes.

Mrs. Frazier: What is it? Rodebaugh?

Mr. Stake: 7660 Rodebaugh Road.

Mrs. Frazier: So it's off of Rodebaugh.

Mr. Hopper: I think Nancy brings up a good point. It says, Aon the mail box or other method so

that it can be identified. Like your talking about. If you put something out at the driveway, that would identify your house.

Mr. Stake: And that's fine, and I can do that and I've been planning on doing that. But I think it also needs to be identified where you come in to the development. And I'm not the only one. I think we've got one or two off of Palmer, same situation. And they may have signs out there. I don't know. But if we're going to change this, maybe we need to add where, in a private development that the addresses are posted at the entrance of that development.

Mr. Baxter: I think that would be a great idea, Mr. Stake. Not just for the fact to be able to find where you live, but in the case of an emergency, they'll be able to find you.

Mr. Stake: Well, that's right. There's a lot of good reasons to be able to have that. Absolutely.

Mr. Baxter: Good safety reasons for that to be visible.

Mr. Stake: Right. Thank you.

Mr. Baxter: Okay. Any other questions on 304.3? (No response). Hearing none, I'll move to 304.14. Delete "during the period of date to date". 304.14 is dealing with insect screens.

Mr. Hopper: Rather than just put April to November, March to September, I really don't think this is, just taking it out I think makes sense to me that, the insect screens should be in place all year long. It just seemed to make more sense to me rather than trying to enforce something from a certain date to a certain date.

Mr. Baxter: So what I understand here is your objection to 304.14 in the Property Maintenance book itself is the phrase, "during the period from date to date". You would just like to have that removed.

Mr. Hopper: That's correct.

Mr. Baxter: Does that bring up any questions? Councilman Newman.

Mrs. Newman: I know a lot of people who like to take their screens off at the end of the summer and wash them and put them away, and then they put them back on in the spring. And that's the traditional way of handling screens in this country I think. Some of us who are lazier than our neighbors don't do that. I don't. I leave them on all the time. But you know, a lot of people don't like to do that. So I don't know. You wouldn't want to require them to have screens on there all the time I think, if they're not needed. And if that's not their custom.

Mr. Baxter: I understand what you're getting at. So the question here that's at hand is, by taking the "date to date" off, then you're requiring the screenage to be there all the time in an area where there's food preparation and the other qualifiers that have been identified in this

book.

Mr. Clemens: I agree with Toni. I think requiring a homeowner to do something that they may not do or have the ability to do, some windows, ours slide back and forth or I wouldn't take them out probably. I don't know whether we can require people to leave their screens in all year around. You get winter works on them, snow works on them, ice works on them, and they deteriorate a lot quicker by being in all the time. I just don't know whether that's something that we should require people to leave their screens when it's ice and snow and so forth.

Mr. Baxter: Well, I would question all seasons rooms, or all three seasons rooms that you may not have screening that you want there during the winter season. And you would want there and have interchangeable windows with screening. And that would bring up a questions of if that would make it required to keep the screening there all winter long. So I don't know. I don't think I like the idea of having the date removed specifically for that reason.

Mrs. Newman: Mr. Baxter. I have a neighbor, I mean, they keep their home meticulously and they always take their screens out in the fall and clean them and put them back in the spring. That's why I mentioned this. Because I just don't feel that a lot of people do that.

Mr. Baxter: I also see people who do that with their back doors. They'll take the screening out and put the glass in and then reverse that during the summer. In that case it wouldn't be an issue. Because you still have something blocking. But I support your argument. So what do you think? Do you think we should leave that in and just put the date in?

Mr. Hopper: That's fine.

Mr. Baxter: Okay. Then we'll go ahead and change that, from delete that to actually putting the date to date in. And what would be the recommendation then?

Mrs. Newman: I saw bugs out flying the other day.

Mr. Baxter: When we're talking about Ohio, that could be January through December.

Mr. Stake: Mr. Baxter.

Mr. Baxter: Councilman Stake.

Mr. Stake: In reading this, does this apply to residences? Or does this apply to people who do food service?

Mr. Hopper: Both.

Mr. Stake: It does apply to residences? Okay.

Mr. Baxter: The issue that I was concerned with, Councilman Stake, is that the very first statement is, Athat for ventilation of habitable rooms@, which implies it=s not even necessary for a food preparation area. It could be your sleeping quarters or your den. It could be a three season room. All of those would be considered habitable areas and we=d be requiring screening on them. Councilman Clemens.

Mr. Clemens: Putting dates in there is kind of difficult with the weather we have here.

Mr. Baxter: It might be easier to just put something else like seasonal.

Mr. Clemens: We have cold March, we have cold April=s, cold in May. And to knock on somebody=s door and say, hey buddy, get them screens in, somebody=s liable to slap you one. And if my wife ordered me out there when it=s cold to do it, and she would probably do that. So to put dates on it when people have to put in screens, I don=t know, that=s kind of different.

Mr. Baxter: Well why don=t I go with this Councilman Clemens? Why don=t you take this back and think about this a little bit more. We=re running out of time at this point. And so I=m going to make a note that we left off here on 304. And maybe we can come up with some discussion in the next two weeks that would be a better way for that language to work. Knowing that we are in Ohio and the dates change quickly. So with that said, unless there=s any objections, I=ll go ahead and close this meeting at 7:30 p.m.

February 21, 2006

-- Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Smith)

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

February 21, 2006

Members of Community Development Committee present: Antoinette Newman, Doug Joseph, Preston Stearns, Donna Shirey.

Other members of Council present: Ron Stake, Brett Baxter, Mel Clemens, Council President William L. Hills.

Mrs. Newman: I'll open the Community Development Committee meeting for February 21 at 7:30.

The next item on the agenda is the approval of the agenda. Are there any changes? (No response).

The next item is the approval of the February 6 minutes. Are there any changes or corrections? (No response). Seeing and hearing none, they'll stand as written.

Item number 4 is an ORDINANCE AUTHORIZING CONTRACT (TWO YEARS) TO MAINTAIN MAIN STREET PHASE I CORRIDOR REVITALIZATION LANDSCAPING. It had its first reading on February 13 of this year. Is Mr. Walsh here? Does anybody have any questions for Mr. Walsh? (No response). I think I do. You mentioned that this contract does not include irrigating and the sod, or the turf?

Mr. Walsh: That's correct.

Mrs. Newman: How does that get taken care of?

Mr. Walsh: Irrigation is handled by a separate purchase order. We started that last year using a company that actually installed the irrigation system. And that was our plan to do that again. The turf is not an issue that we'll be addressing at all. The turf is the responsibility of the property owners.

Mrs. Newman: Okay. Alright. And you said that you'd like to have a rule suspension on this so we can get the contract signed sooner?

Mr. Walsh: Yes. If we can get this passed at the next full Council meeting, that would be helpful to getting this on the way to spring here.

Mrs. Newman: Alright. I'll move that we have a rule suspension. Do I have a second? Second by Mrs. Shirey. All in favor? (All voted Aye). Any negatives? (No response). It's

approved then. And we'll send this forward for its final reading at the next Council meeting.
So I will close the Community Development Committee meeting at 7:32.

Community Development Committee

February 21, 2006

- - -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Smith)

SAFETY COMMITTEE MEETING MINUTES

February 21, 2006

Members of Safety Committee present: Brett Baxter, Ron Stake, Doug Joseph, Donna Shirey.

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

Mr. Baxter: I'd like to open the Safety Committee meeting at 7:32. Call it to order.

The first item on the agenda is approval of agenda. I would like to add the Blacklick Creek Improvement Project that was sent down by Paul Walsh as item 3c. I so move. Do I have a second? Do I need a second on that, Nancy? No second. So moved. All in favor? (All voted Aye). Motion carries.

The next item on the agenda is item 3a, the approval of the minutes of the special Safety Committee meeting held February 6, 2006. Are there any changes or additions? (No response). Hearing none, they'll stand approved.

3b, Approval of the minutes of the regular Safety Committee meeting held February 6, 2006. Are there any changes or additions? (No response). Hearing none, they'll stand approved.

Item 3c is the Blacklick Creek Bank Stabilization South of Main. Mr. Walsh, I believe that's yours. If I remember right, this came in front of us some time ago back to take a look at resolving the problem we had across the creek bed. And where the bike path was falling down, that type of stuff, correct?

Mr. Walsh: That's right.

Mr. Baxter: Very good.

Mr. Walsh: Back in 2004, we had determined that there was an erosion problem on the bank of Blacklick Creek just south of Main Street. And it was beginning to undermine the bike path. And if you've been out there, you've noticed that we do have part of that blocked off as a safety measure. Council had authorized EMH&T to engineer a solution to the problem. They did a presentation recently showing their ideas that will work. And since we had to do it in the stream and flood way, we did end up with some permitting issues that EMH&T has since resolved with the Corp of Engineers. So we are ready to go. The bids were put out and opened on February 1. EMH&T reviewed the bids. We had three bids came in. They were all good, and Decker Construction Company was the low bid. They also came in significantly under the estimate for

the engineer which prompted one additional meeting with myself, and two of the engineers, and Decker Construction, as EMH&T wanted to make sure that they did bid appropriately and had taken everything into consideration and had the ability to complete the project. And they have determined that that is the case and they should be able to do it okay. Engineer=s estimate was \$154,766. And the low bid from Decker came in at \$114,836.40. We would like to get this project under way. The engineers believe that it would be appropriate to move quickly to do this. Therefore, we have asked for an emergency on this. And I=ll be happy to take questions.

