

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

January 2, 2007

Members of Community Development Committee present: Preston Stearns, Antoinette Newman, Donna Shirey, Doug Joseph

Other members of Council present: Mel Clemens, Ron Stake, Brett Baxter, Council President William L. Hills.

Temporary Chairman Stearns: We'll call the Community Development Committee to order at 7:30, number 1 on the agenda.

Number 2 is the approval of the agenda. Are there any corrections or changes on the agenda for tonight? (No response). If not, then we'll accept the agenda as it has been printed.

Number 3 on the agenda will be Election of Chairman. The floor is now open for election of a Chairman for the Community Development Committee. Mrs. Shirey.

Mrs. Shirey: Yes. I'd like to nominate Preston Stearns for Chairman.

Mr. Stearns: Okay. Is there a second? Second by Mrs. Newman. All in favor? First of all, are there any questions? (No response). All in favor, could you do the election by approval of aye. (All voted "Aye"). Opposed, Nay. (No response). Thank you very much. And I will serve the committee faithfully as I have always done in the past for any other position that I have here in the City of Reynoldsburg and on City Council. Mrs. Shirey, would you serve as the Vice Chairman, please?

Mrs. Shirey: I'd be more than happy to. Thank you. I accept.

Mr. Stearns: Thank you very much.

Number 4 is the approval of the minutes of the Community Development Committee for the meeting held on November 20, 2006. Are there any corrections, deletions, or changes to those minutes? (No response). If not, then we will accept those minutes as they have been printed.

And that concludes the Community Development for tonight at 7:32.

Community Development Committee

January 2, 2007

- - -Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Lyday)

SAFETY COMMITTEE MEETING MINUTES

January 2, 2007

Members of Safety Committee present: Brett Baxter, Ron Stake, Antoinette Newman, Donna Shirey.

Other members of Council present: Preston Stearns, Doug Joseph, Mel Clemens, Council President William L. Hills.

Temporary Chairman Baxter: And I'll open the Safety Committee meeting at 7:32.

The first item of business is approval of the agenda. Are there any changes? (No response). Hearing none, it'll stand as submitted.

The next item on the agenda is Election of Chairman. And I'll look for a motion from the committee. Do I have a motion? Councilman Stake.

Mr. Stake: Councilman Baxter, I would like to nominate you as Chairman. I make a motion for you as Chairman.

Mr. Baxter: I accept. I thank you. Do we have a second? Second from Councilman Newman. Any discussion? (No response). Hearing none, we'll call a "Yea" or "Nay" vote. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries. And I thank you Councilman Stake for the nomination, and I look forward to chairing this committee over the next year.

The next item on this is an appointment of Vice Chairman. And I ask that Mr. Stake take that role if you would, sir.

Mr. Stake: Yes, I would. Thank you.

Mr. Baxter: And I appreciate your assistance on that. And thank you so much.

The next item on the agenda is approval of the minutes of December 18, 2006 Safety Committee meeting. Are there any changes or additions? (No response). Hearing none, they'll stand as submitted.

Item number 5 is Discussion, ODOT 2008 Urban Paving Project, Main Street Extension. I want to do a little clear up here if I could. And Mr. DeBolt, I believe this is yours. First off, I have three separate yellow pieces of paper here. And they go to three, or at least two different committees. This is in my committee, correct? Safety Committee, Nancy?

Mrs. Frazier: That's correct.

Mr. Baxter: Okay. So I just want to make sure I have these straight. Because I had some questions on what the changes were. And in essence, this is for request authorization for EH&T to obtain necessary data. Are we talking, is this a separate legislation for request authorization for Mayor to enter into preliminary legislation? Or are these two separate items, Nancy?

Mrs. Frazier: This is the extension of Main Street. (Inaudible)...the one you have.

Mr. Baxter: I have one here that's dated 11-28-06. Another one, December 28, '06.

Mrs. Frazier: (Inaudible. Speaking off mike).

Mr. Baxter: 11-28 states that "request authorization for Mayor to enter into preliminary legislation for ODOT 2008 Urban Paving Project".

Mrs. Frazier: Well, that's your next item.

Mr. Baxter: That's the next item. Okay. I just wanted to make sure I had the right ones here in place. So that's why I wanted to get that clear. That's what we're talking about though, right?

Mrs. Frazier: This is just to extend the area of the project.

Mr. Baxter: Okay. Very good. Okay. That said, now we know which ones we're talking about, Steve. We can go ahead and address that specifically.

Mr. DeBolt: As the, Mr. Chairman, members of Council, as you know, the city's completed a major project here with the revitalization project on Main Street. And I'm relatively new to the city, three months. And prior to my coming to the city, the city has undertaken a project with the State of Ohio through ODOT to also pave Main Street from the bridge up through, almost to the Licking County border on Main Street. And in order to do that, it's the type of project, as you know, that when you get funding from the state, an 80/20 ratio, it's a very good deal and you try to do everything you can to make that happen. And the city undertook that project here last year to be done this year starting in the summer. And that 80% then, would come from state funding. And the other 20% would be required to come from the city. And that 20% would have to include, and this is standard on these types of projects, we would have to then upgrade the curbing that needs repaired in those areas, as well as the handicap ramps that need to be included in these types of projects. And the reason that occurs is because it would not be practical when they have ADA laws, to do them across the board and make all the communities do them right at that time. But at times when there are projects like this done, it's mandated then at that time that you do upgrade those facilities. And that's what we're doing with this project is committing to offer our 20% of the funding. And then also committing to upgrade the curbs and the ramps that have to be done in this area. We've already identified which ones need to be done. What we're trying to do here at this point, is to utilize some funding that we can in order to make this happen. And as you know, with the Main Street Project, the project has come in under budget. Therefore, we're wanting to go ahead, and using some of the bond money to fund the 20% that the city has to budget for the ODOT project in order to make that happen. And that would hopefully allow us then to utilize some of the other funding that we have in the city to do other hopefully, Capital Improvements work here in the city. So in a nut shell, that's what we're trying to do here. But in order to have that happen with our bond funds, we have to extend the termini, is the exact language I guess, of the project, in order to use those bond funds. So we have to extend it out from what was done here to the bridge, from the bridge, out to approximately 900 feet from Taylor Road to make that happen. So that's why we're coming forward to try to make that happen today to start the process.

Mr. Baxter: Thank you, Mr. DeBolt. The question I have is, do we have the funds left over? I've heard you say that it is. And I don't know what the number is at the moment. And maybe the Mayor knows better. Do you know what the amount that we have left over that we came in under for Streetscape? Or I should say Commercial Revitalization Project. Excuse me.

Mayor McPherson: What was it Jim told us just a couple of days ago? Friday or Thursday?

Mr. DeBolt: It's just over \$800,000.

Mr. Baxter: Over \$800,000. And we're looking to spend, what was it? I thought 86,000.

Mr. DeBolt: In order for this project?

Mr. Baxter: Umhum.

Mr. DeBolt: This project will take approximately I think, our share will be, we're budgeting 250,000.

Mr. Baxter: 250,000.

Mr. DeBolt: Yes. Budgeting.

Mr. Baxter: Okay. And that's with contingency?

Mr. DeBolt: Yes. I believe so. Yes. Yes.

Mr. Baxter: It is, Mayor?

Mr. DeBolt: Yes.

Mr. Baxter: Okay. And does that also include the curbs and ramps? Or is that separate?

Mr. DeBolt: That's included.

Mr. Baxter: That's included. So the total amount to go from where we left off with the Commercial Corridor to, what is it, the county line? Or up to?

Mr. DeBolt: It's 900 feet to the side of Taylor Road. Which I don't think that's the county line. I think it goes farther out, the county line actually.

Mr. Baxter: Okay. So it's not 900 feet past Taylor Road. Or before Taylor Road.

Mr. DeBolt: Before Taylor Road.

Mr. Baxter: Before Taylor Road.

Mr. DeBolt: Right.

Mr. Baxter: And the intent is to do repaving, and curbs, and ramps.

Mr. DeBolt: Repaving project. And the curbs and ramps would be done in the areas that have them already. They're not additional. They're repair of.

Mr. Baxter: Repair of. Right. Okay. That said, do we have any questions from the committee?
Mrs. Newman.

Mrs. Newman: Yes. I'd like to know, now what happens to the rest of that money that we have that we didn't spend on the, this phase of the Commercial Corridor Revitalization? Does that go to reduce the outstanding debt under those bonds? Do we have to apply that to that?

Mr. Baxter: I see the Mayor raising his hand. Mayor, would you like to respond to that question?

