

SAFETY COMMITTEE MEETING MINUTES

November 3, 2008

Members of Safety Committee present: Doug Joseph, Ron Stake, Leslie Kelly, Fred Deskins, Jr.

Other members of Council present: Mel Clemens, Donna Shirey, Council President William L. Hills. Councilwoman Antoinette Newman was absent.

Mr. Joseph: I'll call the Safety Committee meeting to order at 7:31 p.m. Before we get started on the agenda, I would like to ask Charles Cochran with Reynoldsburg Community Association to come up and make a brief announcement.

Mr. Cochran: Thank you. I just wanted to take two seconds of your time. The Reynoldsburg Community Association is, continues to work collaboratively with the City and the Mayor and the Parks and Recreation Department and we are sponsoring a Community Spaghetti Dinner that is scheduled for November 15, 2008, beginning from 4 - 8 p.m. We're going to have door prizes, entertainment's going to be provided by the young people from Eighty Eight Keys and so I just wanted to come up and promote the event and ask, invite City Council to come and join us that evening at Messiah Lutheran Church. Thank you.

Mr. Joseph: Thank you very much.

The second item on the agenda is the approval of the agenda. Are there any changes, additions or deletions to the Safety Committee agenda tonight? Seeing none, the agenda will stand approved.

Item 3 is the approval of the minutes of the October 20, 2008 Safety Committee Meeting. Are there any additions, deletions or changes to those minutes? Seeing none, those minutes will stand approved.

Item #4. Discussion: Addition of Chapter 1391 - Rental Registration. Mr. Mayor.

Mayor McCloud: Thank you Chairman Joseph, members of Council. This proposed ordinance that you have before you is a work in progress. It is a starting point, it is not the destination and obviously we welcome the thoughts and input of both Council and the community. The goal is to have a contact person responsible for building and maintenance concerns for all our rentals. We spend enormous amounts of resources on simply trying to determine who owns certain properties. The city has over 5,000 rental properties, of those, over 800 are single family homes. These are often owned by out of state landlords and we spend significant amounts of time trying to contact them or simply trying to identify who the landlords are. This initiative is important to me, it is important to this Administration and again, this is a starting point and I welcome your input through this process and at this point, Mr. Hopper is going to make a presentation.

Mr. Hopper: Thank you Councilman Joseph and members of Council. I just briefly want to do a brief PowerPoint, I think there's twelve slides, just to open lines of communication and spend a brief time showing you what type of things we deal with, with the rental property and some things that I think we can achieve by having this program. This is just a proposal, our first opportunity to look at something, to give Code Enforcement and the Building Department some avenues and resources to spend less time dealing with property maintenance issues. As you can

see, a couple of the slides show railing issues, certainly we're missing some balusters which creates safety issues for our residents. The slide with the stairs is a slide of stairs that have failed creating trip hazards. The other slide on the exterior shows some significant damage to the property without maintenance and again, you know the opportunity for water infiltration which is an avenue for mold. Next slide.

Some other conditions, obviously, the accumulation of garbage leads to, you know, harborage of different rodents. This is something that's, as you can see, happened the early part of this year. Some other stairs have deteriorated again, causing some possible trip hazards or possible opportunity for somebody to get hurt, open electric in the other picture, you know, electrocution, and then the other slide is a sewage leak and that leak was also inside an apartment. Next slide.

The two homes that you see are homes where we had spent a significant amount of time trying to contact the property owner, spending time doing research to get various issues resolved. There's some carpet in front of the property on one, the other one shows a lack of paint and protective treatment so again, it deteriorates property values. Next slide.

This you'll see is pictures of some, woops, went to far. (Not able to go backwards on slides). We'll just go on, ok. The graph in front of you just shows that owner-occupied versus rental. As you can see, there's a significant amount of rental within the City. About 33% of our housing is rental property. Next slide.

This slide is just a quick overview of the amount of time that it takes for a Code Enforcement Officer to deal with a simple Code violation. Owner-occupied on a simple Code violation, we do an inspection, send out, or we leave notification, do reinspection, most of the time violation closed on a simple Code violation, that is even with a simple Code violation notice on a rental unit, currently we have to do property research to try to find out who the responsible person is to send out letters and notification out to get property cleaned up and as you can see, it typically takes us about an hour to find out who the property owner is. This is just a slide of something that would require a little more work. Maybe we didn't get compliance from the first notification so it takes us a little longer. Currently, you know, if we don't get compliance, we're going to issue a citation even with the owner occupied, usually we results after the citation is issued. On a rental again, you know, we're spending an additional amount of time, letters get sent back, they won't accept a letter so then we have to do some additional research which takes a lot of time. This slide just gives you an overview of fees that are in place in different communities. Do you want to go to the next slide.

It has been stated you know that we have over 5,000 rental properties within the City, the additional time we spend on rental properties, a minimum of an hour, more like two or three hours. Code Enforcement inspections, currently we do about two inspections an hour. Actually we're doing a little more than two inspections an hour. With us spending time doing research, our Code Enforcement Officers are spending time in the office, taking up more time that they could be out doing inspections, so we could, you know, see an increase of inspections and additional compliance if we had something like this in place that would give us, you know, quick reference to who the property owner is and be able to write citations or communicate with either the owner or the owner's agent. You know, with better communication, we're going to see better compliance. In closing, you know, we just, I feel we need as a department to change with the community, change with the times and we need to evolve and right now, rental registration is a big issue. Vacancies are a big issue and I think you'll see in the next couple of weeks we'll have something that's going to discuss vacancies also.

Mr. Joseph: Okay. Two questions on the presentation. One, are you going to have a hard copy for Council?

Mr. Hopper: If you'd like.

Mr. Joseph: Yes, please. And secondly, when you had your graph up there, pie chart and there was an "other" category, what in the world would fall under that?

Mr. Hopper: Right now, we're, there's foreclosures, vacancies, houses that are sitting empty.

Mr. Joseph: Okay. All right. When putting this ordinance together, I have a few questions. You have in Chapter 1391.04 on the Registration of the Rental Property that it would be twelve months they would expire December 31st of every year. Why did you choose that type of end date versus a continuing date where maybe some people would end in March and other people would end in February and so forth because some people might be, they might register and they'll get a one or two month, you know in the, in that calendar year and then they would have to do it all over again. Why not a continuing period from the point they register.

Mr. Hopper: That's a, that's an area that we've kind of been back and forth with. We a, some of our challenges are going to be, you know, doing a registration process that would require somebody to register at the beginning of the year so we're looking at a different thing such as what you've just suggested that, you know, when they register, be it November, December, they would register a year from that time, that's a good idea, a good suggestion. And again, we've looked at doing different wards so that we have a continuous year long registration process that we're not hit with over 5,000 registrations in January. That would be a lot of work for us so, so we're looking at some of those.

Mr. Joseph: Okay. Another one is Section 1391.05H, where you mention on the application requirements, that information that would be required would include the name and social security numbers of each adult tenant. Why do we, why social security numbers?

Mr. Hopper: It came with, from a, a suggestion from our City Attorney to give the Tax Administrator an opportunity to know who was actually living within the City limits so that the proper taxes could be collected.

Mr. Joseph: Okay. Yes Mayor.

Mr. McCloud: It also, in discussion with the City Attorney, it also is easier for us to write citations.

Mr. Joseph: Okay.

Mr. McCloud: To have that information.....that's the other reason it was included.

Mr. Joseph: Okay. You had indicated in Section 1391.13 on the effective date that it would start, January 1, 2009 - possible that we could be working on this for awhile. Why'd you pick that

date and not just the effective date of the _____ goal.

Mr. Hopper: Just a goal that we had something in place first of the year. Just a good starting point.

Mr. Joseph: Okay. So if it wasn't in place, you wouldn't, it would just be a date that would pass.

Mr. Hopper: That's correct.

Mr. Joseph: All right. And lastly, the, on the Fee Schedule, 1391.14 subsection I, late registration fees can be waived for first time applicants at discretion of Chief Building Official. What's the rationale on that?

Mr. Hopper: Being that it's a fairly new ordinance, a lot of people may not know about it. It's something we're going to have to do some notification. It could be that somebody purchases a property within the City and you know, that doesn't know that there's this requirement within the ordinance so we would give them a waiver.

Mr. Joseph: Okay, discretion implies that you may treat some people differently than others versus a flat first time forgiveness type of, because a lot of people simply won't know of the rules until someone tells them. I wouldn't like to see people penalized for not knowing something like that, because not everyone's going to come down here and research it, it never occurs to them, especially if it's their first time to, you know, rent a house or something like that. So, you may want to take a look at that.

Mr. Hopper: Yeh, we can change that.

Mr. Joseph: Okay. Are there questions of Committee tonight on this item?

Mr. Stake: Thank you Chairman Joseph. I have one question for the Mayor and then a few for Mr. Hopper. Mayor, in your opening statement you said that many of the property owners are out of state. That's one of the reasons for doing this. Could you tell me percentage-wise how many there are, did you have any number on that or..?

Mr. McCloud: No.

Mr. Stake: Okay. Mr. Hopper. On your slide #2, which showed the apartments there and of course, one of the reasons for bringing this up is because you have trouble identifying property owners and I think you even said that when you were discussing that slide. Did you know who the property owner was of those apartments?

Mr. Hopper: Our first response, no.

Mr. Stake: Your first.....

Mr. Hopper: When we first.....

Mr. Stake: When you went, when you went during those visits and took those pictures, did you know who the property owner was?

Mr. Hopper: Did not know who the property owner was.

Mr. Stake: You didn't know who it was?

Mr. Hopper: No.

Mr. Stake: And you couldn't find that out on the Auditor's website?

Mr. Hopper: It went back to a corporation. It's hard to write citations to a corporation. It's hard to hold somebody accountable.

Mr. Stake: Did you try contacting that corporation?

Mr. Hopper: We did. We were very successful with this particular case....

Mr. Stake: So when you contacted the corporation it was on the Auditor's website, you had success in identifying who the property owner was? Okay. And on the homes that you showed on your presentation, how many of those did you not know who the property owner was?

Mr. Hopper: All of them.

Mr. Stake: Really, after now much time did you take to look?

Mr. Hopper: It varies. It depends you know if.....

Mr. Stake: Did you go on the Auditor's website?

Mr. Hopper: Sure.