Mr. Baxter: Paul, first off, I know you and I spoke about this on the phone and I=d like the rest of the Council members to understand. If they don=t remember the conversations we had when we first brought this up, there were a couple of options that were being presented by our City Engineer. And I would like them to understand what was selected and what is going to happen in this project. One of the things we spoke about as an example, that=s where the bike path was going. It was going to be moved far over, if was going to be changed directions, or many of options were thrown at us. And so I want to make sure we understand where we=re heading with this.

Mr. Walsh: Yes. We started out with a pretty significant change in the bank in the height of the bike path. That was the original design. And that has since been changed significantly to maintaining the vast majority of the trees and shrubs on the bank. The engineers believe that will help hold that bank in place. The process will be to go in and clean up the area a little bit and then begin placing large stones along the bank as _____ wrap to hold the bank in place. The bike path itself will have to be re-cut, and re-graded, and re-installed. It will be a little bit lower in that area than it is now, but not a significant amount. There=s also a second section just inside Huber Park. If you recall, when we showed you the drawings before, just inside the north property line of the park along the creek bank is another section, a small section that this will be done to as well. It=s not currently threatening the bike path, but it will if it doesn=t get addressed now. So it=s really turned into a much simpler type of project than it seemed to be originally. So that=s a good thing.

Mr. Baxter: And hence, the reason why it came in under expectation in cost.

Mr. Walsh: That=s probably part of it. Yes.

Mr. Baxter: Alright. Do we have any questions here from members of the committee?
Councilman Joseph.

Mr. Joseph: Thank you, Mr. Chairman. Mr. Walsh, has the city ever used Decker Construction Company before?

Mr. Walsh: I don=t know.

Mayor McPherson: (Inaudible. Speaking off mike).

Mr. Walsh: The Mayor says, yes.

Mr. Joseph: Okay. And what was the next lowest bid? Do you recall that?

Mr. Walsh: Yes. I believe your bid tab has it there and it was a bit higher. It was, the next lowest bid was \$180,834.

Mr. Joseph: Okay. Thanks.

Mr. Hills: Just a clarification (Inaudible).

Mr. Walsh: Correct.

Mr. Hills: And Mr. Joseph, it's still about \$30,000 more.

Mr. Baxter: Still a significant savings.

Mr. Walsh: Yes, it is.

Mr. Baxter: Any other questions from committee? Mr. Stake.

Mr. Stake: Mr. Baxter, thank you. I notice Mr. Walsh in your memo, that you're saying the City Attorney is okay with this. I guess maybe we can hear from him on this.

Mr. Walsh: Yeah. He had requested some additional information I didn't have at the time. And the secondary piece that you guys received should be in the most recent packet.

Mr. Baxter: This one here you're talking about?

Mr. Walsh: That one, yes. With the memo on it. Had the information that he was looking for. And he also indicated at the time that we would complete putting the documents together prior to signing the contract, and he was okay with that. But, I can let him speak for himself.

Mr. Stake: Yeah. Mr. Underwood.

Mr. Underwood: That's true.

Mr. Stake: Okay. So you're okay with this now?

Mr. Underwood: Yes.

Mr. Stake: Alright. Thank you.

Mr. Baxter: This was a budgeted project?

Mr. Walsh: This is not a budgeted project.

Mr. Baxter: Is not a budgeted project. So the funds would have to come from...

Mr. Walsh: This would be coming from the unappropriated Storm Water Fund.

Mr. Baxter: Storm Water. I would have to question, do we have the funds in the Storm Water Fund to support this project?

Mr. Stake: The City Auditor says we have a fund balance of approximately \$500,000.

Mr. Harris: That is correct. You have an unencumbered balance in there of about \$500,000. And there shouldn't be anything coming out of that other than the regular things for this year, most of which have already come out. So there's certainly no problem with funding this project.

Mr. Baxter: Very good. That's what I wanted to hear. With that said, are there any other questions from committee or from Council members? (No response). And you did want this as an emergency, correct?

Mr. Walsh: Yes, sir.

Mr. Baxter: To be passed during the next Council meeting?

Mr. Walsh: Yes, sir.

Mr. Baxter: So then I will ask for a motion to move this on to Council with an emergency clause, with recommendation for approval. Mr. Stake.

Mr. Stake: Mr. Baxter, just for clarification. Mrs. Frazier, do we need to refer this to the Finance Committee?

Mrs. Frazier: Yes.

Mr. Baxter: That's why I was asking if it was budgeted or not. You're absolutely right. I will refer this to Finance Committee as well.

Mr. Stake: Okay. Thank you. And I will second your motion.

Mr. Baxter: You'll second the motion. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries. Thank you, Paul.

The next item on the agenda is Discussion of Amend Ordinance No. 105-05 passed December 19, 2005 which authorized a lease regarding construction of a telecommunications tower at 7806 East Main Street. And my understanding here is, this is just a matter of a little bit of housekeeping here? Cleaning up? And Amy, I believe I spoke to you today about this. Ms. Elwood: Yes. What this is, is there was an entity change. The lessee that we were entering into, Voice Stream of Columbus, after the first of the year was acquired by T Mobile Central. So we need to change that name to include the T Mobile Central, and then there=s a new director that will be signing this contract. And that=s basically it. Nothing has changed other than that.

Mr. Baxter: I note that you have again, emergency on this.

Ms. Elwood: Yes. We want to make sure that the tower goes up. They were already constructing it so we just want to make sure that they=re back to work tomorrow. So it is an emergency.

Mr. Baxter: Very good. Thank you. Any questions from committee? (No response). Any questions from Council? (No response). Hearing none, I=ll move that we move this legislation on to Council with a recommendation of adoption as an emergency. Do I have a second? One moment please.

Mr. Hills: I think that will go to the special Council meeting tonight.

Mr. Baxter: Special Council meeting?

Mr. Hills: I believe that=s what passes tonight.

Mr. Baxter: Thank you, very much. Then I would recommend this goes to the special Council meeting later on this evening as an emergency. Seconded by Councilman Joseph. All in favor? (All voted AAYe@). Opposed? (No response). Motion carries. Thank you for the correction, President Hills.

The next item on the agenda is number 5, ORDINANCE APPROVING THE NAMING OF FIVE ALLEYS (Buckeye Alley, Hickory Alley, Elm Alley, Ash Alley, and Maple Alley). It had its first reading on 2-13-06. And this is pretty much a straight forward piece of legislation that is looking to name these alleys that are presently un-named for the purpose of safety so that our fire department, and our police department, and what nots knows where certain road are, alleys are. So with that said, this doesn=t have anything on it as far as emergency. I=ll just go ahead and recommend it be sent back to Council for its next reading. All in favor? I=m looking for a second first here. Councilman Shirey second. All in favor? (All voted AAYe@). Opposed? (No response). Motion carries.

The last item on the agenda here is the ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 1511 FIRE PREVENTION CODE. In here it has several sections. SECTION 1511.01 AEdition Date@;

SECTION 1511.02 AFile And Distribution Copies@; SECTION 1511.03 ADefinitions@; SECTION 1511.04 AEnforcement@; SECTION 1511.10 AEstablishment Of Fire Lanes On Private Property, Devoted To Public Use@; SECTION 1511.11 AAppeals@; SECTION 1511.12 ANew Materials, Processes Or Occupancies Which Require Permits@; and SECTION 1511.99 APenalty@. It had its first reading on 2-13-06. And do we have any questions from Council or committee on this legislation? (No response). Again, I want to remind you that the book that you can reference is in the Clerk of Council=s office. And if anybody would like to have a look at that, please stop by and see her. I=m sure she=ll give you an opportunity to read through it. It is only about what, 6 inches, Nancy?

Mrs. Frazier: (Inaudible).

Mr. Baxter: Okay. Without any objections, I=ll refer this back to Council for its second reading. Do I have a second? Councilman Shirey. All in favor? (All voted AAye@). Opposed? (No response). Motion carries.

And with that, I will close out the Safety Committee meeting at 7:46.

Safety Committee
February 21, 2006
- - Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
FINANCE COMMITTEE MEETING MINUTES
February 21, 2006

Members of Finance Committee present: Ron Stake, Mel Clemens, Brett Baxter, Antoinette Newman.

Other members of Council present: Donna Shirey, Preston Stearns, Doug Joseph, Council President William L. Hills.

Mr. Stake: And I will call to order, the Finance Committee meeting at 8:24.

The next item on the agenda is approval of the agenda. Are there any changes to the agenda by members of the committee? (No response). I have one change. I would like to add as 3a, the Blacklick Creek Stabilization South of Main Street Funding. I don't believe I need a second on that. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Are there any changes to the minutes? (No response). None being heard, they'll stand as submitted.

3a is the funding for the Blacklick Creek Bank Stabilization South of Main. Mr. Walsh, I've got a question on this, please. In your legislative request here, in the second paragraph, you've got an amount of \$114,856.40. And that is different from the 114,836.40 that was talked about in the Safety Committee. Does that include the \$15,500 that's in that second, because it says and? I guess I'm a little confused exactly how much you need there.

