

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

TUESDAY February 16, 2010

Members of Community Development Committee present: Leslie Kelly, Barth R. Cotner, Chris Long, Nathan Burd.

Other members of Council present: Doug Joseph, Mel Clemens, Council President William L. Hills. Councilman Fred Deskins, Jr. was absent.

Mrs. Kelly: I'll call the Community Development Committee meeting to order at 7:31p.m. The order of business is the approval of the agenda. Are there any changes or deletions? Hearing none, it will stand as written. The next order of business is the approval of the minutes of the **Community Development Committee meeting held January 19, 2010. Are there any changes, deletions? Hearing none, they will stand as written.**

Item No. 4 - Discussion: Authorization of advertisement for bids for landscape services for the 2010-2011 seasons. Mr. Shamblin.

Parks and Recreation Director Shamblin: Thank you, Chairwoman Kelly, Council. This evening before you, we're requesting authorization to bid the services for the landscape maintenance, specifically for the Streetscape. This is a two-year contract, so it'd be for the 2010 - 2011 years. It ran out this past December 31st so we need to find a new contract.

Mrs. Kelly: Okay, does anybody have any questions for Mr. Shamblin? Okay, hearing none, I would like to send a Motion to Council with recommendation for adoption. Do I have a second? Seconded by Mr. Cotner. **All in favor vote "Aye". (All voted "Aye") Opposed. (No response).** Okay, thank you very much and with that, I will adjourn the Community Development Committee meeting at 7:32 p.m.

Community Development Committee

-- Nancy C. Frazier, Clerk of Council

February 16, 2010

(Transcribed - S. Cochran, Ass't. Clk. of Council)

SERVICE COMMITTEE MEETING MINUTES
TUESDAY February 16, 2010

Members of Service Committee present: Doug Joseph, Nathan Burd, Barth R. Cotner, Chris Long.

Other members of Council present: Leslie Kelly, Mel Clemens, Council President William L. Hills. Councilman Fred Deskins, Jr. was absent.

Mr. Joseph: I'll call the Service Committee Meeting to order at 7:33 p.m. The second item on the agenda is approval of agenda. Are there any additions, deletions or changes to the agenda tonight? Seeing none, the agenda will stand as approved. Approval of the minutes of the Service Committee Meeting held February 1, 2010. Any additions, deletions or changes to the minutes? Seeing none, those minutes will stand approved.

Item No. 4 - ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 1187.06 "Special Provisions for AR-1, AR-2, and AR-3 Multiple Family Districts" OF CHAPTER 1187 SPECIAL PROVISIONS FOR RESIDENTIAL USES; AND AMENDING TABLE 1175.03 "Lot, Yard, Height Requirements for Dwellings" of CHAPTER 1175 DISTRICT REGULATIONS .- -second rdg 1-25-2010; *on February 1, 2010 item held for two weeks*. Over the weekend, I'm hoping everyone had a chance to review again the legislation, and an amendment that I'm recommending that the committee incorporate into the legislation. If everyone's had a chance to review the minutes of the Planning Commission, there definitely seemed to be a consensus there, though they took no formal action, that putting language in place to protect those businesses that have begun building projects in the city would, actually, stating that would be a good idea. That was definitely the concern of some of the interested parties, Murphy Development, and the BIA; so I was working with them to come up with language that they would be comfortable with and the Committee and Council be comfortable with, and I didn't hear any issues over the weekend from anyone on Council, or on the Committee, and I just wanted to throw that open now if anyone on the Committee had any issues with the amendment. Anyone on Council?

I'll go ahead and read the amendment into the record. It would delete existing Section 4 of the draft ordinance dated 10-30-09 and replace it with the following: Section 4. This ordinance shall apply prospectively only and not effect any development with zoning and development plan approval as of the ordinance's effective date. Section 5. In order to avoid legal conflicts over vested development rights, to avoid the retroactive and unintended impact of this ordinance on prior approved projects and to allow existing condominium projects that are currently under construction to request reasonable development plan and/or rezoning text modifications driven by market forces, this ordinance shall not be imposed on any development project under the following conditions: (1) Valid condominium zoning and development plan approvals for the project were granted prior to the effective date of this ordinance; (2) 15% of the building permits for the project have been issued by the City; and (3) The developer primarily offers the condominium units for sale to owner/occupants on the

open market. Any requested modifications of development plan or texts of an existing approved condominium project meeting the above criteria shall be considered under applicable City code and procedures. Section 6. That upon adoption by Council this ordinance shall be in effect thirty days following the signature of the Mayor.

So again I'll ask, are there any questions of the Committee tonight, Council? Mrs. Kelly.

