

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
FEBRUARY 13, 2006

President of Council William L. Hills called the meeting to order at 7:32 p.m.

Members of Council present: Antoinette Newman, Donna Shirey, Ron Stake, Preston Stearns, Brett Baxter, Doug Joseph. Councilman Mel Clemens was absent.

The Invocation was given by Mr. Stearns. Mr. Hills led the Pledge of Allegiance.

Minutes of the regular Council meeting held January 23, 2006 were approved without objection.

The agenda was approved.

Community Comments and Requests:

(1) Mr. Gladstone: Good evening, President Hills, members of Council. First of all, I'd like to thank Mrs. Reichard. I had a meeting with her a while back and she was totally professional. She took all of the issues I had in Ward III and did an outstanding job and took care of all of those problems that she could. Second of all, I'm here for the people in Ward III. I will be turning in this petition from the people of Ward III, I will turn this in to Mrs. Frazier. I would also like to say, I will no longer come to City Council meetings. I believe that some members of City Council do not take the residents seriously and really does not want us involved. So this will be my last time here. And I will turn this petition in to Mrs. Frazier.

(2) Mr. Wright: Good evening Council. I'm Ken Wright and I live in Reynoldsburg. Something that happened at the last meeting, I just wanted to mention. It was from the Service Committee meeting about the Special Exception Use Permit. And I just wanted, maybe, if I have it wrong, somebody let me know. But what it looked like to me is that the permit was being asked approval of before the gentleman gets any businesses or anything in the properties. Like he was just buying the property, it looked like to me. And also it said on last week=s items received past deadline, but listed at request of Service Vice Chairman Joseph. And it said that, at the same time it says, that it would be, if any legislation is introduced, it needs to be introduced by 2-13-06 meeting. And it just seems like that=s depressing things a little bit from what we=re used to.

So what I was concerned about though, was that the guy didn=t say specifically any businesses that he was going to have on the properties. I mean, it=s like he was trying to get a Special Exception Use Permit for the property without having a specific business going in there. But if you guys, in other words, am I right about that? I don=t know if I'm wrong. I mean...

Mr. Hills: You may want to read the whole application process and how it works. The man is constructing a building of where I believe, he was going to be having a restaurant come in, which does require a Special Exception Use Permit.

Mr. Wright: But when he was up here, there was no restaurant mentioned. There was no name mentioned. There was no...

Mr. Hills: Then I suggest what you need to do is go to the Building Department and get the application process. I don't think anyone had any questions from here as to what the gentleman was doing. And every record that is in front of us is a public record and it's available to you if you go request it.

Mr. Wright: Well I know, some of the Council members had mentioned last week that they didn't have all the information that they needed. Mrs. Newman mentioned that she didn't have enough information to really make a good judgement on the, on things about the property itself and how the traffic would go in and different things about that.

Mrs. Newman: We didn't have a plot plan.

Mr. Wright: But what I was wondering about is there wasn't any, it wasn't like there was somebody coming up here and wanting to put in a specific business. And so, if you guys are really serious about having public input on things like this you know, it seems like it wouldn't be right for somebody to be able to buy a property (Tape Change)....get a Special Exception User Permit for the property, and then have a business come in, which somebody may have an objection to down the road. It seems like he's kind of getting pre-approval, where as before...

Mr. Hills: It followed the normal process to the best of my knowledge. Now we had a fifth Monday, which made the, it needed to be added to the agenda. And somebody correct me if I'm wrong, Mrs. Frazier also, because unfortunately I missed one of those meetings with a death in the family. But what happens with a Special Exception, it is ruled on by BZA, or recommended by the BZA, and if a member of Council chooses to have it go forward through the reading processes, it must be added to the next Council meeting. It was brought on the committee meeting to be sure that if somebody's going to do this, they have to do it by next week in order to meet the time frames. If additional information was provided, which we didn't have, we may or may not get it at times, and I think, hopefully after the last time, we'll always have it when these come up. But I think Council looked at the information that had been provided, and I don't see it on the agenda tonight. So therefore, it didn't raise any questions to start through the three readings and that type of situation. It was just like if we had taken no action, then the Special Exception Use Permit is granted and stays in place. Mrs. Frazier, did I get the days right on that and what is followed through here?

Mrs. Frazier: Yes. Pretty much. The Special Exception Use Permit, when they got it, the next thing they have to receive after they get the recommendation from the Zoning Board, are the minutes. And once they have those two pieces, then they have until the next regularly scheduled Council meeting to introduce legislation, or it stands approved. And in this instance, we had an extra night, which was committee, and they had questions like, - we'd like to see what Toni asked for. They got that in their packet. And therefore, they had no questions and they agreed with the Zoning Board, so it stands approved. If they had questions, they could have introduced legislation this evening and it would have gone through the process, but since they got the information they wanted, and have no further questions, it stands approved.

Mr. Wright: But legislation could have been introduced this evening you said?

Mrs. Frazier: It could have.

