

PUBLIC HEARING before Reynoldsburg City Council and Reynoldsburg Planning Commission

- Thursday, October 13, 2008 at 6:45 p.m. for consideration of: Public Hearing before Reynoldsburg City Council and Reynoldsburg Planning Commission in Council Chambers, Municipal Building, 7232 E. Main Street, Reynoldsburg, Ohio on October 13, 2008 at 6:45 p.m. to consider: AN ORDINANCE ADDING CHAPTER 1190 STREAM CORRIDOR PROTECTION ZONE TO THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG

to be followed by:

Public Hearing before Reynoldsburg City Council and Reynoldsburg Planning Commission to consider: AN ORDINANCE ADDING CHAPTER 1194 HISTORIC COMMERCIAL OVERLAY and CHAPTER 1195 COMMUNITY COMMERCIAL OVERLAY TO THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG

Mr. Hills call the Public Hearing to order at 6:45 p.m.

Members of Council present: Mrs. Shirey, Mr. Stake, Mr. Deskins, Mrs. Kelly, Mr. Joseph, Mr. Clemens, Mrs. Newman.

Members of Planning Commission present: Mr. McGrath, Mr. Haire. Members absent were Mr. Comeaux, Mr. Wall and Mrs. Wirth.

AN ORDINANCE ADDING CHAPTER 1190 STREAM CORRIDOR PROTECTION ZONE TO THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG.

Mr. Domini: Thank you members of Council for having me here to present this item before you again. I know that this has been before Planning Commission so there shouldn't be too many surprises here tonight. Basically, what we're trying to do is put forth an ordinance to prohibit development within a certain distance from our streams and our watersheds with the purpose of eliminating pollution runoff, erosion and any types of flood damage that may be incurred by having development within this zone. As Mr. Miller indicated last time, this is part of EPA's NPDES Phase II standards that I believe were put out in 2003 that we're playing a little catchup to institute here in Reynoldsburg. I guess a couple of clarifications and discussion points that came up at Council and Planning Commission to the extent that which this is going to apply and I just wanted to take the opportunity to address that before I turn it over to you. This applies to all new construction so any construction that exists as of now, does not apply to and does have the exception of allowing sheds under 100 sq. ft. to be constructed within this zone as well as fences. In terms of existing maintenance of areas that are currently being maintained for lawns or that are currently landscaped that those areas that are currently now being maintained as lawn or landscape will be allowed to continue to be maintained as such in the future after the adoption of this ordinance so this would only apply to anything new that is platted hereafter so within that zone those areas would not allowed to be turned into landscaping or lawn area. All that which is currently being maintained would be allowed to continue. With that, I would entertain any questions and attempt to answer those or if I can have one of my colleagues help me with that, I would do that as well.

Mr. Hills: Okay. Questions or comments from Council? Mr. Stake.

Mr. Stake: Thank you President Hills. Yes, in the event that a stream would meander and get over to the foundation of a building, and I know that this would take a lot of years but we're finding this now. That property owner would not be able to shore that up because that would, I mean they're not able to mess with that at all. Who would be responsible for handling that problem?

Mr. Domini: That would be an existing building that is.....

Mr. Stake: No, what if there was a building built next to a stream and eventually the stream moves over towards the foundation of the building.

Mr. Domini: So in other words, the scenario would be that after the adoption of this ordinance, building's constructed.....

Mr. Stake: And it probably would be several years from now but we've seen, but we are seeing some properties in this City that are being affected by streams that are meandering over to foundations of buildings.

Mr. Domini: It would be my determination that structure was erected in accordance with the ordinance at the time so if there any improvements that needed to be made to that structure, to keep it structurally sound, that would be permitted because that would be a general maintenance issue.

Mr. Stake: So, what other things could they do to that piece of property to stop the stream from coming over towards their building?

Mr. Domini: In terms of preventing it? From continuing to meander?

Mr. Stake: Yes.

Mr. Domini: I believe that what we would do in that case is allow property owner to take necessary action to protect that structure.

Mr. Stake: And what would be those steps to allow that property owner to do that?

Mr. Domini: That would be something that I think the City Engineer would have to be involved with and there would a variance that would be needed to allow any type of alteration in that zone but certainly we're not going to be in the business of allowing people's houses to fall into the stream and we have provisions to allow variances and to allow exceptions for those types of situations, where there is a hardship in place.

Mr. Stake: We currently do have those provisions on the books?

Mr. Domini: Yes, anytime you have a true hardship or an economic hardship that a property

owner faces as a result of one of our ordinances, that's when the appropriate time is to use a variance for something like that.

Mr. Stake: So they would, who would they go before to get that? The BZBA?

Mr. Domini: They would submit a variance application and go before the Board of Zoning and Building Appeals.

Mr. Stake: Okay.

Mr. Hills: Councilman Clemens.

Mr. Clemens: My understanding, a stream is what size? Is it just a stream of water coming through? Does this mean any size stream, am I correct on that?

Mr. Domini: Correct.

Mr. Clemens: Okay, and it's on private property to start with so we have a stream coming through here and what you say is that the people are allowed to mow down to it or keep the grass out of it, or keep the weeds out of it or anything like that, right?

Mr. Domini: If at the time of this ordinance is adopted, if they're not currently maintaining that area, then no. If they are maintaining that area now, that is something that they're going to be allowed to continue to maintain.

