

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

Tuesday

January 20, 2004

Members of Community Development Committee present: Lane J. Beougher, Eric Gilbert, Mel Clemens, Ron Stake, Preston Stearns, Brett Baxter, Antoinette D. Newman. President of Council William L. Hills was also present.

Mr. Beougher: I'll call Community Development to order at 7:30 p.m. The first thing on the agenda is the approval of minutes of January 5, 2004. Are there any corrections?

Mr. Stearns: I'll make a motion that we accept them.

Mr. Beougher: Okay. Corrections? (No response). All right. The minutes will stand as submitted. Approval of the agenda. Are there any additions or deletions from the agenda? Seeing none, it will stand as submitted.

The next thing on the agenda is the agreement with MORPC. Discussion to update the Reynoldsburg Planning Guide and waive competitive bidding. We held this the last time for two weeks, and I don't see Mr. Brandt. Is anyone here from the Administration that can address this? Okay. I had a conversation with Annique van Kley with MORPC today, and Mr. Brandt had alluded that there could be some modifications to the scope of this project. We discussed the possibility of having them analyze our operations for impact fees and various other things that we had talked about in Residential Review Committee this summer. I also expressed my concerns about the public meetings being held to review the progress rather than to solicit comments from the community, and she indicated that that could be modified as well. Do any other members of the committee have comments or thoughts since last meeting? Mr. Baxter.

Mr. Baxter: Thank you, Mr. Beougher. I've read through the Planning Guide, and one of the things I would like us to focus on is some of the goal statements that I've noticed and the actions that would need to be taken. I notice we have done several of the projects, and goals already are in action. And I would like to see what our goals are for the next 5 or 10 years added to that project. So if we were going to look into this or rewrite it, that would be one of the things that I think should be part of the scope.

Mr. Beougher: I agree. I agree. Mr. Gilbert.

Mr. Gilbert: Mr. Beougher, I suggested this to several of the members. I think, and this touches on Mr. Clemens' concern about broad scope, that it was brought forward with, I think the appropriation was \$25,000, and I guess if you look at major development corridor that remains for the city, it's along 40 headed east, south of 40 down Taylor Road. And I think maybe one way to limit the scope is to have that area of the concentration for the study. And that also would tie in with development impact fees. I would appreciate input from MORPC on that. The Residential Zoning Review Committee made that recommendation to look into that. I intend to have discussions on that on the Service Committee in February, and I think that might be one way we could narrow the scope. And I think it's also important to incorporate their suggestions or an outline as how to address a multi-jurisdictional issue such as Taylor Road. And just another suggestion to throw out while I'm throwing out these others, is to add this to the CIP as the first

step in analyzing Taylor Road. What that would do extensively, is to free up that \$11,000 that Mr. Brandt had said was carried over from his budget, and might be, save that \$11,000 that we could apply to the internship, seek the funding elsewhere, limit the amount down from \$25,000, maybe to \$10,000, \$12,000, see what the limited scope would bring about from MORPC as far as the cost. But just a suggestion as maybe how to shuffle it and take a different approach to, I guess reach the same objective. I would just like the members to think about that over the next two weeks. And I had suggested it to Mr. Brandt as well.

Mr. Beougher: Thank you. Mr. Hills.

Mr. Hills: I'm not on your committee.

Mr. Beougher: Actually, you are.

Mr. Hills: Historically, I think that last week this kind of went up and down and I do think we need to have some historical preference that a lot of people up there don't have. Mel was Safety/Service Director then. I think Bill Underwood and I were the only two people in the room, and Nancy Frazier, we had in this last planning guide, I was there, I think I was sitting on Planning Commission at the time to do the guide. And I think this came to us, unfortunately in a way that we're just going to go through the 8 steps or whatever and update them. There's been a number of changes in our community since that period of time. We had the Lima Township merger into Pataskala. I think if you looked at the gross acreage that probably eliminated 65% of what we had thought at one possible time could have been annexable land. So I think some of these comments that I'm hearing tonight, we'll just consider those comments from the President, but some of the comments we're hearing about refining our Planning Guide to adjust to the situation we're in today, I think is a necessary thing to be done. Because I think you can find if you looked close enough you'd find universities up near Broad Street or community college up near Broad Street and I don't think Pataskala is going to build that any time soon, nor are we. So I think we do need it updated and I appreciate the comments but I think we need to evolve it into something that is more acceptable as to where we actually are today. And I think your comments with MORPC and I think Mr. Brandt, certainly MORPC is able to look at it and say, "okay yeah, we've got to make some adjustments, and hopefully that can happen. I would like to note, and it was brought up last week, two weeks ago and I'm not sure it's correct, from prior time on Finance, I don't think that \$11,000 carry over can be used. I believe that goes back to the General Fund. But still, the concept of it's good because it does put it in the General Fund which would make it available if we need to do it. Thank you.

Mr. Beougher: Thank you, ex-officio member Hills. Any one else like to make any comments? I would address one thing Mr. Hills said, and that is Annique did convey that part of the update process would be to revise the Planning Guide with new philosophies of development. Some of the smart growth philosophies or principles would be incorporated and I think the guide touched on some of those but didn't really address how we implement those and how we make those things happen. One comment in the proposal was, do we keep doing the same thing? Sprawl versus cluster housing, or compact subdivisions versus spreading out all of the land and using it all up at once. So I guess that leaves us with a decision. Do we want to tweak this and hold it or do we

want to send it forward? Mr. Gilbert.

Mr. Gilbert: The concepts you're talking about, I think there was ample opportunity for that input with the Residential Zoning Review Committee.

Mr. Beougher: That's correct.