Mr. Hills: I commend Vice Chairman Joseph for bringing the individual up while they were here to give us an explanation at committee which is more than sometimes we have. But because of the fact that there were some questions in people=s minds, he did come up, he addressed Council which is always an advantage to Council and then it was handled appropriately legislatively which is no one has requested that it be added and go through the three readings or the six weeks time. So to the best of my knowledge, the Special Exception Use Permit will be granted. That=s no unusual process or anything. It=s just, maybe you got to see more of the process that you sometimes don=t see or have missed that when action isn=t taken by Council.

Mr. Wright: But I was just wondering, if a particular business comes up and people have an objection to that for some reason, how can they object to it if you don=t even know...

Mr. Hills: You could attend here at BZA and present anything you want before them. You could have talked last week, that >I don=t like this business=.

Mr. Wright: No. I=m not objecting to a particular business. Because there wasn=t any announced. I mean, there wasn=t any specific business. The gentleman, when he came up here, I was listening to what he said, and also I was looking on this right here. And there=s no specific business that=s mentioned. It just says, it=s like talking about, it may be a retail, it may be a restaurant, it may be a bank, drive-thru or pick-up window. And it doesn=t mention a specific business or anything. So I was just wondering, it just seemed to me that it wasn=t right for somebody to get approval for a permit for...

Mr. Hills: Right now, the only business he could have there would be in a tent. He wants to probably build this building and he=s going to own this building, and then he=ll lease out to some entity that won=t...

Mr. Wright: Yeah. That=s my point. Because if later on, would he have to get a permit for that? Or can he just....

Mr. Hills: _____ for permitting process for occupancy in the building.

Mr. Wright: So there would be another process if somebody was going to move into his property. Once he gets the structure built, and he finds a business to go in it, then he would have to come back again and...

Mr. Hills: He will get an occupancy permit issued through the Building Department and through administration. Before he can occupy the building, he has to comply with the codes.

Mr. Wright: And it would have to come before Council so that the public would know about it?

Mr. Hills: Not if it=s one that falls in the codes.

Mr. Wright: Because see, I=m not objecting to the, I don=t know the guy. I=m not objecting to the man, or I=m not objecting to his particular business. But what I=m concerned about is that people may have an objection to a business, but if the guy gets the Special Exception Permit before he ever gets a business in there, then what chance can you object to it then? I mean, how

can you object to it? Because he=s already got the permit. He goes and builds what he wants and gets who he wants in there, the public can do nothing about that or can=t say anything about that. But there might be concerns people have. And I=m not mentioning any specific business or anything against this man here. You know like I said, I don=t know him.

Mr. Hills: My suggestion to you again would be go to BZA. You get the BZA agendas. If you don=t they=re available for you. And when these Special Exception Use Permits are brought in to BZA, certainly go in and ask your questions there. And then when it comes up, there=s nothing that keeps you from raising that issue before Council when it=s on the agenda. But I would suggest you spend some time with the Building Department and have them explain to you the procedures on how they work. I think Council-wise, we=ve handled it appropriately and it=s not an issue that=s here tonight.

Mr. Wright: I understand that. I understand that. But it=s just that it didn=t seem like talking to them would really do any good if we don=t know what business is going in.

Mr. Hills: Maybe more of the details would make it easier to understand. And no, we don=t always see it come back between the Building Department and Mrs. Reichard. If she was so good to you before, talk to her again because she=s responsible for the Building Department. I=m sure she=ll be happy to explain it to you.

Mr. Wright: Okay. I was just concerned about the public knowing about what businesses are going in, and if they had a problem with it, if they were to object to it, you know, to Council. And like I say, how could you if you didn=t know what is going in?

Mr. Hills: _____. Are there any other questions from anybody on Council? If you have a question for Mr. Wright, go right ahead.

Mrs. Shirey: I don=t have a question. I would like to thank Mr Wright for coming here and addressing that issue. But I would like to say, that going to the BZA when they have it, I believe it=s on Thursday night if I=m correct, to address those concerns. Because I was there myself along with my father-in-law and he had some concerns. And that is the right, appropriate time to address those issues and they do listen. So I would tell you, if you have some concerns or some questions about businesses coming into Reynoldsburg, that=s where the first step, first process is, is to go there and ask those questions. Because that=s where they need to go first, to approach them when they want to come into Reynoldsburg to build. I appreciate you coming here and bringing that to our attention as well.

Mr. Wright: And then at the BZA, they have to say what business they=re going to have in, or that they=re just going to build a building?

Mrs. Shirey: If the businesses are coming into Reynoldsburg, if they want to build and put a new business in or anything like that, they have to go to the BZA. And they will ask the public if there=s any questions or any concerns. And if there are, that is the time to address them, to bring them up. And then you can then at that point, bring that concern.

Mr. Wright: Okay. I think I understand. Thanks a lot.

Communications- - Clerk read report from Clerk of Court: total monies collected from courts held during January 2006, \$37,350. Monies also collected during that same period pursuant to Ordinance Nos. 146-94 and 104-02- - \$2,294 for the Computerization Needs Fund and \$250 for the Enforcement and Education Fund.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE 2007 INTERNATIONAL MODEL 7400 CAB AND CHASSIS AND ALL RELATED EQUIPMENT (SALT TRUCK) FOR THE STREET DEPARTMENT AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Baxter moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@. Motion passed; Ordinance No. 5-06 adopted.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE AERIAL LIFT TRUCK AND ALL RELATED EQUIPMENT FOR THE STREET DEPARTMENT AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading.