Mr. Walsh: Yep. I just see there's a typo in the legislative request. In the first paragraph of the request, it has the proper number, 114,836.40. The second paragraph should have the same number, 114,836.40. And then the additional is \$15,500 for inspection services.

Mr. Stake: Okay. Does that pose any questions to anybody on the committee? (No response). Any other Council members? (No response). So our total amount would be, what?

Mr. Walsh: I haven't done the math yet.

Mr. Stake: So you're needing \$114,836.40 for the repair and stabilization. And another \$15,000 for inspection services. All to come from the unappropriated Storm Water Fund and be appropriated to the Blacklick Creek Stream Bank Fund 740.101.5659, correct?

Mr. Walsh: Yes.

Mr. Stake: I see Mr. Harris standing back there. Mr. Harris.

Mr. Harris: That=s a fund project number that we created, and we=d like to have that included in the legislation. It makes it easier for us to track and make sure all the money gets appropriated in the right place and spent in the right place.

Mr. Stake: Okay. So the 740.101.5659 is the... Okay. Are there any questions or comments from members of the committee? Mr. Baxter.

Mr. Baxter: Just one question. Then the total amount should be \$115,330.40 which is going to be appropriated? And that would include the 15,000? Or is it 1500 I put in there?

Mr. Stake: No. It=s 15,000.

Mr. Walsh: It should be 15,500.

Mr. Baxter: 19,500, right.

Mr. Walsh: The total I came up with was 120,336.40.

Mr. Hills: Mrs. Frazier, it is the total of those two numbers, okay?

Mr. Walsh: Yes. Whatever that is. Thank you. I don=t have my calculator.

Mr. Stake: Mr. Parkinson.

Mr. Parkinson: I try not to butt in where it=s really not my role. And I did not see the legislative request. But I have not heard the term Acontingency@. I didn=t know if there were any contingency funds within either of those in case we come across an unexpected condition that needs a little work.

Mr. Hills: You must have assumed you didn=t need any, Mr. Parkinson.

Mr. Parkinson: That would have been an oversight on our part and we=ll do a better job next time. Generally, we ask for 10% of the estimated construction cost. That would be about 11 grand or something in this case. Whatever you feel is appropriate.

Mr. Stake: I guess the total I have now, and maybe Mr. Harris can help me here since he=s the numbers guy. I=ve got \$130,336.40, adding the 15,500. Is that correct?

Mr. Harris: Yes. Now if you need a contingency fund, you=re going to have to put that in on top of that. At some point in time, as this thing seems to be growing expeditiously here, we may

want to consider whether to pay this entire thing out of the Storm Water Fund at this point, or take a private placement in order to borrow the money so that we don't deplete that fund completely.

Mr. Stake: Okay. I think those are two things we need to think about here a minute. I'm not sure I'm ready for a private placement aspect of it. But we would need an additional 13,000, Mr. Parkinson, approximately?

Mr. Parkinson: No, sir. I would say 10,000 would be enough.

Mr. Stake: 10,000?

Mr. Parkinson: 10,000 would be enough for a contingency. And that's in the event that we run into something that we don't expect.

Mr. Stake: Okay. So that's \$140,336.40.

Mr. Baxter: I've got \$140,836.40, Mr. Stake. I'm using a calculator.

Mr. Stake: No. That's not correct.

Mr. Baxter: Bad calculator.

Mr. Stake: You've got to put the right numbers in first though. Okay. Any comment, Mr. Clemens?

Mr. Clemens: Yeah. There for a while, I thought we had a pretty good price.

Mr. Baxter: Suddenly it just went up from 114 to 140,000. You start to scratch your head now and just add that 30,000 back into it.

Mr. Stake: Well, it's better to catch it now than later on and come back for more money. Mr. Harris, we're talking about additional 25,000 or so versus what we talked about in the last committee. I guess my preference would be, just to roll with your first suggestion creating that Blacklick Creek Fund and take the money out of the unappropriated Storm Water Fund and deposit it in there.

Mr. Harris: There certainly is the money in there to do it if that's Council's wishes. And you can also do a private placement. This is something that will last more than 5 years if you don't want to deplete that fund. But certainly, the money is in that fund if you just want to go ahead and take the 140,000 and pay for the project.

Mr. Stake: That private placement, is that something we need to decide now?

Mr. Harris: Yeah. If you're going to do it. You've got to have a bond ordinance and stuff passed. It would hold up the project at this point, but the money is certainly there to do it. However, you probably need to understand, this will be the last project coming out of the Storm Water Fund for a while.

Mr. Stake: Mrs. Newman already expressed her opposition I guess, to the private placement for time reasons. And I think that makes a lot of sense. Other members of the committee, any comments on that? Mr. Baxter.

Mr. Baxter: My comment to that is, having a private bond, using a private bond, do we have to consider other situations that we would run into? Like, does that present the city with having more debt than we wish to have? There's many other options we have to consider here with a private placement bond. Are we in a position to take on a bond at this time?

Mr. Harris: \$140,000 placement out of that is certainly possible. Because you do have a revenue source in place. You're not taking this out of the General Fund.

Mr. Baxter: So then, would we not be able to go ahead and take the money from the existing revenue source and then pay it back with a private bond, replacement bond?

Mr. Harris: You can.

Mr. Baxter: So does that not allow us to then _____ tonight, and then go later?

Mr. Harris: You would have to put language in there that the Storm Water Fund would advance the money. And therefore, then it would come back and have to be replaced with the issuance of a private bond if you so choose. At this point, \$140,000, there's about \$500,000 in that account. So there's plenty of money to do that if that's what Council desires. It will get the project going faster. I know they'll probably have to get some time constraints here because of the opening on this was several weeks ago. So I think they'll probably have to give us a time to get this thing finalized, to get it started before the time runs out on the bid. So if that's what you want to do, there's certainly the money there to do it.

Mr. Baxter: Okay. So I was recommending Mr. Stake, that we go forward with the project out of the Storm Water Fund, and then discuss having a private bond added to pay that fund back. Unless there's concerns we're going to deplete that fund. And that was why I had addressed that. If we're not concerned about depleting that fund, then I would just simply say, let's pay it out of that fund and move on.

Mr. Stake: Okay. Thank you, Mr. Baxter. Mr. Clemens.

Mr. Clemens: Yes. I agree. We should get on with the project. And I think when we first

started, we said we were going to use Storm Water Fund. This is a Storm Water project. Since we're using Storm Water Fund in a Storm Water project, I think next time it should be through the Service Department. The Service Director should be handling it which comes out of the Service Department. Since we're spending money out of the Service Department, the Storm Water Fund, I think the proper director's ought to be handling the project.

Mr. Stake: Okay. Thank you, Mr. Clemens. Mrs. Reichard, are you comfortable with doing it this way?

Mrs. Reichard: Yes, I am. Because you have to remember that that's not a static amount, the 500,000. We keep replenishing that fund when the fees come in. And I will tell you Mr. Clemens, that Mr. Walsh and I worked on this together. But because he had the intimate knowledge about the park and the whatever, we did. We worked on this right up to coming up to this legislation. So the Service Department has been very much involved in this.

Mr. Stake: Thank you. Mr. Harris.

Mr. Harris: While that is not a static fund, you also have to remember that there is a Bartlett Road Project that's taking most, pretty much all the surplus for the next 5 years to pay for that project. And now you're going to take this 150 out of that. So you will not be replenishing that fund really, over the next 5 years. You've already spent the replenishing money on the Bartlett Road Storm Water.

Mr. Stake: What I guess I would ask then, what other projects we might anticipate where we would need to take money out of this fund? Does anybody, Mrs. Reichard, Mr. Kipp, are you involved in this at all?

Mr. Kipp: No.

Mr. Stake: You're lucky.

Mrs. Richard: (Inaudible. Speaking off mike).

Mr. Stake: Mayor, are you aware of any?

Mayor McPherson: Mr. Stake, I think everyone's aware that we had a list of priorities for Storm Water. And this was only the first project of probably 20 projects that we were going to look at. So as we go down the road, we'll be looking at a whole bunch of other projects out of the Storm Water Fund.

Mr. Stake: Okay.

Mr. Baxter: Mr. Mayor, would you agree that this is one of the projects you would prefer having

done with these funds at this time?

Mayor McPherson: Yes. I think this is clearly the best way to fund this particular project. I think the original engineer=s estimate was what, almost 180,000 or something like that? Any way, we=re getting it down considerably, on the cost. I=d just like to see it move forward through the Storm Water Fund.

Mr. Stake: And Mr. Harris, just to clarify, you did state that in order to do a private placement, we=d have to hold this, get some bond language done and that kind of stuff before we=re able to pass anything?

Mr. Harris: Or if you decide you want to do the private placement, you could advance the money from the Storm Water Fund and then have it replaced with the bond issuance.

Mr. Stake: Okay. Yes, President Hills.

Mr. Hills: If I could just suggest from listening to this, the Mayor says there are other projects, we=ve gotten into a whole bonding discussion over \$10,000. I have a feeling that if we=re going to do any of these other projects, we=ll be doing them as a package that would be bonded at one. And we probably ought to just increase this amount by 10,000 since we=ve corrected the numbers for the applicants for the thing and move it forward. And then determine the other projects later.