Mr. Stake: On all those and look and see and then.....

Mr. Hopper: Sometimes it comes back to an LLC, sometimes it comes back to a company, sometimes it comes back to a corporation. There a few of them that come back to a specific owner.

Mr. Stake: I mean, even if you're a corporation, there's a principal of a corporation so if you look up that corporation, you can find out who the principal is and you can.....

Mr. Hopper: It takes a lot of time.

Mr. Stake: It takes me about ten minutes on the Internet for me to do it and I guess, you talk, a

lot of what you talked about was I think property maintenance issues and want to be able to take care of those and we did pass the Property Maintenance Code a little while back and I appreciate the enforcement of the Property Maintenance Code and of course, those slides there showed several violations to the Property Maintenance Code so I'm sure you took care those. But why do you want to punish the property owners who, who take care of the property by really, it's just another tax by increasing taxes on people who have rental properties.

Mr. McCloud: It's a user fee on people who do business in the City of Reynoldsburg.

Mr. Stake: My preference, Mayor, would be to people who are in violation is to make them pay and not make people pay who are not in violation. That's my preference.

Mr. McCloud: And you just identified the crux of the issue. We don't always know who they are. Banks intentionally often do not record the deeds when they take those back, those properties back at a Sheriff's sale.

Mr. Stake: I know, but banks aren't renting property out. I mean, those are in foreclosure and they're going to be sold to somebody down the road, they're not, that's not rental property. I think we're talking about two different things.

Mr. McCloud: _____ with the vacant registration later, but it's a user fee on those who do business.

Mr. Stake: I guess you know I don't see why we need to charge another tax on people who are doing business in this city. I mean, times are tough right now and I, I certainly don't want to discourage people from coming to Reynoldsburg and rehabbing property and putting it out for rent which I know people who do this and they have very nice rental property and have them go to another community because, hey, you know what, we're just going to have to pay Reynoldsburg some more money. I mean that's, that's, you know, that's all I had Chairman.

Mr. Joseph: Yes, Councilwoman Kelly.

Mrs. Kelly: Chet, this Summer when I rode around and saw some of these properties that were just a mess, we talked a little bit about this. How do you think this registration, rental registration setup will help to prevent some of the problems that you illustrated in your Power Point?

Mr. Hopper: I don't know if it's going to prevent...

Mrs. Kelly: How do you think it will help or lessen the situation?

Mr. Hopper: I think that when we find a complaint or when we have a complaint or we file a code violation notice, we're going to be able to spend more time dealing with the code violation itself instead of trying to research who the property owner is and mailing out letters that get returned and you know, and doing that two or three times, we're going to know who we can contact and send notification right out. I mean, it's going to greatly decrease the amount of time

we spend on each code violation.

Mrs. Kelly: And how do you see this benefitting those homeowners that are the owners of rental properties that are doing the right thing? We talked a little bit about that, too. Can you kind of share, how do you see, what benefit do you think this could provide those people who might be asking that question. I'm paying \$50 and I'm doing the right thing. What benefit could you see this providing to them?

Mr. Hopper: One thing I think it will provide is, is, we're going to have, I believe, a standard that our rental community is being served better and that when there is a violation, when there is a complaint, you know the rental community knows who to call and we can get things resolved quicker so we may have, you know, better rental property.

Mrs. Kelly: Thank you.

Mr. Hopper: Yep.

Mr. Joseph: Yes, Mr. Clemens.

Mr. Clemens: I kind of like the Ward system if you would happen to go to this because it does give you more time to set up four sections and you wouldn't be overdoing it. I wouldn't be in favor of you having the authority to waive anything because I don't believe in that because I think we are in trouble, you waive, not that you would, but you would be accused of different things and I don't like doing that. There's another way, as far as I'm concerned, that we could solve to know who the owner of the properties are, period, without even going through this. Let's put the responsibility of the owner signing up for water and sewer when they rent the house. If they don't sign up for water and sewer, they don't get, nobody goes into that house. Now we make the renter, we put it in the renter's name, which causes us a problem to start with, but if we required the water and sewer bill to be in the property owner's name and he would have to sign up for it, he would receive the bill, we would have his address. I mean, that would cure that situation right away and that's another way to look at it, then you're out of it. You don't have to, because it's there you know, you know, that would help you an awful lot and I think it would help the City an awful lot to correct some of our problems as far as people that own homes and they have the renter and the water and sewer is in their name, then we extend their bills up, maybe they owe \$300 - \$400, we extend their bills, they fly the coop, the property owner's stuck with the bill. The guy who flew the coop goes across the street and rents the house and they don't even have to pay that money he left behind in the City, the property owner has to pay it. So if we would require the property owner to have to come in and sign up for the water and sewer for their, you know, instead of putting it in the individual's name, we would have the address and the name and the place to send, you know to help you out on. I mean, that's one thought of it we could, you know, look at and I know it puts some pressure on the property owner, but those are the ones that are responsible for their property and those are the ones that you want to get a hold of whether it's a rental property or what it is, an apartment and so forth. That would help you and it would help us as far as this is concerned. I think that's something that the Mayor and I can talk about, but I mean that would solve some of the problems. I agree that we should have something like you're proposing or go to the other system

because I know you have to get a hold of these people and I know that it's hard to do and we've had problems in it, we've had problems in the past getting bills paid and all kind of things like that, but I think there's two ways to look at it. I respect, I understand what Councilman Stake is speaking about because it is additional fee for people like American Homes which do a great job on their rentals you know, we have no problem with things like that. It puts a burden on them to correct the situation on people who don't really care, you know so as we look into this, so there's your way to look at it and possibly another way to help out, why, anyway to get the owner's name is acceptable to me, if we handle it correctly.

Mr. Joseph: Going back to the PowerPoint again, you had the one slide that showed different municipalities. I'm assuming these are all different municipalities that have an ordinance similar to this in place?

Mr. Hopper: Yes.

Mr. Joseph: When researching, you know, what cities had something similar, did you discover or uncover any problems that have been evident with their ordinances as far as enforcement and so forth?

Mr. Hopper: A lot of these ordinances that we did research on have been in place for a number of years so some of the people I talked to couldn't speak of, of problems. It's just something that's been in place that they do year in and year out. I didn't find anybody that had just done, did a similar ordinance just recently so...

Mr. Joseph: Any cases of some of these rental companies either suing or saying it's an infringement on their right to do business or anything like that? Any kind of litigation challenging these types of ordinances?

Mr. Hopper: No.

Mr. Joseph: Again, back to the Fee Schedule, 1391.14, you have different fees designated for different type of, single family dwellings, \$50, duplexes \$100 and different schedules for apartment complexes. How did you come up with those figures as far as, again, was it just comparing what other municipalities have and creating an average?

Mr. Hopper: Comparing other communities and then looking at, you know, trying to look at our community as a whole, as a number of different rentals, units per community and trying to come up with some kind of a sliding fee scale that would give different breaks at certain levels.

Mr. Joseph: Okay. Yes, Mr. Clemens.

Mr. Clemens: One more question. The reason that I brought the other up is because we have the personnel to do it. I look at this situation to be a lengthy process for an individual to do. It's a lot of work to be honest with you. Can you handle it with what you have? I'm not the kind of person who wants to put on additional personnel, you know that.

Mr. Hopper: Right.

Mr. Clemens: Because I know what our payroll is, I know what it costs us for the additional expenses to our payroll and so forth. I'm afraid that when we get into programs like this, the next thing I hear within six months is we have to have an additional person or this is too much work for somebody and I know that it leads up to that. That's why I would like to somehow work it out with the Water Department on how we, how we could require, get these names and be required before they get their utilities, whether it goes in their name or not, they'd have to come and sign or they'd have to sign and have their address so we'd know such things as that without having to put you through that situation. I think it has to be done. How we work it out, I don't know but...

Mr. Hopper: Unfortunately, I can't speak of the Water Department and the Water Department records and stuff like that but.....

Mr. Clemens: I understand.

Mr. Hopper: ...but I can tell you that, you know, that part of this ordinance, there's an opportunity for us to review this over the next eighteen months and then come back to Council and report as to, you know, our successes or things that we may need to change or things that we need to tweak and again, I'm hoping through the next, you know, six weeks of discussion that we can, you know, come up with something that everybody's comfortable with and you know, and in eighteen months come back and really assess it.

Mr. Clemens: During this period that we're reviewing this, also come up with that answer, whether you can handle it the way you have it right now, if you have the personnel.

Mr. Hopper: We're not going to know until the program gets started. I mean, that's something, you know, we're going down an avenue we've never been down before.

Mr. Clemens: Well, I mean, you'll know whether you intend to put on personnel or not.

Mr. Hopper: Right.

Mr. Clemens: Whether you can handle it or not, that's what I'm interested in.

Mr. Hopper: Right.

Mr. Clemens: That's another point.

Mr. Hopper: I certainly don't want to have something in place that we have trouble enforcing it.

Mr. Clemens: That's correct. That's what I'm interested in. Thank you.

Mr. Joseph: Other questions, President Hills.

Mr. Hills: Chairman Joseph, just a couple things. I think the concept behind this is great. The problem I have is how do you identify who that owner is, which is the same problem once you find, you send somebody out now and you find this spot you don't know how you, that's the only time you don't know who the owner is.

Mr. Hopper: Right.

Mr. Hills: So how do you get that ____ together concerns me a little bit. Are any of the counties, Franklin, Fairfield or Licking, are they having any registration of rental units?

Mr. Hopper: They're doing registration but they're, they're website is very, very difficult to get through and I don't know that they've posted who the property owners are.

Mr. Hills: And that's my concern, is somebody could buy two or three houses here as an investment and they're out as rentals and you'd never know it and my concern, and I don't know if something to look at here is, you end up there because you've sent somebody out because of an alleged violation.

Mr. Hopper: Right.

Mr. Hills: And they say, I don't know, go check the owner, I just rent this place. Then you can't find who the owner is and I'm sure the tenants aren't that cooperative, but I'm wondering if a concept isn't a citation for both owner and renter and then maybe the owner would get a little bit more attention. I mean, it's something to at least think about, because it's his fault also, if he's leasing to a tenant who is causing public nuisance problems to the remainder of people around that neighborhood, maybe it's something to address there and that's just something, my problem here is how do you identify these people? Unfortunately, the only way you're going to be identifying them is if they're owned by a large group who they cooperate, report to you, I own these.