Mr. Baxter: I wanted to make a few comments to this if I could. First comment is that, there was discussion on our employees being 20% of the time, not in safe conditions. I don't believe that our employees are working out there in unsafe conditions. I believe they're taking every safety precaution possible. This truck will give them the tools to make them more safe, I believe. And that's why I recommend adoption.

Mr. Baxter moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@. Motion passed; Ordinance No. 6-06 adopted.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE THREE VEHICLES (2006 Ford Crown Victoria Police Cruisers) FOR REYNOLDSBURG POLICE DEPARTMENT AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading.

Mr. Baxter moved adoption. Mr. Stake seconded. With the roll called, members voted: Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@. Motion passed; Ordinance No. 7-06 adopted.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE INTERMOBILE SOFTWARE FOR POLICE DEPARTMENT AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Baxter moved adoption. Mr. Stearns seconded. With the roll called, members voted: Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@. Motion passed; Ordinance No. 8-06 adopted.

ORDINANCE TO APPROVE PAYMENT OF SERVICES PERFORMED PRIOR TO THE AUDITOR'S CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY (Water Bill - Water Department)- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@. Motion passed; Ordinance No. 9-06 adopted.

ORDINANCE TO APPROVE PAYMENT OF SERVICES PERFORMED PRIOR TO THE AUDITOR=S CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY (Sewer Bill - Wastewater Department)- -Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@. Motion passed; Ordinance No. 10-06 adopted.

ORDINANCE TO APPROVE PAYMENT OF SERVICES PERFORMED PRIOR TO THE AUDITOR=S CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY (Electric Service - Service Department)- -Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Stearns seconded. With the roll called, members voted: Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@. Motion passed; Ordinance No. 11-06 adopted.

ORDINANCE AUTHORIZING CONTRACT (TWO YEARS) TO MAINTAIN MAIN STREET PHASE I CORRIDOR REVITALIZATION LANDSCAPING-- -Clerk read ordinance by title for the first reading. Item referred to Community Development Committee.

ORDINANCE APPROVING THE NAMING OF FIVE ALLEYS (Buckeye Alley, Hickory Alley, Elm Alley, Ash Alley, and Maple Alley)- -Clerk read ordinance by title for the first reading. Item referred to Safety Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 1511 FIRE PREVENTION CODE, 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@- -Clerk read ordinance by title for the first reading. Item referred to Safety Committee.

ORDINANCE AUTHORIZING EMH&T TO DESIGN AND ADVERTISE FOR BIDS FOR TAYLOR ROAD 12" WATER MAIN - PHASE I- -Clerk read ordinance by title for the first reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE FORD RANGER S.C. PICKUP TRUCK FOR THE WATER DEPARTMENT AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the first time. Item referred to Service Committee.

ORDINANCE MAKING APPROPRIATION FOR PAYMENT OF PRINCIPAL AND INTEREST ON BOND RETIREMENT FOR THE BARTLETT ROAD STORM WATER IMPROVEMENT PROJECT- -Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE MAKING TRANSFER OF FUNDS FROM GENERAL ADMINISTRATIVE ACCOUNTS TO MAYOR=S OFFICE, AND DEVELOPMENT DEPARTMENT ACCOUNTS

(Reimbursement)- -Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE TO WAIVE SECTION 941.13 A ADDITIONAL TAPPING FEE FOR UNASSESSED PROPERTY@ OF CHAPTER 941 UTILITIES (SANITARY SEWER IMPROVEMENT FOR TAYLOR ROAD, REYNOLDSBURG, OHIO IMP PLAN #815)- - Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE ESTABLISHING ACCOUNT IN THE REYNOLDSBURG POLICE DEPARTMENT FOR USE IN DISPOSING OF VARIOUS VEHICLES; AUTHORIZING DISPOSAL PROCESS; AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the first time. Item referred to Finance Committee.

Mr. Hills noted that the meetings scheduled for the following week would be on Tuesday, February 21, 2006 beginning at 7:00 p.m.

Request for Executive Session by President of Council to discuss Imminent Litigation; and by City Auditor to discuss compensation of Public Employees. Mr. Stake moved to recess for Executive Session; Mrs. Newman seconded. Mr. Hills said those attending would be elected officials, the Clerk of Council, Safety/Service Director, Assistant City Attorney, and City Engineer. With the roll called, members voted: Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@. Motion passed. Mr. Hills said following the Executive Session, Council would reconvene only to call the roll and adjourn. Council recessed at 8:00 p.m.

Council reconvened at 8:42 p.m. With the roll called, members responding were: Mrs. Newman APresent@; Mrs. Shirey APresent@; Mr. Stake APresent@; Mr. Stearns APresent@; Mr. Baxter APresent@; Mr. Joseph APresent@.

Meeting adjourned at 8:42 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

(Transcribed/S. Smith, Ass=t. Clerk of Council)