Mr. Stake: I would agree. I think if we=re going to do those kinds of things, we need to have the information ahead of time so that we=re able to, especially we=re at a point now where we want to get this thing done. We=ve got the bids in. You want to get them going and get this repaired so that people can use the park the way it=s been meant to. Mr. Baxter, you have another question?

Mr. Baxter: Just a reminder, this is a safety issue. This is what brought this in place. That we are losing the side of the bank and that the bike path is falling in and there=s other places that need some work done on it. So that=s why I came across as a safety issue. And with the fence, they=re trying to protect everybody still. It is definitely a safety issue so that=s why I recommend we move forward with it.

Mr. Stake: Okay. Any other comments or questions from members of the committee or members of Council? (No response). Then none being heard, then I=ll make a motion that we fund this project from the unappropriated Storm Water Fund in the amount of \$140,336.40 to the Blacklick Creek Stream Bank Project, account number 740.101.5659. Do I have a second? Second by Mrs. Newman. Any further discussion? (No response). All in favor, state aye. (All voted AYe@). Opposed? (No response). Motion passes.

Item number 4, Discussion, Supplemental appropriation, file folders for Clerk of Court.

Mrs. Nofziger, how are you?

Mrs. Nofziger: I'm fine. Good evening. What you have before you is a request for a supplemental appropriation for \$3,500 from the unappropriated General Fund to the Clerk of Court Office Supply Account. In 2005, and so far in 2006, the case volume for the Mayor=s Court has increased significantly. Therefore, I am at this time, requesting the ability to purchase more case file folders to keep things running smoothly. This is a sample of what our case files look like. We just put each ticket in it and create a file for each one to record all pleadings, any motions that are filed, those kinds of things. So this is exactly what it is that I'm looking for. Basically, traffic cases make up the vast majority of the cases in the Mayor=s Court. And in 2005, there was a 97% increase in traffic cases filed in our court from 2004. And for criminal cases, there was a 10% increase. Thus far, well the month of January in 2006, traffic cases are up 73% over the numbers from 2005. And criminal cases are up 12%. So Chief Suci has indicated to me that they are going to continue their emphasis on traffic enforcement. So I can only predict that the case volume will continue to increase.

Mr. Stake: Okay. You've got indicated here, you'd like an emergency. Are you still going to need that?

Mrs. Nofziger: Actually, I am not. At this point, I do not need that. It can go through the full three readings and be just fine.

Mr. Stake: Okay. Are there any questions or comments from members of the committee? (No response). Members of Council? President Hills.

Mr. Hills: Just one question, Barb I noticed you were ordering 3100 folders at \$1.10, but yet the quotation seems to say, if it's less than 5,000, it's \$1.15. Did they give you a better buy or something? Or is it just a typo?

Mrs. Nofziger: It is a quantity discount and I do intend to order more than 5,000. So it is the \$1.10 per folder is the price. Because I do need to order in excess of 5,000 folders.

Mr. Hills: So you're going to spend this 3500 plus other monies you have in an account to buy in excess of your order then, 8,000 or whatever.

Mrs. Nofziger: That's correct. Well, what I did is, I need to order...

Mr. Hills: 5,000 or whatever. You're going to order above 5,000 to get them at the reduced price.

Mrs. Nofziger: Actually, I would like to order 6,000, just over 6,000 case files this year. (Tape Change). Yes. I have some money in my budget. This is in addition to what I had previously budgeted.

Mr. Hills: What were your total cases last year? I know you said the traffic increased 95%. What were the total cases filed last year?

Mrs. Nofziger: Total cases last year was 5,220.

Mr. Stake: Okay. Any other questions from members of Council? (No response). Okay, then. None being heard, then I will make a motion that we make a supplemental appropriation in the amount of \$3,500 from the unappropriated General Fund to account number 110.593.5201, Office Supplies to purchase the 3100 file folders at \$1.10 each. And I would make a motion to send this on for its first reading. Do I have a second? Second by Mr. Baxter. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you.

Item number 5 is Discussion, Police, and Parks & Recreation Impact Fee Study. This was added to the January 17, 2006 meeting agenda, and it's been held for three weeks. Item was last held on February 6, 2006. Mr. Clemens, you were not able to make the last meeting. I don't see Mrs. Keefer here so, maybe Mr. Parkinson can answer any questions that you may have or any other Council members may have in regards to this. I don't believe we have any additional information since the last meeting. Are there any questions from members of the committee at this time? Mr. Clemens.

Mr. Clemens: I had not had a chance to read everything. I've read it over. I do have some questions. I do have a couple of things I don't like. But I would rather read them over again. I've had a lot of reading to do today to catch up. I'll wait my two weeks with some questions.

Mr. Stake: Okay. I know there was some discussion at the last meeting about sending this forward as is. I had indicated I wasn't comfortable at that time with that. I do want the members of the committee and members of Council to also know that I did receive a call from a representative of BIA, Building Industry Association. Apparently, they've received a draft copy from your office I think, Mr. Parkinson. I don't know. They said EMH&T. And they would like to have some input. They stated that they could not be here this evening and I let them know that this is not something that's going to be passed next week. So hopefully in the next two weeks, they can get something to us. Either in writing or come before us and let us know what their thoughts are. Because I am very interested to hear what they have to say. Mr. Clemens.

Mr. Clemens: This is not a subject that's going to be going as an emergency any way. I mean, we're going to go the route with the proper time with it for discussion and so forth. Like I said, I do have it. I have read it. And I've read the minutes of the last meeting and I'd like to go over it again and maybe talk to Dave and the intern about a couple of things. I'd like to have them explain it to me.

Mr. Stake: Okay. And I know, the administration has a group of people that have been looking

into this. Mayor, do you have any comments on this at all at this time?

Mayor McPherson: No. We'll ask Mrs. Keefer to come back in two weeks to see of any change that they may have.

Mr. Stake: What I would like, and I hope the members of Council share with me on what I'd like to see, I'd like to see a final copy based on what our discussions end up being. And also see a sample ordinance or some kind of ordinance and let us have an opportunity to review that. Have our City Attorney review it as well so that we're, I think you can get into some legal problems with this if it's not done correctly. And I want to make sure that if we do this, it is done correctly. Mayor.

Mayor McPherson: We did talk to Mrs. Keefer and asked her to have those very things ready so that we could send them down and give Council a couple of weeks to look at them. So that'll be something else that you'll have that you can peruse over the next couple of weeks. And City Attorney can look at it too and see weather or not you want to move forward without the roadways. Our original conversation with her was to move forward without the roadways involved, and with the understanding that we'd be adding roadways later on.

Mr. Stake: Right. I believe that's what we discussed later Mr. Clemens, just to bring you up to date a little bit. We discussed it at the last meeting. Are there any other questions or comments in regards to this? Mr. Baxter.

Mr. Baxter: Well, the discussion of roadways brought up a question in my mind that I would like to know for the next time we bring this up. Is, what are the other options that we have? Is there water, sewer? We're first looking at from Parks and Rec, and we're looking at it from a Police standpoint on buildings. What other options do we have so that we're not doing this for the next two or three years? Let's look at it as an entirety. And I wouldn't suggest we hold this off either looking at that. But, what are our other options, I'd like to know? Because roads are the first time I heard of that, the last time we met on this, Mr. Stake. So rather than, as it's coming to it's piecemeal, let's look at this entirely as we do the road side of it, but move forward with the rest of this as well.

Mr. Stake: I see Mr. Parkinson writing so I think he'll get that to Mrs. Keefer and she can see if there's anything else. Mr. Stearns and then Mr. Hills.

Mr. Stearns: Thank you, Chairman Stake. Would it be possible if we could have, say some similar legislation that some of the other communities have _____, like Pickerington and Delaware. Maybe look at their verbiage and see how they get it? Do you think that would help us out any?

Mr. Stake: It can't hurt.

Mr. Stearns: Would it be possible to get that, Mr. Parkinson?

Mr. Parkinson: We can ask. Yes.

Mr. Stearns: Okay.

Mr. Stake: Okay. Thank you, Mr. Stearns. President Hills.

Mr. Hills: I did want to note, for clarification, I did have a short conversation with Mr. Parkinson and this came up today. And one of the things I asked is, some of the calculations and numbers and growth figures, what it was based on, and it is based on all of our water, sewer district. So wherever Columbus has said, we will provide water and sewer, these calculations have been based on, we will fill that with residential homes. And I asked about, is that the best way to look at it? And he said, well you kind of have to think about it. And that=s one thing I just wanted to put on the table. If we don=t think we=re going to fill all that water, sewer district, do you want to look at that calculation, or 70% of it, or 50% of it? And certainly, if they have some recommendations on that, it wouldn=t hurt to bring it up. Because I=m not sure that number one, we will ever develop the entirety of our water, sewer district. We may. But I=m not sure that we would. And would we want to base these numbers on something that may not be realistic. The point you bring up is a law suit I think is one thing we ought to consider. Do we have the best basis we=re working with?

Mr. Stake: Right. And realistic numbers, I always like. So Mr. Parkinson, with that, if you could maybe have Mrs. Keefer take another look at that?

Mr. Parkinson: And that=s exactly why the report is written Adraft@ all over it. Because there are a number of issues that have not been fully flushed out and are still open for discussion, and will affect the final version of the report. So we understand that the dialogue is still going on, and that=s why we haven=t moved toward finalizing the report at this time.

Mr. Stake: Thank you. Mr. Baxter.