Mayor McPherson: Well, yeah. We met with Chris Franzmann in order to get this project rolling. And he indicated to us that if the money is not spent on the Urban Paving, whatever monies are left over, at the end of the project, will go toward debt payments. And you know, so much will go each year toward debt payment. So you're correct.

Mrs. Newman: So you mean, can we pay interest with that? Or do we just reduce the outstanding principle on it?

Mayor McPherson: It reduces the outstanding principle.

Mrs. Newman: Okay. Do we have to do that all at once?

Mayor McPherson: No. It's done over a period of time. Mr. Franzmann I think, indicated anywhere from 5 to 7, maybe even 8 years.

Mrs. Newman: So is it the outstanding life of the bonds?

Mayor McPherson: No. No. It's just you know, how much....

Mrs. Newman: It's in addition to the regular.

Mayor McPherson: It's proportionate to the amount of the bond issue. And proportionate to the amount of debt.

Mrs. Newman: Okay.

Mr. Baxter: Okay. And one other question, Mayor. If I could ask you directly then. With these additional funds, any time that that money is to be spent, we'd have to have a termini come to us for approval and spend that money.

Mayor McPherson: That's correct.

Mr. Baxter: So it's not like you can go anywhere else. It either goes to the Debt Retirement, or....

Mayor McPherson: It has to go to something that would be definitive of the Main Street Revitalization Project. That's why we checked with Bond Counsel first and made sure that the in fact, would qualify as part of the Revitalization Project. And his indication was, yes it would. But in order to apply for the, or in order to spend the money on the project, we would have to extend the termini. And then ODOT put down where they wanted to make the termini. So at that point, we get the 80/20. I think it's 910 feet west of Taylor Road.

Mr. Baxter: Okay. Very good. So just general math, if we're doing \$250,000, and of that, what are we going to get back from, is it the county, I believe?

Mayor McPherson: Well this is not Permissive Tax. This is strictly, this is going to be strictly from the bond issue.

Mr. Baxter: Okay.

Mayor McPherson: So the Permissive Tax will be used for other roads that will be eligible under the Permissive Tax rules. I think there is 5 or 6 roads that are eligible to use Permissive Tax on. So that will be part of the CIP Projects. And those haven't actually been developed yet. We're going to have a meeting as a matter of fact, tomorrow at 1:00 to start developing our CIP Program for 2007 to present to Council.

Mr. Baxter: Very good. Thank you. Any other questions? Committee or Council?
Councilman Clemens.

Mr. Clemens: I have a question. And I agree that this should be done. I have no problem with spending the extra money on this. But this is the only project I expect to be done out of it as far as the extending of the Streetscape.

Mayor McPherson: That's the only part of the project that we've asked for an extension on.

Mr. Baxter: And we also, if I remember, when we first started talking about the Commercial Corridor Revitalization Project, we were talking about trying to get it extended.

Mayor McPherson: Yes, we were.

Mr. Baxter: We thought expected costs were going to be higher than what we wanted to bond. We reduced actually, the _____ if I remember right.

Mayor McPherson: That's correct.

Mr. Baxter: So in essence, now that we've come in under budget, we have the funds to be able to continue where we thought we should have. At least from a paving perspective and from curbs. We're not talking about putting walls up, and lights, and things like that. This case is just paving.

Mayor McPherson: Strictly the paving.

Mr. Baxter: And curbs and ramps.

Mr. DeBolt: That's correct. I would also like to mention if I could Mr. Chairman, that you know, we realize the residents and businesses, especially on Main Street, have had a major inconvenience with the other project. And the last thing we would want to do is inconvenience them again right after doing the other project. So we are going to do this paving at night. So we're going to try to make accommodation in that manner.

Mr. Baxter: And I think that's probably the right way to go. Councilman Stake.

Mr. Stake: Thank you, Chairman Baxter. Mr. Clemens, I just want to make clear that we've got a piece of legislation here for the Finance Committee for the engineering to come out of that. So you're including that in...

Mr. Clemens: That's right.

Mr. Stake: Okay. Thank you.

Mr. Baxter: Okay. And that was my first confusion. So that's why I saw Finance on one of these and Safety. And I would want to make sure we're talking about the right legislation here.

Mr. Clemens: Anything to do with the improvement of Main Street. I agree, it should be done. I mean, Main Street's falling apart. And also the inspection fees and things like that. What I mean was, I don't want to just spend the additional money on any other project concerning this.

Mr. DeBolt: You can't.

Mr. Clemens: Because I do know that we have Debt Retirement we're going to pay off.

Mayor McPherson: Yeah.

Mr. Baxter: Certainly we don't want to put ourselves in a position where we can't deal with the Debt Retirement. I do think we need to get this section of road done, Mayor. I have, being that I live right off of Waggoner Road and take a right there to come down into the city every day pretty much. Multiple times. You can see that section of road is really degraded. And also, the curbs in that area. So I think this is something we need to do. We have the funds. We had under runs and that was because of the fact of the great job that we had with our project management staff, and with the city to make sure that happened. So I don't see any reason why not. And I'm also thinking that's the right way to go. Any other questions from Council or committee? (No response). Do we have any type of immediate need for this? Because I see, it just says you have

emergency on here but I don't understand what the needs are for.

Mr. DeBolt: Yes. We have a requirement to get the legislation to ODOT at the beginning of next month. So we need to get it passed as soon as we can.

Mr. Baxter: Do we have a copy of that legislation? What it's going to look like yet? Because I haven't seen it. But maybe I have it. I didn't recognize it. Confused it.

Mr. DeBolt: Well, we're waiting on Bond Counsel. He was out last week. By the end of this week, we'll have the specific termini language that he has to put together.

Mr. Baxter: Okay. So you would like me to move this on to Council but I haven't yet seen the legislation. So we....

Mayor McPherson: The legislation, the verbiage, will come from Franzmann. Chris Franzmann. And as he indicated, he was out last week or you'd have it tonight. But we expect it the next day, probably day and a half. And it will be in your packet. So you'll have it by next week when you have to read it and vote.

Mr. Baxter: Okay. Very good. And does anybody from committee have any problem, or an issue with waiting to see the legislation until next week? Being that it's coming from Bond Counsel, I don't see a problem with it.

Mr. Hills: Mr. Baxter. You have to have this by what? Late January in order to have it in February?

Mr. DeBolt: February. Early February.

Mr. Hills: This is one where there was a discussion. What this ordinance is allowing us to do is extend the termini. The termini of the bond says at the bridge. In that the revitalization included all the paving, all this is doing is extending that period of time. I highly think, I think it's a very good idea. And I know that we, the Mayor and I had previously talked about, he who writes those bond ordinances need to be the one to modify it. And that's why Franzmann is doing that. And he is fully aware. I was in a meeting which he attended about extending that termini. And I, to be candid with you, I see no reason not to send that on forward. And the only reason we wouldn't vote on it next time is, if for some reason we didn't like what we're going to see. But I'm not sure we want to sit on it for three weeks by the time, from Council back to committee and back up to another Council.

Mr. Baxter: Well, that was my concern as well.

Mr. Hills: I think we could do it. For some reason, that's not what Council likes when it gets here, then we could address that. But you'll see it in plenty of time to see. I think that, we didn't have any problems with his multi-page bond. I think this one will be a lot simpler to read.

Mr. Baxter: Do we need any rule suspension with this?

Mr. Hills: There's an emergency request. So if it just goes forward for adoption as an emergency, and then for some reason all the information isn't there, it could come back.

Mr. Baxter: Well, good. Alright. With that said, unless there's any other questions from committee or Council, I'll move that we send this to Council with emergency legislation with the recommendation from the Chair to be adopted. Do I have a second? Second from Councilman Stake. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries. Thank you.

The next item on the agenda is AN EMERGENCY ORDINANCE ENACTED BY THE CITY OF REYNOLDSBURG, FRANKLIN COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED PROJECT. Read for the second time December 18, 2006. It's the ODOT 2008 Urban Paving Project. And that's why I wanted to make sure we had these correct. And I believe we discussed this quite thoroughly. Are there any questions with this particular legislation? I see all the heads nodding we're okay with it.

Mr. Hills: In summation, this is just, this item is how we're paying 20% to have 100% of the dollars paid. This is a contractual relationship entering into it. Correct, Mayor?

Mayor McPherson: That's correct.

Mr. Hills: The two ordinances sort of tie together. That's why we send them both forward at the same time.

Mr. Baxter: Well, my only concern was when we looked at it originally, we didn't have numbers in it. And have we actually taken the time to put the numbers into the familiar legislation?

Mr. Hills: I believe those numbers are in Finance Committee. That's the engineering services.