Mrs. Kelly: Yes, I have a couple of questions. The developer, primarily Number 3 under Section 5 - The developer primarily offers the condominium units for sale to owner/occupants on the open market - how are we defining primarily? Is there a certain percentage? What would be the alternative to the open market? Is there a little more explanation for that?

Mr. Joseph: Uh-hum. Okay. Mr. Hart, could you address that portion of the amendment?

Tom Hart: Good Evening, thank you, Mr. Chairman. My name's Tom Hart, my address is 300 Spruce Street, Columbus. I represent the Building Industry Association of Central Ohio. Our goal was, Councilperson Kelly, our goal was that primarily 51%, we didn't, we didn't try to nail down a specific percentage; what we tried to do, what we tried to propose with the amendment is something very narrow to protect. Really, one BIA member we know of who got a condominium zoning and is selling condos, he's not, he's not in the rental business; and we know that based on market forces he's going to probably ask for changes under normal city procedures, and to stay in the condo business, we wanted to, we're asking for him to be able to do that without this ordinance affecting him; and when he comes in for, to ask for those changes.

Mrs. Kelly: So would that leave 49% available to possibly rent?

Mr. Hart: Well, I mean I guess so. I, 51% is, is, I mean right now I think he's selling everything. So if Council wanted to define it further, you know, and still protect him but it's, it's probably, I think primarily means substantially, I think it means he's mainly in the 'for sale' condominium business and that's exactly what he is doing.

Mrs. Kelly: Okay. And then up in Section 5, in the portion above that, basically what this is saying is that there are plans that have already been approved and this language would then allow him to come in and get the rezoning and the modifications that he would like, as he deems necessary, based on what's going on with the economy?

Mr. Hart: Correct. He probably has about I believe around 19% of his permits issued, so he's got a fully-approved zoning, condominium zoning. He's got a fully-approved site plan, so when the city approved his zoning and his site plan, his development plan previously, he did his engineering, he laid out his streets, he put in utilities. He has filed and received about 19% of his permits. The point is that, and he wants to stay in the sales business, he wants to sell condos for owner/occupancy; the point is, his site is substantially engineered, laid out, it's got, you know, some horizontal streets, utilities installed ahead of his building permits. He is, he is a substantially defined site and if he came back in and you know, he had to meet the new ordinance, it would be pretty harsh on his situation.

Mrs. Kelly: Okay, so basically, right now he has approximately 20% of his, of his sites approved, his permits approved, but that would leave 80% of potential building that has not been approved.

Mr. Hart: Well his.....

Mrs. Kelly: So that would be the majority of his overall plan has not actually been approved yet and this ordinance would allow him to continue to have the same, basically the same guidelines he has now for the next 80%.

Mr. Hart: Right. If, if, that's correct, if he wanted changes to the rest of the site, he would have to come in either for a variance, you know, a re-drafting of his zoning ordinance itself. I think there's another provision in your code that allows him to amend zoning. He would have at least three options, but he would go through, you know, the normal procedures you guys, you guys have.

Mrs. Kelly: Right, right. And the new developers coming in, they'd have to have 100% of their things approved versus, I guess my concern with this is there's 20% that is approved, but there's 80% that isn't.

Mr. Hills: Could I help, I think; I may harm, I may not help; but I think 100% of the Murphy plan has been approved, 20% have had building permits issued.

Mr. Hart: That's correct.

Mrs. Kelly: Okay.

Mr. Hills: So it isn't, his plat, all of his plans for his initial plat and initial survey and plans were approved for the condominium as designed at that time. The city does have a program we're under I think the three different things the gentleman's referred to, they can come in and ask for exceptions (inaudible) if....he can come in and change.....

Mr. Deskins: That's the way it was proposed to start with....

(Microphone malfunctioned; some words not audible - - nf)

Mr. Clemens: _____ you get a variance on it, or change, which we discussed, and I'm not opposed to that in some respect _____ because I've always felt that something like this I think should be handled by elected officials _____.

Mr. Hart: I apologize if I created confusion _____.

Mrs. Kelly: Mr. Hood.

Mr. Hood: Yes Ma'am.

Mrs. Kelly: How do you feel about the amendment that _____

Mr. Hood: I read the ordinance last week. It's legally sufficient. The merits have to be debated by Committee and the Council. Of course, I don't think this does anything to dilute the City Council's stated intent, and going forward I believe numerous Council members have expressed concern. Mr. Murphy's concern, he's expressed to you two different times, that we don't want to harm development that is ongoing and has been previously approved in going forward. I believe that these _____ that are going to be added to the amendment, achieve that end without diluting the intended purpose of the ordinance. So, in that regard, I do believe that it achieves its desired effect.

