

SAFETY COMMITTEE MEETING MINUTES

February 1, 2010

Members of Safety Committee present: Mel Clemens, Chris Long, Nathan Burd, Fred Deskins, Jr.

Other members of Council present: Leslie Kelly, Doug Joseph, Barth R. Cotner, Council President William L. Hills.

Mr. Clemens: I'll call the Safety Committee Meeting to order at 7:45 p.m. First item on the agenda is the approval of agenda. Do I have any additions or deletions to the agenda? If not, the agenda will stand approved. Next item is approval of the minutes of the January 19, 2010 Safety Committee meeting. Are there any corrections to the minutes of the meeting? If not, they'll stand approved.

Item No. 4 - Discussion: Liquor Permit Request - TFOL - from Battalion 8 LLC & Patio, 1355 Briarcliff Rd to DKG Pizza Services LLC dba Masseys Pizza Reynoldsburg, 7070 E Main Street, Reynoldsburg, OH 43068. Yes, Chief.

Chief Suci: Yes, Chairman Clemens, we did an investigation into this transfer of liquor permit and find no reason to appeal the transfer.

Mr. Clemens: This is just a transfer to Masseys, if I'm correct?

Chief Suci: That is correct.

Mr. Clemens: That's good, I'll enjoy that. Thank you Chief, appreciate it.

Mr. Hills: Mr. Clemens?

Mr. Clemens: Are there any questions for the Chief? Yes, Mr. Hills.

Mr. Hills: I appreciate the information; two weeks ago I asked the question; because somebody's moving into Battalion 8 with a new liquor permit...

Chief Suci: That is correct.

Mr. Hills: ...I asked, what happened to the old one, and now I know.

Chief Suci: Now you know.

Mr. Hills: So I appreciate the followup. It appears Masseys is buying the Battalion 8 liquor.....

Chief Suci: It just didn't come in that order, for whatever reason.

Mr. Hills: Thank you.

Chief Suci: Thank you.

Mr. Clemens: Thank you, are there any other questions for our Chief? If not then, we'll let that stand as it is.

Next item is, I have a new business opening, I have a request for a speaker, Alex Hastie. Now does this have to do with the liquor permit?

Mr. Hastie: It has to do with the address, 1355 Briarcliff. I just wanted to speak with the Council for a moment.

Mr. Clemens: I'm sorry, it has to do with, yes, come up and speak, if you would.

Mr. Hastie: Thank you, Sir. Thank you distinguished members of the Council. My name's Alex Hastie. I'm an Attorney here in Columbus. I'm here tonight to introduce you to Donny Lee Spicer. Donny, do you mind standing up for a second? Donny is moving into the 1355 Briarcliff location. I wanted to take a chance tonight to introduce him to you guys. Donny has been putting a lot of time and energy into fixing up the old Battalion 8. It won't be called Battalion 8 again. I think the working title right now is the Briar Patch. It will be at 1355. Obviously, it's not the same permit that we just discussed. I just wanted to take a second to talk about Mr. Spicer. For the Council, he is a local business owner. He owns a place called Twin Auto Service. It's a towing company, it's been around for a number of years here in the Columbus area. This is his first bar that he's ever owned, but he's excited and he's putting a lot, like I said, time and effort into this. Briefly, I wanted to discuss, there's an article in last week's paper discussing his building permits. You may or may not have read that he didn't pull all of the proper permits, so he's retained our firm, Hastie Law Offices. We do a lot of basically, liquor law here in Columbus and Cleveland, Youngstown, basically helping people buy, sell permits, open bars. Obviously, there's a lot of regulations and things that go into that, that Mr. Spicer was not completely aware of. I just want to let the Council rest assured that we've got him all the proper Special Use Permits, filings. We're working with the Building Department very closely to make sure that we present you guys with an up-to-code establishment at 1355 Briarcliff. I wanted to give you guys my cards. If you have any questions, if Council has any questions, feel free to call myself, my brother also is the managing partner of the firm. He wanted to be here tonight but he's got his own City Council Meeting in Grandview. I'm sure he'd rather be here. I think they're debating whether or not to add a new levy to the Grandview City voters for next year. So he couldn't be here tonight but he wanted to extend his hello and also if you guys want to speak with him or myself at any time about this, then we would be more than welcome to hear from you guys. Lastly, I believe we'll be filing the permits next week. They're in right now, so hopefully by the end of the week, if not, Monday or Tuesday of next week and like I said, Mr. Spicer's working on the bar and we'll take any questions from the Council at this time.