Mr. Gilbert: And one step forward and two steps back if now we're going to appropriate funds to try to determine which concept goes forward as far as residential development, there's an extensive writing, well you wrote the report Mr. Beougher. And there were people that testified before the committee that it indicated our density seemed to be realistic with how we move forward in the future with residential development. The concepts, there seemed to be enough latitude provided for the Development Department and the planning representative to have the latitude to implement our code and our concepts, development to developments. I don't know that that would be something I would be willing to appropriate money for. Since members here and representatives of the Administration spent 6 months looking at that.

Mr. Beougher: Mr. Stake.

Mr. Stake: Thank you, Mr. Beougher. I'm in agreement with Mr. Gilbert. I think we need to narrow the focus and not broaden the focus. I don't think we want to spend a whole lot of money on this.

Mr. Beougher: Mr. Clemens.

Mr. Clemens: I agree with what Mr. Hills had brought up. On the balance of the property that we're able to even consider, to move forward on as far as annexation is concerned. And that really cuts the scope of whatever the Planning Guide is going to consist of. Because basically, we know what the zonings are going to be. We know what Main Street's going to be and it doesn't take a Planning Guide to show us that. It doesn't take one to show us what Taylor Road's going to be or the property that's going to be annexed. We need help but we know what Palmer Road's going to be. We know what Taylor Road's going to be once we annex it. There's very little ground left in Reynoldsburg. We know Waggoner Road, we're not going to go industrial, commercial on Waggoner or what's left inside the City of Reynoldsburg. So I think the scope could be cut down to the important sections, the important part that where we're speaking about. I don't think the, I think the sum's a little bit too high for what I'm interested in. That would be my thought.

Mr. Beougher: Okay. Thank you, Mr. Clemens. Mr. Baxter.

Mr. Baxter: Mr. Beougher, if you don't mind. I'll disagree with both Councilmen here that the Planning Guide is an intent and purpose and I think that's what we're talking about here. What's the intent and purpose of this guide? And in my mind the guide is supposed to be a long term plan. It's a living plan. And give focus to how we want to develop the city now and into the future. What I see it lacking is an execution plan. How to do that? What projects are going to be scheduled between now and the next five years? Without that, a plan is just a piece of paper

as I heard two weeks ago sitting on a shelf potentially. So I would be more in favor of not just identifying the scope, but how would we execute it and see to it that that execution happens over the next five, six years. Thank you. I would be in favor is what I'm saying.

Mr. Beougher: Thank you. Any other thoughts? Mr. Clemens.

Mr. Clemens: No. I'm in favor of it, don't get me wrong, of updating the Planning Guide. I think the scope is what we have to look at.

Mr. Beougher: Okay. Now the Charter, Mrs. Frazier, if I'm not mistaken is the authority for doing planning to the Planning Commission. Do we need to send this for first reading then refer it to them? Or how does that? Am I incorrect? I didn't bring my copy with me tonight. But don't they have some input on making plans? Creating comprehensive plans?

Mr. Gilbert: This is not a zoning map.

Mr. Beougher: No, it's not. But it is a land use plan. I thought they had some authority.

Mrs. Frazier: I think we might have to give them opportunity to look at it, but I'd have to go back and research it. It depends on what you send out.

Mr. Beougher: Okay. So at this point, is there support for sending this forward for first reading without appropriating any money just yet? Mr. Underwood, are you approaching the microphone?

Mr. Underwood: I did. The Planning Commission has the authority to do it and make recommendations to Council, but they don't have the exclusive jurisdiction over planning.

Mr. Beougher: Okay. Thank you. Is there support to send this forward in kind of a rough form and then tweak the scope and money as we go forward? Is there a motion?

Mr. Stearns: Mr. Beougher. I have a question.

Mr. Beougher: Yes, Mr. Stearns.

Mr. Stearns: I asked this question a couple of weeks ago and if there's going to be \$25,000, why does it have to be, the competitive bidding waived? And I really didn't get a good answer on that.

Mr. Beougher: I'll give you an answer for that. Professional services are not competitively bid under the State of Ohio laws. They are qualifications based selection and this would come under that. But in order for this to be a legal expenditure of funds, we have to as a Council, waive competitive bidding. Did I get that right, Mr. Underwood?

Mr. Underwood: Close enough.

Mr. Beougher: I'm an architect, not a lawyer, I guess, is there any support to send it forward?

Mr. Baxter: Well, I would motion that we send it forward for the first reading without funds attached to it at this point.

Mr. Beougher: And then refer it to the Finance Committee at a later reading?

Mr. Baxter: Correct.

Mr. Beougher: Later Committee meeting. Is there a second? (No response). Apparently not. It seems like it's going to go down. I would like to hold this for two weeks if that's the will of the committee. And Mrs. Frazier, do we need a motion and a vote on that or not?

Mrs. Frazier: Yes.

Mr. Beougher: I'd move we hold this for two weeks. Mr. Gilbert with the second. All in favor, signify by saying aye. (All voted "Aye"). Any opposed? (No response). Thank you very much.

And this concludes Community Development at 7:46.

Community Development
- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
January 20, 2004

SAFETY COMMITTEE MEETING MINUTES

Tuesday January 20, 2004

Members of Safety Committee present: Mel Clemens, Ron Stake, Preston Stearns, Brett Baxter, Eric Gilbert, Lane J. Beougher, Antoinette D. Newman.
President of Council William L. Hills was also present.

Mr. Clemens: I'd like to call the Safety Committee to order at 7:47. The first item on the agenda is approval of the minutes of January 5, 2004 Safety Committee meeting. Are there any

additions or deletions? (No response). If not, they'll stand approved. The next item on the agenda is the approval of the agenda. Are there any additions or deletions to the agenda? (No response). If not, it'll stand approved.