Mr. Baxter: I brought up a wonderful thought. Dave, do we happen to have a copy of one of these that isn=t draft any more that you=ve done for another client, a city?

Mr. Parkinson: I don=t know. I=d have to check.

Mr. Baxter: That would be an interesting review. To see how it=s been done for other places and what the metrics were used. It might help us get a better vision of how to head with our own city.

Mr. Stake: Okay. Mr. Parkinson will check into that. Are there any other questions from members of the committee or members of Council? (No response). Mayor, do you have

anything else you=d like to add that they might need to take a look at while we=re discussing this?

Mayor McPherson: No. We pretty much covered everything at the last committee meeting. So I think what you=ve talked about tonight, we=ll have a good direction in a couple of weeks.

Mr. Parkinson: There is one thing I would point out. In our proposal I believe, is broken down into basically two sides. One is the preparation of the impact fee study and the support for an impact fee legislation. The second part was to assist the city in crafting the legislation. So when Council sends something forward for approval, it will not necessarily be the report. The report isn=t going to come forward for approval. It=s going to be your legislation that enacts the impact fees. And the report is simply...

Mr. Stake: We=re basing that legislation on the facts and figures in the report.

Mr. Parkinson: It=s the basis for that legislation. Yes. For whatever bit of interest that might yield. And so we have not been, at least I didn=t walk away from the meeting two weeks ago thinking that we were released to work on the legislation yet since we still had a number of issues with respect to the basis. I understand now that we are to work with the City Attorney and his staff in working toward, at least a draft of the legislation for your consideration. And we=ll do that.

Mr. Stake: Are there any other questions from members of the committee or members of Council? Mr. Baxter.

Mr. Baxter: Just one question, Councilman Stake. And that was to the fact that we have authorized legislation to pay for the study. And I=m just kind of curious, this is going on for a period of time, and are we going to run into a situation where an additional appropriation is going to be necessary to complete this action? We spent, I think it was 40,000 plus to have the study done. Have we spent that money and we=re going to be coming back for more?

Mr. Parkinson: We have, with the exception of finalizing the report within the parameters that we=ve set, completed our scope of services on the left side. We still have the 15 grand, or 12,000 or whatever we said we would need to help you with the legislation. It=s still sitting there for that. If we move into areas other than Parks and Rec or Police, those are outside of the scope and we did not have any budget or expectations to assist the city in evaluating those. When you asked us to research additional communities, that really isn=t in our, but that=s no big deal. We can do that. No problem. But as we move into bigger areas that require more resources, then yes, there is a potential that we may need to ask for some additional consideration.

Mr. Baxter: Okay. Very good. I just wanted to make sure that we understood that there was a scope of work for Police and for Parks and Rec to be reviewed. And then we=ve talked about roads and other possibilities and I wanted to make sure that there=s understanding that if we send

down that direction for EMH&T to go there, there=s going to be a cost involved in that. We might want to think about that prior to going that direction too.

Mr. Stake: Well, I=m sure they won=t do anything without asking us if we=re going to pay for it first.

Mr. Baxter: That=s a good response. Yes. Thank you.

Mr. Stake: Mr. Clemens.

Mr. Clemens: It was not only Police and Parks and Recreation, it was a study on impact fees to come back and tell us what we could do and what part could be used.

Mr. Stake: Yeah. I don=t remember the scope of services being limited to Police and Parks.

Mr. Clemens: It wasn=t explicitly, it was what can you do? And maybe it was said, well you can only do with the Police and Parks and Recreation. I don=t remember asking anybody if we just do it for Police and Parks and Recreation. I just felt it best never to ask before they=re done if they have spent their money yet or not. I=ve always liked them to come back and tell me when they=re out of money.

Mr. Parkinson: I=m out of money.

Mr. Clemens: Yeah. I figured that. But, I think if we=re going to do it right, we should encompass the whole situation. And if it does cost us more, it costs us more. And we go through a lot of these things. But if there=s other ways we can spend money and get money, that=s fine. And I have not problem with doing it. But, I=m not going to ask you again Dave, whether you=ve spent your money or not. You can come back and ask for it.

Mr. Parkinson: Well, we can respectfully agree to disagree. But when the discussions, my recollection, is that when these discussions were first initiated, and they were first initiated as I recall, with individuals on Council and not Council as a whole on what can we do and how can we do it? The genesis was on, the focus was on those two areas specifically because of the perceived impact of new development on those two areas. The need for more parks, especially in association with residential areas where we didn=t seem to be getting, and of course obviously, the need for police. And it was not, at any time during those initial discussions, suggested that we look at every possible avenue for impact fees. But it was a very narrow focus that they asked us to assist with. And that=s how our scope was written.

Mr. Clemens: We can agree to disagree as long as you understand that I was right.

Mr. Parkinson: Yes sir, I do.

Mr. Clemens: Because I did not mention recreation at all. I mentioned the police maybe. And it

was brought back, this is what you can do and this is what you can't do. As long as you agree that I was right on it, we'll disagree.

Mr. Stake: Okay. So we've got a lot more to discuss. Mr. Clemens would like a couple of more weeks to be able to ask some questions and take a further look at this. Are there any further questions from members of Council? (No response). Then I'll make a motion that we hold this for two weeks. Do I have a second? Second by Mrs. Newman. Any further discussion? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you.

Item number 6 is Discussion, Appointment to Design Review Board. At the last meeting, there was an announcement that a term was coming to an end on the Design Review Board. I did not receive any indication from anybody else that they would like to serve on the Design Review Board. Do any members of Council have anybody that they've heard from that would like to serve on the Design Review Board?

Mr. Clemens: I heard from my wife but I'm counting that off.

Mr. Stake: You know my stance on that. Mrs. Reichard, I see you standing.

Mr. Hills: We did get a letter, didn't we, that Mrs. McCloud did have an interest?

Mr. Stake: Yes. I was going to get to that. I just wanted to...

Mrs. Reichard: But are you talking about the position of Mrs. DeBrock? Because Mrs. DeBrock resigned at our last meeting.

Mr. Stake: No. I'm talking about the term for...

Mrs. Reichard: And I haven't heard anybody talk about that.

Mr. Hills: Have you notified us of that?

Mrs. Reichard: I don't know. She announced it at the meeting. I'm sorry. She's not...

Mr. Hills: We don't attend. But I think that's a Councilmatic appointment of the expert on that. Is it not?

Mrs. Reichard: Mrs. DeBrock is a design professional. Yes.

Mr. Stake: Is that the Mayor's appointment?

Mr. Hills: There's a specific slot she's in. And I think it's a Council appointment.

Mrs. Reichard: I believe it is. I don't know. It was given to Mrs. McCloud and I thought, I don't understand the process. So I guess...

Mr. Hills: Given to Mrs. McCloud?

Mrs. Reichard: She's the Chairman of the Design Review Board. Stephanie McCloud is the Chairman.

Mr. Hills: You're the city member though that's on the board, right?

Mrs. Reichard: Yes. That's correct.

Mr. Hills: Okay. I'm not speaking for Council, I think it's the first we've heard of it. And I believe it is, it is a certain appointment that is a Council appointment. So why don't you just try to get something down to Nancy. And I'm not sure that this is who you would put in that position any way.

Mrs. Reichard: You know, I apologize if I dropped the ball. I did not understand that I was supposed to do that. I will take care of that.

Mr. Hills: It helps to know.

Mrs. Reichard: Well, I just thought the way Mrs. McCloud talked, that that information was going to go to you. I apologize that it did not, and I will follow up.

Mr. Stearns: I think that was in the minutes, I believe.

Mrs. Reichard: Well I would think, I thought Mrs. DeBrock had given a formal letter of resignation. So, I mean, nobody asked my opinion at the time. It was just announced at the end of the meeting and that was that.

Mr. Stake: Well Mrs. Reichard, if you would please look into that and let us know if that's our appointment. Is that a professional we need to appoint and that kind of stuff I guess? Get that to the Clerk and we can go from there.

Mrs. Reichard: I certainly will. I apologize it's taken this long.

Mr. Stake: Thank you. But in this case, this is the slot that Stephanie McCloud serves in. She has indicated that she's willing to serve again. I know that she's very well respected by her peers. And I don't believe we have anybody else who's shown an interest to serve. So then, she has sent a letter to us stating that she would be interested in serving another term. So then I would make a motion that we send this on to Council to re-appoint Stephanie McCloud to the

Design Review Board. Seconded by Mr. Clemens. Any further discussion? (No response). Okay. All in favor, state aye. (All voted AAye@). Opposed? (No response). Motion passes.

Item number 7 is ORDINANCE MAKING APPROPRIATION FOR PAYMENT OF PRINCIPAL AND INTEREST ON BOND RETIREMENT FOR THE BARTLETT ROAD STORM WATER IMPROVEMENT PROJECT. It had its first reading on February 13, 2006. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). None being heard, then I will make a motion that we send this on for its second reading. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted AAye@). Opposed? (No response). Motion passes.

Item number 8 is ORDINANCE MAKING TRANSFER OF FUNDS FROM GENERAL ADMINISTRATIVE ACCOUNTS TO MAYOR=S OFFICE, AND DEVELOPMENT DEPARTMENT ACCOUNTS (Reimbursement). Again, it had its first reading on February 13, 2006. And this is just a housekeeping measure. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). Then I will make a motion that we send this on to Council for its second reading. Do I have a second? Second by Mrs. Newman. Any further discussion? (No response). All in favor, state aye. (All voted AAye@). Opposed? (No response). Motion passes. Thank you.