Mr. Clemens: Are there any questions? Yes, Councilman Long.

Mr. Long: Thank you, Chairman Clemens. Luke, do we know if the permits, they have come in and filed the paperwork for the permits and filed to get on the agenda for the BZBA next month? So nothing has been filed yet with the City?

Mr. Hastie: Nothing has been filed yet, Councilman, no.

Mr. Long: I'm sorry, I thought that's what you said, Sir.

Mr. Hastie: I said we've been preparing the documents. Hopefully, they'll be filed at the end of this week.

Mr. Long: Okay.

Mr. Hastie: Sorry if I didn't make that clear.

Mr. Long: Thank you. Thank you, Mr. Clemens.

Mr. Clemens: I have a question. You have started work there, you say you have, you haven't, do you have permits to do that right now?

Mr. Hastie: We have started work on the premises. Actually, Donny has them right now. They're basically completed, but not yet filed.

Mr. Clemens: You have the permits that you're working with right now?

Mr. Hastie: Yeah, and in fact they're in the back okay.

Mr. Hills: They haven't been filed though I don't think Mr. Clemens. They've just been prepared.

Mr. Hastie: Correct.

Mr. Hills: Once they're filed, we'll set then.....

Mr. Clemens: Well, I mean, I understand that. I mean I asked, you said they're working on the premises, do you have permits to work on the premises?

Mr. Hastie: They have, they have signed a lease. They're not doing any more work.

Mr. Clemens: Okay.

Mr. Hastie: The Building Commission has told them not to so they're simply cleaning.....

Mr. Clemens: Okay, that's what I, that's what I want to understand. Okay.

Mr. Hastie: I can assure you that they Building Commission was very clear about that. Mr. Spicer obviously, wants to get off to the right foot with the

Mr. Clemens: Okay that's fine..

Mr. Hastie:with the City of Reynoldsburg and all of you here tonight.

Mr. Clemens: Thank you. Are there any other questions? All right, well thank you for coming this evening, and leave your cards, if you would.

Mr. Hastie: I will, if I can just stop by and leave them on you guys desk there, that would be great.

Mr. Clemens: All right, thank you.

Mr. Hastie: Thank you, Mr. Clemens. Thank you Council.

Mr. Clemens: Item No. 5 - Discussion: Preparation of specifications and advertisement for bids for Rosehill Road Phase III Repaving, and appropriation of funds. Mr. Miller.

Director of Engineering Miller: Thank you, Chairman Clemens, members of Council. This legislation before you is to request authorization to prepare bid documents to replace curbs and to repair guardrails on Rosehill Road, from Rosedale north to our corporation limit. This project is being done in conjunction with a County ARRA Project which is the American Recovery Reinvestment Act and that project is going to be to mill and pave the road from Rosedale north to our corporation limit. It is my intention to have the curbs replaced and the guardrails repaired prior to the County's contractor coming in and milling and paving the road. So it hopefully will be a very short process that the timing of our work with the County's work is paramount to the success of this project and in addition to that, it is going to be paid with funds from the ARRA paving project and also CDBG Funds which is the Community Development Block Grant that was awarded to the city in 2008 for \$200,000.

Mr. Clemens: Okay, Jim now you're doing it in two phases. All this is covered under the grantall this is covered money-wise. We don't have to come up with any money, money- wise?

Mr. Miller: Correct, the only thing I am asking from the, from our pot if you will, is the \$4,000 to prepare the documents and to place the advertisements (inaudible).

Mr. Clemens: Sounds good. Are there any questions for Mr. Miller on this construction of the,

finish the improvement for Rosehill Road. Yes, President Hills.

Mr. Hills: If I could, Chairman Clemens, you had said that this \$4,000 is for the curbs, gutters, guardrails, sidewalks. This is not for the repaving?

Mr. Miller: It is not for the repaving and it's also not for sidewalks. We're not doing any sidewalk work.

Mr. Hills: I guess, am I looking at the right ordinance because it says 'repaving of Rosehill and Rosedale and appropriate \$4,000 from the CIP Fund to certain account'. Should that say more what we are doing rather than the repaving on the yellow legislative request? Because I, the County's doing all the mill and fill and repaving.