Mr. Baxter: Very good. Okay. Then I'll leave it at that. With that said then, I'll move that this item also be moved, or sent to Council with a recommendation for adoption. Do I have a second? Second by Councilman Stake. All in favor? (All voted "Aye"). Opposed? (No response). Motion carries. And I thank you for that time, Mr. DeBolt.

The next item here is an ORDINANCE PROHIBITING SEXUALLY ORIENTED OFFENDER FROM ESTABLISHING RESIDENCE NEAR SCHOOL, LICENSED DAYCARE CENTER, LIBRARY, PUBLICLY OWNED PLAYGROUND OR PARK LAND, THE REYNOLDSBURG SWIM CLUB, AND ANY PRIVATELY OWNED LAND USED AS A YOUTH SPORTS FACILITY. It had its second reading 11-13-06. Item was held on 11-20 for 30 days. The reason it was, was to give us more time to take a look at what our options are and get a little better understanding of this issue as it is so charged, and many of this Council and other

members have wanted an opportunity to at least address the issue. And that has happened. And so what I would like to do at this point is, I have a document here that I produced, and it's pretty much identifying some of the different things that had been discussed over the last several weeks, and almost over a month here with this legislation. I'll give this to Nancy so that she can distribute it to all the Council members. But I'll go ahead and read some of the ideas and the concepts and purposes of what we are doing here. "And the purpose of this legislation as it was brought to Council, was to protect our children from the most heinous violators. Those that target our kids from their homes. Those who just target our kids. To remove these violators from living or setting up residence in locations where our children congregate". Places like, you've heard me talk about earlier, parks, daycare centers, public libraries, as well as the swimming club and the RYF football field. Although I'd like to think that now that we know that RYF is building a new site, that they won't be there very much longer and it may not make sense to add this to the legislation. So just keep that in the backs of some of your minds here. In addition to that, we want to prevent sexual offenders from relocating to our city as other cities enacted their own sexual legislation. Present legislation under consideration. We have multiple approaches that I've been talking about. One method, cities have decided to prevent all people from, that are required to register a sexual offender from being included in, let me try that again. One method of the city, cities have taken, was to prevent all registered sex offenders that must register with the county, each of these members would be, if within the buffer zones, would be asked to leave those zones. Another method was that people who had been convicted of a sexual crime against a child specifically. Again, some cities have taken the state law and increased the ranges from 1,000 feet, 2,000 feet, 1500, 2500. The number changes from different cities. In addition to that, some state laws have been added to just by the additional restriction areas. As we have discussed a couple of different restriction areas in our legislation. And some have done both. Increased the sizes of the boundaries and added the different restricted areas. And I started looking at some of the different web sites that you have out there from County Prosecutors, the State Prosecutors, you know, just different states that have actually taken this issue and beat themselves back and forth. You can see that many of them have done some very good research on it. And some of the pros will have reduced the risk to our children from being snatched up by these offenders and victimized. And nobody here at this table would have an argument with making sure that didn't happen. That's one of the things we're trying to prevent. It's easy for the city to manage these types of legislations where it's all inclusive. Either you are or you're not. The county says this is the people on the registry and they're the ones who are going to be looked at for this legislation. So that makes it very easy to manage. Less risk of being sued from errors if other entities have to manage those. If there are errors, then we have an opportunity for increased challenges to the city and risk. The number of child offenders within the city are already known to this city. And it's a very small number for that matter. Which in turn, reduces the risk, at least in our city. Because we know who they are. At least from child offenders. There are some positive things here that we talked about and some cons. Some of the cons would be that will cause all people convicted of sex offenses to move from the buffer areas. People that have not been convicted of a sexual crime against children, but may have for example, had a battery charge against their girlfriend, spouse, or pretty much anybody. And yet have either made some type of plea agreement or whatnot to a sexual offense and become a sexual registered offender. Cause is not, the cause is not only the offender to have to move, but also it uproots the family with that offender is trying to re-acclimate into society. They many times get remarried or are married, have children. So here we are not

impacting just one person. It's the family and all of the people that surround that family. That's the port structure that they've tried to rebuild. So that to me is a definite con. Some of the issues that will happen with this legislation is caused, other people convicted of sexual offense is to stop registering due to the fact that they have been impacted by other cities. Now that's even smaller. And I would even say it's so much even a stretch. Because I don't know how many have been moved from city to city but I'm sure that's going to be an issue as more and more cities enact legislation like this. We do know, from many facts, that sexual offenders, at least of children, 80 and 90% of those are people, either in their families, acquaintances, somebody they know. And it's a crime of opportunity. So therefore, a legislation that's directed toward where somebody lives, really doesn't solve that problem. So when you're looking at 80 and 90%, you're only addressing 10% of the other criminals. And so you reduce that number quite a bit. And you're really not going after the total numbers here. Most sexual offenders that were in the buffer zones, what we're talking about here, only protected children from areas that are considered to be congregation areas. It does not protect children that play in their neighborhoods, go door to door selling their goods from social service areas, private groups, or even from their schools. And one of the things that we do know that our children do today is congregate at bus stops every morning and every afternoon from school. This would not protect them. It does not prevent the outside, it does not prevent outside of the city offenders from moving into our city because the buffer zones are just that. They are buffer zones. It doesn't look at the entire city. So it doesn't prevent it, but it drastically reduces it. And I think that's part of the legislation's intent. For those offenders that remain in the city outside the buffer zones, the only method of identification still remains the county web sites. And it doesn't tell you if they're in or outside the buffer zones. It just tells you where they live. Passing a legislation does not prevent the offender from moving into a buffer zone as the county is not required to pass this information on of our buffer zones for our city as the offender registers. We know that already because we've seen sex offenders who are registered living within school districts here within our own city. We had two of them. And if that was known, I'm sure the Sheriff's Department would not have allowed that to happen. They are not required to do so. And this legislation would not repair that. One of the things that I think is important is that if the city is deciding to move on with this legislation, that we take some responsibility for what we are enacting. The sexual offenders that we are reaching out to, eliminate from our city, we should be certain are sexual offenders that have committed a crime against children. Specifically against children because that's who are the most vulnerable in this group. Although I do believe that we don't want to just stop there. Those people are trying to become part of our society and stay clean are not convicted of another sexual offense, I think should be allowed to stay within our community. But if offending again, and if convicted again of a sexual offense, I think if we are to pass legislation, we should consider that term. And we should consider those people who do offend a second time, or I won't call it second, but an additional time after legislation has been passed, should be restricted from the buffer zones. I thank you for giving me the opportunity to read some of the thoughts that I've been going through over a period of time and I do know that many people here have concerns about this legislation and many others would like to see this get passed very quickly. I do not want to be a person that prevents that from happening. I will work with the Council members here and we will pass a piece of legislation here I think that everybody here will appreciate. So what I'd like to do at this time is give the Council members an opportunity after hearing some of the arguments, to address their opinions what they would like to do, and I know there's some comments and questions to our

Law Director that some of the Council members have asked me to give them an opportunity to address. So at this time I'll open it up for questions. Do I have any questions from committee? (No response). From Council? Councilman Joseph.

Mr. Joseph: Thank you, Mr. Chair. Mr. Hood, I've got three brief questions for you to see how the current legislation dovetails with what I have to ask. First of all, you had indicated at an earlier meeting that you didn't see a real problem expanding the buffer zones from 1,000 feet to 2,000, 2500. Is that correct?

Mr. Hood: Well, we haven't explored that possibility. But that's definitely, as Mr. Baxter noted again, in some of the materials that I provided to you other municipalities and other states have done so. I think that would be a municipality specific item that would have to be undertaken because a lot of what this ordinance has to do with is a reasonableness standard. And if we extend the buffer zones to where an unreasonable amount of the city thereby being a very small amount of the city, is left available for these folks to move into, I don't believe that it would pass a reasonableness test. So it's something we talked about before, but we haven't explored that given the fundamental differences on Council.

Mr. Joseph: You're aware Johnstown passed one with 2500 foot buffer zones?

Mr. Hood: Yes.

Mr. Joseph: You think that's probably excessive for a village of that size?

Mr. Hood: I don't know. Honestly, I'm not too familiar with the geographical location of Johnstown. I know it's a village. But as far as the acreage, or the mile perimeter of Johnstown, I'm not familiar with it. But it would open itself up to a challenge. Absolutely.

Mr. Joseph: It's about a quarter the size of Reynoldsburg geographically.

Mr. Hood: Well, and absolutely, they may have problems with that.

