

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
JANUARY 23, 2006

President Pro Tempore Ron Stake called the meeting to order at 7:30 p.m.

Members of Council present: Mel Clemens, Antoinette Newman, Donna Shirey, Preston Stearns, Brett Baxter, Doug Joseph. Council President William L. Hills was absent.

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

Minutes of the regular Council meeting held January 9, 2006 were approved without objection.

The agenda was approved.

Community Comments and Requests- - -

Mr. Wesley: I'm Patrick Wesley. I'm the owner of the business at 7127 East Main Street. Holly Hill Farms. I'd like to comment representing a few businesses in the area concerning revitalization program. We wish it would hurry up and get done. There's been a lot of promises made by the city that things will get done faster, but it hasn't come into effect. So of the things that's been perturbing is, we were promised at all times there will be three lanes of traffic to move people through smoothly. That has not happened. There's been times when they were reduced down to two. They've had policemen there to help with that but, still the reason for the third lane I was informed, was to allow the emergency equipment and the Police Department to use that third lane as necessary. Also, the businesses were told that they would never, I shouldn't say never, were told that the work on the south side would not start until the work on the north side was completed. As you know, that has not happened either. We just find, the businesses find it very disturbing, some of the things done. I'm speaking for one business. He had both his entrances blocked. People could not get in. When he asked what to do, he was told that their customers could go down to two businesses, park in that lot, and then walk down to his. We're happy to see it being done. We hope it gets done in a hurry and it helps out. But as businesses, we are upset as is a lot of your residents concerning the time and the way things are being done. And that is all I have to say sir, thank you.

Mr. Stake stated that Mr. Nolan and Mrs. Reichard are going to report on the revitalization this evening. He said maybe they could address some of Mr. Wesley's concerns in that report.

Reports- - Mayor McPherson swore in Scott McKinley as Lieutenant, Jim Costlow as Sargent, and Dustin Beavers and Terry Williams as Police Officers.

Mr. Stake stated that there is an update from the Safety/Service Director on Reynoldsburg Major Commercial Corridors Revitalization, Phase II.

Mrs. Reichard: Thank you, Chairman Stake. Welcome, Councilwoman Shirey. And all members of Council. We are here to do our monthly report. Jim is, has prepared the outline that

was sent to you. And what I've asked him to do is just go through that and elaborate a bit on each one of the items. When we get through it, I would be happy to answer any questions you may have.

Mr. Nolan: Mr. Stake, members of Council. I appreciate again, being here tonight. As far as a format again, I won't go through each item in the report that has been given to you recently. But I do want to review some of the highlights of it. The work recently completed. We restored two westbound traffic lanes on December 23. The majority of the work over the last month has been by the utilities. SBC, Insight, and Wide Open West have installed their cable and completed the splicing and the cut overs again, on the north side. AEP has installed the conductors, switches, transformers, and junction boxes. The work by the prime contractor, Complete General, has been essentially, the concrete drive approaches, installing casings for the signal support foundations, and then just recently started removal of the sidewalk and the pavement for the conduit bank on the south side. Work proposed during next month on the north side will be primarily AEP testing the new underground system and beginning the electrical service revisions. Complete General will complete the installation of the sidewalk which remains from about the Reynoldsburg Center east to City Hall, and will continue with the installation of the street light foundations. The landscaping contractor, Contractor C will continue with the north side wall, and sign footers, and some general grading. On the south side, we will continue to install the street lighting. SBC and Wide Open West conduit bank. SBC will continue lowering the duct bank within the south curb lane. And SBC will also begin installing their cable and starting their splicing. I won't go into the actual overviews, or the milestones. I do want to touch on these issues that are there in a moment, but first let me address the business owners meetings that have recently been conducted. The fourth business owners meeting was held at Heartland Bank on the 15th of December. It was well attended. We appreciate Heartland Bank for hosting that. The next business owners meeting will be conducted on the 9th of February at 7 a.m. and we'll be putting out a notice of that location. It's yet to be determined. The budget highlights, the permit contract amount there indicates a contingency remaining of \$384,973. I just want to highlight that that does include the deducts for the pending changes. Most significant of which is an approximate \$180,000 for the full width plane and overlay which has been added to the project as a result of the Department of Transportation's removing it from their '07 program. The contractor earnings to date are \$2,133,000. Unused has been 33% and they're about 32% complete. So we're on schedule. The issues I want to address, I appreciate Mr. Wesley's comments about, why is the contractor working on the south side when the north side is not yet complete? That's an issue that's been raised. I just want to clarify, at no time did the project ever expect that we would be completely done with the north side before the south side started. We had always intended to do some work on the signs, the grading, and the walls on the north side. However, we had expected and hoped to delay the start on the south side until about April of '06, until the spring. So as to get all the traffic restored, and to get all the sidewalk in on the north side. We've been unable to do that because of a need to accelerate SBC in the installation of their utility duct bank and the starting of their splicing. We've always had a milestone of end of May of '06 to complete SBC's placing and cut overs. That was achievable starting in April if they only needed about a month like we originally thought the original project schedule anticipated. SBC only needed about a month to do their splicing. In early December upon further diagnosis and research of the situation, SBC identified that they really have a duration of splicing in more in the magnitude of about four months. So in order to maintain our milestone of end of May for SBC splicing, and to maintain the project