Mr. Miller: The County is doing the milling and the paving, that is correct, that is correct.

Mr. Hills: So you don't really mean milling and repaving of Rosehill from Rosedale to Broad. What you mean is that secondary step that you talked about in your memo. The defect.....replace defective guardrail, replace curb and gutter and.....

Mr. Miller: You're correct, President Hills.

Mr. Hills: Okay.

Mr. Miller: Forgive me, I considered the whole thing the repaving project, but you are right. The contract book that I'm going to prepare is going to be for guardrail replacement, curb replacement and

Mr. Hills: The things the County won't do.

Mr. Miller: Correct.

Mr. Hills: Okay.

Mr. Clemens: Can I ask you, are you going to do all curb or are you just going to do the curb that needs to be done?

Mr. Miller: I'm just doing curb that needs to be done.

Mr. Clemens: You won't be doing the whole curb.

Mr. Miller: Correct. Um....

Mr. Clemens: You won't be doing approaches?

Mr. Miller: Some approaches that are damaged by curb replacement activities will be replaced, you know that partial area will be replaced. I measured with the Service Department earlier this Fall; the project length is about 4,000 feet. There is about 1,000 feet of curb that needs to be replaced.

Mr. Clemens: Are there any other questions for our City Engineer pertaining to this project? It's nice to get things done when somebody else is paying for it.

Mr. Miller: I agree.

Mr. Clemens: Are there any other questions for Mr. Miller pertaining to this project? If not, I'd like to make a motion that we send this to Council. Do you want this as an emergency?

Mr. Miller: Yes, please.

Mr. Clemens: That we send this to Council as an emergency and also to the Finance Committee. Seconded by Mr. Deskins. All in favor vote "Aye". (All voted "Aye") Opposed. (No response) Thank you. Thank you Mr. Miller and that ends the Safety Committee Meeting at 7:58 p.m.

Safety Committee

-- Nancy C. Frazier, Clerk of Council

February 1, 2010

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

SERVICE COMMITTEE MEETING MINUTES

February 1, 2010

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

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

Mr. Joseph: I'll call the Service Committee Meeting to order at 7:58 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.

Item 3 is approval of the minutes of the Service Committee meeting held January 19, 2010. Are there any additions, deletions or changes to the Service Committee meeting minutes for January 19th? Seeing none, minutes will stand approved.

Item No. 4 - ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF .442+/- ACRES IN TRURO TOWNSHIP, COUNTY OF FRANKLIN, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (John W. Wall and Elizabeth Hanna)- -second rdg 1-25-2010. Do we have any questions by members of Committee tonight on this item, by Council? Okay, I'll make a motion we send this on to Council for its third reading. Seconded by Mr. Long. All in favor, vote "Aye". (All voted "Aye") Opposed. (No response). Motion carries.

Item No. 5 - 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 - and it was discussed by Planning Commission and referred back to Council. This a, I'm going to make a

recommendation that we put this on hold for two more weeks; still in the process of speaking with some of the interested parties. I wanted to finish those discussions up, but we should be more ready to move forward with this in two weeks. Any questions on this tonight by Committee or Council? Okay. Okay, I'll make a motion we hold this for two weeks. Seconded by Mr. Burd. **All in favor, vote "Aye".** (All voted "Aye") **Opposed.** (No response). Thank you. That was the last item in the Service Committee. I will close the Service Committee at 8:00 p.m.

Service Committee

-- -Nancy C. Frazier, Clerk of Council

February 1, 2010

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

FINANCE COMMITTEE MEETING MINUTES

February 1, 2010

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

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

Mr. Deskins: I'll call to order the Finance Committee Meeting at 8:03 p.m. Next item on the agenda is the approval of the agenda. Are there any changes to the agenda from anyone? If not, the agenda will stand as written.

President Hills: Chairman, I believe you need to add that Rosehill...

Mr. Clemens: \$4,000.

Mr. Hills: \$4,000 on the Rosehill Project.

Mr. Deskins: We'll make that....

Mr. Hills: Number 3a; should be 3a.

Mr. Deskins: No. 3a?

Mr. Clemens: Yep, yeah, from the account number was 410.128.5651.

Mr. Deskins: Say that again for me please.

Mr. Clemens: 410.128.5651, CIP Fund Account.

Mr. Deskins: Okay and that was an emergency was it? Thanks. Okay, next on the agenda this evening is the approval of the minutes held January 19, 2010. Is there any changes to the minutes? If not they'll stand as written.