Mr. Hopper: Right.

Mr. Hills: The only other way you're going to find out is when you cite one of their tenants and I see the water service bill and maybe that's an idea. Maybe it is that the owner guarantees the bill of the tenant, still be billed to the tenant, but he has to pay it. He'll pay a little bit more attention when it's not paid, as to what they're doing, but something there and notice in .08, paren B, I agree sometimes with Mel. Anytime we start waiving things, waiving becomes very discretionary, but, HUD assisted low income permanent housing may be eligible, shall be eligible - first of all, I don't think it should ever be shall, you may be eligible. If you're going to be eligible, you may be eligible, you can't, you either get it, you don't have to do it and that's a shall word, a may word ties with the variable so I would look and do you even want to do that? I don't know because once you do it, when do you stop?

Mr. Hopper: Okay.

Mr. Hills: And that could be a problem. In .14G, failure to register within five business days

may be punishable by Section 10. We don't even know when they're supposed to register. I guess if they own it and lease it, they're supposed to register, but we won't know they didn't register until we can't find somebody to cite for the violation, so I think the concept of all this, but I like the idea of taking a while and working through it, because I think some good things can come of it, but my question is to the Counties and the three surrounding Counties. I'm not sure that I'm, we need to be able, number one, we need to be able to clean up the properties if there's a violation out there and if this gives us an extra, I hate to use this word, tools-in-the-toolbox, I swore I'd never use that word. That's like Sharon five years ago; I cringe when I hear these words. Now it's transparency this year; Sharon and tools-in-the-toolbox was two years ago and now we're transparent, but bottom line, we need to get the area cleaned up.

Mr. Hopper: Right.

Mr. Hills: And we need to take more aggressive action to clean it up. So I'm, I think these things can help. I'm not as concerned about, is this cleanup being done by the City, being paid for by registration fee as it is, I'm paying those nuisance abatement and the City's paying those nuisance officers anyway. Let's just have them do it and get it done and I believe getting the owners involved and making them fiscally responsible is probably a good thought anyway. That's just a couple of things that I noted as we're talking about it. Thank you, Mr. Chairman.

Mr. Clemens: I'm only going to say one time, I agree with Bill, but I know this, if you can't flush the toilet, there's no water, you're going to find out who the property owner is, I mean that's something to look into.

Mr. Joseph: Other questions of Committee or Council on this? Okay. Well, since this is going to be something we work on for a little bit and I think that there's going to be a number of suggested changes, I'll make a motion that we hold it for two weeks and again take a look at it at that time. I'll make that motion. Seconded by Councilman Stake. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you.

Mr. Hopper: Thank you very much.

Mr. Joseph: **ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDMENT OF VARIOUS SECTIONS OF CHAPTER 1305 PERMITS AND FEES**- -first rdg 10-27-08. Mrs. Boratyn.

Acting Safety/Service Director Boratyn: Thank you Chairman Joseph, Council members. We're here for our second Committee discussion on adjusting these several building fees that we, we don't feel are taxes upon the residents, but they are user paid fees for services that provides the user although the community certainly benefits from these. So I believe that Auditor Harris has provided some information on the revenue and expenses of the Building Department including the percentage that's supplemented by the General Fund and Mr. Hopper's provided some materials and follow up to questions from the last Committee Meeting that he's here to discuss, but I appreciate this short opportunity to further express some general thoughts of Administration on these fees. The services of the Building Department through the enforcement of the Building Codes, the Maintenance Codes, the Flood Plain regulations, the Fire Codes,

Health regulations, they work in conjunction with the Fire Departments and the County Boards of Health. They are of value, not just to the person who's installing a pool, building a deck or a fence, or a garage, doing renovations on their home, whether it's electrical, heating or cooling, but to all those residents, these are services that are wanted by residents and they're necessary to good governments. So the number one purpose of building permits is safety and we all see this when a tragedy happens. We see it if a business burns down, kills people because there's faulty wiring, it was never permitted, it wasn't inspected. We see it if a child drowns, or is electrocuted when they empty a pool, the drains, the grates or safety covers not installed properly, they weren't inspected, a deck collapses on a second floor, causes injury. So the benefits are significant to the investment of the user in his or her home or business for the safety of the user to the Public or liability in insurance purposes because it does matter. If you've had your place, home inspected, permits if you go to sell it or something happens and someone wants to sue you so property values are protected by properly constructed buildings that meet minimum required electrical, plumbing and other relevant codes. So we're not here to make a profit, but we think it is right to recover the fair market value of services that are provided. We don't think it's unreasonable or unconscionable, the cost of business does go up and we do provide many free services and resources and rightly so. They are provided to the community and users, there are no charge for telephone calls, person to person discussions that occur, providing information to the residents, companies seeking to do business in the city with our offices, researching issues for them, helping them find other resources, results in savings, time and money, avoiding poor workmanship, things like that. Mr. Hopper last week spoke a little bit about a resident he's trying to help recover on a bond who's actions of a contractor; no charge for all the time spent by Mr. Hopper or anyone else who's in the Building Department for those types of activities. So again, I thank you for this brief opportunity to again express a few comments about the Administration's support for changing some of these fees and Mr. Hopper is here to answer, I'm happy to answer questions too and he's here to answer any specific questions you might have on some specific fees he was changing or information he provided. I think Mr. Harris is willing to speak as well. Thank you.

Mr. Joseph: Okay. Yeh, looking at the document that Mr. Harris provided, thank you for this, very helpful, because we get a better idea of what fees are generating, what percentage is going toward that Building Department and how much comes from the General Fund. Looking at these numbers, Mr. Hopper, and looking at your proposed fee changes, have you done any type of, because I don't think I see it here is, basically, how many additional dollars are you looking to generate a year from what you are proposing, and how will those dollars be spent specifically?

Mr. Hopper: I didn't look at having a goal in mind for generating additional revenue. If you can remember a couple of weeks ago, I stated that the fees that I'm asking to increase are fees that were based on our real costs involved that I believe are fair to the builder to pay for our services. That's why I didn't take the entire fee schedule and do a 10% increase, or a 5% increase. I just simply looked at over the past three years that I've, you know, been the Building Official and looked at what fees I thought we were not recovering our real costs on.

Mr. Joseph: Okay. As you were looking at the other communities and what their fees were, did you also look at the frequency of their increases and the sizes of those increases because, that's the other thing I think we need to look at as we look into the future. I mean, if you have a fee

that's going from \$15 to \$25 this year, then in three or four years, are we looking at changing that to \$40 or \$50 and in five or ten years, you're looking at a sizeable increase in these fees over the long haul, perhaps even greater than, obviously greater than inflationary increases. Did you take into account, you know, what their structure has been over a greater period of time?

Mr. Hopper: I do know that I've had conversations with many different departments that are going through the same process right now as, even as today, I spoke with a building official for Grove City, and he's doing a comparison similar to what I've done and you know, we do share that information, and it seems to be a three or four year cycle that we're all looking at our fees and taking a look at where we need to increase.

Mr. Joseph: Again, looking at the revenue expense sheet that Mr. Harris provided us, I've seen that you've kind of jumped all over the place as far as the amount of dollars that we bring in fees. It's gone from a high of 78% in 2005 to basically a low of 59% last year and it looks like a lot of it's attributed to some of the building permits that we've had in the past versus what's being issued now. Are you seeing a major, I mean when you look at how you allocate your time in your department with less building permits going on, are you looking at moving additional people in to other things? Much like when you look at these fees, are you looking at moving them into other duties? Otherwise, why the need for additional dollars when really the workload has decreased overall for your department.

Mr. Hopper: I think that our workload has changed from primarily residential construction to primarily commercial construction and that's where I think that I've spent a little more time looking at our fees for the commercial industry is that we seem to be doing a lot more of our businesses and you know, when we start building bigger boxes, we do spend more time in those, and you know, and we could do three or four times as many inspections under one permit than we did under one permit for residential property so, you know, and I took into consideration, you know, discussions that we had back when we adjusted the fees in 2005 that I didn't want to do a huge increase all at once, so those are the reasons that some of the fees aren't so high.

Mr. Joseph: Okay. One of the points I brought up two weeks ago was that when looking at how you've adjusted the fees, in the rationale, one of the rationales was to be in line with what other communities are charging, that in some cases, we've had, we see some fees going up significantly, others, they're minor increases, but in some cases, we have other communities that have fees that are lower than ours, and you'd indicated two weeks ago that overall we look at maybe a house as having a lot of things done to it that we're still looking at overall costs that's going to be less fee-wise, but we're not always going to find that someone's going to be having a lot of work done to their house whether it be new build or remodel and some of these fees probably could still be adjusted; and what I'd like to see your office do before we really move, plow ahead with this legislation, is seeing what if you did again a cost comparison to the other communities where they might have fees that are lower and if we brought our fees down to where their fees are and then see what the differences are between this document and what another document would look like with the fee changes. A number of Council members have definitely indicated to me that, you know, given the state of the economy, and again, being in line with other communities, maybe in order to adjust, not just upwards some fees, but maybe other fees could be adjusted downward, again depending on the fee that we're, whether it be

Gahanna or some other community where ours is just totally out of whack, as far as where we are today, even if we're not adjusting it, based on this document. So I'd like to see that, what we're, looking at the other communities where we could actually see, just for study purposes, where we could see other fees may be coming down a little bit and kind of level it, level it out so it's not, so we just don't nail everybody for increases without taking into account there might be some fees that we're already overcharging, because there may be cases where there's going to be something done to a home. They're only doing that one item and they're going to be nailed by a big fee that's, you know, much lower in another community. I think that would be helpful to be able to compare that to this, because there's definitely concern that we're going to be hitting property owners, and businesses, and so forth, with fees at a time when it might be difficult for people to undertake these and it could factor into their decisions whether they remodel a home and improve the value of that home which improves, you know, the community. I hate to see people put those type of things on the back burner simply because they make a decision, you know, I don't want to pay those kind of dollars, I don't want my contractor to come back and say we're going to have to charge you this because the City increased its fees and people would just simply say forget it. Are there questions for Mr. Hopper on this item tonight from Committee?
Mr. Stake.