The next item, Authorization of contract with Emergitech. I've discussed this with Chief Miller and this is not going to be an emergency at the present time. It was marked down as an emergency, but the way we will work it is that, as it goes through the Committees, when we feel it's correct and it's ready to be voted on, then we can add the emergency. But it's not an emergency at the present time. Also, I discussed this with Chief Miller, there are other items that they are working on and different items that Mr. Underwood is working on that have to be corrected and approved and so forth. And what the Chief would like to do is, move this on for first reading, and also what she'd like to do is have comments or calls, or meet with any members of Council that would like to discuss any part of the issue that they're concerned with. She'd be glad to discuss it on the telephone. She'd be glad to discuss it, sit down at a meeting and familiarize yourself with it and ask any questions you need to have answered. It makes it a lot easier before it comes to Council. So feel free to give Chief Miller a call and set up an appointment or discuss it with her over the telephone. She will be ready to give a full report on this at the next Safety Committee meeting. So if you can before that, if you have any comments you'd like to have answered before then, questions you've asked, please contact the Chief and she'll be glad to discuss it with you. Also you can bring it up at the meeting too. But it's always better if it can be worked out before it comes to the table and get answers that way. So what I'd like to do is just move this on to Council for its first reading. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

The next item is, Ordinance Authorizing Engineering Services for the Main and Graham Intersection Improvements. It's had its first reading 1-12-04. We had discussed this many times over the last 4 or 5 years and it's a safety issue and it's something that we really desire to get completed. There's work being done now on easements and so forth through our City Attorney, and there's work being done that we can't pass it at this time. But I would like to move it on for the second reading, and also send it to Finance Committee for appropriation. Are there any questions? Yes, Mr. Stake.

Mr. Stake: Mr. Clemens, we're going to need \$4,000?

Mr. Clemens: Yes.

Mr. Stake: Okay.

Mr. Clemens: Are there any other questions from Council? (No response). If not, I'd like to make a motion to send this to Council for its second reading and also to Finance Committee. Do I have a second? Second by Mr. Stearns. All in favor, say aye. (All voted "Aye"). Opposed? (No response).

Well, that concludes the Safety Committee meeting at 7:51. Thank you.

Safety Committee
- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
January 20, 2004

SERVICE COMMITTEE MEETING MINUTES
Tuesday January 20, 2004

Members of Service Committee present: Eric Gilbert, Lane J. Beougher, Ron Stake, Preston Stearns, Brett Baxter, Mel Clemens, Antoinette D. Newman.
President of Council William L. Hills was also present.

Mr. Gilbert: I'll call the Service Committee meeting to order at 7:51. The second item on the agenda is the approval of the minutes of the January 5, 2004 Service Committee meeting. Are there any additions or deletions? (No response). None being heard, they will stand as read. Item number 3 is the approval of the agenda. I would like to hold item number 4 (Discussion, Draft Report from Ad Hoc Residential Zoning Review Committee, Erosion and sedimentation control in conjunction with Phase 2 Storm Water Regulations) for two weeks. I make that motion

to hold item number 4. Is there a second? Mr. Baxter with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 5 is Ordinance accepting two unrecorded conservation easements. This item did have its second reading January 12. Are there any questions or comments at this point from members of the committee? (No response). None being heard, I would make a motion that we forward this to Council for its third reading with a recommendation for adoption. Do I have a second? Mr. Beougher with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 6 , Mrs. Frazier, are we in receipt of the necessary information?

Mrs. Frazier: No.

Mr. Gilbert: We are not? Regarding the deeds of easement, we have not received that, so I would make a motion that we hold this for two weeks until we are in receipt. Do I have a second? Mr. Stearns with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And I'll adjourn Service at 7:53.

Service Committee
- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
January 20, 2004

FINANCE COMMITTEE MEETING MINUTES

Tuesday January 20, 2004

Members of Finance Committee present: Ron Stake, Mel Clemens, Eric Gilbert, Lane J. Beougher.

Other members of Council present: Preston Stearns, Brett Baxter, Antoinette D. Newman, President of Council William L. Hills.

Mr. Stake: I'd like to call the Finance Committee to order at 7:53. The first order of business is the approval of the minutes of Finance Committee meeting held January 5, 2004. Any deletions, additions? (No response). Okay. The minutes will stand. Item number 3 is the approval of the agenda. I've got a few things we need to add. I'd like to add the, we have a request from Safety/Service Director Reichard for some additional monies, and I'd like to split that out in two parts. One is the changes in Streetscape Phase 1. One is for appropriating some money for moving some boxes and some transformers, and the other one is additional funds for inspection services. I'd like to make 3a, the additional funds for AEP to move the boxes, and 3b, additional

funds for inspection services, and then 3c would be for the Main and Graham. And I'd like to make a motion that we modify the agenda.

Mr. Gilbert: Mr. Stake, are we holding item 5?

Mr. Stake: Yes. Thank you, Mr. Gilbert. I would also like to hold item 5 and item 6. Item 5 is adoption of CIP. I met with the Mayor in regards to that and he asked me to hold it for a couple of weeks. And I guess there's some language to be worked out in the Kroger T.I.F. agreement. I'd like to hold that as well. Thank you, Mr. Gilbert for reminding me of that. I'd like to make a motion that we do a, b, and c, and hold 5 and 6. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Okay. Motion passes.

3a, is additional funds for Streetscape to be appropriated to move the boxes by AEP. I believe we have Mr. Nolen here. You might want to address this for us. Mr. Parkinson as well. Hello, gentlemen.

Mr. Nolen: Good evening, Council. I'm not sure how much has already been shared by Mrs. Reichard about the request. Have you had a chance to review the memo?

Mr. Stake: I have. Yes.