Item No. 3a. - Rosehill, Account No. 410.128.5651, we need to refer this to Council for funding. Is there any questions from Committee?

Mr. Clemens: No.

Mr. Hills: Fred, what you're doing is transferring \$4,000 from the CIP to that fund.....it helps to say that.

Mr. Deskins: Okay, I want to add to what I just said. We need to add \$4,000 to this fund to be appropriated for Jim to get his work done I guess. I make a motion. I need a second. Seconded by Mrs. Kelly. All those in favor please say "Aye". (All voted "Aye") Opposed. (No response). Thank you very much.

Item No. 4 - Discussion: Authorization to apply for Clean Ohio Assistance Fund grant for brownfield cleanup (former Big Bear store). Mr. Luke Haire is going to educate us on the topic I hope.

Development Director Haire: Thank you, Chairman Deskins, Council members. What I bring before you this evening is requesting authorization to apply for the Clean Ohio Assistance Fund grant for brownfield revitalization for 6300 East Livingston Avenue, which is probably better known as the former location of the Big Bear on Livingston Avenue. Currently, the property's been found to be contaminated with asbestos as the main contamination there on the site. It's hindered the re-development of that site. We were approached by the property owners to co-operate with them in applying for this grant. Only governmental entities are eligible for these funds and we would be partnering with the building owner, Red Raider Capital, LLC to clean up the site. The application is for \$435,342 in cleanup and it would include remediation of the asbestos, some demolition and removal of all the light fixtures within there that are contaminated with mercury and then also demolition of the Garden Center on Brice Road would be included in that cost. There is a match component required to this grant and the building owners will be doing an additional \$411,000 approximately, dollars worth of work on this site that would be, count towards the match, or as the match for this application. The time line for this is, there's a 45 day public comment period after the final application's complete and then it would go to the Ohio Department of Development and then on the State Controlling Board if we are awarded the funds. So it's about a 4 - 5 month process until we determine whether we actually receive the funding. With that, if you have any questions, I'd be happy to try to answer those.

Mr. Deskins: Luke, you're saying that it's a \$435,000 grant and that portion is being matched by the owner?

Mr. Haire: Yes, the total project cost I thought was listed in here. It's well over \$1,000,000, it's \$1.859 million, but that's the total project cost including the match. So the grant request is for the \$435,000 and then the rest would be considered the match. Some of those funds have already been expended such as the preparation and testing for the environmental contamination, the acquisition of the properties considered the match because they bought it knowing it was a contaminated site and then there is additional work that will be done, considered part of that.

Mr. Deskins: And the city is putting its name on it because that's the only way you can get the grant.

Mr. Haire: Yeah, we'll basically act as a fiduciary for the grant and administering the funds locally, so the city will actually hire the, competitively bid the project and hire the contractors for this project.

Mr. Deskins: What happens if, what about the liability the city's picking up?

Mr. Haire: The liability in terms of I guess what.....

Mr. Deskins: Something happening, running into a major problem over there that's more than what you're asking for. Are you going to be in contract to clean up no matter what the cost is or?

Mr. Haire: No we, the work, the grant would only entail the work that's to be done and this work will be inspected by the Ohio EPA and the certified professionals that prepare the contracts. The consultant here which is CEC has prepared this document and completed all the testing. I mean, I have all the information on the testing that's been completed in the binder here if you'd like to (inaudible).

Mr. Deskins: So you don't feel that there's going to be a problem here.

Mr. Haire: I don't believe that there's any more, in November we did a site visit with the Ohio EPA to the site and with the developer and they seemed to think it was a good reasonable project to apply for these funds.

Mr. Deskins: Is there any questions from the Committee, any questions from Council? President Hills.

Mr. Hills: The question I would have Councilman Deskins and for Luke is, I know these processes, they're complex. Now, is this something you need to move on quickly or do you have, is there time and has our City Attorney had the opportunity to review that book you have in front of you so...

Mr. Haire: Ah, he.....

Mr. Hills: ..I notice he hasn't signed off on it so I just, do we have a comfort level there? I, generally

with brownfield type things, the owner phase, if EPA signs off on it, there's no further liability.

Mr. Haire: Right.

Mr. Hills:now we got development playing in the game too. Let me assure you, the one department of the State that never wants to lose and never will lose, and that's Development, because they'll deny they ever did it...so, you've been there too.