completion date of the end of the year, in October we felt the need to accelerate the contractors installation of that south side duct bank and start it at just after the first of the year. It started on the 9th of January. So that's the main reason why work is being done on the south side. If we were not to do that, if we were to delay until April as originally forecast, we would not be able to complete on time. We'd be facing additional cost because the landscaping contract would not be able to be completed this fiscal year. It would be completed in the spring of '07. Not only would that be a great inconvenience, it would also incur additional costs in maintaining those plantings over the winter. The other issue that was raised and I want to address is, why are there not five lanes back open? We did, right before Christmas, even though we had cold temperatures, we authorized, after consultation with the administration, we felt the need to authorize some heat fused thermo plastic, what I'll call cold weather pavement markings, to restore at least two west bound lanes. Since then, SBC has had the south bound lane occupied as they're lowering their duct bank there. And since then, we've intended to install the original five lanes of pavement markings. And we really just have not had weather conditions which have been conducive for that operation. The pavement markings, it is a significant operation to restore the original five lanes. It requires weather conditions in the 40's. Not just warm weather, but it also requires dry weather. And since the first of the year, we've had some days where the weather has been in the 40's for two or three days, but they haven't coincided with it being dry. We need both warm weather and some dry weather. Good news is, the pavement sub-contractor, Griffin Pavement, has just mobilized today with the forecast of some good weather tomorrow. And they are committed to striping and working overtime if necessary tomorrow evening to take advantage of the warm weather tomorrow to restore those original five lanes of traffic. I do believe that will go a long stride towards helping the traffic congestion that people are seeing on primarily, east bound. I'd be happy to address any questions of that here in a moment. The last thing I wanted to address is, SBC will be continuing to lower their duct bank in the south curb lane through the month of January and through mid February. And while that's going on, there will be a roving closure of that southernmost east bound lane. Again, that will be a lot easier to deal with as soon as we can restore the full five lanes and have a dedicated east bound with a dedicated turn lane which serves as a lane for emergency vehicles as well. With that, I would like to just address any of your questions at this time.

Mr. Stake: Thank you, Mr. Nolan. I think restoring five lanes for the traffic would be a good idea as soon as we could. It looks like we're going to have some warm days this week, so hopefully they can get that done. And I appreciate you answering those questions that Mr. Wesley brought up and I'm sure Mr. Wesley can talk to you and Mrs. Reichard any time he'd like with any additional questions. With that, are there any other questions from member of Council? (No response).

Mayor McPherson: Just a comment. He didn't mention about my keeping him abreast to the weather each day. I call his cell phone and tell him about the weather.

Mr. Nolan: I appreciated the Mayor's helping us analyze the forecast of weather. And we have been certainly encouraging our contractor in his paving marking sub contractor to monitor that as well.

Mayor McPherson: The only reason I mentioned that is because EMH&T is working very

diligently to get the striping company to get the stripes down. But it's been a chore on their part.