Mr. Clemens: No, that's not what I'm saying. You're talking about new houses to start with, not the old. So you've got a new project with a stream meandering through it near the house.

Mr. Domini: But if you've got a parcel now....

Mr. Clemens: They're building house on this.....

Mr. Domini: And within that zone, they have not been maintaining that area.

Mr. Clemens: Right, but it's going through their property and it's new homes etc. so it's new, new, so they're not allowed to maintain that stream or keep the weeds from growing up in it or all this junk that grows up in it.

Mr. Domini: That's correct. Any natural vegetation that exists at the time, that's not supposed to be altered in any way.

Mr. Clemens: That's why I'm curious, I'm not going to support it but I just want to make sure that's what you're talking about.

Mr. Hills: Other questions from Council? Mr. Miller did you have a question or did you have comments or did you want to talk about something.

Mr. Miller: No thank you President Hills, Aaron responded to it.

Mr. Hills: Okay, Okay.

Mrs. Newman: Mr. Hills, I think I'd like to ask a question.

Mr. Hills: Councilperson Newman.

Mrs. Newman: Aaron, you said that, mentioned putting up fences and putting up sheds in that right of way area around the stream. Would that be allowed for existing residents now but no new developments would be allowed there, is that correct?

Mr. Domini: No, we would allow for sheds and fences in the future.

Mrs. Newman: Sheds and fences?

Mr. Domini: Yes. And the reason being is that we did not see that to be anything of true significance that would not meet the goals of this ordinance and that it would provide a hardship both to the Development Department and the property owner to address those issues because on any given day, the number of sheds and fences that we permit.....

Mrs. Newman: I think fences have caused an awful lot of problems as far as the storm water flow off the tops of properties because they tend to have weeds there and trash tends to collect there and then it blocks the free flow of the water.

Mr. Domini: What we have done is we have allowed for fences that will allow for the water to flow freely through there so a stockade fence isn't something that we would be permitting. It allows for chain link or wood fences at a maximum height of 42" with 4" boards with 4" spacing so it will allow.....

Mrs. Newman: What is the height from the ground to the bottom of the fence though because that's where they tend to get blocked up with debris.

Mr. Domini: With the debris? That would be a Code Compliance issue that we would make sure that those areas are weed-free and debris-free, just like we do now. We didn't want to put the hardship on the property owner and not put up the fence because we knew what type of issues that would create for a lot of property owners and for staff and for Council to hear those requests..... Trying to be sensitive to that issue here.

Mr. Hills: Mr. Stake. Councilman Stake, I saw your hand.

Mr. Stake: One other quick question just to get some clarification. If we have a property owner that owns a property and it is, you know there's a home there, there's a stream and they are not mowing the weeds and stuff around the stream, are we saying with this ordinance now they would not be allowed in the future to mow around the stream?

Mr. Domini: If they're not currently now, that is correct.

Mr. Stake: And what would be the definition of now? Last year they did it but this year they didn't.

Mr. Domini: If it's succeeding back to a natural state or is it in the natural state currently at the time of the adoption of this ordinance then no, they would not be permitted to maintain that area.

Mr. Stake: Okay.

Mr. Hills: Councilperson Kelly.

Mrs. Kelly: Back to an earlier question that Councilman Stake ask. A current home that is, the stream that runs behind it heading up to the foundation, it's a private, just correct me if I'm wrong, I guess this is more clarifying for myself, that's considered that the homeowner owns that part of the creek or stream or whatever it is, ok, and with this ordinance, if the homeowner decides, okay, this is coming up towards my foundation. I need to shore this up because it's going to take my foundation, can they do, come up with their own idea of how they're going to shore that up or would that be something that has to be approved since it is a private, since it's part of that homeowner's private property. Can they choose to shore it up any which way they want to or do they have to have that approved.

Mr. Domini: The answer to that question would be that they have to submit for a variance and any variance application comes before me. The variance applications also go to the City Engineer, the Acting Safety/Service Director, the Development Director. So all of our Director heads are reviewing these applications so at that time, I'm not qualified to, if you probably make a determination on what is appropriate, to maintain that area but that's where Mr. Miller would.....

Mrs. Kelly: But prior to this, they did not have to submit a variance.....

Mr. Domini: No, it's like any other zone.

Mrs. Kelly: This would be a new thing. Okay.

Mr. Domini: Right. For any other zone you want a variance for parking setback, you know, anything like that you don't have to come.

Mrs. Kelly: Prior to this, they could have shored it up how ever which way they wanted, they didn't have to submit anything.

Mr. Domini: Well, I don't believe you can go, the Army Corp of Engineers has standards for managing waterways that I think, there's areas in town where I don't think things have been shored up appropriately, legally the absence and the riffraff that have been going on.

Mr. Miller: And to build on what Aaron just said, if anybody is undertaking any work in a waterway, they need approval from the Army Corp of Engineers to do that work. They are the regulating agency for the waterways.

Mrs. Kelly: Thank you.

Mr. Hills: Councilman Clemens.

Mr. Clemens: Yes, on this area. Does this include just the stream not an area past the stream? In other words, this is just for, we're just talking about the water area, there's not a certain.....

Mr. Domini: It is, it is area adjoining, adjacent to the waterway.

Mr. Clemens: I mean how much of that area?