Mr. Haire: The end result of this Mr. Hills, would be a No Further Action Letter which means that there would be, the site would be entirely cleaned up once (inaudible).

Mr. Hills: And that no further action would be against the owner and also us as a participant in the city or.....

Mr. Haire: That's correct and that's part of the applications, you know, both the owner and the city would sign a Clean Hands Affidavit which means that we contributed nothing to the pollution on the site, that we didn't have any hand in that pollution for the site. So we're stating in that we don't have liability for that. Mr. Hood did have an opportunity to review this and also all the guidelines for the Clean Ohio Grant. I met with Mr. Hood and Mr. Harris today on that. I think there's a level of comfort there, but I'll let him confirm that.

City Attorney Hood: Yes, thank you Luke. We did meet today. We've had numerous discussions since Luke brought this to our attention last week. The City Auditor and I have been working very hard with Luke to try and get this in some form or fashion to you for your consideration. This is a preliminary step. It is an ordinance that will allow Lucas and the Development Department to apply for this grant. Any agreement we have with Red Raider Capital will be contingent upon this thing to be funded, with the city's contribution being zero, but as Luke said, we will be acting as a fiduciary to insure a) that the project is competitively bid; b) that the prevailing wage is paid; c) that the site is remediated to OEPA standards; and finally, that we do receive that letter that says that it meets EPA standards by a certified environmental professional and that we won't have any further cleanups either from a private developer or ourselves in the future for the site.

Mr. Hills: Okay.

Mr. Hood: It's an interesting, we have been working very hard, the three of us together, to feel our way through this, because it's a very interesting proposition where you have funds available to municipalities that must partner with a private developer to clean up these brownfields. So it's something that we, I haven't been familiar with. I don't know if Luke's done one of these before. I know that the company that Red Raider has approached to help them with the application, filling out the application, has done numerous ones of these and Luke's been in contact with them numerous times to get questions answered. So, at this point we're comfortable going forward.

Mr. Hills: I don't think there's any doubt from anybody on Council that we'd like to see the development there.....

Mrs. Kelly: Absolutely.

Mr. Hills:and preferably a grocery store which seems to have some interest. So the quicker we get them in, the better. So I, but a, as long as we're not out on the end of a limb because I don't think you want to be there either Luke.

Mr. Deskins: You want this as an emergency also?

Mr. Haire: Yes, please.

Mr. Deskins: Is there any other questions from anyone? If not, I'd like to make a motion that we refer this to Council with authorization to apply for the Clean Ohio Assistance Fund Grant. Seconded by Mrs. Kelly. **All in favor vote "Aye". (All voted "Aye") Opposed. (No response).** Thank you very much Luke.

Item No. 5 - Discussion: Authorization of contract - Rosehill Road Waterline Reimbursement. Mr. Miller please.

Director of Engineering Miller: Thank you, Councilman Deskins. This legislation before you tonight is to authorize the Mayor to enter into a contract with the City of Columbus that they require of us, to reimburse us for the costs of lowering and relocating their waterline that was under Rosehill Road. Before the project started, the City of Columbus was notified that their waterline needed to be moved and relocated. They wrote us a response that basically says 'yes, we agree. We are responsible for the cost of doing so under a reimbursement agreement' and this is the agreement that you have now before you tonight. So I'm asking for emergency language on this legislation for the Mayor to enter into this contract.

Mr. Deskins: Thank you, Jim. That's some interesting reading (inaudible). Is there any questions from the Committee, questions from Council or anyone else. If not, I'll make a motion that we refer this to Council for authorization to seek or request reimbursement as an emergency. **All in favor vote "Aye". (All voted "Aye") Opposed. (No response).** Thank you very much Jim.

Mr. Miller: Thank you.

Mr. Deskins: Item No. 6 - Discussion: Purchase of computer equipment for Clerk of Court and appropriation of funds.

Mayor McCloud: Thank you, Chairman Deskins, and members of Council. This is the companion

piece that is remaining in regard to the city's upgrade of their computer system. This is specifically for the Clerk of Courts. There is a fund specifically designated for this kind of computer improvement. Those monies cannot be spent on anything else and after a fairly long and thorough process, this is the recommendation that the Administration is making. I will also tell you that it was the lowest price of the three vendors that we solicited.