Mr. Stake: Thank you, Chairman Joseph. Chet, I thought I heard you say that, I guess one of the reasons that you want to do this is because we switched from mostly residential permits and those kinds of things to commercial, is that what you said, or did I misunderstand?

Mr. Hopper: I said that the reason that we've looked at the commercial and increasing the commercial fees is because we've went from doing the majority of our work in residential to the majority of our work in commercial.

Mr. Stake: Okay, so you didn't say the reason that you're doing, you'd like to have this legislation passed is because you're increasing commercial fees to keep up with all the commercial work. I mean, I looked through here, I didn't see all that many changes to commercial price at all.

Mr. Hopper: No, no. Right. I simply took a look at our fees and what we're charging to do plan reviews, to do inspections, to do re-inspections on various projects and I felt that there were some fees that we lack in significantly on to cover our real costs.

Mr. Stake: And I'm sure you feel that way. Any idea how many permits we're going to do this year versus last year percentage-wise? Any idea how many we did in 2007 or 2006 versus 2007?

Mr. Hopper: Don't have that information with me.

Mr. Stake: I mean, you would agree that we have been doing a lot less, well maybe not a lot, but significantly less inspections over the years. I mean, from what I've seen on the fees, it tells me that we're not doing as much as we've done in the past.

Mr. Hopper: Well, numbers can say a lot of things. You know, the permits may be down, the fees collected may be down, but you've got to understand that when we're doing a single family

home, you know, we're doing one inspection in half hour, forty-five minutes. When we're doing a store like Target or Lowe's or something like that, we may be doing ten inspections under that one permit or more.

Mr. Stake: And where in this ordinance are you increasing fees on that?

Mr. Hopper: I don't know that....

Mr. Stake: Wouldn't you agree that if that's really where you need to, I mean you spend your time and you're not being paid enough, that's where you need to increase your fees, not on, I looked through here, it's mostly residential.

Mr. Hopper: Well, I think there are fees increases; there's commercial buildings that are up \$100. I took some of the electrical fees and increased them from just a \$.75, I started with the base plus the \$.75 to look at the real cost that we do for the inspections.

Mr. Stake: Okay, thank you.

Mr. Joseph: Yes, Mr. Clemens.

Mr. Clemens: And I know your situation as far as commercial and I think you should possibly look at some communities that do a lot of commercial and increase those fees because I realize you spend much more time in the commercial part and it takes a lot of time; and have you looked at the other cities on the commercial part? I think that's where you spend your time, you should make more money. The only thing, the thing that bothered me about, and I don't know how you do it and I was going to ask you, as far as the residential, if you're building a room addition, say I'm building a 20' x 20' room addition, I have to get a permit for that. If I'm going to have electrical, do I have to get an electrical permit? And if I'm going to have a wet bar, which I'd have a bar if I did it, I'd have to have a permit for that. You've doubled those. Say if I was going to have roofing on that, now I'd have to have permit for the roofing.

Mr. Hopper: Not for the project, if you're constructing a new structure....

Mr. Clemens: I mean....

Mr. Hopper: That roofing is included in that.

Mr. Clemens: That's what I wondered, if that's included in that room addition. The roofing, so I wouldn't have that permit.

Mr. Hopper: No...

Mr. Clemens: Or I wouldn't have the permit for the siding or the permit for the windows.

Mr. Hopper: Right. That's all included.

Mr. Clemens: That's what I wanted to know.

Mr. Hopper: It's just when, when somebody hires a contractor or somebody takes it upon themselves to re-roof their house, or re-side their house, there's codes that speak specifically to how things are to be attached, and covered, and so, you know, the State wants us to look at those things.

Mr. Clemens: I just wondered how they did as far as the permit on that, because I know when I had my company, I kind of locked the door so nobody could get in if we were going to do something on it, but that does cover it all except like electrical or the plumbing, those are separate permits.

Mr. Hopper: Right, right. You'd have a building permit and a plumbing permit, an electrical permit, and if you were going to heat the space and make a true...

Mr. Clemens: Right, so basically you'd be talking about another \$75, something like that.

Mr. Joseph: Any other questions, President Hills.

Mr. Hills: I have some of the same concerns that we're seeing here and Chet, I'll be very honest. I think your biggest problem here is how do we reach the residential homes that are re-roofing, putting in windows, new sidings, adding a patio. How do we get to those and I appreciate your memo very much from Billy Phillips and Steve Regoli. I worked with them quite a bit and I think your memo's been as candid as we can. The Board of Building Standards accepted it, the City's accepted it, but nobody knows how the hell to enforce it.

Mr. Hopper: Well that was one thing, being part of the code organization that I belong to, I co-chair, or co-chair the Education Committee, and that's one thing I spoke with Billy Phillips and Steve Regoli about doing some education that, you know, we could get these requirements out to not only, there's a lot of communities that don't understand that, you know, that we need to look at these things and so not only....

Mr. Hills: The residential code that was adopted by the State says you should look at these things.

Mr. Hopper: Yep, that's right.

Mr. Hills: But they don't tell you how to structure getting there. If Councilman Joseph decides to put a concrete walk, 5' x 8' patio out his kitchen door into his yard, I'm not sure he should have to pay \$50 for you all to come and say you did a good job, Councilman Joseph. I'll be very candid with you. I don't think that's appropriate and, but that's what the code is telling us you're supposed to do and you're going to say that we do it for the safety of the individual, well, and I sort of brought this up before and I think this is one of the things still needs to be worked through because I think the permit costs of residential inspections for construction, and rehabs, whatever, those fees need to be looked at very well. I'm not so sure we ought to separate the rebuilds or the repair costs rather than the others, until we get a better handle on how to do it,

because somebody comes down and says I want to replace four windows in my house. I don't know that you could have enough people knocking on doors every week, every time you see a window truck driving by, because they'll be in and out of there in two hours and then you'll go up and say Mr. Smith, I'd like to come in and check the window in the upper right hand side of your house, because I think somebody put that in and you were supposed to pay a fee. I think I'd probably say, 'Mr. Hopper, your car's out there and hit it'. I appreciate the problem you've got, but I'm not so sure that it may be best not to intertwine them in what we're trying to, on adjusting fees that we have been charging forever as to whether they are the adequate fee for the service provided because the newness of these residential fees, your own memo says, State of Ohio said, yes, we accepted it so therefore you as a certified City, you accepted it but nobody knows how to enforce it so I'm not sure that it should be enforced until we have an acceptable way not to punish the residents who have no idea. Mr. Joseph didn't know he picked the colors, or have you come out and look at his concrete pavers, it shouldn't have to be that way so, and Mayor, I'm not being critical of what's being done, but I just think it, I'm not so sure that they're apples and oranges we're trying to put together right now. One is an all brand new, haven't done it before, and yet you're trying to say that we need to adjust because we're not current, we're not covering our costs on those other things we do. You don't do these now, you don't go out and say 'hey Mister, I want to know where you're working this afternoon and what address in Reynoldsburg'. We don't do those now and I'm not sure I'd want to work for you if you send me out knocking on a coffee shop door saying, 'where you working this afternoon' either; but anyway, just for what it's worth, I think there's still some work that needs to be done on this.

Mr. Joseph: Okay, other questions. Committee or Council? I just want to point out that I think it's great that, you know, we are able to fund such a large portion of your department from fees because I think user fees are important. They are another form of taxation, but they do serve the function of people. They can make the choice, and do they want to spend the dollars for those improvements or do they not. So I do want to point out that I think that's an appropriate place for those type of expenditures, but since we are looking for some additional documentation that I had indicated earlier about the fee comparisons and those other issues, unless there's additional questions or comments tonight, yes, Mrs. Kelly.

Mrs. Kelly: Chet, could you explain, and I'm sure maybe you've explained this and I've just forgot it, Occupancy, what is that fee? I understand the one family is, I'm assuming for a one family home. What is the occupancy? What is that fee for?

Mr. Hopper: The occupancy is, basically it's the final inspection

Mrs. Kelly: Okay.

Mr. Hopper: And we would insure that all the safety issues are in place.

Mrs. Kelly: Basically, it's the inspection to say it's fit, safe for somebody to occupy.

Mr. Hopper: And I have to write the Occupancy Permit.

Mrs. Kelly: Okay. I did some math, which is a very scary thing, but I did some math and if you

look at just the one family if I'm building a new construction, according to my math, in relation to Groveport and Grove City, we are quite a bit lower, but I echo what has been said earlier looking at our commercial. I just would take another look at the commercial fees, because it looks to me like a commercial, if you have a house that, or commercial and again spacial stuff's not my thing, but if you have a commercial business that's about 3,000 sq. ft., you're only going to be not even quite 200, not even \$200 over what it would cost a resident to build a brand new home with that, so I would just encourage, especially if that's a place where you guys are spending a lot of time and I wanted to also thank you. I know you've put in quite a bit of time putting this document together as well as the other ones. Thank you for your time.

Mr. Joseph: Yes, Mrs. Shirey.

Mrs. Shirey: Thank you. Chet, you and I have already discussed in detail about these fees and everything and first of all, I want to thank you for bringing this to our attention and again, putting so much time and effort into this. In listening to what everybody is saying and commenting what the other cities around us are doing, sometimes I think that we are following a lot of the cities around us too much. I think Reynoldsburg needs to stand on it's own two feet and do what's in the best interest of the City and I for one, do support this. I think you guys are doing a fantastic job. I meant to speak earlier in regards to the rental registration and tell you that I know how hard you've worked in that department. I've seen some those house and apartment complexes and my husband really looks up to you. He works well with your department so I feel with these fees, you said that they have not been increased since 2004, I think I said the last time that with the supply and demand, everything increases every year and I think that this is something we need to push forward. Thank you.

Mr. Joseph: Okay. Any other questions tonight? Okay, then I'm going to make a motion tonight that we hold this for two weeks and take another look at it in our next Committee meeting. Seconded by Mr. Stake. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you.

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- -second reading 10-13-08; *held 10-20-08*. This item's both in Safety and Service Committees, and I'd like to make a motion that we hold this for two more weeks, as it's still being worked on, and so is there a second on that? Seconded by Mr. Stake. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you. Safety Committee will adjourn at 8:31 p.m.

