

All items were considered as Committee Of The Whole

SAFETY COMMITTEE MEETING MINUTES

February 18, 2003

Members of Safety Committee present: Ron Stake, Lane Beougher. Mel Clemens and Jim Wade were absent.

Other members of Council present: William Hills, Eric Gilbert, Council President Bradley L. McCloud. Sarah Cannella was absent.

Mr. Beougher: I'll call the Safety Committee meeting to order at 7:33. The first thing on the agenda is the approval of the minutes of the Safety Committee meeting on February 3. Are there any questions or corrections to the committee meeting minutes? Hearing none, they shall stand approved. The second item is the approval of the agenda. Due to the lack of a quorum we need to meet as a committee of the whole.

Mr. McCloud: We have a quorum.

Mr. Beougher: But only as a committee of the whole. So hearing no comments on the committee meeting minutes they stand approved. Are there any additions to the Safety Committee agenda?

Mr. Hills: I don't have anything to add to the Safety Committee agenda but I will note since we are meeting as committee of the whole, we'll just be running through the whole agenda. If anybody is sitting here waiting for any item that's on Finance tonight, there will not be a Finance meeting. So, just so anyone would know that we're holding any and all items on Finance this evening. Thank you, Mr. Beougher.

Mr. Beougher: Thank you Mr. Hills. Hearing no other amendments to the agenda, it stands approved.

The fourth item is discussion on an Ordinance to amend Chapter 509, Section 509.11 "Noise". And this was requested by Mr. Gilbert.

Mr. Gilbert: Thank you Mr. Beougher. This item evolved from a meeting with citizens in the WalMart, Taylor Square development area. The Administration, the Mayor was present the Chief of Police and the City Attorney. This item was looked at underneath an amendment to the noise ordinance to address many of the concerns of residents that reside adjacent to commercial or retail developments have with night time noise. Particularly vehicular type noise that emanates from standing, or idling engines all evening, refrigeration units on semi's and garbage pick up. The changes to the ordinance were to address some of the ambiguity and that was present in our current noise and sound ordinance to incorporate reasonable hours of operation in terms of vehicular noise, particularly semi traffic, refrigeration units. Members should have had a copy of this in the packet. Also, addressed citation. I believe the Chief is on board in terms of the department being able to enforce these changes and also in accordance with the ordinance, it requires the property owner of the commercial property to post a sign that will state the following:

“Per Reynoldsburg City Ordinance 509.11 (b)(2), no person shall knowingly or recklessly cause a motor vehicle to produce vehicle noise within the posted areas between the hours of 11 p.m. to 6 a.m. Violation of this ordinance is punishable by a fine and/or jail sentence.” I think it’s important to note that these changes address, in this particular section address those properties that are adjacent to residential areas. Those commercial or retail properties. It’s not large in scope that it would impact every business in the city. Therefore, it’s concentrated in the area where we’ve had some problems. At this point I would just ask Mr. Underwood since he offered, some of the changes, if he cared to add anything or make any comments regarding the changes to the ordinance.

Mr. Underwood: No. I think your description is very complete. The police department is on board. I think everybody’s on board and everybody’s had a chance to look at it and it will address the concerns of the neighbors as well as WalMart was at the meeting also.

Mr. Gilbert: Yes. I failed to point that out. The Walmart representatives were present at the meeting and the Taylor Square representatives are aware of the problem and have been helpful in trying to address this. There was no emergency language attached to this. I guess what I’d like to do, there was some discussion with the residents as to whether a 6 a.m. or 7 a.m. deadline in terms of when the morning, the ordinance would alleviate the restrictions for the night time would be. I’d like to ask the members to consider their thoughts, whether 6 a.m. or 7 a.m. would be reasonable over the course of the next week. I’d just make a motion at this time that we forward this for a first reading. Do I have a second? Then I guess I’ll let Mr. Beougher acknowledge the second since he’s chairing this portion.

Mr. Beougher: The question is moved by Mr. Gilbert. Seconded by Mr. Stake. Is there any further discussion on the question? All in favor of sending this forward to Council for a first reading signify by saying aye. (All voted “Aye”). Opposed? (No response). This will go forward to Council at our meeting next Monday on the 24th. And with no other business to come before Safety, I will turn the Chair over to Mr. Gilbert.