Mr. Joseph: Thank you. Are there other questions? Yes, Mr. Long.

Mr. Long: Mel, the current zoning of condominium has within it provisions that it needs to be owner-occupied, correct? So, theoretically, he can't go in and just literally start to build for the purpose of rental anyway.

Mr. Clemens: No, by law he can rent them; I mean, that's the law. I mean, he can build them and rent them. This is more of a trustworthy deal here, that we trust that he's going to follow through with his development, and if he needs it changed in some respect to sell them, he'll be able to come in and get a variance or change in the zoning. It's too bad that we can't set it up that once it's sold, you can make the changes for the owner you know to sell it to him then it's sold, we know it's sold. There's nothing to stop him from renting these other than we trust him not to.

Mr. Long: Okay. Thank you.

Mr. Joseph: Any other questions from Committee or Council members? Okay, I'll make a motion that we incorporate this amendment into the ordinance. Seconded by Mr. Burd. All in favor vote "Aye". (All voted "Aye") Opposed. (No response). Thank you and so I'll go ahead and therefore make a motion that we send this amended item on to Council for its third reading with a recommendation for adoption next week. Seconded by Mr. Long. All in favor vote "Aye". (All voted "Aye") Opposed. (No response). Thank you and that was the last item for Service Committee, so I will close the Service Committee at 7:47 p.m.

Service Committee

--Nancy C. Frazier, Clerk of Council

February 16, 2010

(Transcribed - S. Cochran, Ass't. Clk. of Council)

FINANCE COMMITTEE MEETING MINUTES
TUESDAY February 16, 2010

Members of Finance Committee present: Doug Joseph, Leslie Kelly, Mel Clemens.
Councilman Fred Deskins, Jr. was absent.

Other members of Council present: Barth R. Cotner, Chris Long, Nathan Burd, Council President William L. Hills.

Vice Chairman Joseph: I'll call to order the Finance Committee Meeting at 7:47 p.m. Second item on the agenda is the approval of the agenda. Are there any additions, deletions or changes to the agenda tonight? Seeing none, the agenda will stand approved. Next is the approval of minutes of special Finance Committee meeting held January 25, 2010. Are there any additions, deletions or changes to those minutes from the 25th? Seeing none, those minutes will stand approved. Next item, approval of minutes of Finance Committee meeting held February 1, 2010. Are there any additions, deletions or changes to those minutes from February 1st? Seeing none, those minutes will stand approved.

Item No. 4 - Discussion: Confirmation of appointment to Civil Service Commission.

Mayor McCloud: Thank you, Mr. Joseph, members of Council. We have an individual currently serving on that Commission, who wishes to be reappointed, and I'm asking the Council to confirm that appointment.

Mr. Joseph: And we did get some material on that and at the moment, I'm not seeing my, oh, here it is, that's Sue Murphy, correct?

Mayor McCloud: That is correct.

Mr. Joseph: Okay, and this is a new appointment?

Mayor McCloud: It will start a new term, yes.

Mr. Joseph: Okay, okay. Any questions for the Mayor on this item from Finance Committee, or Council? Okay and this is simply a Motion, correct Mrs. Frazier?

Mrs. Frazier: That's correct.

Mr. Joseph: I'll make a motion that we send this Motion on to Council with recommendation of approval. Seconded by Mrs. Kelly. All those in favor please say "Aye". (All voted "Aye") Opposed. (No response). Thank you.

Item No. 5 - ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Subsection (a) of Section 192.02 "Imposition of Tax" of Chapter 192 Hotel Tax and adding a new Subsection (d)- -second reading 10-26-09; held 11-2-09;

held 11-16-09. On 12-7-09 item was sent to Council for third reading with recommendation for adoption, but on 12-14-09 item was returned to committee at time of approval of agenda. On December 21, 2009 item placed in Other Legislation until first committee meeting in February. *On 2-1-2010 item sent to 2-8-2010 Council for third reading with recommendation for adoption, but at approval of agenda time item was removed and returned to committee for further discussion and consideration.* Well, tonight, we are still at a position where this item is being re-worked and it will probably be a little while before the Committee will be ready to move forward on this, so I'm going to make a motion that we send this to Other Legislation until we are ready to bring this back out for consideration by the Committee. Is there a second on that? Seconded by Mr. Clemens. **All those in favor please say "Aye". (All voted "Aye") Opposed. (No response). Motion carries, thank you; and that was the last item on the Finance Committee tonight. I will end the Committee at 7:51 p.m.**

Finance Committee

-- -Nancy C. Frazier, Clerk of Council

February 16, 2010

(Transcribed - S. Cochran, Ass't. Clk. of Council)