Mr. Joseph: Okay. When you crafted the ordinance before the committee right now, did it take into account schools, and parks, and daycare centers outside the city that might be within the barrier zone? And would this ordinance basically create a buffer zone in parts of the city where the areas that's prohibited outside the city?

Mr. Hood: I did research that, that issue. Because we do have that occurred on our map actually. I believe one of the places was the library on Brice Road. The 1,000 foot buffer zone would actually reach into Columbus. I don't believe that I would have jurisdiction to go into Columbus and remove somebody under our city ordinance.

Mr. Joseph: Well, I'm actually talking about the reverse. If there's a, like a school or park outside the city, but it's still within say, 1,000 or 2,000, whatever our range is, like take for example, some parts of my Ward are within you know, 2,000 feet of a school outside of the city in Licking Heights School District. Would there be a buffer zone for that part of the city despite the fact that that

school, or park, or playground, or daycare center is outside of the city?

Mr. Hood: If it's outside of the city, I don't believe we'd have jurisdiction to enforce an ordinance. However, just to remind the Council that schools and any facilities attached to schools are under the Ohio Revised Code prohibition.

Mr. Joseph: Which brings me to the third point. Does this ordinance, the way you craft it and the way you interpret it, would include school owned property? Or only where there was actually school buildings?

Mr. Hood: No. School-owned property.

Mr. Joseph: So even if it was just field? It was school-owned.

Mr. Hood: The state ordinance, I based my opinion on the interpretation of the state ordinance. It says "school facility". And it does not mean school building.

Mr. Joseph: Okay. So that would, that could include just undeveloped land?

Mr. Hood: Yes. The field behind Rosehill Elementary would count as a school facility because it's owned by the school, school district.

Mr. Joseph: Okay. Thank you.

Mr. Baxter: Jed, I had a couple of questions. I didn't mean to get you half way seated. I'm sorry.

Mr. Hood: No problem.

Mr. Baxter: A couple of the arguments that I have seen is that legislation doesn't look at time frames. Time frames based upon different counties. We do have multiple counties in our city and they could have different expectations from registration. I'm not sure if that's a state requirement that the counties hold. How long does a sex offender stay on the list? And is that based upon county?

Mr. Hood: No. My understanding is that's an Ohio Revised Code requirement. It would be uniform within the three counties it would encompass.

Mr. Baxter: And do you know what the time limit is?

Mr. Hood: It's different for different designations. It would also probably differ when the offense occurred. When the finding occurred. Because this is a progeny of different laws. And in fact, I believe the Governor signed a Bill today to make a law to make it more restrictive. And I think part of that, this is my understanding only, but I think part of that Bill was to extend the reporting requirement for people. But that obviously would only apply to somebody who was found guilty or convicted from the effective date of the code section on. So I don't think it's a clear cut

answer. I'd have to look into it more. But the rule of thumb that I've been using, I think that there's not a requirement that's less than 10 years.

Mr. Baxter: Okay. I was under the same impression. Because I do remember in Franklin County, talking about moving names off that list. And there were many groups that were trying to capture those old names so they could keep them known to many of the residents that live in those cities.

Mr. Hood: That's 2950.01 of the Ohio Revised Code.

Mr. Baxter: Very good. So my understanding is if they come off that list, then they would no longer be subject to our legislation?

Mr. Hood: That's absolutely correct.

Mr. Baxter: And so that would be the terminator of their being disallowed to come into the buffer zone. Once they come off that list, they would be more than welcome to return.

Mr. Hood: Absolutely. If they're not on the list, the ordinance would not reach them.

Mr. Baxter: Okay. One of the things I spoke about was having a secondary, or an additional offense as an opportunity to be put in the legislation. If somebody commits a sexual offense, regardless against a child, or you know, a sexual offense, and there's been more than one after the legislation's come through, do you think that's something that would be able to be put in legislation, would hold up to legal challenge?

Mr. Hood: Yes, you can put it in there. Would it invite a legal challenge? I don't know. The reason I cautioned Council before, not to put those requirements in, is because there's a system in place now that the county tells us who's on the list and who's not on the list. If we dig any deeper, the onus would be on the city, Police Department, my office, whomever, to make sure our ordinance touches them because we're adding additional requirements. Whether it be additional offenses, child victims, elderly victims, you know, any kind of pre-cursors that you want to put on it. It would put more onus on my office and the Police Department to find out whether or not our ordinance touches them. That could invite more problems because we would be out, we would be kind of out on a limb now. Because we'll be doing things a little bit different. Can you do it? Absolutely. Would it invite challenges? It may. But obviously, worth discussing. But before we talked about whether or not this should be tailored more narrowly towards people who only offend against children. I understand that. I understand the argument. But as I cautioned Council before, I'll caution you again. When you get into that, you also have to understand, that we would be the one, either the City Attorney's Office or the Police Department, trying to find out whether that person in fact did have a child victim. And another thing that you mentioned earlier was, well what happens when an 18 year old guy and a 16 year old girl? That's still a child victim. So if you would narrowly tailor the ordinance, that ordinance will still touch that 18 year old boy and vice versa.

Mr. Baxter: And certainly based upon the sex and also based upon the offense, that age changes.

That's one of the things that we saw tonight with Mr. Taft, or Governor Taft passing additional legislation strengthening it.

Mr. Hills: Mr. Baxter. If I could. Just so we don't, trying to get apples and oranges together here, we're talking about the secondary offender, the second offense. That'll be a judicial determination made. That will not be made by this body. Now, the way the judicial determination is made is through some of the laws that Taft signed today. The legislators passed those laws, then the judicial branch must implement them. In extended sentences, excessive sentences or mandatory double the time if under 13 but, that makes the state law. Now for the sex offender or the individual who is found to be a sex offender, he has been offended under state law already. With that comes 1,000 feet restriction from any school. That's state law. Now what we do from that point on, when we get into the monitoring, like a probation department, and/or what our feelings are on a second conviction, we don't have anything to do with that second conviction. That's in the judicial side of government. And I think we just, I'm just going to caution that we need to be careful that we stay within our purview and not into the judicial branch. I don't mean to, I'm going to listen to my City Attorney when it comes down to something like that. But I think we're getting a little close at times in our discussions.

Mr. Hood: Well, and you bring up an interesting point, President Hills. I didn't think about the separation of powers argument. Just talking about it for the first time tonight. But it raises an interesting question whether or not we can determine whether or not this is a multiple offender or not. And then based on the designation, what does that mean? Like I said, once we start modifying the ordinance, you really raise more questions than answers unfortunately.

Mr. Baxter: And that was one of my biggest concerns is that you're trying to tailor some legislation that is taking the best of many different cities and try to put it into our legislation. And that may make it so complex that it's unenforceable and I don't want that to happen obviously. So that's why I'm bringing up some of the questions here. Try to get a better understanding. I'll let Councilman Clemens, and Councilman Stake, you're next.

Mr. Clemens: When I get your information I'm willing to look at it. Of course that was not the intent of my ordinance that was introduced. I think we're sitting here trying to discuss, and I won't support it of course, how we can benefit a sexual offender with our ordinance. And I'm not interested in how we benefit somebody that's had a sexual offense then that's been convicted. I don't care whether it was a child, or a mother, or a grandmother, or a grandpa that's been sexually offended, and the person that did it is registered a sexual offender. I'm not the judge that's sentencing this. They've registered with the state. They have the 1,000 foot buffer. And that makes it simple for us that we follow the _____ as far as what the convictions are. As far as saying well, we've got to judge on whether you've had a, let's wait and see if they've had a second one. I'd have to think about that. I don't want to be in the situation where if you're a registered sexual offender, that's what you are. You're a registered sexual offender by law. I didn't do it. I didn't pass the law. I'm not the judge and I'm not the jury. To me, it's just as bad to rape a woman and be a sexual offender as it is to rape a child. So I'm not going to make the judgment of which is going to benefit who. If you're a registered sexual offender by law, I think that's what we should consider. And like I said, I'm willing to look at your material, but that's how I feel

about it. And I feel about breaking it down into sections and making it difficult for not only Jed, but the Police Department and for us to pass laws that they are so much different than the other laws in the State of Ohio. I think it's something that should be looked at. Like I said, I'm willing to look at your information and go over it. I could be wrong and not be. These are my feelings. This was my feelings when I brought this up. It was not just pushed at children. I look at a sexual offense against a grandmother just as bad as I do against a child. And so it's not for me to judge which is the worst. And I think that that's why the state had made the law as far as sexual offenders are concerned. And that's why they're registered on the internet, and that's why they're registered with the county. And that's why it's for us to uphold the law as far as the states 1,000 foot. All we're doing is increasing it. And how far we increase it, that's something we can look at and how we can change it, and I'm willing to look at that. But I would like to see legislation put together within, we've been discussing this now for I don't know, 6 weeks, 8 weeks, 10 weeks, 12 weeks. I think it's time that we move, other cities move much quicker than us. I think we should look at all issues, but I think we have. And I think now we'll look at the issues you've brought up or anybody else suggests. But I don't see a reason to keep putting it off, and putting it off, and putting it off. I think it's imperative for us to get in step with other communities on some type of an ordinance. Whether the one that's up there now or whether we change it or not. But I think it's time for us to get in step with it and get moving on this so we can move on to other legislation. And I appreciate what you've said and I would like to get a copy of it. I don't have a copy of it.