SERVICE COMMITTEE MEETING MINUTES

February 18, 2003

Mr. Gilbert: Thank you Mr. Beougher. Regarding the Service Committee, the first item on the agenda was the approval of the minutes of the February 3, 2003 Service Committee meeting. Are there any additions or deletions to those minutes? None being heard, they will stand as read. Item number 3 is the approval of the agenda. Are there any additions or deletions to the Service agenda this evening? None being heard, they will stand.

Item number 4, discussion, is the Amended Chapter 1181, Section 1181.03, “Signs Authorized With Permits”. I had received this request from the City Attorney to correct the ambiguity of the ordinance. The members have had this in their packet over the past week and basically what this does is helps to better identify churches, schools, community organizations, rather public and/or semi-public organizations. It offers some more specific language to the banner and sign ordinance that we passed late last year. Does that raise, the change raise any questions or

concerns from members of Council? Bill is there anything you wanted to add?

Mr. Underwood: Nothing additional.

Mr. Gilbert: Nothing additional? None being heard, this was marked as a rule suspension so we will forward this up for a first reading. Mayor, is there anything you care to add to this?

Mayor McPherson: No. We pretty well all talked about it ahead of time.

Mr. Gilbert: Okay. Very well. I'd make a motion that we forward this to Council for it's first reading. Do I have a second? Mr. Beougher with a second. All those in favor please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Mr. Hills: Excuse me, Mr. Gilbert.

Mr. Gilbert: Yes.

Mr. Hills: Susie just gave me a note where apparently that we do need a Public Hearing on this. Is this correct? Is that correct President McCloud?

Mr. McCloud: That's my recollection, and Bill, go ahead here.

Mr. Underwood: Yes. It is part of the zoning code and it does need a Public Hearing.

Mr. Gilbert: Then with that motion I'll recommend that we set a Public Hearing at the Council meeting. If Mr. Beougher would follow up with a second again? Great. All those in favor please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 5 is a discussion, Acceptance of ingress/egress easement for the Public Safety Building. Mayor.

Mayor McPherson: Thank you Chairman Gilbert. This is an ingress/egress for the entrance to the police department. The section is about 40 feet wide. It runs from about the end of the, or the entrance to the back side of the police department and the entrance to the condominiums to Main Street. It's presently owned by the Reynoldsburg Park Condominium Association and they have agreed to grant us an ingress/egress and that's what you have in front of you. The legal work has been taken care of by Mr. Underwood and their attorney and this is the draft that we'd like to see passed.

Mr. Gilbert: Mayor, it states here the legislative request that it was originally planned to be over property owned by the city?

Mayor McPherson: Right.

Mr. Gilbert: Is there a reason for the change just for the members benefit? For the change for the

property owned by the city that was changed during construction? Correct?

Mayor McPherson: Well, it was never owned by the City of Reynoldsburg.

Mr. Gilbert: Okay.

Mayor McPherson: At one point there was some consideration to buying the property and as it turned out the association was more favorable toward just giving us an ingress/egress.

Mr. Gilbert: Okay. Does that raise any questions?

Mr. Hills: The question I have, the original, having been around this since day one on building that building, the original ingress/egress was where the green space is now.

Mayor McPherson: That's correct. It was moved to this location because of the traffic light.

Mr. Hills: Okay. Could you explain to us exactly why because I don't think Council was ever involved in the movement of that. We certainly became very much aware that the green space stayed green space and wasn't a road but I'm not sure that we ever had any update as to how and why there was a need for this.

Mayor McPherson: Well when we began conversations with the condominium association, we realize that it would be much more preferable to come out at the light than to come out 40 feet or 50 feet east of the traffic light and then have the problem of getting in and out of the police department all the time. So at one point they had considered selling us that particular 40 foot by how ever many feet long it is section. But then as we got into the further discussions, the police department building was done, we started using it, it ended up, I don't know Bill, what have we been working on this, two, three years? It's been a long time.

Mr. Underwood: A long time.

Mayor McPherson: So, their preference was not to sell the property but to grant us an ingress/egress which works just as well and gives us the access to the traffic light.

Mr. Hills: So the movement of the initial in the planned ingress/egress from the side of the municipal building to the little brick building because that's where all the initial plans for the police building had that as the ingress and egress, you contacted, or somebody on behalf of the city said, let's move it over here and work with the condominium association to be able to get out at the light?

Mayor McPherson: That's correct.

Mr. Hills: Okay. But the plans were never updated.