Mr. Domini: It depends on the size of the watershed. There's a formula in here that we've chosen to go with that some of our adjoining communities have adopted and it's based on the size of the watershed. What would happen is, there's a formula that goes along with this and once this is adopted, we are going to use this information to create a layer in our City GIS system and on the Zoning map that's going to show where this area is so we can make a determination on.....

Mr. Clemens: If it's a four foot stream, I'm just talking about stream, I'm not talking about a creek. I understand that part. If it's a four foot stream, we may be talking about 2 foot on each side or something like that or the watershed.....

Mr. Domini: No, a minimum of 25 feet.

Mr. Clemens: I'm sorry.

Mr. Domini: A minimum of 25 feet on each side.

Mr. Clemens: A minimum, so in other words, I've got a yard, and I've got a little stream coming through it and I've got to let the weeds grow 25 foot on each side and all that jazz.

Mr. Domini: Unless you've been maintaining it up to the stream.

Mr. Clemens: You're talking about the new area. To me, you know, that sounds kind of lousy to the people that have the property. People like to have these small streams come through and the builders like them too. Nobody wants to look at a bunch of garbage in their back yard, with the weeds growing etc.. I'm serious, I know where there at and I can take you through some, different locations.

Mr. Domini: Professionally, looking at this ordinance, this is not something out of the box, it's pretty standard flood plan or stream corridor protection ordinance that you would see that many municipalities have adopted.

Mr. Clemens: Many, but not all. The, well, I can see a problem. What you're saying is people that have houses now that have this going through, say they haven't taken care of in a year, they can't touch it now so they.....is that what you're saying.

Mr. Domini: That's correct.

Mr. Clemens: That's correct, okay. I just wanted to clarify it.

Mr. Hills: Councilperson Kelly.

Mrs. Kelly: This is part, I think you said this earlier, this is part of the EPA?

Mr. Domini: Correct. The NPDES, The National Pollutant Discharge Elimination Society, Phase II standards, I think they were implemented in 2003.

Mrs. Kelly: So this one of the standards they set we need to do.

Mr. Hills: Has anyone checked closely on the statutory authority of the EPA to put these standards on a local community? Anybody bothered to look at that? The EPA makes a lot of statements. I wish the Army Corp of Engineers would come out and pay the person that I had to pay \$3,000 to get the trees out of the creek that came down in the storm. But I bet I'd wait forever for the Army Corp of Engineers to come out and do it, wouldn't I.

Mr. Clemens: I mean, if you have trees fall over, all this stuff, things like that, are we the ones who have to go clear it out or what?

Mr. Domini: No.

Mr. Clemens: Who's going to do it then?

Mr. Domini: It's the property owner's responsibility. It's their property.

Mr. Clemens: So we're doing all of his, we're making him do everything, he's got the responsibility for all of this but he can't cut the grass and cut the weeds out. He's got a look at it, that's what you're trying to say.

Mr. Hills: Mr. Clemens, if I could follow up on that. I'm not a tree impeding the waterway. I'm not sure but what we do have the responsibility to allow for the free flow of water. When that, we don't own the water and that property owner doesn't own the water.

Mr. Domini: Uh huh.

Mr. Hills: That's a, public ownership and I think that's one we could talk about for a long time.

Mr. Domini: The maintenance.

Mr. Hills: I guess I would go back and ask, and I think it's good we're having this discussion. I can also see that we have a number of lots around here when we were phasing in Planned Developments that were maybe 60 feet by 110 feet and all of a sudden, you take away 25 feet of the back of that lot, there's nothing left of these people. So I don't know if that's going to create problems or not. I realize this is what is going to be there. It, it, I see what you're doing I guess but I do think with the appropriateness that it goes to the Planning Commission and I will note that it won't go to the Planning Commission until November 6, 2008 but I would think that sometime between then and November 6, 2008, we can find out does the EPA really have the statutory authority to require these standards to be put on the City. I don't mean their wishes, okay, they got a lot of wish lists but I'm talking about the statutory authority of State Law, not just Federal but State Law to implement these standards on a Community and I think that's one thing that we'd be willing to look at. I'm not saying that they're not good standards and they may not be acceptable standards. I want to know if they have the authority to do it.

Mr. Domini: And to be honest with you, that is something that I can do the research on and present you with that information.

Mr. Hills: You and Mr. Hood. I'm sure that we can look on those things. I just, the EPA does a lot of things. They're almost as bad as utilities about saying that we run the world and it's just nice to know that, do they really have the authority to say those things and if it's not done, where's their penalty clauses? Other questions, Councilwoman Newman.

Mrs. Newman: Yes I have information from a good authority that it is the City's responsibility to clear the streams of the detritus, you know the trees and things like that, that fall down. I would like to have, you know, research that and see just who's responsibility it is.

Mr. Domini: I can do that. I'm sure that's a question I could ask the Acting Safety Service Director and if I may build on that, in this document on page four, it does allow for emergency channel maintenance to clear the stream. Whether it's the City's authority or the property owner, depending on the situation.....

Mrs. Newman: I think it's our responsibility to do that in the streams that run through our jurisdiction but you know, if you could find, out I'd be appreciative. Thanks.