Mr. Nolen: It's actually a borrowing of money from the Capital Improvements, the unappropriated Capital Improvements Fund to the Streetscape Segment A Fund which will be used for two purposes. The first is \$60,000 for the inspection services, and the second is for relocation of two switches for the AEP purchase order. Both of those contracts are not specific, or not under the guideline of the contract with Complete General. So they would need to be appropriated. The monies are available in the force account but those have been appropriated specifically for the Complete General contract. So what we're asking to do, is to borrow monies from the unappropriated Capital Improvements Fund, and then they would later be returned, out of the force account on the construction contract upon completion of the construction contract. So I can give the specific amount for AEP, the relocation of two switches is \$57,446, and for the inspection services, the extension there is for \$60,000. So, I'd be happy to address any specific questions, but that's, we're not asking for additional monies. What we're asking for is to borrow monies from the unappropriated Capital Improvements Fund and then they would be returned upon the completion of the construction contract.

Mr. Stake: Okay. And these are separate items, so let's deal with the AEP appropriation first there.

Mr. Nolen: Sure.

Mr. Stake: I guess, and Mr. Nolen and Mr. Parkinson, we met a little while back about the green boxes. I was approached by some of our citizens about those green boxes, and at the time, the consensus at the time with you folks was that we shouldn't move those. And there were concerns by some citizens about the placement of those boxes. What changed your mind?

Mr. Nolen: Well, there was a perception that the boxes were obstructing the views of the fronts of the businesses, and there was a desired betterment to relocate them around the sides of the buildings to improve the appearances of the structures. So that was, and certainly there is an improvement there. We at the time, didn't feel it was worth pursuing, but I believe the Administration's got some different views and we are in support of them.

Mr. Stake: Okay. And as far as your statement in regards to borrowing some money, what we would be doing is, we would be appropriating money from the CIP fund to pay for this. And I guess the concept is, is to return some of the money that would be left over after the construction of the project, because the construction company would not use that money. We haven't completed the project yet, so we don't know whether we're going to need that money for that project or not right now, do we?

Mr. Nolen: That's correct. I mean, I can't sit here today and say that there is no chance that that money would not be used up on the contract. I guess there still is. It is our, we have a contingency remaining as of today of about \$43,000 including these changes that we're talking about tonight, but whether or not that amount is sufficient to carry us through the project is a hypothetical question today.

Mr. Stake: Correct. Okay. Any questions from the committee? Mr. Clemens.

Mr. Clemens: Yes. And I was one that was opposed really to where the boxes were because I didn't realize the size of where they would be. And I might have missed it and I do miss a lot of things. What businesses will be moving?

Mr. Nolen: The two switches that we're talking about here are at Carpet One and at Aamco.

Mr. Clemens: At where, now?

Mr. Nolen: I'm sorry. The transformers you're saying?

Mr. Clemens: Yes.

Mr. Nolen: The switches that are being moved by AEP are one at Aamco and there's one at Just Because. The Just Because gift shop. There's also two transformers that are being moved by Complete General under the contract that is not under the guidelines of this particular request under this purchase order. There's four structures that we're proposing to move. Two switches and two transformers. The two switches that are being moved by AEP are in front of Just Because and at Aamco, those two switches.

Mr. Clemens: Basically, none of them look good where they're at, the big green boxes. Now we're in the process of design for Phase 2. I hope that this is taken into consideration on the design for Phase 2 that we're working on and get them out of there.

Mr. Nolen: We're looking at moving them in Phase 2, or positioning them perhaps a little further back off the street, as far back as they can be between the businesses on the property lines as much

as possible.

Mr. Clemens: In between them if you can?

Mr. Nolen: Exactly.

Mr. Clemens: In between the sides?

Mr. Nolen: Until the landscaping, again there is a lot of, a good bit of additional landscaping screens yet to be installed which will further obscure these structures. But we have looked at putting them underground. But the costs, and the recommendations by AEP have really convinced us that that's not a viable option.

Mr. Clemens: My only problem with the screening is, usually what we use, it takes about 10 years for it to cover up that size of box really, unless we put something in there that's already big enough. I mean, if we're going to do it, let's do it right. I would like to see something put in there that covers it up within pretty good time.

Mr. Nolen: I think if you'll, if you drive around the city or throughout the county, these structures are everywhere. The more you live around them the less you see them. And we think that the landscaping that's proposed around them is going to make them a lot less as visible, and after the rest of the mounding goes in on both sides of the street.

Mr. Stake: Okay. Any other questions from members of the committee? Mr. Gilbert.

Mr. Gilbert: Mr. Stake, Mr. Hills you might be able to help with this, but before we began this phase, we had put together a funding plan in process of how the accounts would be used. You had met with the Auditor to answer those questions. Is this within the context of what was originally brought forward?

Mr. Hills: Well, I think what we set was a fund that was to pay any and all costs into Phase 1. I don't know procedurally-wise, but it would seem what we may want to do if we're going to move monies from the CIP, that it would go into that account, and then be expended from that account so we have, as we haven't been able to account for some other projects down to the nickle, would like to see Phase 1 being able to be accounted for down to the nickle. Therefore, all of the dollars are coming out of that account. Now I don't see anybody from the Auditor's office here tonight, but I think Bob, you don't have a disagreement with that theory of still trying to use that account for everything, do you?

Mayor McPherson: I think actually the account was even put on there that we want to transfer it into so we can keep track of it. And that was exactly why that was put...

Mr. Hills: It should be into that Phase 1 account because, Phase 1 we were talking a lot of things tonight and I think they're good to talk about because I would suggest as you look at the Phase 2, get some councilmatic input as they had some in Phase 1. Because I'd like to look at Phase 1 as sort of a, this is just a comment of the President, but it was somewhat as a practice phase. And I

bet Phase 2 could be better.

Mayor McPherson: Absolutely.

Mr. Hills: Because if we don't have more consistency out of Phase 2 from engineering right on down, I'm not sure where it's going to go.

Mr. Nolen: We've already had a "lessons learned" meeting on Phase 1 and we will continue to have those meetings as the rest of the electric transfers are...