Mayor McPherson: I'm not sure if they were or not. I'd have to look. I think maybe the final

sets of plans did show that it had been moved but I'd have to go back and look.

Mr. Hills: But it certainly wasn't with any discussion of Council. That was just something you did.

Mayor McPherson: No. It was done just as a safety move.

Mr. Hills: Thank you Mr. Gilbert.

Mr. Gilbert: Any other members with questions?

Mayor McPherson: Thank you.

Mr. Gilbert: Thank you Mayor. None being heard, I'll make a motion, there's no rush on this immediately is there Mayor? We can just move this forward for a first reading? I'll make a motion that we forward this to Council for its first reading. Do I have a second? Mr. Stake with the second. All those in favor please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 6 is the discussion, Final Plat, Woods at Slate Ridge, Phase 5, Part 1. Is there a representative here from the Woods at Slate Ridge? Mr. Argustine? I guess there's no representative.

Mr. Hills: There isn't anybody here?

Mr. Gilbert: There's no one here which is probably the better because just for the members' benefit, my intention is to hold this. This development and many of you know the City Attorney and members of Council, you're well aware of the problems we ran into with the earlier phases of this development in terms of compliance with the zoning overlay that this Council passed and expected to be enforced and we had appropriated \$100,000 to special counsel to mediate these matters with the thought that if it went to litigation we would be prepared to deal with that. Well, that was in regards to a section of the overlay regarding natural landscaping and trees and the developer came to agreement in terms of repairing those areas, I believe phase 3 and 4 that came into non-compliance with that provision of the overlay. We also had a great deal of cooperation from the Administration in determining the natural materials to be used with the construction of the houses. So when I received the final plat, or the Phase 5, Part 1 plat that came from Council, I had noted with the assistance of a constituent, the article in the Reynoldsburg This Week that pointed out at the Planning Commission, the question was asked of the, I guess I'll call them the home builder, not the land developer, that's the way they wish to be defined in the Planning Commission minutes, was asked if a neighborhood association has been formed and the applicant added that it's not an association. He said "in our restrictions we've always reserved the right for them after we leave to form one". And I would just direct the members to the second page of the plat which outlines the zoning overlay. Paragraph "g" referring to common space, number 1, "a homeowners association will be formed to maintain the open space to include the section of ravine

within area 1". This is documented in the overlay that a homeowners association might not be formed, could be formed, but will be formed. This is important in terms of the cost to the city because in this particular development there's a great deal of open space, green space which without the assistance of the homeowners association such as we have in other areas of the city would then be incumbent upon city services to take care of this space which I know one of the, when we looked at the budgeting one of the larger increases Mr. Mussi talks about is landscaping costs. Now I'm going to hold this so we can get this cleared up here within the next two weeks but where my concern lies is that consistently on this particular development there has been an inability to enforce the zoning guidelines, or the zoning overlay that's been provided. And I'm not quite sure where to direct that. Whether it's the Administration or the Planning Commission but I don't think the zoning could be made any clearer. And these are the things that calls into question Council's credibility when neighboring property owners are dependent upon zoning to protect the values of their homes and the continuity of their neighborhoods. And here for the third time, this Council stands again facing the same problem. I guess I would ask that maybe Miss Smith could notify the home builder in terms of arranging this. I've even gone so far as to the original owner NRP understanding the zoning overlay that was provided in terms of the homeowners association had written up a draft copy that we had received I believe during our negotiations so that this would be provided for. Obviously that hasn't been passed down. Now this is an area that hasn't been touched yet. I think it's still in its natural state. With something as far as item "g" creating a homeowners association, for me I question as to whether or not we have the enforcement capabilities in place to make sure they comply with the other provisions, particularly the natural landscaping and the trees that we had so much trouble with early on. And maybe my thought process on this over the past two weeks has ranged from this is just an isolated incident to maybe this is an aspect of the code that we need to look at in much greater detail. And I'm leaning towards looking at this in much greater detail in terms of zoning, how we incorporate aspects of overlays into our actual zoning code so that number one, we're not going through a great deal of negotiations with a developer to develop an overlay plan that takes up the developer's time, it takes up Council's time, that we have it right in the code that when they come in and make their application we can provide these guidelines and I think that might free up a little better understanding on the part of those that enforce these as well as the commissions that review them, have a better understanding of how to enforce the codes that we put forward in terms of zoning and maybe in the process we could put together a little better package in terms of our residential zoning. That's why in the past two weeks I've asked Mr. Stake to chair a zoning review committee. I've also had spoken with Mr. McCloud that when I introduced this legislation to Service if he would be willing to appoint a committee to conduct that review and with this in mind I intend on doing that. Now this isn't to impact property that's already in the city. It's not to impact property that has already been zoned. But this will have an impact on development that is not yet annexed or in the city because until this review is done as Chairman of the Service Committee and I feel confident that we have the proper changes in place, I won't introduce or entertain new requests. I think it's that important to this city. If we can't do the little things right, how can the residents expect us to do the big things? So with that in mind, I appreciate the residents from Slate Ridge that have been here to assist with kicking my memory in terms of the overlay and some of the problems that we had here and the member's patience with my extended comments here. But I intend to hold this until the matter's resolved. Any comments? Mr. Hills.