Mr. Hills: I think we've been very fortunate Councilperson Newman that many people, they're residents of the City, if their stream is blocked, they get rid of the tree that fell down. If the tree came from their property or their neighbor's property and I believe in that just being good community participation but I think when it comes, when you're running into that wall, I think you're going to find that the answer is City, you may have to do that and certainly we're starting to touch a lot of edges of things where it's going to raise some real questions and I think, you're right, I think I agree. I would love to hear what the answers come out but I think you're right. We cannot impede, as a City, we have to let the free flowing water flow through the City and if it's blocked up, the homeowner hasn't done it, I'm not so sure but what we have that duty to do it and boy, we have been fortunate those people that live here and have running water near their properties have been assisting in keeping it clean and keeping it running. Then there's others that go ahead and dam it up and that creates a bigger problem too but they don't have the right to

do that either so it's a double-edged sword that we have to look at. Councilman Clemens.

Mr. Clemens: The thing that bothers me, because I know the situation, and I've done it for different people. They have a four foot stream going through there in their yard or they've got 25 foot or 50 foot on this side and 50 on this side, build a little bridge across there and now you're saying is it's 25 on each side, they'd have to build a 54 foot bridge and I don't know whether they can span that or not without like a Golden Gate Bridge or something like that. These are the kind of things that bother me because you're keeping a homeowner from getting across to do the other side of his property if he's not allowed to build a bridge across there. That's what I mean, you know.

Mr. Domini: Yes, and I'd have to see the situation first hand and again, I think that's something where any time you build a bridge or a wall within a flood way it's jurisdiction.....

Mr. Clemens: Expand with lights on it or things like that. It doesn't make sense to me.

Mr. Domini: And the applicant can always come in for a variance if they have support of the Army Corp to do something like that and if there is a hardship there, that's something we would review.

Mr. Clemens: You're going to have that for everybody that's got property on both sides. I mean, why would you want to have a little creek split in the middle of your property and you can't get to the other side unless you build a bridge.

Mr. Domino: Maybe that would be a case where that would be a hardship because you've now made it impossible to connect your two pieces of your property.

Mr. Clemens: You could have a high wire and you could climb across the .....of it. I don't know whether it's easy or not.

Mr. Hills: Other questions from Council members? Questions from anybody on the Planning Commission? Mr. McGrath, do you have a question.

Mr. McGrath: .....

Mr. Hills: Can we pick that up on the mike or.....Charlie could you come up or.....

Mr. McGrath: I seem to recall an occasion where one of our commercial properties was running into the same kind of problem and they put a culvert in to handle the water that they weren't allowed to deter or anything else. I wonder how that would work toward Mr. Clemens' remarks about somebody wanting to get into, just to get to his property, couldn't you just put a culvert in or can you get permission to put a culvert in?

Mr. Clemens: I don't know whether you could nor not, but I think you could but if you're talking about a subdivision that's got fifty houses on this little creek, there's fifty culverts.

Mr. McGrath: Mowing my property's all I'm worried about.

Mr. Clemens: Yes, I know what you mean.

Mr. McGrath: If it were mine.

Mr. Clemens: Everybody would want on the other side it just seems like. That's what I'm talking about. It only makes sense, you'd want on the other side of the other half of your property, some way.

Mr. McGrath: What about the commercial property, they could well afford to put in fifty culverts if they had to and the average home owner wouldn't. I think we'll probably hear about that.

Mr. Hills: You know, Mr. McGrath, when this gets to Planning Commission, you can solve that. Any other questions for anybody else. I will have to comment, I'm glad to see Public Hearings with public comment and comment and concern, that's what they're all about, that's how they're supposed to function and it's nice to see people thinking and wondering about is this the best way, the only way, is this what we have to do or need to do and Aaron I appreciate your bringing this forward. Do you have any other comments you want to make on this before it goes to Planning.

Mr. Domini: At this time, on Mr. McGrath's comment, I think we've built in provisions to address situations like that where we have French Drains and Culverts and at two points in this document, page 4 and page 2, when it speaks to emergency channel maintenance so we can ensure that the waters can continue to flow freely, that's on page 4 and on page 2, Item # F allows for the all conveyances and the conduits containing the stream, if allowed, shall have the capacity to carry a minimum of ten year design storm for the entire upstream drainage area so I think that issue is addressed in here.

Mr. Hills: Okay. So you're saying that whatever is in here, you always have the ability to come into BZA and ask for a variance and see where that goes. That's a.....

Mr. Domini: Even emergency maintenance is a permitted use and that would not require a variance.

Mr. Hills: I guess I looked at mine as an emergency but they're not in the creek anymore so.

Mrs. Kelly: Can I ask a question about that? You said emergency maintenance would not require a variance. So can you define for me what generally, if you can, give me an example of emergency maintenance might be where a homeowner would not have to get a variance.

Mr. Domini: Well, the way it reads in here is that there's emergency maintenance is needed and warranted and authorized by the Service Director to restore and maintain the flood of carrying capacity of the main channel area then emergency maintenance is permitted so it would have to be something that the Service Director looks at and says this is a warranted activity.

Mrs. Kelly: Okay, so it would still have to be approved by somebody, it just wouldn't have to go through the variance process.

Mr. Domini: Correct.

Mrs. Kelly: Thank you.

Mr. Hills: Any further questions or comments. If not adjourn Public Hearing No. One and move on to the Public Hearing:

AN ORDINANCE ADDING CHAPTER 1194 HISTORIC COMMERCIAL OVERLAY and CHAPTER 1195 COMMUNITY COMMERCIAL OVERLAY TO THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG. This Aaron, no Luke says you go do this, right.