Mr. Hills: Before you finalize Phase 2, I'd think you'd want to have a number of more meetings to see where we're going to be.

Mr. Nolen: Sure.

Mayor McPherson: And Mr. Hills, the Streetscape Phase 1 account number's 440.001.5659.

Mr. Stake: So that would be the correct account then.

Mr. Gilbert: That's the account?

Mayor McPherson: Yes.

Mr. Gilbert: Thank you.

Mr. Stake: Any other questions from members of the committee? (No response). Any questions from members of Council? Mr. Baxter.

Mr. Baxter: Thank you, Mr. Stake. The question I have is, that obviously you're going to be moving these boxes, and in my line of business whenever you move something that's been there for a little while, there's usually an upgrade that goes along with it. Is there an upgrade in equipment, or switch, or whatnot that would be found out at that time, saying oh, this is old and we need to upgrade it? Would we expect to have that cost?

Mr. Nolen: These are new structures. There's no improvements or betterments associated with them. They're the same cabinets, the same transformers that were proposed on the switch vaults and the transformer pads are proposed in their new locations.

Mr. Baxter: Okay. Thank you.

Mr. Stake: Any other questions from members of Council? (No response). I have one other question. Do we have easements where we're moving these to?

Mr. Nolen: There's three locations. One of those locations, we don't need an easement. The other two, we do need easements.

Mr. Stake: We don't have them yet?

Mr. Nolen: We do not have them as of today. We have prepared the easement exhibits and the legal descriptions, but the actual easement, the actual deed of easements have to be obtained by AEP for those. We've contacted them. We've indicated that we, the Administration has offered to contact these owners in an effort to "grease the skids" if you will, and we believe that those, there's a significant interest to move these and that there will be little difficulty in obtaining those easements. We believe we'll get the cooperation from the right-of-way agent from AEP to expedite those.

Mr. Stake: I think we've heard that before. So I guess I will be cautious about this. And I guess that being said, I might, and I think there's an emergency requested with this, so that being said, now we would not need an emergency? I don't think we should, members of the Committee, members of Council, go ahead and give me your input, but we went down this road before. I hate to appropriate money and do this before we even have the easements. Mr. Hills.

Mr. Hills: What we have done before, and we've received good legal advice, and we've been smacked occasionally, for not having an easement and we sent something forward, and we sent forward not knowing we had it. But if they think it's as easy as what they say, you could always send it forward, and then if the data isn't available next week and it is confirmed, refer it back to committee. But are you all realistically saying that these easements will be in place by next Monday?

Mr. Nolen: I'm not sure we can get them in a week, but we believe they will be obtained in enough time so as not to delay the project.

Mr. Hills: The project's already delayed.

Mr. Nolen: Any further. The transfer of power by AEP is ongoing. They're working west to east on Main Street. We believe that before they get to about Ethan Allen, working west to east, at the point when these structures would need to be moved, we believe that we can get them moved so as not to delay the project further.

Mr. Stake: Okay. Since I brought that up, are there any other questions from members of the committee? (No response). Members of Council? Mr. Baxter.

Mr. Baxter: Just one more. With this additional move of the switches and the power boxes, what type of outages can we expect in addition to what were already planned, and have those been communicated to those people who are going to be impacted by that?

Mr. Nolen: Just last week, in fact we had another business owners meeting, and we had a representative that schedules the contract work there, the normal outage time was communicated to the business owners as about three hours. The preferred window outage time of day, has already been collected from each of the business owners. The scheduling, the actual scheduling of what day that's going to be is still ongoing by AEP. But at no case will there be less than a 48

hours notice provided, and that was agreed to by everyone.

Mr. Baxter: Very good. Thank you.

Mr. Stake: I guess I'll make a motion that we send this forward for a first reading, that we appropriate \$57,446 for changes in Streetscape Phase 1 project from the unappropriated CIP Fund, to account number 440.001.5659. Do I have a second? Second by Mr. Clemens. All in favor, say aye. (All voted "Aye"). Opposed? (No response). That motion passes.

3b, is additional funds for inspection services for Streetscape Phase 1. Would you gentlemen like to address that one?

Mr. Nolen: I can say we had a services agreement in place, and it was a 6 month service agreement beginning in June. The anticipated completion date of the contract at that time was December. Due to a number of reasons, mainly due to delays by the AEP relocations, the current completion date of the project is now the end of May. Those same agreements _____ dollar amounts to provide those construction administration field representation services through December are not _____ to get through to May. So that therein lies the difference in the requested amounts.

Mr. Stake: And you're requesting 60,000?

Mr. Nolen: That's correct.

Mr. Stake: Previously, we appropriated \$279,959 for engineering inspection fees and that kind of stuff. I guess I'm having a little trouble understanding why we need to appropriate money if work wasn't done because of delays. How did you use up the money for this work if it should have been completed by the end of the year, how did you use up that money if the work wasn't done due to delays?

Mr. Nolen: The work that that money was appropriated for was still done, and that was the construction administration, the inspection services. You still had the pay estimates coming in. You still had change orders being prepared I guess. Just because not all of the work was completed does not mean the same inspection representation was being done out in the field. So those costs were still being incurred at the anticipated rate for that time period.

Mr. Stake: So are you saying that had it been done on time we would have had to come up with an additional \$60,000?

Mr. Nolen: No. No, I'm saying had the project been completed in December, we would not have needed the additional monies because we would not have needed any additional inspections.

Mr. Stake: Okay. But if the work wasn't done, how did you do the inspections?

Mr. Nolen: There was work going on at that time. Not as much. They didn't have as many crews

out there, but there was still, there was always work going on. At no time was there a suspension in the work where we could take our inspector elsewhere, or not be on site.

Mr. Stake: You still haven't got through to me.