Mr. Baxter: I'll make sure that this gets to Nancy so everybody has an opportunity.

Mr. Clemens: I'll be willing to consider it, don't get me wrong. But that was my point on bringing the ordinance up with Mr. Stake. That it's protection, I look at it, for everybody. Because a sexual offender, I just don't look at it as children. I look at it for everybody. It could be some gal that grabbed me and tried to do something wrong to me. I wouldn't want that to happen. At least I don't think so. But that would be a sexual offense, you know. But there are guys out there, or women out there that would do things like this. And that to me, if they're on the list, they're on the list. And they should be on the list.

Mr. Baxter: I thank you for your comments. And reminding you that 80 to 90% of the offenders here are people who you know and they're not going to take offense of you because you're walking by a school or a park. These are people who have opportunity and know you. And hopefully, no people you know are like that, Mr. Clemens. They're all good people.

Mr. Clemens: It's not up to me to judge that. That's the only thing I'm trying to say. It's not for me to judge what they're going to do in their mind. They've done something or they wouldn't be on that list. That's the point.

Mr. Baxter: Thank you. And I believe there was a question over here of Mr. Stake. Go right ahead, sir.

Mr. Stake: Chairman Baxter, I appreciate your thoughts. You're expressing your thoughts here tonight and the research that you've done. I frankly, am ready to go forward. I'm willing to wait two more weeks, but I'm willing to go forward with the legislation that the City Attorney wrote. I

think he addressed the child offender issue weeks ago which satisfied me. In the meantime, there's been other municipalities that have passed the exact legislation our City Attorney wrote as we've been discussing this. So we can talk about this, we could probably bring up new things to talk about week after week after week. I'm ready to move forward with this. I'd be ready to move forward with this tonight. But I am willing to wait two more weeks so other people can, if they want to get any other information in. But I would certainly hope and expect to have a vote on this out of committee at the next committee meeting.

Mr. Baxter: And I don't see a problem with that. Although, I don't like putting deadlines on it. I don't think that's unrealistic, Mr. Stake. Thank you for your comments. Although, what I would like to do if I could possibly get that is, Mr. Hood, you have seen the Hilliard ordinance, right?

Mr. Hood: Yes, I believe I included it with the packet originally.

Mr. Baxter: And would you be okay with submitting to the Chair, a copy of what it would look like if it came to Reynoldsburg? Specifically with addressing child offenses? At least from that standpoint. I know I've heard some numbers passed from 1,000; 2,000. I'm okay with staying at 1,000 feet or maybe going to 2,000 feet.

Mr. Hood: I believe that I included the Hilliard ordinance in my memo.

Mr. Baxter: Yeah. I have this here. I'm just wondering what it would look like for Reynoldsburg.

Mr. Hood: Yes. I can change the language to....

Mr. Baxter: So if you could draft something up working with this. In addition, one other thing I'd like to get settled tonight if we could, is the RYF field. I know you spoke about this in a few meetings past, Mr. Stake, that they're actually moving. And I don't know why we would want to include them in our ordinance.

Mr. Stake: Well, if they (Tape Change) youth sports facility, then it would be part of the ordinance. If they discontinue use as a youth sports facility, it would not be part of it. Correct, Mr. Hood?

Mr. Hood: That is correct, Mr. Stake. My fear, and the reason I didn't _____ the property specifically, I think we all know, I was talking about the RYF football field, my fear is, if they choose to move some time in the future, and that does occur, and then we use that for our soccer leagues, or I don't know what, or other youth sports, another youth sports activity at that same location, it would automatically be included in the ordinance. Now at some time in the future RYF decides to move and it's not used as a sports facility, it would be removed from the ordinance. It's that simple.

Mr. Baxter: Okay. Just with the language you've used then, it allows it to be included or excluded.

Mr. Hood: That's why I wrote it that way. Yes.

Mr. Baxter: Okay. Very good.

Mr. Hood: And just so, I want to be as crystal clear as I possibly can, it's not just that piece of property. That's what I was thinking about primarily. But if there's others in the city that we might not be aware of, it would include that as well.

Mr. Baxter: Well, how do we determine that so we can make a clear distinction to a sexual offender that they're living within that buffer? How do we know that?

Mr. Hood: I've included, in that map, everything that's aware to me personally and in my office. I worked in conjunction with the Police Department in that regard, and the previous Safety/Service Director, and EMH&T as well. We included as much as we knew of. Now we talked about some point in the past, what happens if a new school's built? What happens if we build a new park, or this, that, and the other? It will be included as long as they are one of those things that's defined in the ordinance. And I think that, I can't remember if it was you Chairman Baxter or Mr. Joseph, who brought up the idea of bus stops. Something I hadn't thought about in the past. Probably a good idea. You may want to discuss that some more in two weeks after you have some more time to think about that. It may be worth including that.

Mr. Baxter: Certainly. Why I thank you for your comments. Councilman Clemens.

Mr. Clemens: One thing about whatever ordinance we pass, it can always be amended one way or the other as we go on if something comes up that we feel we've missed, it can be amended. If something comes up that we feel that we've not done correctly it can be amended. So it can always be amended to suit whatever we feel should be done.

Mr. Baxter: Certainly, I appreciate that. Well, we spent quite a bit of time talking about this and I do appreciate the committee members and Council's time for giving me one last opportunity to at least address the issues, put them to the record, and giving something to think about. So by next week, I hope that with, if we could have that written and into our packets this week to give a little additional time, would you be able to do that, sir?

Mr. Hood: You'll have it before the weekend.

Mr. Baxter: Thank you so much. But that gives you an opportunity to look at another piece of legislation, how it'd look under Reynoldsburg's terms, and I ask you to give it careful consideration, and then let's discuss it at the next meeting and then make a decision at that point. I'd also like you to consider the bus stops. I know Councilman Joseph thought that was a great idea, and I don't think it's a bad idea myself. Although, I don't know how we'd administrate it, and we might want to talk with a few people around here and figure out how we could make that work. That would be a difficult item, I think.

Mr. Stake: I would just like to add on this subject, there's probably bus stops within almost 1,000 feet of each other. So I think, in that case, we probably would be excluding sex offenders to

reside in the whole city.

Mr. Baxter: Certainly, and that might be the situation. I don't know that. And so we may need to consider how that impacts legislation. I don't know at this moment. And since we did address it a few weeks ago, back a month ago, I think it's something we ought to consider. I don't know if it's realistic or not. Councilman Joseph.

Mr. Joseph: Mr. Chairman, you said you were comfortable with going to a 2,000 foot radius?

Mr. Baxter: If we went to a bus stop, I don't know if that would be feasible or not. I would be more comfortable with going 2,000 feet at least if that would make your concerns serve with the neighborhoods.

Mr. Joseph: Bus stop would be my first choice. The 2,000 foot radius would be my second choice.

Mr. Baxter: And so the Council members have heard that and we can discuss that next week and make a decision. Would that be fair? Very good. And Councilman Stearns.

Mr. Stearns: Yes. Thank you, Chairman Baxter. I would like to maybe ask this question. If and when this legislation is passed, would there be any problem with putting a time limit as to when the ordinance would take effect? Say, and this way we'd give the sex offender an opportunity to move. And you know, because more than likely when a legislation is passed, it's 30 days after the Mayor signs it, right?

Mr. Hood: That's correct.

Mr. Stearns: So what would it be like, would consideration of say, 90 days, or 180 days, or something like that after the legislation is signed?

Mr. Hood: Well, you bring up a good point Councilman Stearns. I included in my memo before that if the Council decides that this needs to be an emergency measure, that you will have to add emergency language to the ordinance. I did not do that in the draft that I prepared for you. I don't know that it would be a proper emergency now that we've been kicking it around for so long but....

Mr. Baxter: It's on its third reading.