Mr. Hills: What's this, young man up? Take the hint.

Mr. Domini: I'm getting initiated.

Mr. Hills: Yes, Aaron, what can you tell us about this one.

Mr. Domini: Again, I think you've all seen these overlays that have been before you before. I'm just going to touch on a couple of points and if you have general questions, I can entertain those. When I came here, I thought it was great that the City was doing this. This is something prior to me arriving that I did on a professional basis is help craft these types of overlays and I believe that it's important for the City to look at these overlay seriously. One, because we need to protect our investment that the City's made along the Main Street Streetscape and we need to look harder at reinvigorating our Olde Town which really should be our sense of place which right now, isn't reaching it's whole potential. So I'm glad that we're looking at Olde Reynoldsburg as well as part of this. It's also important for us to have development standards that are going to insure developers who are coming here making investment, that those around them that are coming to make an investment here, are going to be creating site plans and structures of the similar quality and that will be a testament to them that we have these that we're going to uphold other people to those standards too which I think is important. You're going to spend \$80-100,000,000 in our City to create a new building, we want to make sure that your investment's protected and that those around you are going to be making similar investments of high quality design. In general, what we're trying to do here is to create a process that is more predictable that what we have now. Create standards that are clear and concise and that we can hand off to developers from the beginning of the development process and say here are our standards and work with them on that development throughout the process to ensure that they meet those standards and I believe also that this will continue to define who we are better. Specifically, along our commercial corridor along Main Street by really creating a strong corridor with a distinct sense of place and allowing for the redevelopment and reinvestment into Olde Reynoldsburg which currently there are a lot of hurdles for any developer to jump over and try to make an investment in Olde Reynoldsburg so I'm hoping that by getting this overlay in place, we will encourage the type of investment we want there so those would be the two main points I would like to make. I guess thirdly, if there is another one, it would be that we are really

are hoping that this will enhance the pedestrian realm. There are specific provisions in here that are going to require developers to make investments into the public realm. Whether they're benches, water features, trash cans, plazas, things of that nature so that we're not just focusing on the structure and the parking lot but we're focusing on how this site plan and this building connect to public realm as well. With that I'll turn it back to you Mr. Hills and entertain any questions.

Mr. Hills: Questions or comments? Again, this will follow the same procedure. Yes. Councilman Stake.

Mr. Stake: I just have one quick comment. I think this is long overdue. I appreciate this coming forward. I think it's real important that we have a plan in writing that developers know that they need to follow and we stick to that and they know what we require of them so. Thank you.

Mr. Domini: Thank you.

Mr. Hills: Councilman Kelly.

Mrs. Kelly: I really like the pedestrian amenities. I think that's a great thing to require as much as we are looking at improving Olde Reynoldsburg. I think so often we forget that piece of it. An opportunity for people to walk and sit and enjoy and chat, so I like that part quite a bit. It's really looking at the quality of life issue, not just developing something, so I commend you, whoever.

Mr. Hills: Any questions from Council. Questions from Planning Commission, or the Public. I would note and again, this one will also go to the Planning Commission for 11-6-08. I would encourage everyone to read and re-read this and as it's in discussions, it needs to be talked about. Just for what it's worth, I noted in 1195.07, accessibility that the minimum six foot wide public sidewalk shall be provided along all streets fronting property. I'm not aware of a six foot wide sidewalk in the City of Reynoldsburg except being proposed on Rosehill so I'm not sure how we put, we have a vacant commercial lot that we build on. How do we put a six foot sidewalk tying into a three foot sidewalk but, the think the concept must be nice but we're not going to go back and recreate. I'm a believer in sidewalk programs, that's how we get our curbs and gutters fixed, but I don't think we're going to tell the property owner, take that three foot sidewalk and make it six foot sidewalk so I do know that's the way it reads. What it's supposed to mean, I don't know but that's kind of what the public process is so I'd suggest everybody kind of look through it and see, is that what we were really trying to say because I really don't think any of us wants the City to go along you're in front of four commercial lots with three foot sidewalk and then the two and then the six feet and back down to three so if it appears to be written that way so, I'm not real sure but that's why it's good for everybody to look through and question and I'm sure that both you and Luke are good about trying to work through the answers.

Mr. Domini: Absolutely. It's been a working document and I think it will continue to be a working document so.

Mr. Hills: Any other questions from Council? Again, Planning Commission or Public. If not,

we'll adjourn the second Public Hearing and it will be going to Planning Commission again on 11-6-08.

MINUTES REGULAR COUNCIL MEETING  
REYNOLDSBURG CITY COUNCIL  
October 13, 2008

President of Council William L. Hills called the meeting to order at 7:30 p.m.

Members of Council present: Donna Shirey, Ron Stake, Fred Deskins, Jr., Leslie Kelly, Doug Joseph, Mel Clemens, Mrs. Newman.

The Invocation was given by Mr. Hills, who also led the Pledge of Allegiance.

Minutes of the regular Council meeting held September 22, 2008 were approved without objection.

Minutes of the Special Council meeting held October 6, 2008 were approved without objection.

Community Comments and Requests: No speakers noted for comments.