Item number 9 is ORDINANCE TO WAIVE SECTION 941.13 AADDITIONAL TAPPING FEE FOR UNASSESSED PROPERTY@ OF CHAPTER 941 UTILITIES (SANITARY SEWER IMPROVEMENT FOR TAYLOR ROAD, REYNOLDSBURG, OHIO IMP PLAN #815). It had its first reading February 13. Are there any questions or comments from members of the committee? (No response). Members of Council? (No response). None being heard, then I will make a motion that we send this on for its second reading. Do I have a second? Second by Mr. Baxter. Any further discussion? (No response). All in favor, state aye. (All voted AAye@). Opposed? (No response). Motion passes.

Item number 10, ORDINANCE ESTABLISHING ACCOUNT IN THE REYNOLDSBURG POLICE DEPARTMENT FOR USE IN DISPOSING OF VARIOUS VEHICLES; AUTHORIZING DISPOSAL PROCESS; AND DECLARING AN EMERGENCY. Chief said this could have a couple of readings. And I did want to at least give it a couple of readings. But he=s looking for an emergency on this so that they can get on with this and meet the auction deadline I guess that the City of Columbus has. So in this case, are there any objections to sending this on from any members of Council at this point? Sending this on as an emergency at the next Council meeting?

Mr. Baxter: No objection, Councilman Stake. Just to make sure that this is just more of a housekeeping to make it easier for the accounting of the purchasing of the sales of the vehicles, correct? This is a two way street that=s able to purchase from and to sell into, correct?

Mr. Stake: That=s correct. They=re going to auction the vehicles off, have money deposited into an account to be able to get additional vehicles.

Mr. Baxter: Right. And then there=s going to be procedures in place to insure that it gets up to the insurance, that we=re closing insurance on those that were sold, and purchasing new insurance for the city on those that are purchased? That=s all taken care of?

Mr. Stake: Correct.

Mrs. Frazier: I already checked that.

Mr. Baxter: Okay. Very good. Thank you.

Mr. Stake: Okay. Then, any other comments or questions from members of the committee? (No response). Members of Council? (No response). Then I will make a motion that we send this on for its second reading with recommendation for adoption as an emergency. Do I have a second? Second by Mr. Clemens. Any further discussion? (No response). All in favor, state aye. (All voted AAYe@). Opposed? (No response). Motion passes.

And I will adjourn the Finance Committee at 9:02.

Finance Committee
February 21, 2006
- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
SERVICE COMMITTEE MEETING MINUTES
February 21, 2006

Members of Service Committee present: Mel Clemens, Doug Joseph, Preston Stearns, Donna Shirey.

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

Mr. Clemens: I=d like to call the Service Committee meeting to order at 7:47.

The first item on the agenda is the approval of the agenda. I=d like to add, as item 3a, Discussion, Special Exception Use Permit, Calvary International Worship Center Inc. All those in favor, say aye. (All voted AAye@). Opposed? (No response).

Item 3, approval of the minutes of February 6, 2006 Service Committee meeting. Do I have any additions or deletions?

Mr. Joseph: I have a correction. The date needs to be corrected to February 6. It says January 6.

Mr. Clemens: Okay. It=s February 6. Are there any other additions or deletions? (No response). If not, they=ll stand approved.

The next item is the Discussion, Special Exception Use Permit, Calvary International Worship Center Inc. I=ve got some things I=ll pass out before we get started here. Susie, would you come here a minute? You don=t have to run. Could you give a copy to the Mayor and a copy to Bill Underwood?

The reason I brought this up this evening, there=s some items I want to go over to make sure that everything=s being handled properly. Not only for the applicant, but for the church. Not only for the church as the applicant, but by the City of Reynoldsburg. And first I want to bring to your attention, a letter that was sent by our Chief Building Inspector. And I want to thank him and also the fire department for their quick action. As far as they...there=ll be nothing else held in the Big Bear Center as far as congregation until the Occupancy Permit is issued. It=s not appropriate. It=s against the law to be using it while it=s under construction. They do have a permit issued December 22 for a portion of the building, but as the code states, you can=t use it only a section of the building while it=s under construction, or permit for using any of the other

building. So they acted quickly on that and settled that.

The next thing I want to bring up is, and it=s to get this thing worked out for everybody, I=ve had a lot of people call me and I just got back, and I understand, and I got some information. I got a letter today that I wish I had got December 20 when everybody else had received, but Council hadn=t. It might have explained some things. But the, trying to get it worked out so that it=s appropriate for everybody. Now, the church=s Use Permit, Special Exception Use Permit, became effective August 12, thirty days after the Mayor=s signature. Six months after that (Tape Change) is the 14th. Now within those 6 months, our code says, and it=s under 1145.08, that within those 6 months, something has to be done for revocation if, it=s null and void if the applicant does not commence the construction for operation of the Special Exception Use Permit within 6 months of the date of approval. Now, I don=t know whether they have or they haven=t. To my knowledge, they haven=t as far as the Building Department=s concerned, they haven=t. I checked with them today. There=s an exception on how they can change that. They can ask for an extension of time to the Zoning Officer. And the Zoning Officer takes it before the B&Z Board, before the board. And they decide on whether the applicant can have an extension of time. Whether they revoke it or whether they approve it. Now, this was not done. This was not done. The Zoning Officer received a letter December 20 from Mr. Golonka, and that=s, I have that letter there. In this he states some facts that are incorrect. But he=s trying, he=s trying to make a point that he wants an extension of time to March 7. And he knows that they have to commence construction. Because in the last sentence if you read it, that means the Calvary Church must commence construction and/or use of the property no later than March 7. Because it says, 1145.08, you must start construction. It doesn=t mean the Zoning Certificate, and it doesn=t mean a Building Permit says start construction. Now, where he comes up with this is, if you read the last paragraph, he states, he=s trying to state a point that it should be March 7 because of the petition that was filed or passed by the residents in a certain section of town. While this petition was being filed, he states that he was told that no action could be taken as far as getting a permit or anything in use, and they couldn=t do anything. And he was told this. He states that he was told this. Now that=s not true either. He could have been told this but it=s not correct. Because it was always in effect, and it=s still in effect, it was still in effect, unless the Board of Elections put it on the ballot. If they put it on the ballot, then the Special Exception Use Permit ceased and nothing could be done. Up until that time, those 6 months, construction could be started. He=s saying that because the permit, because the referendum was being passed, that the church was held up and they were not able to get any permits or do anything. And they were told this. In fact, the Calvary was specifically told that no action could be taken and no approvals could be granted until the referendum matter was resolved. Now, I don=t know who told them that. If he was told that, that=s incorrect. Because any action could be taken unless the Board of Elections put it on the ballot. Then it ceased.

Now, the Board of Elections took no action. They sent it back to Reynoldsburg so that nothing was done. Just laying here. But what I=m trying to get figured out for them and for us, is what is the correct date? Now, I talked to the Zoning Officer today. She was very polite about this and we had a long discussion. And I asked her when she received this letter and read it. Did she take this as a comment for an extension of time to go before the B&Z? And she said no. And I said, then what did you do with it? She said, I turned it over to Mr. Underwood to handle.

I said, what did he do with it? She said, he got with Mr. Golonka and they set a date. Now what date she=s talking about, because I haven=t talked to Bill because he=s here and I was going to ask him. But the date is already set by code and by when you pass it. And the only way that date can be changed is if you go back to the B&Z and they give the opportunity to hear it and they can either agree with it, or approve it, or disapprove it. Now, what I=m trying to figure out is, where do we stand on it, where does the church stand on it, and are we handling it properly? Because I don=t know. They came back, they got their Zoning Certificate, I think it was around September 12, September 7 or 12, and they were not held up on that. They could have got it the day after it became official which is August 12. They could have got the 13th. Because there was nothing holding anybody back from taking action.

Now, I don=t know where we stand on this. And there=s another piece I gave you. And as far as the Zoning Certificate, and I discussed this with the Zoning Officer and I=m not doing anything behind anybody=s back, and I asked if she wanted to be here this evening, she couldn=t, because I was going to bring it up. And I=ve discussed this with her before. If you look at the Zoning Certificate and you read down the address, phone number, owner/agent, of course you have a hard time figuring out who the owner/agent is because that dash must be >or=. But if I walked in and I picked this up and said, owner/agent, I would think Calvary International Worship Center was the owner, they=re not, or the applicant. I don=t know. Because nothing=s circled on there. It should be circled. But if you go down and it says >zoning, description of activity, special condition/variances granted, effective date=, do you see it? There=s no effective date there. Now, to make this legal, it has to have an effective date. When do we know, and who knows what the effective date of the Zoning Certificate was?

Alright, if you go down a little bit further, she=s signed it, I think 9-12-2005. But that doesn=t say the Zoning Certificate is effective. Because it says, >this certificate certifies that the project conforms to the City of Reynoldsburg Zoning Code=. That=s what she signed. The effective date was never filled in. So as far as I=m concerned, I don=t know if anybody else is concerned, but as I=m concerned, the Zoning Certificate was invalid to start with because there=s no effective date.