Mr. Hood: Nonetheless, that would be something to discuss. And remember, that my goal with this ordinance, like any other that we enforce, is voluntary compliance. I would be willing to work with anybody who this ordinance touches, reaches, and help them comply with the ordinance. And I think we would have better results doing that as opposed to me going down and filing 40, 50, 150 law suits at once. The two people who were violating the Ohio Revised Code, both complied within a matter of two weeks. Both of those gentlemen chose to move outside of the City of Reynoldsburg. But it took a letter and a couple of phone calls from my office, me

personally, and we got compliance with the Ohio Revised Code. And that's what I hope to do if you choose to enact this ordinance. Approach it the same way. And hopefully, approach it with a standard reasonableness where people are willing to work, understand that the law is the law and they have to comply with it.

Mr. Baxter: And just to make a comment on that, I did read from Ron O'Brien down in Columbus stated, that he sent out letters as well that were giving 60 days notice. So that gave some time to be able to move. And that he found that there was no, what it said in the article was, that there was no litigation that was required. So that says to me that they moved voluntarily.

Mr. Hood: I read the same article. And honestly, I didn't put a time limit, I only had two people to deal with this time. And I said, you stay in contact with me, let me know what you're doing, and I'd be happy to work with you. And honest to goodness, they did. Both of them.

Mr. Baxter: Very good. Alright. Councilman Joseph.

Mr. Joseph: One last question, Mr. Chairman. Mr. Hood, in the case of the two individuals that you asked to move out of those zones, were they property owners, or did they rent property?

Mr. Hood: Both of those gentlemen owned properties with their families.

Mr. Joseph: Okay. Thank you.

Mr. Hood: So I believe that one of their homes are still on the market, but the other was sold as a condominium, but it was sold.

Mr. Baxter: Okay. Very good. Okay. Unless there's any other comments, now we've spent quite a bit of time on it and I very much appreciate your patience in allowing me to address the issues here, and the rest of committee getting their opportunity to make discussions. And Mr. Hood, thank you for your time. I appreciate it. And with that said, I'll go ahead and ask that we place this on legislation, this piece of legislation, or this ordinance or whatever, in this legislation on hold for two weeks to be brought up at the next committee meeting. And at that time, we'd be able to discuss the two opportunities we have in front of us. The second one which will be coming in our packet this week. As well as, I will submit this documentation to Nancy Frazier, and then make sure you all have it in your packets as well.

With that then, I'll go ahead and close out this committee at 8:23.

Safety Committee

January 2, 2007

- - - Nancy C. Frazier, Clerk of Council

(Transcribed - Susie Lyday)

SERVICE COMMITTEE MEETING MINUTES

January 2, 2007

Members of Service Committee present: Mel Clemens, Doug Joseph, Antoinette Newman, Preston Stearns.

Other members of Council present: Brett Baxter, Donna Shirey, Ron Stake, Council President William L. Hills.

Temporary Chairman Clemens: I'd like to call the Service Committee meeting to order at 8:24.

The first item on the agenda is the approval of the agenda. Do I have any additions or deletions? (No response). If not, it'll stand as it is.

The next item is Election of the Chairman. Do I have a nomination for the Election of the Chairman. Mr. Joseph.

Mr. Joseph: Yes. I nominate Mel Clemens.

Mr. Clemens: Do I have a second? Second by Mr. Stearns. All in favor, say aye. (All voted "Aye"). I want to thank all of you and I'll try to uphold your support. I'd like to ask Mr. Joseph to be Vice Chairman. Thank you. Mr. Joseph will be Vice Chairman.

Next item on the agenda is the approval of the minutes of the Service Committee meeting held December 18, 2006. Do I have any additions or deletions? (No response). If not, it'll stand approved.

With that, I'd like to call the Service Committee meeting over at 8:25. Thank you.

Service Committee

January 2, 2007

- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Lyday)

FINANCE COMMITTEE MEETING MINUTES

January 2, 2007

Members of Finance Committee present: Ron Stake, Mel Clemens, Brett Baxter, Preston Stearns.

Other members of Council present: Doug Joseph, Antoinette Newman, Donna Shirey, Council President William L. Hills.

Temporary Chairman Stake: I'd like to call the Finance Committee to order at 8:26.

Second item on the agenda is approval of the agenda. Are there any changes to the agenda? (No response).

Item number 3 is Election of Chairman and appointment of Vice Chairman. Are there any motions for Election of Chairman? Mr. Clemens.

Mr. Clemens: Yes. I'd like to nominate Mr. Stake as Chairman.

Mr. Stake: Is there a second? Seconded by Councilman Stearns. All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes. Thank you, very much. I appreciate your support and your confidence. Mr. Clemens, I'd like you to serve as Vice Chairman if you would.

Mr. Clemens: Thank you.

Mr. Stake: Item number 4 is approval of the minutes of Finance Committee meeting held December 18, 2006. Are there any changes to those minutes? (No response). None being heard, they'll stand as submitted.

Item number 5 is Discussion, Authorization for Professional Engineering Services for ODOT 2008 Urban Paving Project, Main Street Paving, and appropriation of funds. This item was discussed earlier in the Safety Committee. This is the portion that appropriates the money for the engineering. And as you see, attached to the copy of the legislative request, EMH&T gave us some numbers and some other information on this project. And Mr. Parkinson, I just want to get some of the numbers straight. And we're requesting \$12,000 for engineering here, right?

Mr. Parkinson: Yes.

Mr. Stake: Okay. And the total project, which would be our portion of the paving as well as the reconstruction, construction of the curbs and gutters and handicap ramps, correct, of that project?

Mr. Parkinson: Well the only work that we're doing under this 12,000 is the work associated with identifying, quantifying, and bidding out the curb work and the ramp reconstruction work. The ODOT repaving work is being done independently by ODOT. They will prepare the contract documents for that portion of the project. They will manage the contract, or they will do the inspection, and they will send you a bill for your share.

Mr. Stake: Okay. Well, I'm looking at a memo dated December 19, 2006. And I'm not trying to catch you or anything. I'm just trying to get some, you know, I'm not playing got ya'. Don't worry. I'm just trying to get some numbers straight here.

Mr. Parkinson: Yes.

Mr. Stake: I guess we're talking about approximately 172,000 total that's in that curb and ramp repairs in association with ODOT Urban Paving Program so that the curb and ramp repairs...

Mr. Parkinson: No. The curb and ramp repairs, we've estimated. It's somewhere around \$86,000.

Mr. Stake: Okay. A total cost of improving handicap ramps and defective curbs will be \$86,000. Okay. I added up some of the numbers before that and that's where I was, we were talking about some of the numbers earlier and I'm thinking, whoa, we're a little bit over here. So I just wanted to clarify that. So we're talking \$86,000 on that portion and then the, maybe Mr. DeBolt or the Mayor knows on our portion of the paving is about 100,000 or 150, or.

Mr. Parkinson: It's actually a little bit bigger. We've estimated that number originally, was in the 150 to 160. But with asphalt prices on the increase, we think that number's going to be more like 200. And then when you factor in the inspection fees that you also have to pay for ODOT, we think that, for budgetary purposes, maybe 230. Maybe 220 to 230. And I don't recall what exactly we suggested be budgeted. But I thought it was in the, was it 250?

Mr. Stake: Well, the number we talked about was 250. And I thought maybe we might be going over that. And are we going to....

Mr. DeBolt: (Inaudible. Speaking off mike).

Mr. Stake: Okay. What's your best guess now of what our total fees are going to be for this project? Including the paving, and the ramps, and gutters.

Mr. Parkinson: Not counting inspection for the curb and....

Mr. Stake: Yeah. Everything. I mean, we're going to have to, I imagine we're going to be appropriating money out of the Main Street Fund for that eventually. I was just curious of what that's going to be. Since we're going to go ahead with the engineering, I think we should be aware of that.

Mr. Parkinson: 340 to 360 maybe. Pays for, in our opinion, based on what we know today, your share of the ODOT Urban Paving, which includes your share of inspection. It includes a cost to repair the curbs, and to repair, or upgrade the ramps through the project corridor. It includes the cost of inspecting that work to be improved. Some of that, we haven't talked about this yet, some of that we could do for you, or your own forces could perhaps do it. It isn't particularly rocket science. And that's why I wasn't quite sure whether to throw that number in there. But I have included a little bit of money in that range that I just gave you to maybe consider the inspection part of it. But that should get it all lock, stock, and barrel.

Mr. Stake: Okay. And I'd just like to remind everybody right now, we're talking about a \$12,000

appropriation for engineering for this. Questions from members of the committee? Councilman Clemens.

Mr. Clemens: Yes. I want to get it straight here. The \$12,000 is for preparation of the bid tab and so forth pertaining to the 86,000. Am I correct?