Communications: Clerk read report from the Clerk of Court. Total monies collected from Courts held during September, 2008, \$47,303. Monies collected during that same period pursuant to City Ordinance 146-94 and 104-02, \$2,640 for the Computerization Needs Funds and \$115 for the Enforcement and Education Fund.

Reports: Mr. Hills ask Mr. Harris to come forward for the report.

Mr. Harris: Thank you President Hills, members of Council. A week ago Thursday, prior to the luncheon at Wesley Ridge for the Chamber of Commerce, the Auditor of State, Mary Taylor was there for that and she presented the City for the third time with the Auditor of State's Making Your Dollar Count Award and I'll just read what it says on here. "For excellence in financial reporting. You are a trustworthy guardian of taxpayer dollars and deserve the highest amount of recognition for your vigilance. The 2007 Comprehensive Annual Financial Report demonstrates your commitment to careful spending, accurate fiscal recording and efficiency. You are truly a model for government entities throughout the state." Signed, Mary Taylor, Auditor of State. Some followup comments that did appear in the paper is the award recognizes fewer than 5% of the government agencies in Ohio as being excellent in Public Financial reporting. There are over 5,600 financial reports turned in to the Auditor of State for which they are responsible and less than 5% are awarded this particular award so it is very prestigious. Reynoldsburg qualified for the award for the third straight year for fiscal years 2005, 2006 and now 2007. In order to receive the award, an entity must submit a clear and well documented financial report which provides a way for the State and the Community to account for its tax dollars. Not all Public entities submit a clear and transparent report according to the Auditor of State. In addition, the City is audited every year by the State. The Audit cannot represent any problematic issues that the City mis-spent monies for or neglected to follow the Ohio Revised Code. Lastly, an entity cannot show any ongoing financial concerns or fiscal emergencies. This is the perfect situation where the City has done a great job with the Audit and their financial documents were together for the Financial Report. They should certainly be recommended and I would like to thank the people on my staff and the people who work in the City who handle all the paperwork we go through because without the cooperation and the hard work of all these people, this certainly would not have been possible. If anybody has any questions, I'd be glad to answer them.

Mr. Hills: Questions for Auditor Harris. Councilperson Newman.

Mrs. Newman: Just a comment. My congratulations to you and to all the people in the City who contributed to this. It makes us very proud.

Mr. Harris: Thank you Mrs. Newman.

Mr. Hills: Any other questions. You and your staff are to be commended and also the Administration getting things to you timely helps you be able to do your job so.

Mr. Harris: Absolutely.

Mr. Hills: It's nice when people work together isn't it.

Mr. Harris: It does help, yes. Thank you very much.

Mr. Hills: Thank you very much Auditor Harris. Mayor, we had a couple things noted that I didn't know if you had follow-ups on those or, okay.

Mayor McCloud: Yes, President Hills and members of Council. To begin, the Maronda Trailer issue was brought up a couple of weeks ago. As recently as today, the Chief Building Inspector and the Development Director were there on the property. We also have a phone call in to the Supervisor for Maronda to engage in some discussions about that trailer and in sum, that trailer is permitted. The permit was taken out in 2002 and that permit is good for as long I understand it. Luke, please correct me if I'm wrong but as long as development activity is occurring, that is a valid place to be under the circumstances that it is permitted. Maronda has pulled five permits for building activity so far this year. There are two more pending so as I understand it, that's a criteria for allowing that trailer to be there. The electrical box issue, that electrical box is deactivated, it is not hot. It is my understanding that at some point in the future, when building resumes, they may reactivate that and I don't know any more about the timing of that. It's probably going to be situational. The Code Enforcement folks have been there to the property in the past. There's a history of two written notices that were issued for high weeds, grass was cut. Today a sign was removed from the right a way and the grass now is just at six inches so tomorrow morning there will be a written notice to cut the grass and remove a small trash can that's visible from the street to the back. I think that's probably where we are unless Luke or someone has something else to add.

Mr. Hills: Okay. Any other questions or comments or followup on that. Okay. Thank you very much Mayor. President of Council, it's not so much as a report but I'm asking for, if someone could give me the status, and whoever wants to do it, it doesn't matter to me, Wesley Road and the infamous two week project that's now in it's eleventh week I believe that has some commercial businesses shut down and difficulty for retired people to get back and forth to the center. In ways we inherited.....Mr. Miller correct?

Mr. Miller: Thank you President Hills, members of Council. I met with Elford Construction right after lunch time today to find out what has happened with their schedule and when Taylor Park Drive is going to be open. Originally, Elford Construction and Target met with business property owners that were effected by this proposed construction which includes Wesley Ridge, the Fitness and Nutrition Center, Rite Rug, Valmer Title, McDonald's and Shell and others on the opposite side of the street and they had proposed to them to schedule that showed Taylor Park Drive being open during the month of October, October 17<sup>th</sup> specifically and as a result of utility relocations as a result of utilities not being properly marked, poorly marked and numerous delays as a result of there being utilities where nobody thought there were any that were

encountered during construction has accounted in the last two alone for approximately a week's delay. There was also an issue making the water tap to a 12" water main on the West side of St. Rte. 256. There was a concrete AT&T duct that was improperly marked concerning its proximity to the water main and when they dug up the water main to make the connection and they saw how close this duct was, they couldn't make the connection with the equipment that they had so they had to order new tapping sleeves and valves and connection equipment to make their tap to the water main. That water tap was made last week and the temporary lane closure on Rte. 256 was then removed. I have been told that the road is anticipated to be open no later than November 3<sup>rd</sup> so they're going to be done on the 31<sup>st</sup>. That is, in their opinion, the only way now, the only thing now that is standing in their way now that just about every utility imaginable has been encountered and relocated out there. The only thing that can slow them down now is rain. With the exception of inclement weather, they're going to be working six days a week on Saturdays to get this done by October 31, 2008 so that on November 3, 2008 the road can be opened.