But let=s go back, let=s fall back so we can get some answers. Because we didn=t get this letter. If we would have got this letter December 30, got a copy of it, the Mayor got a copy, Bill got a copy, if we would have got a copy, I could have handled this and we=d have got it settled, I wouldn=t have had to get it today. I got it today from the constituents. I didn=t even get it. I had to have some constituents give it to me. But what I would like to get back to is to find out, really, and ask the administration, the Mayor, or Mr. Underwood, how this letter was handled or what happened? What took place? Or what part? Or where do we stand on it? Could you answer that Mayor, or Bill?

Mr. Underwood: Our communication then was February 12. Because our interpretation, their interpretation is March 7. And it appears that March 7 will come and go and they still will not have done it. And by their interpretation, they will still not have complied.

Mr. Clemens: February 12 is your interpretation. You told me that.

Mr. Underwood: My interpretation.

Mr. Clemens: That=s fine. That=s what I wanted to know because I didn=t have the opportunity. I got in late and I got all my three packets from Nancy, and I got stuff stacking that high to go through and kicked all over today. But, what do we do now? Okay. This is an administrative matter. I understand this. I think it=s not a Councilmatic matter. If the code has not been followed, what happens?

Mr. Underwood: Well Mel, we=ve got a difference in interpretation. And if their interpretation, and they haven=t done anything by their own interpretation comes and goes, then there=s no argument.

Mr. Clemens: I understand that. But how can there be an argument when we have a code that says a certain date? Their interpretation...

Mr. Underwood: Our interpretation=s February 12.

Mr. Clemens: That=s correct.

Mr. Underwood: Theirs is March 7.

Mr. Clemens: But there=s...

Mr. Underwood: We=re coming up on their interpretation. If March 7 goes by, there=s no argument.

Mr. Clemens: What if something happens between now and March 7?

Mr. Underwood: Well, then we=ve still got an argument.

Mr. Clemens: Okay. And I understand, I understand their interpretation, Bill. But as I read it, there can=t be any interpretation because it says in there, I mean, it says, the date. It gives the dates. It doesn=t say anything about...their 7th means nothing. Because they could have took the action. I don=t even know where they come up with the idea of the 7th. I just wanted to know how we stood and if who=s going to handle it. I=m not here to punish the worship center. I=m here to answer questions from my constituents, because it=s an important factor that we went through for the last 6 months. And I know there=s people that would like an answer one way or the other on what=s going on. And who is going to handle it. I personally don=t want to wait until March the, whatever it is, when I know it=s invalid right now. That=s the trouble.

Mr. Underwood: We don=t know.

Mr. Clemens: We do know.

Mr. Underwood: We don=t know.

Mr. Clemens: Why don=t you know?

Mr. Underwood: We don=t know if somebody told them they couldn=t do anything. We don=t know if their facts in their letter are true. This is not the place to argue. I don=t know if the facts in their letter are true.

Mr. Clemens: That means somebody off the street could have told them that and we=ve got to go by that.

Mr. Underwood: No. Not somebody off the street. I don=t know that the facts in their letter are true. I don=t know if legally the facts in their letter are true.

Mr. Clemens: Okay. What about the Zoning Certificate not having a date on it?

Mr. Underwood: I don=t know if that=s a common practice or not. I don=t know if we have a file full of Zoning Certificates like that.

Mr. Clemens: If we do, we=d be sure doing them incorrect.

Mr. Underwood: We might be. I can=t answer for the Building Department.

Mr. Clemens: Well, I=ll tell you, I think personally, and I=m going to say it as Councilman, that administration should take action, the proper action and follow the code. And it=s stated in the code 1145.08. Read it. See what it says. Go by the correct dates. Just because a letter=s been sent to us with something on there that somebody said that somebody told them, doesn=t mean a hill of beans as far as I=m concerned. They=re the ones that have to prove it. Not us prove that they didn=t. I think we should follow our code, enforce it, or work out something with them that=s appropriate for everybody that=s concerned so that at least the public knows what we=re doing. Knows what=s going on. And knows that we=re really going to look after the situation and follow the ordinance and follow the laws that we pass. Or we=re just wasting our time. And that=s all I can say about it. If there=s not going to be anything done about it, yes, Toni.

Mrs. Newman: I=d just like to say Mr. Clemens, that I agree with you completely. And I still don=t understand how the referendum petition could affect our process at all.

Mr. Clemens: They don=t. Not unless it=s put on the ballot. And then everything stops completely until it=s voted on.

Mrs. Newman: And if it comes to that, I mean, don=t we have until August to get that on the ballot?

Mr. Clemens: Yes. We=ve got I think, 75 days before.

Mrs. Newman: To file the referendum. So that=s the next office.

Mr. Clemens: But in the interim, the Special Exception Use Permit is active, and it can be worked on. But, up to that 6 month period. And if you follow 1145.08. Any how, that=s something I=m going to be looking into and it=s something I=m going to stay on top of. I think it=s only fair for the city. I think it=s only fair for the worship center that everything be handled correctly so there=s no dispute on how things are done. And that=s all I can say about it. Yes. Mr. Stake.

Mr. Stake: Mr. Clemens. Thank you. Did you ask the Zoning Officer why there wasn=t any effective date on there?

Mr. Clemens: Yes.

Mr. Stake: And what was your answer?

Mr. Clemens: She said she, some times she did and some times she didn=t. But she said, I=ll be honest with you today, and she=s a very nice person, she said, after I spoke to you I=ve put effective date on every one from now on in. And she did tell me that.

Mr. Stake: Thank you, Mr. Clemens.

Mr. Clemens: But any how, I just wanted to bring it up tonight. I had to bring it up because I had been questioned about it, on the process, and what=s going on. And I hate to keep telling people, I can=t tell you or I don=t know. But I guess I=ll still have to say, I can=t tell you and I don=t know. Brett.

Mr. Baxter: Councilman Clemens. In the past with our Special Use Exception Permits, we have asked for them to come back in a 6 month period of time. Is Calvary International=s Permit one that would require to come back to be reviewed up to 6 months?

Mr. Clemens: We didn=t require that.

Mr. Baxter: We did not require that.

Mr. Clemens: No. No. And the only thing that, the only thing I=m bringing up, I wanted to know if we=re following the code, if the city is treating them properly, and if we=re treating ourselves properly, and if we=re following the code. So everything comes out even for each and everybody. And it does stipulate in here what you have to do. And that=s the process I feel you should follow. Yes.

Mr. Stearns: Yes, Chairman Clemens. What is some of the things in the code, I don=t have a

copy of it, that they=re specifically supposed to do in that certain amount of time?

Mr. Clemens: Well, just commence construction.

Mr. Stearns: Commence construction.

Mr. Clemens: Yes. And if you look at the code later on, if you look at 1145.08, it tells what revokes the permit. And it tells how you can extend the permit. Now you can revoke the permit too if you do something that, break another code as far as the city=s concerned. Like holding services there when it=s not proper. But I mean, I wouldn=t, that=s just a mistake that was made. That=s not, that shouldn=t even be considered. But then it tells how you can extend your, if you follow the code, the proper procedure is, you apply to the Zoning Officer, she takes it before the board, B&Z Board for an appeal. And you have a right to go before them to extend your time, given the reason why you want to extend your time. They can either approve it or revoke it at that time. This wasn=t done. It has to be done within that 6 month period. So any how, I think I=ll leave this on the agenda. I think I=ll leave it on and have it on at the next committee meeting. And maybe at that time, we could have somebody here that represents them. Because I don=t like to speak out of turn as far as they=re concerned. Yes. Do we have somebody here?

Mr. Akers: I=m not from there. I just wanted to ask a question.

Mr. Clemens: Yes.

Mr. Akers: I wanted to know...

Mr. Clemens: Yes. Would you please give your name and address, sir?

Mr. Akers: I=m Reverend Akers from 7706 Trillium Lane off of Post Woods Community. I wanted to ask, has the city made any type of communication with that particular entity? Have you made any type of communication back to let them know that their 6 months is running out? The time that they, you know, the time that they figured that it was? Or if the city figured what time theirs was?

Mr. Clemens: Have we made any communications as far as letting them know their time is running out?

Mr. Akers: Running out.

Mr. Clemens: They have one of the biggest law firms in the State of Ohio. Vorys, Sater, Seymour. And Mr. Golonka is quite active. And I=m sure that he knows, when he came down, when he sent this letter, and for an extension of time, at that time, he knew what the time was. He asked for an extension of time from the date that would have expired to a future date. And

that=s what we=re discussing. And that=s why I say, I think I=ll hold it open and give them the opportunity. I wanted to bring it up this evening. I didn=t have the opportunity to call anybody. I wanted to bring it up this evening just to find out what our position was on it. I=ve had quite a few questions on it and I have been out of town the last three weeks. But I think time has come that we have to finalize and find out really what=s going on. So I will put in probably the next agenda and maybe I can get a hold of somebody to be here. By that time, we=ll be getting close to the date of March 7. Which I don=t agree with. But we=ll get close to that date. Yes, Bill.

Mr. Hills: Mr. Clemens, I know you had asked what the city position was. I think that just looking, this is the first time I=ve seen these, or heard about them.

Mr. Clemens: I just got it today Bill, and that=s the reason.