Mr. Parkinson: Yes. Yes.

Mr. Clemens: And it's for \$12,000. That to me is around 14% or a little bit more. Isn't that kind of steep or what?

Mr. Parkinson: It's a little heavy. But that's what happens on these small projects. Because the cost of advertising, the cost of printing books, and the cost of attending the bid opening, and preparing the bid tab is pretty much a solid cost no matter whether you do a \$86,000 project or \$186,000 project. So the bulk of the 12 grand is kind of tied up in that aspect of it.

Mr. Clemens: Okay. Now, will you be doing the inspection when they do the paving? We'll be doing the inspection on that too, will we?

Mr. Parkinson: No. ODOT will be handling all the inspections for the paving part of it.

Mr. Clemens: The paving part.

Mr. Parkinson: And they will then back charge you, or charge you your 20% share of that inspection cost.

Mr. Clemens: That inspection cost. But we don't know what it is either.

Mr. Parkinson: We don't. It's generally a percentage of the construction cost and we don't know the construction cost.

Mr. Clemens: They will be bidding out the project.

Mr. Parkinson: They do all of that.

Mr. Clemens: And there's no way that we could bid our section out with their section and get a better price, or not? Or doesn't that work that way? It makes it a bigger job. I didn't know whether it works that way or not.

Mr. Parkinson: That's an interesting idea. I don't know if ODOT would be willing to entertain including our quantities. Probably not. Because we have to get our work done before they start.

Mr. Clemens: Okay. That's fine.

Mr. Parkinson: So we have to get out ahead of them. That's why we can't do that.

Mr. Stake: Okay. Mr. Clemens, any more questions?

Mr. Clemens: No.

Mr. Stake: Councilman Baxter.

Mr. Baxter: Chairman Stake, I just have one question. And this is to both Dave and to Steve, and that's dealing with the divider that we have presently on Main Street. And we spoke about maybe wanting to put something in there that was a little bit more aesthetically pleasing so it wasn't such an eyesore there. And if we're going to be paving, doing curbs and what not, would this be just a wonderful opportunity to get that done now?

Mr. DeBolt: Yes, Councilman. We've discussed that and we'd like to do that. At the same time, there would be some fees involved in doing it. And we'd like to piggyback that onto this project in the very near future.

Mr. Baxter: This way engineering costs wouldn't increase now, would they?

Mr. DeBolt: We've discussed that already as of even today and the fees would be small because we're going to do them together. So that's, it'll come forth as a separate proposal. But the understanding is, we're going to do them together. So that was a concern. I'd also like to point out that in working with Mr. Parkinson, our staff has done some of the curb markings ourselves. So we tried to keep the costs down where we can in the project along the way as they've done in the past for the city. And we'll continue to do that anywhere we can to try to save some dollars.

Mr. Baxter: One last question as to Mr. Parkinson. Are you also doing the engineering for ODOT?

Mr. Parkinson: No.

Mr. Baxter: So then that's the reason why you're not able to tie those two together. If you're doing them together, at least you could have some economies to scale there.

Mr. Parkinson: Right. Well the economy of scale, that's exactly the term, would come to bear on the island, the median. And when we submit our proposal for designing that up, because the contractor's got to know where to install the curb, and what elevation to install it, and we've got to make sure the pavement markings are correct, and that the drainage is not impeded. So there's a little bit of engineering that has to go in just to put an island in even as silly as that might sound. But we, the economy of scale will be when we get the job designed in time to bid it with the curbs and the ramps, we don't have to have a component of that that's bidding. We're going to bid it, we're going to include it, proposing to include it in the same package and under the same contract as the curb and the ramps. And therefore, that's our savings. So I'll expect to hear how low my price is for this other one next time.

Mr. Clemens: Yeah. I'd like to hear that too.

Mr. Parkinson: Yeah. That's going to happen.

Mayor McPherson: Me too.

Mr. Stake: And Mr. Parkinson, I'm just curious in dollars, how much is this? You're talking engineering for the....

Mr. Parkinson: \$4900.

Mr. Stake: \$4900 is this much?

Mr. Parkinson: Umhum.

Mr. Stake: So I guess 12,000 is that much.

Mr. Baxter: Being the first one of the year, do we get a discount?

Mr. Stake: I don't know. That sounds kind of steep for a little piece of...

Mr. Parkinson: It's more than just a little piece of curb and island when it's all said and done. Because we have to make sure that trucks don't drive into it and that the traffic is divided around it.

Mr. Stake: Councilman Clemens.

Mr. Clemens: I think before we get into that, I think that ought to come to Council and we should kind of look at it and discuss it.

Mr. Parkinson: It absolutely will. It absolutely will.

Mr. Stake: Yeah. I don't believe that is part of this at all. That's something we'll have to deal with separately.

Mr. Clemens: We may not want to do it.

Mr. Baxter: I may think if it's only going to cost us 4,000, do it now, and maybe 12 or 15,000 later, we should at least consider it though. I don't like putting anything in there myself personally but if we're going to have to, we ought to do it as we're paving. Not wait until after and tear it up again.

Mr. Stake: Councilman Stearns. Did you have a question or comment?

Mr. Stearns: Yes. The thing that I'd like to say, or ask is, when would we have all this information available to us to be able to act on. I see you have emergency down here for this. How long do we have this information for us?

Mr. Parkinson: What information would you like?

Mr. Stearns: The information of your cost and everything. This is what we're talking about, is finances.

Mr. Parkinson: What's before you now is a proposal for \$12,000 to advertise for bid. Your obligations to make certain improvements on Main Street as part of the ODOT Urban Paving Project.

Mr. Stearns: Okay. This is all we're dealing with now?

Mr. Stake: We're just dealing with, right, with that portion of it. Coming down more....

Mr. Stearns: Alright. I'm trying to get a bottom line for the entire cost is what I would like to know.

Mr. Stake: Well, maybe I confused you a little bit because I brought that up earlier. And I think we're estimating about 350,000, correct?

Mr. Parkinson: I think that would be a top end. Yes.

Mr. Hills: And I would like to thank you, Mr. Stake. Because we've heard 100, 250. And I think this does....

Mayor McPherson: Well it's adding them all up. That's the idea.

Mr. Hills: Bottom line is, it would certainly appear to be by extending the termini for the revitalization of Main Street, we're able to expend about another \$350,000 to bring everything in line to get the paving out to 900 feet west of Taylor Road.

Mr. Stearns: That was my question.

Mr. Stake: Okay. Councilwoman Newman.

Mrs. Newman: Yes. At last. Thank you for recognizing me.

Mr. Stake: Sorry.

Mrs. Newman: One thing I'm concerned about is, I thought we were going to do away with that barrier out there on Main Street. Now here we are talking about replacing it with something else when we repave.

Mr. Stake: Mr. DeBolt.

Mr. DeBolt: Yes. The original discussion was potentially to do away with the barrier only if and when we could have an alternative safety measure in place. And that at the time the top option

occurred to be making it a one way street on Lancaster going southbound.

Mrs. Newman: Well, what kind of progress have you made in that direction?

Mr. DeBolt: Again, we had discussed that, I think at the end of last month, that that would require a number of factors to occur that would not be easily done at this time, including approval from the state. Including businesses having to have construction other than to be not adversely affected. Dealing with....

Mrs. Newman: So you haven't done anything on this, working for that?

Mr. DeBolt: Not since we tabled it. The Council decided to table it at that time. No.

Mrs. Newman: Did we decide to table it?

Mr. Stake: It was I believe, tabled in the Safety Committee. My thoughts on that, and I've talked to quite a few people who own businesses and live over that way, and I think we're just trading one problem for another if we do 256 a one way street. I mean, that's the impression I'm getting from some of the folks over that way.

Mr. DeBolt: And not only that, but the point is, if we're going to do something to remove the barrier, we still have to put something in its place or the city could potentially be liable. Therefore, we can't just take it down. We'd have to have another viable option. Another viable option with some of this....

Mrs. Newman: Why can't we just take it down. It hadn't been there forever.

Mr. DeBolt: Well, once we put it there, we said that there was a problem. So if we're going to take it down, there could potentially be a problem with safety that we're taking away the safety measure. So we'd have to put another safety measure in place. However, by making the street one way and taking it down, still people, it would be a one way street. So that was the most viable option at the time. In looking into it and researching it, it was more complicated than just that issue. And again, it was addressed, I think maybe 10 years ago as well.

Mrs. Newman: Well nobody ever said it was going to be easy. But I thought we were going to go ahead and look into that as a viable solution to the problem.

Mr. DeBolt: At the time, that was my intent.

Mr. Baxter: Councilman Stake.