Mr. Nolan: I appreciate Mr. Wesley coming also. He's been a faithful, regular attendant at the business owners meetings. And we need that kind of interest and communication of feedback with the business owners. And again, we're grateful. Thank you.

Mr. Stake: Thank you, Mr. Nolan. Are there any questions? Mr. Baxter.

Mr. Baxter: There are actually two of them here. A couple of questions right off the bat. With the striping set up the way it is right now, I understand you're going back to that when the south side opens up. Going back to having one lane a single direction and two lanes going the opposite direction with a turning lane. Correct?

Mr. Nolan: As soon as the markings are installed tomorrow, there will be five lanes. Now although five lanes will be restored, there will be times when both, of course the south bound lane, the southernmost east bound lane is going to be occupied by SBC at least for some time. At least through the middle of February. Now they are restricted between the hours, only be working between the hours of 9 and 3. So during rush hours, both rush hours, all five lanes will be open. The other challenge is, there is still some grading work on the north side. Although we'll have two dedicated west bound lanes, there will be some times when some materials, some _____ materials and some work is done on the north side which is going to require again, during the hours between 9 and 3 when that west bound lane on the north side is going to be closed for some times. But once all five lanes are available so we can keep that emergency lane dedicated in the center, I think traffic is going to be significantly better and certainly most importantly, during the morning and evening rush hours.

Mr. Baxter: Okay. Just so I understand what you just said, then once we go to five lanes, it'll remain that way barring those minor changes that might happen throughout the build.

Mr. Nolan: That's correct.

Mr. Baxter: But it's not intended to go back to four lanes.

Mr. Nolan: No. The pavement markings that we are installing this week will be the permanent markings. Now they will be removed when later this summer, we do the full width plane and overlay. They'll have to be replaced. But they'll just be replacing what you're seeing here this week.

Mr. Baxter: Okay. Great. And I have a few questions but I'll let my Councilman here to my right go with the next question so I don't hog up the whole time. So Councilman Stearns, I relinquish my time to you.

Mr. Stearns: Thank you, sir. Yes. I'm not complaining, but I've got some questions that came that's coming from my critic. The question is, the sidewalks. The sidewalks on the south side has been torn up, like I say, for the duct line. When will the north sidewalks be finished? I noticed they do have visqueen wrapped around them. Have they cured enough yet for that to be

removed? Because there's no place for the people to walk now once they, if they want to go either direction. They've got to walk out in the street.

Mr. Nolan: The contractor intends to complete the sidewalk on the north side. And what remains to be done is from the Reynoldsburg Center here to Blacklick Creek, or to City Hall area. The cold weather in the month of December really stopped that effort. Even our best efforts to install some cold weather protection because of the severity of the cold weather that we had there in the month of December, prevented us from continuing. These warmer, certainly we've had an unusually warm January and we're going to take advantage of that. As soon as the striping is complete, the contractor has scheduled his concrete crew to come in should we see them continuing that sidewalk work later this week. That's one of the reasons we kept this, we'll call a 'work zone' where the barrels are about 6 feet off the north side curb was an effort to, even between the Kroger Center and City Hall to keep a walk area, a pedestrian zone available, so that even though that sidewalk wasn't in place, it would be a place for them to go. After consultation with the administration, we did agree that we needed to get the south side conduit back, the utility bank started in January so as to get SBC the time that they need so that the project isn't, the completion date isn't affected. But that doesn't mean we've forgotten about the north side sidewalk. Now that the weather is cooperating, we're certainly aware of the need to proceed with that.

Mr. Stearns: Okay. Thank you.

Mr. Stake: Thank you, Mr. Nolan. Mr. Baxter, you had some more questions?

Mr. Baxter: Yes, sir. Just one more. This is dealing with the striping. I was glad to hear you say they were going to try to get to the striping as soon as possible. I know Councilman Shirey brought up a good question about that last week dealing with wanting to potentially lower the speed limit because there was concern of risk. And I know when we have the bad weather, it becomes very difficult to be able to see where you're supposed to drive. And many times myself, and I'm sure other Council members here and citizens, have seen where you're supposed to drive of people making left hand turns from the driving lane on the opposite side. Because you don't realize that that's two lanes going the opposite direction as they head west. So they're stopped right dead smack in the middle of it. So you are looking to get that done soon. So I think that should help quite a bit. But to my question, it's dealing with SBC. I know you said that they gave you an estimate of one month and it came back with four months. Did we not have a contract to have them meet the one month deadline? And can't we get them to bring more resources in and meet their date? Or can we not hold them accountable for the cost that they're doing in delay?