Safety Committee

- - -Nancy C. Frazier, Clerk of Council

November 3, 2008

(Transcribed/S. Cochran, Ass't. Clerk of Council)

SERVICE COMMITTEE MEETING MINUTES

November 3, 2008

Members of Service Committee present: Mel Clemens, Leslie Kelly, Donna Shirey, Fred Deskins, Jr.

Other members of Council present: Doug Joseph, Ron Stake, Council President William L. Hills. Councilwoman Antoinette Newman was absent.

Mr. Clemens: I'd like to call the Service Committee Meeting to order at 8:32 p.m. The first item on the agenda is approval of agenda. Do I have any additions or deletions to tonight's agenda? If not it will stand approved. The next item is the approval of the minutes of the

October 20, 2008 Service Committee Meeting. Are there any additions or deletions? If not, they'll stand approved.

Item#4. Discussion only: Dysar Ditch at Fall River (added at request of Councilwoman Kelly, and direction of Chairman Clemens). This was added at the request of Councilwoman Kelly and due to my wonderful generosity, I'm going to turn it over to Councilwoman Kelly to handle from now on in.

Mrs. Kelly: Thank you very much. Quite awhile ago, Mr. Lynch came to me, called me and ask me to come and look at his property. He has a creek that runs behind his property and there has been quite a bit of erosion, which has actually increased over time, and I know that he's also had contact with the Mayor as well as our Safety/Service Director and our Engineer have gone out and looked at it and our memo dated October 6, 2008, Jim Miller sent out to us regarding the situation there with Mr. Lynch and I've talked to a number of different people and some different people have brought up some good information from Mr. Miller as well as just some information from this memo, so I'd like to ask if Mr. Miller could come up and just kind of share the facts with us in regard to this situation with the creek.

Mr. Miller: Thank you Councilperson Kelly, members of Council. As my memo states, back in July, the City of Reynoldsburg experienced a very heavy rain event and Mr. Lynch's home which resides on a tall slope had experienced a slope failure where two large trees have fallen across the creek as a result of that heavy rain which also resulted in a large amount of erosion of Mr. Lynch's property into the stream bank and when I was contacted of this issue, I went out, I looked at Mr. Lynch's property, I saw the slope failure, I saw the trees, I saw the erosion, and we were confronted with a question as to whether or not we are obligated to repair this stream bank erosion and after a lengthy discussion with the City Attorney and with the Acting Service Director and with the Mayor, we concluded that it was not an obligation of the City to repair the stream bank erosion and that was after a tremendous amount of investigation with several professionals and an opportunity to repair the creek was investigated.

As my memo states, the stream bank, the permitting and the necessary construction documents could be prepared for the City for a cost approximately \$65,000 and all of this information was evaluated prior to making a decision.

Mrs. Kelly: Okay. Does anybody have any questions for Mr. Miller? Mr. Stake.

Mr. Stake: Thank you Mrs. Kelly. I guess going back to your statement about the City being obligated to fix this, what do you think will happen if somebody doesn't fix it?

Mr. Miller: Well, as the memo states, the bank will continue to erode.

Mr. Stake: And I guess that the logical conclusion would be that the house would probably end up in the creek.

Mr. Miller: You know, if I had a crystal ball I could answer that.

Mr. Stake: Okay. Well, if it erodes underneath the house, it's going to fall into the creek.

Mr. Miller: Correct.

Mr. Stake: So, do you think the City would be obligated to remove the house once it's in the creek?

Mr. Miller: That, once it's in the creek?

Mr. Stake: You know, and here's my point, maybe we're not obligated but this is, you know, I think we heard when we talked about the stream corridor deal, that those were public waterways. I mean the creek is part of our storm water discharge system, correct?

Mr. Miller: Yes.

Mr. Stake: So, I guess we ought to do what we need to do so that the house doesn't fall into the creek and plug up our storm water discharge system there. I mean, that's my point, that's what I'm trying to say.

Mrs. Kelly: Does anybody have any other questions for Mr. Miller?

Mr. Hills: If I could just follow up on that a little bit, Councilperson Kelly added this to the agenda right? The memo is, I think the memo from October 6th was very well explained. We have a section that a private property owner has some trees down. I've lived that, I've got the creek, I've got the trees. You want to see my \$3,000 check that just cleaned them out from the last windstorm? I'll be glad to show it to you. Now, could I have left those trees sitting in the creek and impeded the natural flow of water? I guess I could and I think then the City probably, but you'll find I'll use my waffle words here, probably would have the obligation to be sure that there's a natural flow in that stream and if, and I'll go along, if this person ain't going to take the trees out of this creek, we're probably going to have to take the trees out of this creek. That affects a number of other people and that changed the water flow and I think that's sort of what you've inferred to in your memo. I think that's sort of what I've heard from the City Attorney and sort of what I've heard from the Mayor, but I'm not sure that we can always go out every place_____ I guess they could sue the landowners who developed land farther out that changed the water flow that it didn't, the permeation changed and it increased the flow in the creek. I don't like to see anybody have that bank problem and I'll be very, very candid. I'm fortunate enough that my house is 200 feet away from the creek, so it's got to erode an awful lot before it's going to cause me a problem but I still have the same thing when the trees are down, I have to clean it out. And I think that you're right, we do need to look at a policy of what it does need to be and I think this is one example. Now I do think that an instance like this is nothing like this other ordinance that we're talking about with the EPA of not cutting near the creeks and all these different things. I'm not sure I'm buying that one and I'm just waiting to see and I know I'd asked for information and when I'd asked for legal requirements, it's probably good that the Attorney responds to it more so than John Smith down the street saying, well, I checked with Joe the lawyer down here and this is what he said. I need to see some real substantive information but I don't think these two exactly mix and I think we have to be cautious there. This is unfortunate with this gentlemen who has that property. He's not by himself in the City of Reynoldsburg. We have another, a number of other banks that eroding. How you fix that, this is

on private property, I'm not sure what the City's obligation is. I will say, and I would think the City Attorney would agree, and if not, I would hope he'd throw something at me, I think the only time that we may become partially responsible is if we know we are impeding the flow of the stream and we haven't been able to get something done about it. I would hope all the home owners do that themselves. They enjoy that creek, that's their tree that fell in the creek. It may be their neighbor's tree and now we've got a neighbor's dispute but it's, it isn't the City's tree that fell in the creek, but once blocking the creek, the City may then have the obligation and as I've told the Acting Safety/Service Director, and everybody said let's go, where we going to have money from? Ask for money like that. If you've got something and you come to Council and you're saying, we've got to move this tree because it's blocking the water flow, I doubt if you would have any trouble getting six, seven votes to do that when you can show that's what it's needed for. That's what the Storm Water Fund is supposed to do. Now is it then supposed to go back and repair all the damage from the fallen tree? I doubt it, but that again, was a waffle word so, but I think, I appreciate your memo from the 6th. I appreciate that there's been a lot of discussion on this and the unfortunate thing is that the homeowner, the land owner getting the answer they want. The City of Reynoldsburg, you come out and fix my property. I don't think he is but I'm not sure that we have the ability nor should we pay, be paying the public taxpayer dollars to fix personal issues and problems because I'm not sure it would ever stop. Thank you Mr. Clemens, Councilperson Kelly, excuse me.

Mrs. Kelly: You're welcome.

Mr. Clemens: And I agree with Ron on one thing that there has to be some type of policy change. This is, basically to me, this is an Administrative matter to start with and it's been recommended that nothing, that the City's not obligated, there's nothing to be done on it but when, I understand that but when you mix in the other ordinance that we've been discussing on the waterways coming through the properties that Bill's mentioned, that's on hold right now. That puts the City in a situation where we're going to have some, we should have some kind of a policy on how we handle situations like this. Now this is on private property and I understand that. You can't spend public funds on private property, and that puts us in that situation. If the stream is being changed at the present time because of the trees in the creek, then we have to get them out of there. It's that simple. There's always another way and to help the gentleman, and I'm all for trying to help somebody if the City did the project and he wanted to be assessed for the project, we could do a situation like that because it's a costly project and that would help him financially because it would be over a certain period of time and so forth. We're capable and so forth, we can do things such as that but to go out and actually spend money on private property, I think that we would be starting a trend that we wouldn't want to get into because we've had problems on Blacklick Creek for all these years and Briarcliff with all these homes that flood and I'm talking about many, many, many when I'm talking about twenty homes that flood every time we have these great big gigantic rains and I've been over there many times. Basements full of water clear up to the first floor. They own to the center of the creek and therefore, it's on private property and the City's not been able to do anything about it, you know so there's a lot to this situation that involves the City that could be financially, break us financially really if you come right down to it. It could be very financially costly if we get involved in private property and that's how I feel about it.

Mrs. Kelly: Thank you Mr. Miller, oh, I'm sorry, Councilman Joseph.

Mr. Joseph: I wanted just to agree with Councilman Clemens that I agree that, we definitely, I think there's merit to the idea of looking at the idea of assessments, because a blanket covering of this type of situation, could open a Pandora's box that we could see people all over the place coming to the City and we're just not in a position to rescue every single land owner that might have an issue in the City but something like an assessment, I think that would take care of problems without putting the City at risk for extreme exposure to costs that we're just not in a position to, so if something does proceed along the lines of doing something here, I would encourage Council to look at an assessment program versus just a blanket, you know, paying, paying off one of these projects. Thank you.

Mrs. Kelly: Any other questions? Thank you Mr. Miller. I also have some questions that I'm hoping our City Attorney can maybe answer for me. In the memo Jed, it talks about our Code of Ordinances, 958.01 but this is in regards to Mr. Clemens brought up with the cannot spend public funds for private projects. Do we have anything written that shows or establishes clearly criteria that we use more determining private project versus public project and then do we have or could we get a written opinion in regards to the, that Ohio Revised Code section that speaks to that because I think that going along the lines of a policy, I think that if we have that in writing as clearly defining public versus private and clearly what the law says, I think this would avoid a lot of these situations where people can come in and we can show, we can show that criteria and give that out right there.