Mr. Parkinson: Basically, we have one guy that could have looked at three sites of work concurrently. But we didn't have three sites of work going on because one unit wasn't being done. It couldn't be done. So we had one inspector covering two sites. Now he can't stop working. He's still got two sites going on. So we still need that person there. And so the work that's being conveyed into the spring is work that we had intended him to also be watching concurrently with the other work. So what would have actually happened is, we had a loss of efficiency. We also did some, and I'm going to be careful about saying this because I didn't bring a list to articulate this very well, we did some things that were really outside of our scope in this Phase 1. We negotiated with property owners, we dealt with signs a lot more than we ever anticipated having to deal with signs. We've been involved in litigation discussions on Speedway. So we've done a lot of things that were not envisioned within our original scope in order to keep the project forward. So that's, I don't want to say half of it, but maybe it is. Maybe it's half of our additional request of monies that we never had in that 279.

Mr. Stake: Okay. Thank you, Mr. Parkinson. You did help me understand that a little bit. We had an inspector out there working at 2/3 of capacity basically. And that brings me to my next question about the delays and who's responsible for those things. You folks have been the project manager. I believe you did all the engineering on this. You brought in the designer, I guess. Why should the taxpayers of Reynoldsburg pay for these mistakes? Are you folks looking to take care of some of this?

Mr. Nolen: I don't feel it's a liability on either the designer or the municipality. It really is circumstances that were unforeseen and beyond either party's control. I don't think that at the beginning of the work anyone foresaw the utility relocation delays were going to extend into the spring.

Mr. Stake: Well, I'm not totally convinced that it's just the utility relocation delays. But I'll leave that question. Any questions from members of the committee? Mr. Clemens.

Mr. Clemens: You asked the question I was going to ask. If it's the city's responsibility on changes we've made, I can understand an additional cost as far as inspection fees. If there's delays because of design, has to be redone, or wasn't correct, I don't feel that's the city's responsibility. I mean, the city did not design the job. And if those were caused by delays and this causes additional money for inspection by having to do it twice, and I can understand what Dave says, he's got an inspector out there and they keep moving around, he has to be on the job, he's only got one thing to do and he could be doing three, it's costing twice as much money. That's not (Tape Change) because of the changes and things that's happened. A job doesn't get delayed 3 or 4 months unless there's a reason. So, what's the reason?

Mr. Nolen: If you talk to the utility relocations, they're going to bring up lack of easements that

were available to get them started. If you talk to the contractor, he's going to say that the lack of the utility relocations being done in a timely manner is the holdup. So, those are the main issues.

Mr. Clemens: I take the exception. I will take the exception on this. If the lack of easements is the problem, that's the city's function. That was our fault. If that's the way it's panned out, then I can see that portion of funds our responsibility. But the other delay, that didn't cause all the delays. If there are delays by the electric company, or different parts, or different organizations, I think that it's somebody's responsibility. I would just like to know if the job is running over 4 months or whatever it is 'til May, there has to be a reason. And what is the reason? Is the reason what you said, because we didn't have the easements? Is that what set us back?

Mr. Nolen: That's the primary reason. It is certainly just that. AEP was unwilling to begin their relocation until all the easements were recorded and that didn't occur until the end of November.

Mr. Stake: Mr. Hills.

Mr. Hills: This is just a comment because I want to try to clarify because of the discussions I've had earlier, when you say the inspector was there, and granted he couldn't do some things because projects weren't going on. I can understand that. But the other things that you say EMH&T did, like negotiations, and law suits, and different things like that, that wasn't the inspector doing that. Correct? But yet whomever did that within EMH&T was compensated for their time out of the 279,000 that was set aside for other things.

Mr. Nolen: That's correct.

Mr. Hills: I just want to be certain. There's an understanding here that the inspector may have sat there all day and not done a thing. But yet he drew his pay. Because you're going to pay him whether he inspects or not inspects, you've got him assigned to the site and that's where he's supposed to be.

Mr. Nolen: I can assure you that the inspector is at no time not doing a large amount of work. There's always crews. There's multiple crews out there every day. There could have been more crews and should have been more crews than what were active.

Mr. Hills: But Mr. Nolen, I'm trying to clarify, as we put the "look what we did for you" on it, it came out of that 279,000. It was not the inspector doing it. The inspector was paid the daily rate to be there and his job is an inspector. And he did what work he could get done on that given day. The additional work that you all did, whether it be negotiations on law suits or whatever, you're compensated for, and were compensated for out of the 279,000. We can all sit here and point fingers at AEP. We've been here once before on that one. There is no innocent single party in Phase 1. Whether it be EG&G, EMH&T, AEP, this Administration, employees within the city, whomever it is, there's been a little bit of, "gee we could have done it better" had we communicated better. I am the first to say I don't always like the service that AEP provides. Bob McPherson and I lived on that same switch for a number of years. It's not the best. But when we talk about easements, we've got to be careful which easements we're talking about. Is

this easements for AEP to put the lines in, or is this easements that were to have been obtained prior to starting? Which they said they wouldn't do. And some how that ball got dropped. And all of a sudden, once everybody picked up and said, let's go get the easements after it sat for three months, we're behind. Now how we got behind, there's no single fault there. Those e-mails were out. I've seen the e-mails. You've seen the e-mails. The e-mails were not responded to, or were not responded to timely. Therefore, the start was a late start. So that may have delayed a number of things. But I guess what I'm just trying to reconvey here, your services and the extra services you provide, when we watch a wall go up, and we watch a wall come down, there's an engineering or design or some sort of a problem there. We don't know what it is. But we at Council I think, by the time we finish Phase 1, we would certainly like to see a detailed sketch of all these things that did happen, and didn't happen, and find out where we are to do Phase 2 a little bit better than we've done Phase 1. Phase 1 will look, I'll be the first one to defend it, it will look great when it's finished. But certainly, there's been a lot of ups and downs as you went down this path. And there is no single person that's responsible. It's a, I hate to use the word competitive errors. There's been a multiplicity of different misconceptions or errors as we went through. I felt, Ron I appreciate you letting me speak, but I think it needed to be said. Because I think I'm summarizing what we needed to see, and what we have been asking for, and what we will demand before Phase 2 starts forward.