Mr. DeBolt: But we changed our minds.

Mr. Stake: Councilman Baxter.

Mr. Baxter: In the Safety Committee, we discussed and found that we were looking at approximately a \$12,000 cost just to do the engineering.

Mr. DeBolt: That was correct.

Mr. Baxter: And that's not even any cost to actually make changes. So because of the fact that we are so short on money, I don't want to say short on, maybe we should restate that, we're being more frugal with our money here, we just didn't see where we could come up with the funds to put that study out there for making a change that we perceive, may make it better. That was the issue. That's why we tabled it.

Mrs. Newman: The only thing I'm concerned about, I mean, we're paying Mr. DeBolt any way, I don't see why he can't look into it and get some background information and find out just what has to be done and how long it would take, and just what is involved and let us know.

Mr. Baxter: And he did that about 2 or 3 weeks ago in Safety Committee.

Mrs. Newman: Well, not really. I mean, it was painted as you all said in broad brush strokes. But we didn't see any specifics on what would be done. What had to be done. I haven't heard really, back from any of the property owners or his feedback from that.

Mr. Baxter: I'm sorry. Maybe I'm mistaken. I could have swore I heard all that.

Mr. Stake: Alright. Councilman Clemens.

Mr. Clemens: I don't think this involves the issue we're speaking about now. But the only way to solve a situation like that is you have Public Hearings. You set up a project, you have Public Hearings. You have people come in and discuss it, if we're actually thinking about doing that. And I would approve of it. Because you can't always do what the public likes. I mean, your progress is progress. But what you do, you set up Public Hearings. You have them right here and people come in and raise hell with it and things like that, and we accept it or don't accept it. Just to talk to this person and that person, they say I don't like that, then you think, well good, then I'm not going to get involved in it, doesn't buy it. So if we're seriously thinking about doing the one way street like we've discussed, then we do have Public Hearings on it. We find out how the public feels. We find out what it's going to cost us and we go from there. A lot of things we do, the public does not understand or does not like. But what you do, you do things that you feel is best for the community and best for the city. Those things you have to do and you have to do them up here. You just can't talk to 4 or 5 people and they disagree with it just because they live there or something like that. Or they have a business, they think it's going to cost them some money, there's basically no businesses on those streets except the greenhouse. So later on if we do get serious about this issue on what we're going to do, then we follow it with Public Hearings. We do it the correct way and then we all find out what everybody thinks. It's just not me going to talk to one person and coming back and saying, well, they don't want it because I talked to two people. But I mean, that can be discussed in the Safety Committee meeting on however Brett wants to handle it. Doesn't really have anything....

Mr. Stake: We discussed it for a while there. And I don't know, I mean, Mr. DeBolt may have looked into this. It's a state route. I don't know, do we have the authority to make it a one way street?

Mr. DeBolt: Not without the state approval. I have approval to make certain authority to make certain streets, but I would have to have Council's approval. And certain routes, since that is a state route, part of it would have to have _____.

Mr. Clemens: Those are things that you do. Those are things that we would look to in the future. What we're worried about now is the \$12,000.

Mr. Stake: Right. So let's get back to the subject at hand here.

Mr. DeBolt: If I could just make one point if I could. Councilman Newman and Councilman Clemens make good points. But at the time that we discussed it, part of that money was to go for the Public Hearing at the time to get that input that we had discussed. And at that point, I think it kind of bogged down that we didn't feel that we had the funding necessary to go forth at that point. And therefore, it was tabled. And then when this pavement project came up, basically that was another option to go ahead and propose this. And again, we'll bring this to Council and propose it as an option to satisfy that issue. And again, if Council chooses not to follow through on it, then we're back where we are. So it wasn't something that's made a decision to go forth. It is another option other than the other one that was tabled.

Mr. Stake: Okay. Are there any other questions or comments? Councilwoman Shirey.

Mrs. Shirey: Yes. In the letter that we have here, it says that the bidding project is beginning March, 2007. When do you anticipate for this to begin, the project begin, and how long that's going to take?

Mr. DeBolt: The project for the ramps and curbs will begin in the Spring, as soon as it's bid out, and it should be completed by the end of June. So the actual pavement can be then, the beginning of July.

Mrs. Shirey: Into July. Okay. You said that this is going to be night work. Is it going to affect any traffic at all whatsoever in regards to doing the curbs then as well?

Mr. DeBolt: I would have to say the curbs, most likely. There is some parking, it would affect parking for sure. And I would imagine it might affect some traffic. Yes. But not to the extent that we had with the pavement on Main Street in that regard.

Mr. Stake: Councilman Clemens, then Mrs. Frazier.

Mr. Clemens: Yes. To answer Donna's question, it will affect the traffic because you'll have concrete trucks out there.

Mr. DeBolt: Sure.

Mr. Clemens: And you'll have to have it blocked off and so forth as they dig it out, break it out, and then pour it. So it will affect the traffic. That's the only way we can do it really.

Mr. DeBolt: It will be selected areas. It's not a whole perfect replace.

Mr. Clemens: It would be one side and the other side. You're not going to do both sides at the same time I assume.

Mr. DeBolt: Right. And it's selected areas.

Mr. Stake: Mrs. Frazier.

Mrs. Frazier: In the paving, are they putting the bricks back?

Mr. DeBolt: That is a good question too. That is something that was just brought to my attention today and I haven't had a chance to find out. So we will address that again. I know a lot of effort, time and money spent on that. So we want to make sure that's either fixed, replaced, or maintained. One of the three.

Mr. Clemens: Just one more question. And I understand, we are going to check depth? Is that correct? In case we have to take out, if we got bad material underneath the street and so forth. Is that part we have to pay for, Dave, if it is?

Mr. Parkinson: Yeah. This is an issue that was discussed at some length early on in this process. And the decision was that we did not have the money to do full depth pavement repair. So no, we are not.

Mr. Clemens: In other words, we.....

Mr. Parkinson: This is strictly a mill and fill project.

Mr. Clemens: Because it looks like we've got a couple of places that might have that.

Mr. Parkinson: We have a lot of places that are in need but the cost to repair those was astronomical.

Mr. Clemens: Okay. I didn't know whether the state did any of that or....

Mr. Parkinson: They do not do that. That's again, part of your obligation side of the equation. If you so choose to do it, you had to pay all of that cost. And it was just overwhelming based on our estimates of the amount of work needed.

Mr. Stake: Councilman Baxter.

Mr. Baxter: Those estimates Mr. Parks, was based upon the entire Streetscape, was it not?

Mr. Parkinson: No. We....

Mr. Baxter: Do we have an estimate based upon the section that we're talking about right now? Are _____ dive on that?

Mr. Parkinson: Yes and no. We did a pretty detailed breakdown and broke it down into three or four different sections. And one of the sections was the Phase II Streetscape limits from Rosehill basically to the bridge. But we also broke down into other sections which was Franklin County from Blacklick to the county line. Licking County from the county line to almost Taylor Road. And then 256. Because at the time, we were also talking about the project incorporating 256. So you had at some point in the past, detailed breakdowns of all of those four sections of full depth, with full depth pavement repair and without it. And the cost with it was very high.

Mr. Baxter: It was astronomical. I remember in the millions. Thank you, sir.

Mr. Stake: Okay. Any other questions or comments from members of Council? (No response). And I just would like to point out, you do need this as an emergency legislation.

Mr. DeBolt: Yes, sir.

Mr. Stake: So you can get moving on this. Any problems from members of the committee on that? (No response). Members of Council? (No response). Okay then, I'll make a motion that we appropriate \$12,000 from the Major Commercial Corridor Phase II Revitalization Project Fund account number 440.002.5659 for EMH&T to obtain the necessary data, prepare bid documents, estimate of construction costs, apply bid documents for distribution, advertise for bids, review bids received, and prepare of bid tabs for ODOT 2008 Urban Paving Project. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). I'll send this forward for a recommendation for adoption as an emergency. Second by Councilman Baxter. All in favor, please state aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Mr. Hills: Mr. Stake, before you adjourn if I could just make sure the record is clear. This is Tuesday, January 2. Our next meeting is Tuesday, January 9. The January 8 meeting was not cancelled. The January 8 meeting was rescheduled for January 9. And just so we'll all know, there'll be a third Tuesday which is January 16. That is because the 15th is Martin Luther King holiday for the city and the nation. So therefore, just for clarification, we're not going to be here Tuesdays forever. But the first three Tuesdays of January, we are meeting. Thank you.

Mr. Stake: And I'll adjourn the Finance Committee at 8:51.

Finance Committee

January 2, 2007

- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Lyday)