Mr. Hood: Well, I think that your idea is a noble one. I think that the problem is that you're trying to stick a gray area into black and white and unfortunately as I've said to you guys before, we don't live in a vacuum where this is a public purpose, this is a private purpose, and, quite frankly, you determine as a City Council what a public purpose for the City of Reynoldsburg is. If you choose and you decide, as a body, that this is a public purpose worth spending tax dollars on, that's what we do. The question was raised to me, are we obligated in doing this. I'm very confident in my answer that says no, we are not obligated in doing this. Whether or not we should, is a question for you all. Whether or not we should spend public tax dollars to the benefit of either one, or just a few private land owners, is a question that you can determine. I do echo the sentiments and I think that I had a conversation with Mr. Clemens today, not Mr. Joseph, but I think he also understands my rationale, that if this is something that the Council wants to undertake, I would urge you to use a special assessment in doing so. The Revised Code allows you to do that, to spend those dollars at the, or for the benefit of only a few homeowners, as opposed to the City collectively as a whole. Secondly, the Revised Code also allows the home owner to petition the City Council to move forward with an assessment, even though you may not think it's a great idea. He can come and ask you to do that and ask the City for help. He is, as far as I'm concerned, he may not even be aware of that, but he has that right as well. But I think Mr. Joseph's argument about the Pandora's box or as lawyers like to call it, the slippery slope, it is a good one and that's why I'm not going to stand here and say that we're obligated to do this. Whether or not we should, that's a decision for the public policy makers and in this City, that's the City Council.

Mrs. Kelly: Could you get us a copy of the Ohio Revised Code that speaks to the public uses of

money for private, that everybody's been talking about the section in the Ohio Revised Code?

Mr. Hood: That would be 711, if memory serves.

Mrs. Kelly: Could you get me a copy of that because I tried to navigate that....

Mr. Hood: Yes, I will.

Mrs. Kelly: Very difficult. Thank you very much. Does anybody else have any questions for our City Attorney?

Mr. Clemens: Just one, just one more. I don't think it's so much of spending money on private property, as Jed said I know Council can make that decision. It's once you make that decision, and this other person comes in and says, hey, you made a decision there to spend public money on private property, I've got the same situation, or a situation that's similar, or a situation that I've had for the last twenty years, if you turn me down on, how can you fix that when my house is flooded every five years, it's cost me a fortune and you haven't touched that. You know, there, and I agree with him, I know that we can do it, because we can do it by ordinance, but we can spend money certainly private property if Council decides that's what we want to do with public money, but you're, as Councilman said here, we are opening something up that we may wish that we never thought about and that's something to think about.

Mr. Hood: That is the slippery slope in a nutshell; that is the argument.

Mrs. Kelly: And I think that's why I would really like to encourage us to move forward with comprehensive storm water plans so we can establish a criteria so that when these things come forward, we can establish what are the important projects, what are the priority projects so when people come in, we have a formula that we're looking at versus maybe saying generalizing this one's more important than that one. I would really like to see us move forward on that. Mr. Clemens.

Mr. Clemens: And to bring that up, we paid to have one done and the projects aren't done. Now, whether they're the important ones now or not, I think they should be looked at, because we may have some more important ones than those, but the Storm Water Fund was set up and I set it up and then to charge the people and so forth. If we get into a situation where we start spending X number of dollars on something like this, we're going to have to increase the Storm Water fees per month, because we're putting a large amount of our Storm Water Fund now that's been in the Grant for out here on Taylor Road and we're having storm water money that we're going to be spending up on Rosehill Road, and we have that fund that's going to be depleting. So if we do decide to go to a study on a storm water fund, it's quite costly and we do come up with projects that we feel we should do right now that we haven't done but then we're going to have to look at an increase and see, but that's all to be done. I mean, that's something we've got to think about and I agree with you, we should update our storm water, our storm water survey that we did on what important projects should be done and there's a list done but it was done twenty, or twenty, I'm not that old, maybe fifteen years ago that we had done by Evans, Mechwart, a priority list. Those should be updated, maybe some new ones should be added and

I agree with you on that and that's something we can talk about. I have no problem with that.

Mrs. Kelly: Well and Jed, if you could give us, or at least give me some more information about the whole assessment process and how that works, it would be great because I think, like Ron said, we have a situation with this particular house where within probably a year or so, if the rain and those things continue, he at minimum, Mr. Lynch is going to lose a deck. Within a couple of years, you're going to lose a foundation and then you could have a house sitting in the middle of the storm water so that could end up being a much bigger problem down the road so I think it's something, I think it's a symptom of a much bigger problem that we need to address so if you could get me that information, possibly everybody, that would be information that we could get out there and share since there are so many other people that may be in similar situations.

Mr. Hood: You'll have it by the end of the week.

Mrs. Kelly: Thank you. Any other questions. Mr. Stake.

Mr. Stake: I just have a couple of things to add Chairman Clemens and Councilwoman Kelly. In regards to the Storm Water Fund, we've taken in about \$532,000 this year and we've spent about \$263,000. That's where we're at on the Storm Water Fund, but bottom line here to me is, I think this is something frankly we've got to do. It's a business decision, because if we don't do what's suggested by the City Engineer, it's going to cost a lot more down the road. Thank you.

Mr. Deskins: I'd like to, if I can Councilwoman Kelly. I'd like to echo what Ron just said. If we're in a gray area, and we're not really sure which way to go, let's fix the problem and go forward. It'd be cheaper to fix the bank than to buy a house down the road. I'm in favor of fixing it.

Mrs. Kelly: Go ahead Mr. Clemens.

Mr. Clemens: To start with, we're not in a gray area, they, I think it's been....

Mr. Deskins: I'm referring to what....

Mr. Clemens: I'm in favor of the assessment and getting it done, but you know, I think, I don't know the gentleman and I don't know how it's being handled or who's handling it and whoever's handling it speaking with it should have a meeting, to see what, you know, see how he feels about it. No, I'm in favor of getting it done, don't get me wrong but I don't know who, who's representing us or who's speaking to the person that's involved but I think it should be followed through. Somebody should discuss with him what was discussed tonight and see what his preference is and maybe he'd want to be here or something like that. But I agree with you there, I thought you meant as far as money on private property.

Mrs. Shirey: Thank you Councilwoman Kelly. I actually have the creek running from my property and as a property owner, I am taking on that liability of the ground, the ground erosion and I think that this is something that I agree with Mr. Hood that we are not actually responsible for, it's an unfortunate situation but we don't have control of what's going to happen with the

embankment there but as a property owner, for myself, I am taking on that liability and if there's something that needs to be done on it, then it's going to be at my expense because it is private property so I think that I agree with Mr. Hood and this is something that the City's not responsible for.

Mrs. Kelly: Any other questions or comments? Okay, thank you.

Mr. Clemens: Thank you Councilwoman Kelly.

Item#5. Discussion: Zoning of east side of Summit Road from Unzoned to S-1 (Special District); 68.571 acres; applicant, Board of Education of the Reynoldsburg City School District, by Ronald A. Strussion. Is Mr. Strussion here? Is there somebody representing Mr. Strussion? I suppose it's somebody we pay, since they've got to represent him. I knew we'd be paying somebody. Go ahead Luke.

Development Director Haire: Thank you Chairman Clemens. I assisted the schools with putting together this application for rezoning. It's not actually an application for rezoning, it's an application to establish a zoning district. This is an unzoned property, it was annexed in 2005 and it's never had a zoning district assigned to it since annexation, so what's being proposed is to zone that as S-1 which is a Special District, which allows for Government buildings, schools, cemeteries, parks, those types of uses. Included in the application is a preliminary site plan that shows the layout of potentially what that school site will look like. The final engineering, they're still working out the details on where some of the detention and storm water will be at this point, so this isn't an exact design, but it's fairly close to what they would like to see on the site, so with that I'll entertain any questions that you have.

Mr. Clemens: On this, can we have three readings on it? I mean, is there a time limit that you want this done?

Mr. Haire: Yes, there's no emergency to get it done. What their time frame is, they would like to start construction in the Spring. So there's no hurry on doing that, and going through all three readings....

Mr. Clemens: We would go three readings. One thing I would like to, you know, one thing I would like to know on the zoning, if there's anything that Council's going to be asked to waive as far as the zoning's concerned, I'd like to, we'd like to have a copy in writing. You understand what I mean, before the zoning is completed.

Mr. Haire: Yes.

Mr. Clemens: Because you know, so if there's anything that pertains to this zoning, that Council's going to be asked to waive, we'd, I'd like to have it in writing from the applicant on what it's going to be. Okay?

Mr. Haire: I'll relay that message.

Mr. Clemens: If you would. I mean, before it comes up for the third reading so, okay.

Mr. Haire: Sure.

Mr. Clemens: And I have no problem waiving anything, but I want to know what it's going to be so if there's something that's required, because I know it's something that has to be done. The zoning has to be done. Yes, Mr. Deskins.

Mr. Deskins: Thank you, Councilman Clemens. I have a question on page five of your plat there. You've got in one section you're listing the future YMCA?

Mr. Haire: That is just listed as a site that is potentially reserved if the YMCA or the City chooses to use that location, the schools have indicated an interest in providing a space for that. I know that we're still early on in the process in evaluating that whole potential for a YMCA, but this is an area that they've reserved on the site for that potentially in the future.

Mr. Clemens: Are there any other questions for Luke. Yes, President Hills.

Mr. Hills: Chairman Clemens, just one. Luke, this zoning is on, I just saw it, is on so many acres, sixty some acres or.....

Mr. Haire: Yes, 68.571 acres.

Mr. Hills: Right. Now of the total, there was what, 120, 140 acres that were annexed in that area in the whole tract? Now I know you assisted the schools in this one. The others remain unzoned until the developer comes in with the zoning change, is that correct?

Mr. Haire: Correct.

Mr. Hills: I just wanted to clarify that.

Mr. Haire: This is only the East side of Summit Road.

Mr. Hills: Right, so the only thing that is being zoned is from unzoned to, it's the school property and they're ownership of that property.

Mr. Haire: Correct.

Mr. Hills: The rest is still remaining unzoned, until someone decides how it's going to be developed.

Mr. Haire: Right.

Mr. Hills: Okay. Thank you, Mr. Clemens.

Mr. Clemens: Are there any other questions for Luke at this time pertaining to this? If not, I'd like to send it to Council for its first reading. Seconded by Councilwoman Kelly. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Thank you.

Item#6. Discussion: Acceptance of unrecorded Deeds of Easement: 1) sidewalk .012 ac; 2) sanitary sewer .375 ac; 3) sanitary sewer .064 ac. TR/Taylor Development, LLC. Service Director please, thank you.