Mr. Deskins: This appropriation of funds, Brad is \$52,677.02. Where's this coming from? Where's the money to pay for this?

Mayor McCloud: It's part of the funds that get collected in the Clerk of Courts and are specifically set aside for this kind of purpose and that's where it comes from.

Mr. Deskins: I think the Auditor wants to add.....

Mr. Harris: Yes, Chairman Deskins. Fund 211, the Court's Computerization Needs Fund, every month when Mrs. Frazier gets a report from the Court, there's a line in there for Computerization Fund. That's where the money comes from. Court fees collected from defendants. I don't know exactly how much it is per unit. There is about \$45,000 a year collected from that and the most they ever spend out of it is usually, you know, \$5,000 - \$10,000. It's been as much as \$30,000 so this fund was put in with the idea of upgrading the computerization needs, be it printers, be it software, be it servers or whatever for the Court system. It is restricted money. This is the only thing it can be spent for. It cannot be spent for payroll or anything else in that department other than computerization products and computerization needs for that department. So this would be one of the few things that actually could be purchased with that money.

Mr. Deskins: Thank you Auditor Harris. Is there any questions from anybody on the Committee, Council?

Mr. Hills: Chairman, I'd just like to note that this is integrating with the improvement throughout the city so it benefits the Courts, but it also benefits as to the internal processing of all the computer needs within the city, which I think is beneficial.

Mr. Deskins: Yeah, I think, I know we were discussing earlier that part of Mr. Harris' system will be part fund too is my understanding. Okay, if there's no other questions, I will make a motion that we refer this to Council for approval as an emergency and appropriation of funds of \$52,677.02. Seconded by Mr. Clemens. **All in favor vote "Aye". (All voted "Aye") Opposed. (No response).** Thank you very much.

Item No. 7 - Discussion: Council appointment to the Income Tax Review Board to fill the unexpired term which will end September 24, 2010.- -*on January 19, 2010 item held two weeks.* As it stands right now, we have one request for appointment. We had another one that was submitted, but

they withdrew their request so, Nancy do we need to read the application request?

Mrs. Frazier: No, you just have to decide if you want to move it forward for adoption.

Mr. Deskins: We've had two weeks. I don't know.....Councilman Clemens.

Mr. Clemens: I think we should move it forward.

Mr. Deskins: Okay. Anyone else got any comments or questions? If not, I'll make a motion to move forward to Council the appointment of Kara Joseph to fill the unexpired term of Tax Review member. **All in favor vote "Aye". (All voted "Aye") Opposed. (No response).** Thank you very much. Congratulations to Kara Joseph. It will go before Council.

Item No. 8 - 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.*

Do we have any discussion? Any comments from anyone, from the Committee? Mel, you're making some signs over there. Go ahead.

Mr. Clemens: Yeah, it's been awhile. Bill, you want to explain this one.

Mr. Hills: I can try, I mean I think we did with the latest submission, I think from January 29th, there's been a Reynoldsburg Economic Development Plan and I guess I look back at a couple documents in December 9th the Mayor said let's hold this to first committee meeting in February and I think some of that was consistent with a November 19th memo from Franzmann, correct Mayor?

Mayor McCloud: Yes, Mr. Hills.

Mr. Hills: The Franzmann memo said 'I believe that such legislation/agreement should require that the monies contributed by the City to the CIC be used in furtherance of the statutorily required plan between the City and the CIC. Beyond that, it would probably not be a bad idea to specifically delineate the permitted uses and require an accounting by the CIC to evidence those expenditures'. You know, just got this like you all did this weekend and I think there's a, there is an economic development plan. I would have thought that there would have been more specific as to how those funds could be used rather than we're going to develop these areas and I do know that Attorney Franzmann is, did receive, has now received a copy of this and I have not, he has not gotten back to us yet. It to me, and I know City Attorney Jed Hood is looking at it. I have not heard back from him either. I would have expected some more breakdown exactly what these funds could be used for. They could be used for mortgages, they could be payments. They can't be used just to run down to

BW3's and have a party about economic development, but and I'm not saying Luke that that's what they would be used for, but this plan says we're going to expend our funds in four or five different areas. So I'm not sure if it complies with what the initial concern was raised by Attorney Franzmann or the Mayor in his memo and I'm not opposed to REDI getting the money, but I think we need to have something in place before they get the money as to how those, how it's going to be monitored and controlled. Mr. Clemens, does that help explain?