Mr. Hills: Mr. Gilbert I know we've had some earlier discussions and I think this is a prime example that the overlay was a way that was orchestrated by Council and the city to be sure that compliance was there with what our code certainly had intended to do and all we had available to us was the overlays. But the developer's not here so it's hard to say. I would certainly hope that we don't have an overlay which has been codified that now the developer's trying not to follow. But I think this is a prime example to show where by having the need to do this by overlay does take a lot of peoples time and effort to put the overlay in place and certainly a better approach in that this is one of our more developed overlays and questions are now starting to arise. I think it is a prime time to look at, should we not in essence take our overlay type language and codify it into the code in a zoning type thing and certainly a group committee working on that is a very astute thing to do from Council position and from Administration's position to be sure that, there's a question about what we intended to say about overlay, let's make sure there's not a question and put it in the code where it's abundantly clear.

Mr. Gilbert: Thank you. Other members of Council? With that I'll hold item number 6, oh yes, Mr. Fix, I'm sorry. Just state your name and address for the record.

Mr. Fix: Mike Fix and I'm at 1982 Destin Place North. I did want to ask a question about one of the items you mentioned at the beginning. That's the agreement by Maronda to remedy the tree situation in sections 3 and 4.

Mr. Gilbert: Correct.

Mr. Fix: I have from various people heard that that was soft but I've never seen it in print or any public statement about what that is. Now I would like to see that appear. We've got reporters here who might be willing to put that in the paper because it would be beneficial to us who live near there to keep an eye on whether or not that happens and if it doesn't we'll be back over here or calling Mr. Mussi or whoever we're supposed to and say, this isn't happening. Certainly they've been able to put houses up. That's not been a problem. I could understand perhaps the weather being a situation with trees and that given that I think the Mayor pointed out to us a while back that they were going to have to put in like 200 or some 2 inch trees. So that ought to be a pretty big effort when they start doing it and it ought to be noticeable to us who live nearby as I say and keep an eye on it during the day. But I would like to hear what exactly, if it has a final defined, you know things you can put your arms around, statement of what they will actually be doing or they plan to do. And that will close the loop up for some of us who think that because of not hearing that out loud, I'm not sure it's going to happen.

Mr. Gilbert: Mr. Fix, I believe, we had special council working on that and I'll request anything from the City Attorney anything he would have in terms of the agreement that was reached and provide it to you as soon as possible.

Mr. Fix: Thank you.

Mr. Gilbert: Thank you. Item number 7 is the Pleasant View Sanitary Sewer. Mr. Wade was not

able to be here this evening and asked if I would continue the discussion on this. I do have one speaker request that this item has had its first reading and is back for the second reading, or is here for its second committee hearing. You are looking at a total cost estimate of \$382,257. Does this raise any additional questions or concerns from members of Council at this time? None being heard, David Castle. Had spoke with me before the meeting and said he had some questions in regards to the project. Please come forward. And you're at 54 Scenic Drive?

Mr. Castle: That's correct. My name's David Castle. I just had some questions I guess about it because the first I had heard of this was just this past weekend I guess it was. One of our neighbors informed us that this resolution was in front of the Council. I live on Scenic Road and most of the people who live on that road are retired. A lot of them are on fixed incomes and some of them are snow birds. So they're not even around to have any input in what's happening and I guess I'm just concerned that, you know on a fixed income that is this something that they can afford? If they have a perfectly well functioning septic system, why warrant the extra expense? Our road is very narrow and to go through and tear up the entire road to put down sewer lines and stuff like that, there would be no way in or out of that road. I mean if any of you have ever been up there on Scenic, it's a one car road. So I just think it would right now, it's a lot of expense to the city and to the individuals who live there for a small gain at this point in time.