Mr. Hills: I appreciate the update and let me just, because this is the first time I heard this October date other than I think the October, the road that you're referring to is the new road going back into the Target location, right?

Mr. Miller: No. That's the road, the road I'm talking about is from St. Rte. 256 west past the Wesley Ridge entrance drive.

Mr. Hills: And back to Target.

Mr. Miller: And back to Target, correct.

Mr. Hills: So let's us put things in the real world. Because I got involved with this as the Mayor knows when he was out of town and I was acting Mayor and you and I had some discussion. It was to be a two week project on what do you call the Taylor, it's not Taylor, what do you call it?

Mr. Miller: Taylor Park Drive.

Mr. Hills: Taylor Park Drive. It goes back to Wesley, it goes by some commercial businesses and whenever the Mayor was in, was out of town the first week the project came up and there were some people that were all upset, didn't know and all these things and I'm sure there's communication. I heard about how great Target was, I heard about how great Elford Construction was and I heard about how great EMH&T was, and this was a two week project and that section of road would be open again, okay. It is now the 11<sup>th</sup> week and the road's still cut out down deep, I mean it's just dirt, there's some gravel being put in maybe 200 feet back from Rte. 256. It confuses me because now I guess we talked about it on a couple of different occasions, the last was three weeks ago of which it was going to be two weeks from that time so now we're talking, we're one week past the last two week deadline and I gather, everybody's saying it now utilities. Utilities were at those pre-construction meetings, they sign off on them don't they. Did I miss something here?

Mr. Miller: The utility companies were not at the pre-construction meeting.

Mr. Hills: Why not. If EMH&T, if Elford, if Target are such good people and pay attention to details, why weren't they there.

Mr. Miller: Prior to plan approval, Elford Construction and EMH&T contacts the utility companies. The utility companies verify the location of their facilities on the plans that they are presented with from EMH&T and Elford. That .....

Mr. Hills: And they signed off on the plan.

Mr. Miller: They did.

Mr. Hills: Were the plans wrong?

Mr. Miller: Once construction started, the location of the facilities shown on the plan was not correct. The locations that the utility companies had okayed on the plans, was not correct so were the plans wrong, yes.

Mr. Hills: Were the plans wrong based on the utilities own records? That's probably yes too.

Mr. Miller: Correct.

Mr. Hills: I don't know, I guess the confusing part is that a two week project is now eleven weeks and I'm not sure, from what I keep hearing, the City didn't do it, Elford didn't do it, EMH&T didn't do it, Target's a great customer so that only leaves the utilities and I'm not a big believer in utilities. I mean, they, we get, I'll be tactful, we pay for an awful lot of what we don't get out of utilities. Prime example is the electric service we get. Obviously, Columbia didn't know a gas line was there but now we've added AT&T that we didn't know for ten weeks into the project that they were even there.

Mr. Miller: You know, it's been very frustrating. I agree and it's a ..

Mr. Hills: It's been more than frustrating. It's a comedy of errors that a simple two week project can go eleven weeks and I guess this is just me on my soapbox but I think whatever happened here, we need to design, we're designing all kinds of new things we're doing as a City and different standards and guidelines and everything, we ought to do one that we can't screw up a construction project so bad and I don't think we did it but let me assure you, the customers out there on Rte. 256 who can't get to the businesses and businesses who have customers who can't get there and the people going back and forth to retirement center, they don't care about Elford, they don't care about Target, they don't care about EMH&T, they care that they live in the City of Reynoldsburg and they're being inconvenienced for no good reasons. And folks, that's how we do it. We do our job here in the City based on their tax dollars but Jim, I appreciate that you'll stand up there because you and I have not had kind words about this on all given days and I appreciate the fact that you want to stand up and say that everybody's good people and I guess I'll stand here and say that is everybody's good people, then the utilities must really suck because they don't even know where there equipment is.

Mr. Miller: In a nutshell, they don't. That's been ....

Mr. Hills: Let me give you a clue. I'm going to say it again, PUCO. Mayor, do you need legislative action to file something with the PUCO? Can you file the letter, the comedy of what they've done?

Mr. McCloud: I'll do it tomorrow and copy Council.

Mr. Hills: I appreciate that. I think at least that way, we're moving in the right direction. Any other questions or comments on that. I don't have anyone else who has any reports so we'll move to legislation. Thank you Mr. Miller.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT TO PURCHASE ROAD SALT; REPEALING ORDINANCE NO. 53-08 PASSED SEPTEMBER 8, 2008; APPROPRIATING FUNDS; AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the one required reading. Mr. Joseph moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea". Motion passed; Ordinance No. 63-08 adopted. Joseph. Safety.