Mr. Stake: I agree. Thank you, Mr. Hills. Mr. Gilbert, did you have something?

Mr. Gilbert: No.

Mr. Stake: Mr. Stearns.

Mr. Stearns: Yes. Thank you, Mr. Stake. I just want to say this, when the specs were examined by the city and the contractors and everything like that, on each page of them, were they initialed or went over them? We talk about moving these boxes and things like that, were they checked out prior to the location and things of that nature? Any kind of a project that I've always been involved with, you have contractors working with the engineer or the architect, and everybody's there going over these specs at the same time. Did that happen? Is that one of the reasons why we're having so much problems that we're having now?

Mr. Nolen: _____ the contractor I can speak to, was not involved in any plan reviews, but I guess I would ask Mr. Parkinson to address the level of the city's involvement during the final plan review.

Mr. Parkinson: I don't know that we necessarily sat down with city staff and went over each page by page and went through each item. We do provide check prints to the city to review, provide their comments, and assume that the appropriate staff, Larry Ward, I know Mark Kipp is excellent at reviewing plans, and then ultimately before the project is advertised, we have signatures of all of the appropriate managers, or department heads of the city on the plan acknowledging concurrence with the plans, that they've been prepared. With respect to the switch boxes and the transformers, in our negotiations to obtain all of the easements from each of the property owners, we created an exhibit, sort of a rendering, of a right-of-way agreement that showed before - this is where your

driveway is, sidewalk, parking; after - this is where it will be. This is where the landscaping is. This is where the boxes will be. And I will not deny that a little square box on a drawing doesn't look anything like what we see out in the field today. And I think in large part, that's why we were here previously discussing moving them. Because there was probably acknowledgment that it's not fair to tell someone that runs a tire business or whatever to be able to understand that completely. But the city staff that deal with these types of plans on a fairly regular basis when they review subdivisions and plot, grade, utility plans, we had more confidence that they could interpret and understand.

Mr. Stake: Mr. Gilbert.

Mr. Gilbert: I would just add to Dave, if in the future, did you, the extra cost, did you include that with our legislative request? The additional participation that you had mentioned. You mentioned you didn't have your short list here tonight.

Mr. Parkinson: Well, the question was, why do we need 60,000 more? And then my suggestion was that some of that we had used was that, so it's buried in there. It's kind of buried in that 60, but we've kind of already been paid for it. We did the work in October, and November, and December. The 60 will be earmarked almost for sure then for simply inspections and project management type services to pay estimates, and the punch outs, and things of that nature. From this point forward, if we've got all of these issues with Speedway and boxes and things like that finally put to bed.

Mr. Gilbert: If I could just ask one more follow up. It's separate, but it ties in with inspections. I probably should know the answer to this. What was the resolution with the brick pavers at the ingress/egress? There was an issue at one point without the bricks.

Mr. Nolen: We did a change order to the contract to bed the pavers in the driveway approaches on an asphalt bedding. Three quarter inch asphalt bedding. So that was added. It was decided that the bedding on sand would have been sub-standard and would have caused some maintenance challenges that would be better suited with an asphalt bedding.

Mr. Gilbert: Okay. Thank you.

Mr. Stake: Mr. Baxter.

Mr. Baxter: Well, thank you Mr. Stake. Just so you know, in my world, I work as a project manager. So to give you some reference, I understand exactly what you're trying to tell us here. And maybe to help some of the Council understand it as well, and then maybe you can explain some things to me. As an engineer, or as an inspector is assigned to a task, that task is weighted based upon how much time and effort is going to be based throughout a period of time. One thing I also know is that as the project falls behind and those tasks get reduced or have ability to assign that person to that task, it's the project manager's responsibility to insure that that is reduced and his time and efforts are reduced accordingly to his need on that task. I think what's being asked here by Mr. Stake is, are you asking us to pay for 100% use of an inspector when he was only used at 60 or 40 or 80%? And why should we, as a city, be asked to pay for that additional cost? In my

world, I would have pushed that person out another 8 months showing his need as the project was delayed, and had that dollar amount fixed to that position.

Mr. Nolen: The forecasted number of inspection hours was very closely used. What was proposed, and what was actual. And the reason is, those contractors, if anything, worked under an accelerated schedule working six, 10 hour days in lieu of a normal 5 day work week. So I guess, at no time was there down time for the inspectors that were on site. In some situations there were two shifts out there and we had to bring two inspectors out there at first. When we bid the services agreement, we only anticipated a single shift. So there was that aspect of it. At one point we actually had to have three inspectors out there because they had over 10 crews on site at one time. When the crews were reduced, we reduced the manpower effort accordingly and the great majority of the time, we've had a single inspector out there. But we don't think it prudent that any crew be out working without a field representative on site. So, that's why he may not have been 100% effective. He could have been looking or monitoring more crews, but the hourly rate for that individual is still the same.

Mr. Baxter: I understand. So then you would not, just to follow up, then you would not say I would have this guy out here 4 hours or person, whoever that might be, doing his inspections rather than an 8 or 10 hour period when he's not going to be fully utilized. I know the way I would have done it, it says there's "x" number of units that I would need for inspections, have those "x" number of units spread out to the period of time to meet the work load. Now what I heard you say to me was there's two types of things coming this way. One, is I had that much work and I needed the inspector, and if that's the case then I would expect these costs to have gone higher throughout the rest of this project if finished on time or continued forward, and we would expect you to stand up there and ask for more funds. But from what I'm seeing here is that there wasn't that amount of work unit necessary because there were less crews because not all the work has been completed. So I'm confused why we could have both situations simultaneously. We had them used, but yet we didn't have all the work. I would truly expect that we would want to see a, at least I would want to see a detailed listing of what the use was. Because to me it's very confusing as to how you could have both situations simultaneously. I don't have all the work but yet I have all the need. Work units.