Mrs. Boratyn: Thank you Chairman Clemens, members of Council. These are three very standard easements that were taken on a development, the Taylor Development up off Taylor Road. That's two sanitary sewers and one sidewalk. Sanitary sewers, they have to be turned over, it's public improvements so that's why we're taking the deeds on them. We'll accept them after the one year maintenance. Now there is a sidewalk, it is a small area because the sidewalk couldn't be fit into the existing right-of-way, so it had to sort of loop out and come back in so it's just a little space of.....

Mr. Clemens: I have a question on this development. Where is this development? Is this the development where they're building those condos?

Mrs. Boratyn: This is that area.

Mr. Clemens: The ones that's on Taylor Road?

Mrs. Boratyn: That's it.

Mr. Clemens: There's been some discussion pertaining to that, I think you know that.

Mrs. Boratyn: Yes, I do.

Mr. Clemens: I was just curious as to whether this was that.

Mrs. Boratyn: No, this is not related to the storm water issue of the pond.

Mr. Clemens: Okay, okay.

Mrs. Boratyn: This is just the sanitary sewer and a sidewalk.

Mr. Clemens: Okay, okay.

Mr. Hills: Chairman Clemens, if I can ask, is this the same, this is the Glen whatever, this is that property?

Mrs. Boratyn: Yes.

Mr. Hills: This is the opportunity to make sure that the developer of that property misrepresented his position and mis-stated to the City what his plans were for the tying in for storm water? Am I correct or incorrect on that?

Mrs. Boratyn: Well, this is, this is the easements that we have to accept.

Mr. Hills: It's on his property.

Mrs. Boratyn: Yes.

Mr. Hills: And that's my question, it's not, it doesn't, it isn't storm water. We have a, now Mrs. Kelly, you'll enjoy this. We have a private property dispute of which we can't really reach a developer of the second part of a Condo Association is not the same as the first developer, but if I understand this, and City if I'm wrong in what was explained to me, let me know, but that developer came in and said that we are tying into the storm sewer from the other developer of the retention pond from the other and we already have that agreement and this City then said, okay, here's your building permit, go build. And now we have a private Condo Association saying, wait a minute, they didn't have that authority and I just got a memo today that apparently says Mr. Zitesman tells me that the Glen, the new people have not responded to them timely, so the offer was subsequently rescinded. Now I don't know, but again, it's all private property, this isn't private, this is public.

Mrs. Boratyn: This is acceptance of a sewer, that's a public sewer that has to be given to us pursuant to the code, the Ohio Revised Code and our Code.

Mr. Hills: And you know what, I guess this is the thing. We can't make them work, we can't make them reach an agreement.

Mrs. Boratyn: No.

Mr. Hills: But we certainly don't have to authorize them getting something they need until they work out their arrangement between two private property owner developers.

Mrs. Boratyn: Well, I would hesitate to say that we make them do something that we're required by law and they've done everything that they're required to do and we have to accept a public easement that we can use that to do something else. I don't feel comfortable in speaking to that, certainly I'll let the City Attorney speak to that, if he would like.

Mr. Hills: Councilman Clemens, I'd say I don't feel comfortable sending this forward until everybody sat down and talked about it a little bit more and see if there could be....

Mrs. Boratyn: I'm not, I'm not.....

Mr. Hills: I'm not forcing anybody to do anything.

Mrs. Boratyn: I'm not opposed.....

Mr. Hills: I heard for two weeks, we can't do anything, we can't do anything but Pam, to be candid, when I hear we said go build because they sat at the table and said we have an agreement and that agreement wasn't there then I look and I say why did we say go build? The trust factor of that developer is probably not very good as it is right now. Hopefully, they'll go fix it. They may want to build somewhere else too but it's a problem that two private entities but I, and we

said go do it and that bothers me.

Mrs. Boratyn: Right. I can respond in part to at least the meeting that I was in. I was in the plat utility meeting myself and Matt Roth, who's the Assistant City Attorney, when the issue was discussed and we did discuss the fact that they're, they had to know that they had the right to tap into this pond. The entire area was developed to all go into that pond and then it didn't develop as they expected. They sold off two parts of it and were working together when the apartments were built and others to go into that pond and we were provided with a document. It was provided to Matt, he did review that document and it was our understanding that everything was proper to allow them to go ahead and continue with their development. That is my understanding of what has occurred. I don't want to speak for Mr. Roth, I don't want to speak for Mr. Hood so I would let them speak for themselves, as to their continued conversations with legal counsel who are involved with the two entities.

Mr. Hills: I can't tell right now from the, and I do appreciate Mr. Hood giving me the update, because as I receive my emails from the property management place, I always copy both the City Attorney and the Mayor, said here we are and I also make sure Council gets a copy of it but from this it looks like, I thought they were working, Friday I guess, when I talked to someone within the City, they thought they were working to get to the agreement and I read the email today and I'm not sure whether they're there because it appears to be rescinded and apparently you have the Attorney for one developer, or the developer, not talking to the Attorney with the Homeowners Association back and forth. The only thing I know is the City said go build and we based the go build on the agreement they said they had, and they didn't. I'm not saying we're wrong in doing that but I guess I am saying, why would we make it easier for the developer on anything until he resolves his issues which has caused a problem with thirty, I think it's thirty-six other homeowners. It's not that they're talking, they've ignored each other, not ignored each other, the developer apparently has ignored or and it could be, they didn't get a good enough deal but you know what, we can't make the deals but what we did say is go build and we said go build based on a statement that gave, that was given to us that was incorrect.

Mrs. Boratyn: Well, accepting these, I do know that accepting the sidewalk is beneficial to the city so because we would have put the sidewalk and right away it wasn't big enough and they gave us a small piece of property to build the sidewalk. On the sanitary sewer, I will look to see if, I don't want to buy some liability to the City but I do hear you and I understand what you're saying and I do know that I spoke with Matt Roth. I have not spoken with you but I did speak with Matt on Friday. We had conversations about trying to work with the parties and trying to bring them to come to some resolution to deal with this issue.

Mr. Hills: I believe Mr. Hood has had some conversations with people of the organizations and I'm not sure, I realize he's here. He's made it pretty clear where his position is, he's talked to them but it appeared from the email that if there was a deal, it's been rescinded and obviously, the people are not at the table and I guess all I'm going to say is I think a City which has said go ahead and build on that tract because we believe what you told us and then we find out what they told us was incorrect, I think we should take whatever steps are necessary to stop that building until those agreements are finalized and made. I'm not saying we make them for them but we certainly, we're right now spinning wheels. We're sitting there in the mud not doing anything

other than making both sides upset and I guess, on this, if there's no big rush, I mean it 's not going to come into play until they're built so why worry about it. Just sit on it for a while.

Mrs. Boratyn: I think the sidewalk is finished. I think they're both, they've proven they're finished. It would be finished, that's why we would take the recordings, but we would not finally accept....

Mr. Hills: Mr. Clemens, I'm, I've said what I'm going to say. I just think it's unfortunate and I think we ought to be doing something and I'm sure Councilperson Kelly thinks they ought to do something on hers, but I think this is one we are actively involved in that we ought to

Mrs. Boratyn: There's no emergency on it so we do.....

Mr. Clemens: I was over there, I went over Friday and looked at the situation and I see where they've tied into the road which I don't blame them for being upset about that running their traffic through those thirty-six nice-looking condos compared to what they're building. I looked to the storm sewer for their pond. Now, I think it all boils down and I think the City approved it and I don't know who approved it, who sat in on it, whether you did, whoever did. If they did say they had an agreement to do this, did they show it to you?

Mrs. Boratyn: They provided an agreement at the meeting.

Mr. Clemens: The agreement was there.

Mrs. Boratyn: They provided a document to us at the meeting which Mr. Roth took with him.

Mr. Clemens: It was agreed between the other Condo Association, was that, see, that's the part I'm not getting...

Mrs. Boratyn: It was an amendment to the declaration, for the, there was a declaration for the entire property and bylaws for the entire property. It was an amendment to that which if you read it, it would indicate that if you are, you would share in all the costs and for the maintenance of the area and then I think Mr. Roth talked to them afterwards and got some further information but like I said, I'm reluctant to speak for Mr. Roth.

Mr. Clemens: Okay, Mr. Hood.

Mr. Hood: Yes, the characterization is accurate. There was bylaws presented to the City, the bylaws said that this, the Glen was allowed to join the Condominium Association and thereby enjoy every common utility that any other condo owner would have, common roads, sidewalks, utilities, all of those things. What has changed with this great economic downturn we're all experiencing is there was also a bylaw that said that only a certain small percentage of these units could be rental units as opposed to owned units. The developer realizes now that he's not going to be able to sell all these condos so now he would like to rent them, thereby, backing out from the idea that he would just join the Condo Association and then spread the cost over all the condos. That is the crux of the problem. What I'm trying to do with my office, even though this

is a private land owner dispute if you will, is to get these people back to the bargaining table. Mr. Hills, when I sent that memo to you and the Mayor, I did accurately reflect what Mr. Zitesman said that since they were non-responsive to their offer, it has been rescinded, but I have every hope that Mr. Zitesman would offer the same terms at some point in the future, if I could get these two people, these two counsels together so they're not so entrenched that they can't reach an agreement. I just have to get them together and that's what I'm trying to do this week.

Mr. Clemens: Thank you.

Mr. Hood: That will resolve the issue. I'm confident that the issue can be resolved.

Mr. Clemens: But you're working on it and you're staying with it.

Mr. Hood: Yes, Sir.

Mr. Clemens: And that's what I think we're interested in, because I think that's what the problem is and I know that's the problem with Bill that we are

Mr. Hood: And to be quite candid, President Hills, I just looked at those easements again, the ones that I approved and gave to the Mayor to sign, nowhere on there does it say the Glen at Taylor. I did not put the connection together until you did and then Mark Kipp sat down right behind me and I said, this is the same people and then I made the connection, so I'll take responsibility for that.

Mr. Hills: I didn't see it either 'til it came up tonight. I really did not know it was the same.

Mr. Hood: I did not realize that, and once again, I agree with Mrs. Boratyn, that we do have an obligation to accept these things at some point in the future; however, there is no rush to do so. So I think it would be comfortable to hold them until we get some resolution.