Mr. Clemens: Yeah it does and I'm not opposed to it because I'm really in favor of the, you know, I just didn't know whether at this time, I didn't know whether the Mayor's satisfied or anything. I haven't heard anything from him, other than what we received, so.....

Mayor McCloud: Yes Mr. Clemens if I may, Chairman Deskins. I am, I am content with this. The, you know any time you try to do something like this, what you don't want to do is tie your hands and I think the intent was and the contemplation was to be encompassing so that if in fact, certain things came up, it didn't require coming back to City Council and say, what about this? Can we do this? So it's kind of a, in the category of including, but not limited to, and I don't know if you had anything you wanted to add to that Luke, but that was kind of what was behind, I know this document that you have before you was culled from a handful of other communities' plans. So the.....

Mr. Clemens: The principle was we passed the tax to gain this money for this, to do this; and like I said, I was in favor of doing that and that's why we increased the bed tax, so I have no problem with it. I just didn't know whether everybody was satisfied with it or not.

Mayor McCloud: And if I could add one other thing. Any expenditures would have to be authorized by the board, kind of like the Visitors Bureau Tax. I mean there's a board there and they have to approve so there is process there and on that end.

Mr. Deskins: Go ahead, Mrs. Kelly.

Mrs. Kelly: Luke, would we get a copy of the monthly expenditures for the REDI Board or yearly, much like, thinking about the Visitors Bureau where they turn in.....

Mr. Hills: Quarterly; they do it quarterly.

Mrs. Kelly:quarterly report. Would we get something similar to, for REDI if there was action? There may not be action going on.

Mr. Haire: I think currently, our ordinances state that it would be an annual report, it'll come in once annually. I believe that's by January.....

Mrs. Kelly: For REDI?

Mr. Haire:or the end of March. I forget which one it is, but I think that they get a, they were supposed to forward a copy of the all the minutes of the previous year and the financial report from REDI for the year. We did just receive that financial report on the 28th, our annual financial report. If I could just address Mr. Hills' concerns. Statutorily, from Chapter 1724 of the Ohio Revised Code, REDI is restricted in what the funds can be used for. In a memo dated July 13th, I distributed that to Council members, what the Ohio Revised Code lays out specifically on what can be done with the funds so I think that's implicit in those regulations, what can be done with those funds and REDI is restricted with what they can do. The plan is more to guide what we will do with the funds if they're contributed or what we will attempt to do if we have to seek other funding sources.

Mr. Hills: If you sent it to us in July, I'm sure I can just remember every paragraph of that memo. So, but, and I.....

Mr. Haire: It's got some age on it, I know that.

Mr. Hills:and I realize you're restricted. I'm just referring back to why the brakes got put on and part of it was between the City and CIC. Now, the Mayor is saying he likes this and that's the city speaking. He's comfortable with this being sent to the CIC and is adequate control of the funds and I mean, the Mayor stood up and said I think, I'm correct, you're comfortable with that, right?

Mayor McCloud: Yes, Mr. Hills.

Mr. Hills: And I have not heard from Franzmann, and I have not heard from the City Attorney, and the Mayor says that's what he wants. Unless there's some real drastic thing that would come up between now and next week, I don't guess there should be an issue, but I, it's not quite what I thought it would be. That doesn't mean it's wrong or it's right; it's a narrative and it talks about where you want to spend your money. It, there appears to be an agreement between the City which is the Mayor, and the CIC.

Mr. Deskins: I think Auditor Harris has some comments.

Mr. Harris: Just a couple things real quick, if I may. Number one, I haven't talked to Mr. Franzmann about this. We've had a couple other things we've been talking about the last day or so, and, but one of things he said in that note that I think everybody should be aware of, this will be audited as part of the State audit. So the State Auditors will be reviewing this account so they will also be checking to make sure that it does meet the statutorily required things with the Ohio Revised Code. Also, as Mr. Franzmann pointed out in his note, that Council giveth and Council can taketh away any time. If for some reason, Council feels that things have been done inappropriately, you certainly have the right to disengage the funding as well. So this is something you will have to do as part of the appropriation every year to put that money in or you could decide in between time, for whatever reason, you don't want to support this anymore because you're not happy with the, what the CIC is doing, you

certainly have the authority to discontinue funding of that particular source as well.

Mr. Deskins: Thank you Dick. President Hills.