Mr. Nolen: It's a matter of inspector hours, I guess. On a given day an inspector's normally on site 9 hours.

Mr. Baxter: That's a requirement I assume.

Mr. Nolen: That's a requirement and we think an important feature and an important characteristic of the contract. At no time was there less than two crews, so really at no time did we feel like that inspector could be sent to another job.

Mr. Parkinson: As long as Complete General had a crew on site working, we felt compelled to have the project representation.

Mr. Baxter: And that's done through the inspector?

Mr. Parkinson: Through the inspector, and in lieu of saying we can reallocate this person to be, if you will, better utilized at another project and leave yours unrepresented. That quite honestly, never entered my mind.

Mr. Baxter: I would assume the project manager would be responsible for overseeing the project and have a general manager on site. I'm not in construction, but in my mind that would be what I would expect.

Mr. Nolen: There's only one inspector on site and has been for the, say about 90% of this project. There was a point at the heat of the work where during some of the accelerated portions and also during the summer where we had multiple shifts and we had as many as three inspectors.

Mr. Stake: Okay. Any other questions? Mr. Beougher.

Mr. Beougher: Thank you, Mr. Stake. In a perfect scenario where nobody was at blame but the contractor, we could go back on the contractor and ask him to pay for these costs by a force change order. Correct? But in this case, things are a little less clear. There's some culpability on the city's part so I mean, it's not completely the contractor's fault. So we can't go back and ask him to pay for additional inspection services. But on a typical construction project, that is where we typically see the blame.

Mr. Parkinson: And your contract documents are written the same way. If it was a delay as a result of the contractor, you could recover all these additional inspection costs from the contractor.

Mr. Beougher: But what you're telling us is that is not the case here.

Mr. Nolen: We can't enforce a liquidated damages clause because the delays were not the result of the contractor's negligence.

Mr. Stake: Any other questions? (No response). I guess what I'd like to do here is send this forward for a first reading if that would be okay with the committee. So I'll make a motion that we send this forward for a first reading. Do I have a second? Second by Mr. Clemens. Any further discussion on this? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Okay. Thank you, gentlemen. I'm sure we'll be talking to you some more.

Item 3c, is the authorization of engineering services for Main and Graham intersection improvements. This came from the Safety Committee. Mr. Clemens, would you like to address that?

Mr. Clemens: Yes. This is moving on to the second reading from the Safety Committee. It's a request for \$4,000.

Mr. Stake: And there's no need for an emergency on this at this time?

Mr. Clemens: No.

Mr. Stake: Okay. I'd like to send then, I would make a motion that we send this forward for its first reading. Do I have a second? Second by Mr. Gilbert. Any further discussion on this?

Mrs. Frazier: Second reading.

Mr. Stake: Second reading. I'm sorry. For its second reading. Any further discussion on this? (No response). All in favor, state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And item number 4 is discussion, Review of rates set forth in Chapter 160 Section 160.03. And this comes from our passage of the Clemens/Nelson proposal last year. And part of our duty as Council is to review the minimum and maximum rates set forth in the Reynoldsburg Chapter 160 Section 160.03 and determine whether, and to what extent, the city should adjust the overall salary schedule. And we base this on the CPI. And we do have some numbers on the CPI. I believe Mr. Hills had looked into this last year and the calculation for the CPI from September, 2002 to September, 2003 was an increase of 2.3%. Any questions, comments on this? I don't think we have anybody here from the Auditor's office. I don't think we need anybody at this time. Mr. Gilbert.

Mr. Gilbert: This is from the Auditor's office?

Mr. Stake: No. This is from me, Mr. Gilbert.

Mr. Gilbert: Okay. I guess my question is, maybe the Mayor or Millie can answer this. In 2003, how many of the positions that we filled, I think that we had one that was vacant, the receptionist moved there. Any other positions as far as the, in the salary range, the minimum that was utilized, how many of these people were brought in at the minimum level of the range?

Ms. Milam: I don't have that information right in front of me, but I'd be happy to research that and get that to you.

Mr. Gilbert: Can you just maybe give me a ball park guess off the top of your head and then you can, can you think of one that was brought in at minimum?

Ms. Milam: Again, I don't have that right in front of me so I don't remember now.

Mr. Gilbert: Okay. Maybe if you could just check into that and give it to me. I'll wait until I get a response from the HR Director to see what those figures are. I guess where my concern is, if we're not utilizing the minimum, then the start point is a little higher and kind of skews the 2.3% that we're talking about. And to me that is against what we were trying to achieve with Clemens/Nelson. But I'll wait, I'll reserve judgement on that until I receive the information from Ms. Milam.

Mr. Stake: Okay, Mr. Gilbert. My intention here was to comply with what we had passed

previously.

Mr. Gilbert: Right. I understand and I won't get in the way of that. I just had a question in regards to that aspect of it. That's all. And I won't get in the way of it.

Mr. Stake: Would you have a problem with sending this forward for the first reading?

Mr. Gilbert: No. Not at all.

Mr. Stake: Are there any other questions from the committee? (No response). Questions from Council? (No response). Okay. And I would like to send this forward for its first reading. I'll make a motion to send it forward for its first reading. Do I have a second? Second by Mr. Gilbert. Any further discussion on this? (No response). Hearing none, all in favor state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And we will adjourn the Finance Committee meeting at 8:37.

Finance Committee

- - -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Smith)

January 20, 2004