Mr. Nolan: I just want to clarify. There are no additional costs. One of the items that we made clear with the prime contractor, Complete General, is although we would allow the work to proceed in January, they have agreed to do so at no additional cost to the project. The matter of the striping and the visibility, that will certainly be remedied when the permanent mark, or the temporary markings are installed per the original configuration here tomorrow. And the good news is, the sub contractor has actually, he did start today in the removals of those markings. There was a crew on site. And because of the wetness, because of the rain that we had this

morning, he was unable to start striping. But he did have his crew on site and did start the process with the removals of the arrows and some of the conflicting markings. So that duration will be even less. But we're expecting a full crew tomorrow. Regarding the speed limit and the safety issue, or would there be any benefit of reducing the speed, I believe there's more of a perception issue with west bound traffic. I don't believe we really have a speed problem with high velocities going west bound. It's more of a relative to the slow speeds and east bound that people are perceiving that we've got high speeds going west bound. I don't believe we really do have a problem there that needs to be done. I've spoken with the contractors superintendent. If he's at all concerned about public or crew safety with speeds west bound or east bound for that matter, he assured me he hasn't seen anything that concerns him or our inspector who's there 24 hours, or during the full work periods as well. So I don't think anything needs to be done to control the speed limits differently. I think the pavement markings are going to be remedied here within the next, probably within the next two days. And like I mentioned, the sidewalk work is being done and will be completed just as soon as this crew can continue and they'll be addressing that probably through the end of January.

Mr. Baxter: Okay. Very good. I think the issue wasn't of, if they were going too fast. I think the issue was because they were doing 35 miles an hour down Main Street. And it's confusing to know where you're supposed to go during making turning or negotiating turns. And you're seeing barrels there. I'm not sure where the driveway is. People become confused. They slow down. And that was some of the safety issues I was seeing. People in the wrong lanes, for example. It's not that they were doing 35 miles an hour down the wrong lane, they were just in the wrong lane stopped. So I think the striping will go a huge way to solve that problem.

Mr. Nolan: Exactly. Thank you. To clarify, to better highlight the markings that are there but also to place more emphasis on the new markings that are going to be showing up.

Mr. Baxter: Okay. Thank you.

Mr. Stake: Are there any other questions? Mr. Clemens.

Mr. Clemens: Yes. I believe Mr. Baxter had asked the question of the difference between a month on the cable work compared to four months on the cable work. If there was anything in the contract that called for a month. And if so, why is it being extended to four months?

Mr. Nolan: I think SBC, just upon closer diagnosis of the scope of work that they had, in late November, early December time frame, realized they had a much larger effort with all of the fiber optic and other communication facilities that needed to be spliced. And we were actually thankful, or grateful that they told us then and not waited until April when the time was to come that the bad news was surfaced. Because we wanted to, we think that we've dealt with it pro-actively, and all that we've had to accelerate the project in an effort to maintain the completion date. Again, knowing it, and forewarned is forearmed, and we believe that we've taken the appropriate measures. As far as a contract or what leverage we have on SBC to recover costs, the cost isn't an issue. I think that we have had a lot of success working with SBC on this project, and that relationship remains a strong one and we should be grateful for the caliber of people that are working on the splicing. We've got some of their best splicers, and I do think that they're putting

an appropriate level of effort on it. You just can't do some of those splices, the more we found out, any faster than what they're indicating. So if they get done sooner than May, we'll all be pleased. But we certainly want to give them the full four months which they are indicating they need.

Mrs. Reichard: If I could just add, SBC, when they found out the impact that was going to have on the project, the four weeks versus the four months, I think they are making every effort to get more crews out there and to get it done quicker. So I anticipate hopefully, that it is going to be done sooner than four months. But as Jim said, once we found out there was a change, we needed to address it, and the only way we could do that was by opening the south side in January instead of May.