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY- -Stake. Finance. (Licking County). Clerk read ordinance by title for the one required reading. Mr. Stake moved adoption. Mrs. Newman seconded. With the roll called, members voted: . Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mrs. Shirey "Yea"; Mr. Stake "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea". Motion passed; Resolution No. 64-08 adopted. Stake. Finance.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (1737 Brice Road, proposed use - childcare center); applicant, Shana Jackson- -Clerk read ordinance by title for the first reading. Item referred to Service Committee. If there are no questions or comments, this will stand as a first reading and return to Committee. Councilperson Kelly.

Mrs. Kelly: Would this be a time when Ms. Jackson would come if she's here today to answer questions or would that be more of a Committee thing. Best in Committee.

Mr. Clemens: It's kind of a complicated thing right now. We've been contacted that she's withdrawn but we don't know for sure because she hasn't sent a letter. So we should know by the next meeting, what's going on if there's a no show or we see the letter then we'll withdraw.

Mr. Hills: Have there been some indications of that, because it will go back to Committee. I don't know if she's here tonight to talk to us or not, I mean we normally will allow somebody to speak if they will but she's not here so I think it's a mute point until next week.

Mrs. Kelly: Okay. I didn't know if she was here or not.

Mr. Hills: It's generally best if it's addressed in Committee but now that we have had the questions and we've addressed those and it will go back to Committee next week.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AGREEMENT WITH THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY (Director's Final Findings and Orders)- -Clerk read ordinance by title for the first reading. Item referred to Service Committee. I would note on this that although it does say Ohio EPA Protection Agency, this was a good thing they did and again, I'm thankful to our City for being instrumental in working with the EPA on this. That's what concerns me so much as sometimes if you do talk to them, you can get decent things out of it so.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: SECTION 543.02 "Trimming/Pruning." Subsection (d) AND SECTION 543.04 "Noxious Vegetation to be Removed or Destroyed." Subsection (d) OF CHAPTER 543 TREES AND NOXIOUS VEGETATION - -Clerk read ordinance by title for the first reading. Item referred to Service Committee. Councilman Deskins.

Mr. Deskins: Thank you President Hills. Councilman Clemens, I'd like to know if there's any kind of discussion or anything that they were going to try to deal with repeat offenders in mowing grass.

Mr. Clemens: We'll have that then brought up at the Committee meeting.

Mr. Deskins: Super, super.

Mr. Clemens: We had Pam mention that in the Building Department.

Mr. Hills: Good, so we'll open that for discussion next week.

Mr. Clemens: Yes.

Mr. Hills: All right. Other than that, Item No. 14 will return to Committee.

ORDINANCE MAKING TRANSFER FROM BRICE-MAIN STREETSCAPE FUND (440) TO GENERAL DEBT RETIREMENT FUND (310) AND DECLARING AN EMERGENCY- - - Clerk read ordinance by title for the first reading. Item referred to the Finance Committee. (Legislation carries emergency language, but is to be read for the first time)

ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF .5+/- ACRES IN TRURO TOWNSHIP, COUNTY OF FRANKLIN, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Kenneth and Christine Rose)- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR COLLECTION, TRANSPORTATION, AND DELIVERY FOR DISPOSAL OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS AND YARD WASTE AND

DECLARING AN EMERGENCY- -Clerk read ordinance by title for the second reading. Item referred to Service Committee. (Legislation carries emergency language, but is to be read for the second time)

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: REPEALING SECTION 351.05 “DISPLAY OF ITEMS FOR SALE NEAR STREET.” of Chapter 351 PARKING GENERALLY ; and adding a new SECTION 1171.08 “OUTDOOR DISPLAY OF ITEMS FOR SALE” to Chapter 1171 GENERAL REQUIREMENTS- -Clerk read ordinance by title for the second reading. Item referred to Service Committee. Joseph/Clemens. Safety/Service.

Mr. Hills: I would also note that I’ve had some discussions with the City Attorney regarding our last Committee meeting on this, with the possibility of some of these coming to Council for review and he will be drafting some legislation that we will see by our next Committee meeting.

ORDINANCE TO AMEND CHAPTER 174 PROCEDURE FOR SELECTION OF DESIGN PROFESSIONALS AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the third reading. Mr. Stake moved adoption for ordinance to be amended to redraft date of 10-9-08 and to reflect verbiage in Director of Engineering memo dated 10-7-08; recd on 10-8-08. Mr. Stake moved to amend on above references. Mr. Joseph seconded. Stake. Finance. (Will need to be amended prior to adoption) With the roll called, members voted: Mr. Stake “Yea”; Mr. Deskins “Yea”; Mrs. Kelly “Yea”; Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mrs. Newman “Yea”. Mr. Stake moved adoption. Seconded by Councilperson Newman. Mr. Stake “Yea”; Mr. Deskins “Yea”; Mrs. Kelly “Yea”; Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mrs. Newman “Yea”. Motion passed; Ordinance No. 65-08 adopted. Stake. Finance.

ORDINANCE AUTHORIZING CITY AUDITOR TO MAKE REIMBURSEMENT FROM THE FEMA FUND TO THE STREET FUND, AND TO THE GENERAL FUND, FOR THE MARCH SNOW EVENT- -Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake “Yea”; Mr. Deskins “Yea”; Mrs. Kelly “Yea”; Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mrs. Newman “Yea”. Motion passed; Ordinance No. 66-08 adopted. Stake. Finance.

Meeting adjourned at 7:59 p.m.