Mr. Hills: One follow-up on that and I appreciate Dick's comments and I appreciate Luke's comments, but referring back to what Councilperson Kelly said, I know we do have a similar situation with the Visitors Bureau. The CIC and the Visitors Bureau are totally different, but they do a quarterly reporting and I think you probably cited to your bylaws which say an annual.

Mr. Haire: Correct.

Mr. Hills: Is there any, let me just suggest that you all may want to think about modifying your bylaws to bring it in quarterly. It just makes a better update of keeping everybody informed as to where they are and if there's a questionable area, it's easier to explain it in the fourth month than it is the thirteenth month, so.

Mr. Haire: Sure. Mr. Hills we meet quarterly so that would probably be easy. We get a Treasurer's Report at each quarterly meeting.....

Mr. Hills: So if you're meeting quarterly, it's not hard to put the Quarterly Report together.

Mr. Haire: That's correct.

Mr. Hills: Right.

Mr. Hills: Thank you Councilman Deskins, I'm sorry, Luke.

Mr. Deskins: The City Attorney has something else he wanted to add.

Mr. Hood: Thank you, Chairman Deskins. The only thing I would add, or I guess reiterate is that Council does have the authority to either increase and decrease funding to REDI. This is done by ordinance, so ordinances can be amended. Getting to Mr. Hills' point, about quarterly reporting, I'm sure in the 1978 ordinance that established REDI as the CIC or the development arm of the city, it required some type of accounting to the City Council so you all understood what was going on. That may be as simple as amending that ordinance as well if the Board was not inclined to take President Hills' recommendation that quarterly reporting should be implemented. So there is a bit of control, but there's a reason why REDI is allowed to do the things that the city is not, statutorily. There's also a reason why you don't exert control over REDI. They make development decisions. You do so with your authority to tax and spend but you will not make the decisions, you will not ratify decisions made by REDI and things of that nature. So it's important, especially for the newer Council members, to understand and we had to kind of gather this information because our REDI has not been

active in the recent history and I think all parties involved want to get this up and moving, but done so in the correct way. So those are some of the concerns that I had and my research I want Council to understand that you will not exert control over REDI to make decisions and you will not be able to overturn decisions made by REDI. They will be an independent Board of the city thereby being allowed to do things approved by the State and the Revised Code that the city, the corporate municipality would not otherwise be able to do.

Mr. Deskins: Thank you Jed. Mrs. Kelly.

Mrs. Kelly: Luke, I just want to commend you and the Mayor for working so hard to get an active REDI program. I think your objectives are great and I look forward to seeing them come to fruition.

Mr. Deskins: Thank you.

Mr. Clemens: I have one question and like I say, I agree with Leslie on this but you know, if you get moving on this, you certainly will have more meetings than quarterly I would think.

Mr. Haire: The hope would be yes.....

Mr. Clemens: That's what I mean.....

Mr. Haire: ..quarterly, once we have some money.....

Mr. Clemens: Quarterly's not very often.

Mr. Deskins: Is there any other questions for.....

Mr. Burd: Yes, Chairman Deskins. Not a question, just a comment. I just want to echo Councilwoman Kelly's remarks. I appreciate the work you guys are doing on this, especially when I look at the priority list of areas for development, I think that's very, I think you're right on and I think there's some potential for some really good things. So, I'm looking forward to see what you do.

Mr. Deskins: Thank you.

Mr. Burd: Appreciate it.

Mr. Deskins: Thank you, Councilman Burd. Is there any other questions from anyone. Well, from what I'm hearing, sounds like the consensus is we need to send it forward for adoption. I'd like to make that motion. Seconded by Mrs. Kelly. **All in favor, vote "Aye". (All voted "Aye")**
Opposed. (No response). Thank you Luke.

Item No. 9 - ORDINANCE TO APPROVE AMENDMENTS TO THE "INVESTMENT

POLICY - CITY OF REYNOLDSBURG” AS RECOMMENDED BY THE TREASURY
INVESTMENT BOARD- -second rdg 1-25-2010. Any questions, comments from the Committee,
anyone else? If not, I’ll make a motion we send this to Council for its third reading.

Mrs. Kelly seconded. With no further discussion, all voted “Aye”.

Meeting adjourned at 8:35 p.m.

Finance Committee

--Nancy C. Frazier, Clerk of Council

February 1, 2010

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