Mr. Clemens: Okay. It was stated, there would be no additional cost to your knowledge. There would be none in the future that comes back to this situation?

Mr. Nolan: There's certainly no additional cost to Contracts A and B with Complete General. There's the potential for some additional costs on Contract C with the landscaping because they involve the installation of some concrete work with the walls and sign footers that are on the south side. If, and only if, we have an unusually cold January and February, which would involve some cold weather protection, would those costs be realized. We're seeing a very warm winter, and I'm not expecting any additional cold weather protection. But if we do need, and we may need to get some of these walls and signs in during February, and if the weather goes south and gets very cold, then we need to pull the trigger on some of those cold weather protection measures. Those cold weather protection measures could be compensable, or they could have some entitlement for those.

Mr. Stake: Mr. Clemens, does that answer your question?

Mr. Clemens: That's it. Yeah. Thank you.

Mr. Stake: Mrs. Shirely.

Mrs. Shirey: Obviously, safety is our really concern for the citizens. And one thing that I've noticed is, when I'm going west on Main Street coming from Lancaster Avenue, and you're talking about correcting the markings, I've noticed how the traffic is kind of turning a little bit towards the left, and not too many people realize that. And the next thing you know, people are hitting each other and causing accidents. Is that one of the things you guys are going to be correcting soon as well?

Mr. Nolan: Yes.

Mrs. Shirey: Okay.

Mr. Nolan: Tomorrow.

Mrs. Shirey: Tomorrow. That would be great. Thank you.

Mrs. Reichard: As long as it doesn't rain.

Mr. Nolan: The forecast is good as of 6:00 this evening.

Mr. Stake: Are there any other questions or comments from members of Council? (No response). I just have one more question regarding the five lanes when you get the striping done and have five lanes. You said that you're going to have to shut some of those down at certain times to do some work. Is it possible to time that so that most lanes will be open during rush hour?

Mr. Nolan: Yes. In fact, we're restricting the closure of those lanes between, they won't be closed through 9 and they won't be closed after 3. So between 9 and 3 is when those lanes have the ability to be closed. And then only when accompanied by _____.

Mr. Stake: Okay. Thank you. Any other question?

Mr. Baxter: Just one more quick question. Thank you. Are we incurring any additional costs with our Police Department? Because I do notice many officers sitting there helping out, letting them be seen. Are we incurring costs now because of that? Because we didn't intend to have that lane closed, and now we're having to have police officers there. I don't see how we're not incurring more costs.

Mr. Nolan: Well, there are costs already in the project. There's a line item for L E O's. The L E O's that they're seeing are probably two different efforts. The one by the prime contractor, those are already included. Those aren't additional costs. The ones that are there on behalf of SBC are being paid for by SBC. And again, those are already project costs. So there are no additional costs as a result of these efforts.

Mrs. Reichard: Those are special duty and they're not taking from our folks that are on duty.

Mr. Stake: We budgeted for that, didn't we?

Mrs. Reichard: Yes, sir. It's in the contract.

Mr. Stake: Any other questions? (No response). Thank you, Mr. Nolan and Mrs. Reichard.

Clerk read motion: That the Chief of Police be and is hereby authorized and directed to apply for a G.R.E.A.T. (Gang Resistance Education and Training) Grant. Mr. Baxter moved adoption.

Mrs. Newman seconded. All voted "Aye". Motion passed.

ORDINANCE AUTHORIZING 2% MERIT INCREASE FOR THE YEAR 2006, FOR ELIGIBLE EMPLOYEES COVERED BY CHAPTER 160, AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 01-06 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 127.01 "COMPENSATION" OF CHAPTER 127 PRESIDENT OF COUNCIL- -Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 02-06 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 147.03 "COMPENSATION" OF CHAPTER 147 DEPARTMENT OF LAW- -Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mr. Joseph seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 03-06 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 141.01 "COMPENSATION" OF CHAPTER 141 MAYOR- -Clerk read ordinance by title for the third reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Joseph "Yea". Motion passed; Ordinance No. 04-06 adopted.

Meeting was adjourned at 8:07 p.m.

Ron Stake, President Pro Tempore of Council

Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Smith)