Mr. Gilbert: Mr. Castle, Mr. Wade had, he didn't provide it to the members yet but he did do a survey in the neighborhood and indicated there was some interest from the residents in the project and I'll answer your question in two parts. As far as the road and the actual construction, one thing I was going to do for questions like that is ask the Administration if they would be willing to hold an informational meeting maybe prior to one of the readings that the legislation would have to have the engineers there in terms of answering questions of location and impact and how this would effect your road. From the financial aspect, there were just, three short years ago there were six remaining unsewered areas within the city and when the initial report came out from the engineers, the cost impact that you're talking about was much more dramatic then than it is today. We're talking in the neighborhood of \$12,000 to \$15,000 assessments for some of the projects. In lieu of that cost which no one was comfortable with you have the federal EPA mandates coming down requiring you to sewer your non-sewered areas. So the city had put together a comprehensive sewer policy to address some of the concerns you are talking about relative to our financial position and how much the city would be able to contribute. At the present time for the remaining projects the homeowners cost in terms of the actual assessment is capped at \$2900. No questions asked. The assessment can be paid up front or you can run it out over a period of years on your tax, on your property tax duplicate. The other cost that is incurred is a capacity fee hook up charge what if, maybe Dave or George can help me, ranging between \$1600 and \$1700 the last time I checked. So that is an up front cost that you cannot make into payments. So you have the \$2900 and that is a capped cost so if this estimate is incorrect, one of the provisions we put into the sewer policy was to prevent you from having to pay for any inaccurate estimate or cost over runs that we might have. Now that does not include then the cost you may have of running the line from your house to the line that would be established on your street or behind your house wherever the location would be. However, the policy then incorporates a time period ranging between 12 and 24 months that allows you to hook in on what we considered at the time a reasonable time frame that you could put the economics of the situation together and address it. So the economic

side of things is to the benefit of the property owner at this time in terms of repairing, if a system needs repaired or marketability of the property, this is a good policy that's been put in place and the city then at the time increased the amount of tax dollars that we put into the Sewer Capacity Fund to help pay for these projects. And as I stated at the first committee meeting, I believe we have 1.8 million dollars in there at this time so the project will be paid for up front. In terms of your construction questions, what I'd like to do, what type of a comfort level do you have with notifying the residences over the course of the next week for an informational meeting next Monday, George or Mayor?

Mayor McPherson: That's no problem. We can do that.

Mr. Gilbert: Then if, we had the similar problem with the residents that might not be here during the winter months. If they have contact people in the neighborhood I know in my Ward, in Cobblegate, Windsor Forest, we got the contact information and then notified them at their winter residences and minutes or questions that they had were answered for them before they came back up. So that might not be a bad idea to see, I don't know if you have an association there or not because the other aspect of the policy allows you a reclamation committee of I believe up to three members for your neighborhood. I think you have three or four street that would be effected where those residents document your property ahead of construction and then you would be attending the construction meetings and with the contractor to make sure they reclaim your land and repair it, put it back in similar state that it was prior to the project and I've seen this be successful if you go through a couple of neighborhoods that were sewerred in the past two years. You can't tell the sewer went through because of the work of the reclamation committee. So those are two things that I would suggest taking back to some of the residents there and assisting them to better understand. There's copies of the sewer policy on file in the Clerk of Council's office as well as the Administration offices that would be helpful to you.

Mr. Castle: Where can I get the financial numbers you just gave me?

Mr. Gilbert: I can provide you a copy of a legislative request that we had received. That's public information and it breaks it down in terms of the streets, the addresses, and the cost of the project.

Mr. Castle: Thank you very much.

Mr. Gilbert: Any questions from the other members at this time? Are any of the residents here that had any questions? I had gotten a call from a few other residents. I was expecting them but they haven't shown. None being heard, I'll just make a motion that we forward this to Council for its second reading with the understanding that the Administration will provide an informational meeting prior to the next Council meeting for the residents that would have questions on this project. Do I have a second? Mr. Stake with the second. All those in favor please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

With that, I don't know if I have the authority but I'll adjourn Committee Of The Whole.

Meeting was adjourned at 8:10 p.m.

NO FINANCE COMMITTEE MEETING WAS HELD

- -Susie Smith, Assistant Clerk of Council
(Transcribed - Susie Smith)
February 18, 2003