Mr. Hills: Yeah. I know. And I realize that. And I wish I had the tan that you have and enjoyed the last two weeks in Florida. But it would appear, and I don=t mean to be speaking for administration, but certainly the administration did send a letter on February 16 that says, obviously saying, you shouldn=t have been in there doing what you were doing.

Mr. Clemens: That=s correct.

Mr. Hills: Because you don=t have the Occupancy Permit or anything but a very limited nature. So I think the city certainly has said, it was not supposed to be used for what it was used for. Whatever that may have been on that period of time. So I think the city by it=s own writing, has said what their position is as of at least February 16.

Mr. Clemens: And I agree. But February 16, the date was already over with. What should have been said was, your Use Permit is now void. Period.

Mr. Hills: They didn=t go that far but they certainly recognized that whatever the use was there, was not an authorized use when it was done.

Mr. Clemens: That=s correct.

Mr. Wright: Mr. Clemens, could I ask you a question?

Mr. Clemens: Yes. Yes. The mike, please.

Mr. Wright: I=d just like to know if the, since it was mentioned, that the church had violated the law by going into the Big Bear to have its services. Would that, legally, would that void their Special Exception Permit or anything about this?

Mr. Clemens: It could. But I think that was a promotion. I think that was probably something that was done that was not done on the purpose of being illegal. I don=t think that they probably

felt that was. They were having a get together for the first time and so forth. I would not...

Mr. Wright: Yeah. But there=s been times in the past, I won=t say when, but there=s been times in the past that I got stopped for speeding and I fully did not intend on doing that.

Mr. Clemens: That=s true. I agree.

Mr. Wright: I regretted it a whole lot too.

Mr. Clemens: I think that=s something we can look into. I=d rather get the dates straight first and go from there to see that, at the present time it=s not, as far as I=m concerned, it certainly comes before my committee, it=s invalid at the present time until to me, it=s proved different. But I=m willing to listen to them. And like I said, Mr. Underwood=s our attorney and if he says we=ll wait until a certain date, I guess we=ll wait until a certain date and then we=ll argue about it. Because we notified them that their date was February 12. And so if they take action and do something between then, then it=s for us to make a discussion. But I know it=s much more difficult once you=re in there and somebody=s went in there and constructed everything, is to change the situation. That=s why I think it should be corrected at the present time. But that=s something to take into consideration and we will along with these others. And like I said, I=ll leave it on the agenda. Brett, did you have something else?

Mr. Baxter: I just had one other question, Councilman Clemens. And that is, let=s say, let=s make a few assumptions here. First off, let=s make the assumption, the date has expired. The next course of action by Calvary International would be to then re-apply for a Special Use Permit again?

Mr. Clemens: That=s correct.

Mr. Baxter: Alright. I just wanted to make sure we were clear on that. If the date has not expired, the next action would be, get Building Permits and begin construction, correct?

Mr. Clemens: They do have their Building Permits.

Mr. Baxter: So then all they need to do is actually go in there and start doing construction?

Mr. Clemens: Well, as far as they=re concerned.

Mr. Baxter: I=m saying as far as clarity. If the date has not expired and construction has not begun, then they=re already too late and would need to re-apply.

Mr. Clemens: That=s correct.

Mr. Baxter: Or if the date has not expired, which we can=t seem to make our mind up if it has or hasn=t, then if it has not expired, all they need to do is _____ construction. I just wanted to

make sure we're clean and that's the options, correct?

Mr. Clemens: And make it clear. I've made my mind up. Because I know what the code says. Any how, I'll put this on for the next agenda. So we'll keep it in discussion and see what goes on there. And I want to thank everybody for listening to me. And I want to thank Bill and Mayor. And I would like to keep looking into it and take action on it. Because I think times past and I think it should be notified that it's void. That's my opinion. But we'll go from there.

Next item on the agenda is Discussion, Waive fees for Truro Township Fire Department. I had this put on the agenda before I left. And what it is, it's to waive the fees for the water capacity fee and the Reynoldsburg portion of the sewer capacity fee for the Truro Township Fire Department on their new building. And the reason I, and what it amounts to is, the two inch water capacity is 14,699. Three inch fire line capacity is 15,312. Two inch sewer capacity, Reynoldsburg's share only is 11,750 for a total of \$41,761. The reason I brought this up is, that we have an ordinance, and I think it's about 1990, where we waived all the fees for our Reynoldsburg School District. And as far as I'm concerned, I see no difference the Reynoldsburg Truro Township Fire Department. It's supported and voted on and paid for by our tax payers. And I think it's the proper thing to do. And that's why I've put it on the agenda. I think we should waive that the same as we've waived the school. Do I have any comments on it?

Mr. Stearns: I agree with you Mr. Clemens. I'm in total agreement with you on that.

Mr. Clemens: Thank you. Any comments from the other committee? (No response). Members of Council?

Mr. Hills: It's a public use. It's a public use. And therefore it...

Mr. Clemens: That's right. It's a public use.

Mr. Hills: They don't pay for it themselves. We pay for all public uses, so why pay twice?

Mr. Clemens: Yes, Brett.

Mr. Baxter: Well, I agree with you also, Councilman Clemens. As the same constituents are paying one way or another and it just seems to be, washing one hand to the other, I would agree that waiving those would be the right direction to go.

Mr. Clemens: Okay. I'd like to then, if nobody has any objections, I'd like to send this to Council for a first reading. Do I have a second? Second by Mr. Joseph. All in favor, say aye. (All voted Aye@). Thank you.

Next item, Discussion, Resolution of services available to property proposed for

annexation of .52+/- acres, Truro Twp., Franklin County (Jeffrey D. Van Fossen, Agent for Petitioners Marvin D. Van Fossen and Janet Marlene Van Fossen). Mrs. Reichard, are you in on this? Or is this just a, this is just for an annexation deal. And this is a Resolution for services. And this is the expedited annexation to speed it up. And I=d like to send the resolution to Council to be passed next Monday night to get this moving for these people. Do I have a second on that? Second by Mr. Joseph. All in favor, say aye. (All voted AAYe@). Opposed? (No response). Thank you.

The next item, ORDINANCE AUTHORIZING EMH&T TO DESIGN AND ADVERTISE FOR BIDS FOR TAYLOR ROAD 12" WATER MAIN - PHASE I. It had its first reading 2-13-06. Do I have any discussion on this from the committee? (No response). Any questions for the administration? (No response). Members of Council? (No response). If not, I=d like to send this on to Council for its second reading. Do I have a second? Second by Mr. Stearns. All in favor, say aye. (All voted AAYe@). Opposed? (No response). Okay. It=ll go to Council for its second reading.

Next item, ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE FORD RANGER S.C. PICKUP TRUCK FOR THE WATER DEPARTMENT AND DECLARING AN EMERGENCY. It had its first reading 2-13-06. And I want to thank Mark for bringing this in and not asking for an emergency the first night and letting it go a few weeks so people can look at it. I think that=s the appropriate thing to do. And I want to thank him for it. Do I have any other comments or any other questions from members of the committee? Yes.

Mr. Baxter: The question I have, is this a replacement? Or is this a new purchase, an add on?

Mr. Clemens: Mark.

Mr. Kipp: This is a replacement.

Mr. Baxter: That=s what I thought.

Mr. Clemens: Are you trading the other one in, or are you keeping it? Or are you hiding it?

Mr. Kipp: Not yet. This truck is going to be my truck. My truck, which is 10 years old is going to become the fire hydrant painters truck and the miscellaneous truck that we use for shut off=s and locations and stuff. That other truck is the 1993. It=s the green, it=s the old green work truck. And yes, we=re going to get rid of the old green work truck.

Mr. Baxter: So this is a hand me down but we=re getting _____.

Mr. Kipp: Yes.

Mr. Baxter: Okay. Thank you.

Mr. Clemens: Are there any other questions for Mr. Kipp? Toni.

Mrs. Newman: Yeah. I notice on the legislative request form, you had it marked as an emergency.

Mr. Kipp: It could go, I didn't care if it went a couple of readings. We wanted to try to get it in some time without, we didn't want to go all three readings and then 30 days. So they asked if they could go for a couple of readings and I said that was fine. We still need to beat the deadline that falls some time in end of March, April where you have to put your truck on order. They only do so many trucks and we've missed it before. So that's why it had the emergency on it.

Mrs. Newman: Okay.

Mr. Clemens: And if I put this, send this to Council and ask them to pass as an emergency this next Monday night, that would be alright?

Mr. Kipp: That would be great. Thank you.

Mr. Clemens: Mr. Stearns.

Mr. Stearns: Yes. Thank you, Mr. Clemens. Mark, tell me something about the truck. Is it 6 cylinder, standard, automatic, or what?

Mr. Kipp: It's an automatic. I'm not sure if it's a 6 cylinder or 4. It's a cab and a half. Six foot bed.

Mr. Stearns: Okay. If it's standard it can get much better gas mileage, right?

Mr. Kipp: Probably. But we don't have any standards in our fleet.

Mr. Stearns: Is that right?

Mr. Kipp: No. I prefer an automatic too.

Mr. Stearns: Okay. Thank you.

Mr. Clemens: Are there any other questions from the committee for Mr. Kipp? (No response). Members of Council? (No response). If not, I'd like to send this to Council for the second reading as an emergency. Do I have a second? Second by Mr. Joseph. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you, Mark.

That concludes the Service Committee meeting at 8:23.

Service Committee

February 21, 2006

- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)