Mr. Clemens: Another thing I'd be disappointed in, you know, we approved, and that's what gets me, we approved these. We don't want anymore apartments, to me that's more apartments if he's going to rent them so what we're doing, and I've looked at them. Nowhere, no way do they conform with association that they're going to be a part of. I mean, I can see why the, why there's a dispute there, but, and there's quite a few of them and I hate things like that turned into rentals. It just burns me when we zone something for condos and then they come in stipulation that they're going to be rentals and that's not what we're here for. On these, we could send them for the first reading and then see what action, see how things are by the next two weeks, and if they're not, why we'll just put them on hold until we get an answer although I think it's a situation that probably doesn't, in some ways involves and some ways it doesn't, but if there's any way we can help the two out to make this come out, the situation, because the road's there. The Condo Association's got it blocked off but they blacktopped, it's there and I want them to know and I've talked to a bunch of them, I want them to know that we are looking into it and I think that's the important thing that they were worried about is that the City was not the least bit interested in what their problems are, so thank you Jed that you are working on it.

Mr. Hills: Councilman Clemens, if I could make one statement just to clarify and I was a little surprised, this caught me off-guard when it came up too, but it gave me the opportunity to address the issue and I want to be clear and I especially want the press to understand because that's where we have problems. The City did absolutely nothing wrong when they said go issue the building permit.

Mr. Clemens: Right.

Mr. Hills: Because they worked on the commitment the developer had given them and this City was built on MI Homes and Borrer's and the 256 Commercial Developers, the Casto Companies. It's based on agreement and a working relationship with these people. Unfortunately for whatever reasons, the commitment that this developer made, was incorrect. We had told him to go ahead, now we have a problem where they want to step away from it and go ahead and keep building and it's very frustrating and I'm candid when I say that as that developer wants to do future projects, I would hope that the City is a little bit more hesitant about saying go ahead. He's kind of made his label and now he's going to have to live with it or clean it up and so again, no one within the City did anything other than as we always do, try to work with the developer and move forward as quickly as possible to make their time frames. I'm sure they want to get them under roof before winter too, so, but they certainly haven't been reciprocal in their help back to us so, thank you Councilman.

Mr. Clemens: Mr. Hood, Jed, and I hate things like this but we signed on for condos and if he turns them into rentals, do we have any recourse on something like that, I mean, this is what bothers me on a situation like that.

Mr. Hood: You know, I may have been speaking out of turn a little bit. I know that bylaw is one that we saw in there and that's the only thing we could figure out would be the reason for them not to join the Condo Association, but honestly Mel, I'm not schooled well enough in the zone, to, maybe Luke can answer that question. I don't know the answer to that question off the top of my head.

Mr. Clemens: All right, I'll talk to him, thank you. Thank you Pam and I'd like to send this one for the first reading and you can report back on how, how things are going, since there's no hurry on it.

Mrs. Boratyn: Okay.

Mr. Clemens: Seconded by Councilwoman Shirey. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Thank you.

Item#7. Discussion: Authorization to execute Letter Agreement with Target - - Gabion retaining wall protecting Reynoldsburg Municipal Sewer Line, Blacklick Creek Conservation Easement Area at Target Store Project; appropriating funds; waiving city's portion of the sanitary sewer capacity fee. Pam, would you go ahead, please.

Mrs. Boratyn: Thank you, Chairman Clemens. Very briefly, I provided information to everyone in your packets, a copy of the letter agreement that the, that we're asking that the Mayor be able

to sign with Target. As you know Target's building a store out off of Taylor Park Drive, 256 and in the course of their developing and their site and everything together, they found, realized that Blacklick Creek changed its course and it was eroding the bank and in the process of finding that out, they needed to be able to do something about it to protect their development site and we found that a sanitary sewer line for the City is also located there and it was being eroded as well. The banks being eroded overcomes our sewer line which we would need to protect so, working with Target, looked at the options, being able to shore up the bank and the agreement we've provided is a, what we've, the terms that were discussed and come to in terms of being able for the City to participate in shoring up that wall and our participation in it at a third of the costs and that's what you have in front of you and you have also that you authorize the charging for the payment for this wall to two funds, one would be the Waste Water Sewer Account and one would be the Storm Water Drainage Account to pay for this. So, with that I will stop. Mr. Kipp is here, he also can assist in answering any specific questions you have about the sanitary sewer line and the Auditor, he can respond to any questions you have about that.

Mr. Clemens: And I, this is cheaper than what we had discussed before when you brought up many months ago, which is good.

Mrs. Boratyn: Yes, if, if....

Mr. Clemens: And the reason this is being done with public money is because it was going to take away our sewer line, our main trunk line that comes up the creek.

Mrs. Boratyn: Right, right. We would have had to do something if we had found out that the creek had taken over our sewer line then we found out, or we found that out when we were looking at our sewer lines and we would have seen it and would have taken some kind of an action because of the creek.

Mr. Clemens: Basically, Blacklick should have helped us, but they're too tight with their money.

Should have been a three-way agreement. Okay, are there any questions for Pam, yes.

Mrs. Kelly: On number four, I'm sorry, on number four, I just wanted to make sure that this is clear. The City agrees to waive the City's portion of the sanitary sewer capacity fee in the amount of \$32,000. Could you explain that, that's a little confusing.

Mrs. Boratyn: Yeh, well, there are capacity fees that have to be paid with the City of Columbus and to Reynoldsburg and we can't waive the City of Columbus' portion of those fees but we can waive a portion of the, Reynoldsburg's portion of those fees but it would take, it does take Council action to waive those fees.

Mrs. Kelly: Okay, so basically we're saying that we're going to give Target a credit of \$32,000 they don't have to pay.

Mrs. Boratyn: It's a credit, right, instead of charging them that.

Mrs. Kelly: Okay.

Mr. Clemens: Would giving that credit be, because of this sewer, because of this project.

Mrs. Boratyn: Yes, yes. It goes toward our contribution.

Mr. Clemens: Are there any other questions for Mrs. Boratyn, yes.

Mr. Stake: Thank you Chairman Clemens. I'm not on your committee but a, I just would like to add that I do believe this is a wise business decision....

Mr. Clemens: I do too.

Mr. Stake:to make this investment here, just as I believe that repairing the Dysar ditch is a wise business decision. Thank you.

Mrs. Boratyn: Thank you, Councilman Stake. There's no emergency on it so we have time to take it through its regular process.

Mr. Clemens: Are there any other questions from members of Committee or members of Council? If not, I'd like to move this on to Council for the first reading. Seconded by Councilwoman Shirey. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Thank you.

ORDINANCE AUTHORIZING THE CITY OF REYNOLDSBURG TO PAY RATE INCREASE FOR THE MONTH OF DECEMBER 2008; AND TO PICK UP PARTIAL PAYMENT FOR REFUSE SERVICE FOR CITY OF REYNOLDSBURG RESIDENTS DURING THE MONTHS OF JANUARY THROUGH DECEMBER 2009 FROM THE SOLID WASTE FUND AND DECLARING AN EMERGENCY- -read for first time 10-27-08. Are there any questions for the City Auditor or our Service Director pertaining to this item? If not, I'd like to move this to Council for it's second reading. Seconded by Mrs. Kelly. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (1737 Brice Road, proposed use - childcare center); applicant, Shana Jackson- -second reading 10-27-08. To my knowledge, we've had no response from Mrs. Jackson. Has Administration, Development Director, anybody, has anybody heard from her?

Mr. Haire: Yes, Chairman Clemens, we have not had any response from the telephone inquiries that we've placed with her. In regards there was a verbal indication that she was going to withdraw her application. We've never received anything in writing. She's not worked with us on resolving any of the issues resolving the rear play area at this point.

Mr. Clemens: Okay. Are there any questions from the Committee pertaining to this subject?

Mrs. Kelly: Yes, thank you. I don't know that I have a question but maybe a suggestion. Can we put this on hold? I'm really not comfortable sending it through.

Mr. Clemens: Hold it you say?

Mrs. Kelly: Just hold it or pull it off.

Mr. Clemens: Nancy, don't we have to take some type of action on this? We have to take an action on it so it isn't approved.

Mrs. Kelly: Okay.

Mr. Clemens: If Council doesn't take action on a Special Exception Use Permit it stands approved. We can send it to Council for adoption or we can vote it down at Committee which ever Council would feel, Committee would feel they would like to do.

Mrs. Kelly: If we voted it down in Committee, would Ms. Jackson, if she decided to, if she wanted to come back in, could she re-submit?

Mr. Clemens: She would have to go back through the process of Special Exception Use Permit. She'd have to go back to the B&Z Commission.

Mrs. Kelly: Okay. I have a question for Mr. Haire.

Mr. Clemens: I'm sorry.

Mrs. Kelly: Mr. Haire.

Mr. Clemens: Go ahead.

Mrs. Kelly: Do you foresee and I know that you don't have a crystal ball, but do you foresee Ms. Jackson coming in and saying I'm here at some point in time, I want to participate or do you in your professional opinion, think she's kind of truly withdrawn from the whole situation.

Mr. Haire: I believe that she's withdrawn her application, she's just not formally indicated that to us at this point. In response, to your last question, if Council were to deny the Special Exception, there would be a waiting period, I believe it's six months before she could reapply.

Mrs. Kelly: Okay, okay.

Mr. Clemens: We could send it to Council. That would give her an additional two weeks if that would make you feel better.

Mrs. Kelly: Well I, personally, she hasn't been here, she hasn't been here to do anything. I say we vote it down. That's just my opinion.

Mr. Clemens: All right. I would like to make a motion that we send this to Council with the a, for denial. Seconded by Councilwoman Shirey. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AGREEMENT WITH THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY (Director's Final Findings and Orders)- -second reading 10-27-08. Do we have any questions that pertain to this for Mr. Miller or Mayor McCloud or our Attorney Jed Hood or our Service Director or Auditor or anybody. Are there any questions pertaining to this from the Committee, members of Council? If not, I'd like to send this to Council for it's third reading for adoption. Seconded by Mrs. Kelly. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Thank you.

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- -second reading 10-27-08. This is brought to us by our Service Director. Does anybody have any questions pertaining to this for our Service Director or Mr. Hood. Mr Hood actually brought it to us and I don't want to put Pam on the spot. Any questions for Jed pertaining to this from our Committee, members of Council? If not, I'd like to send this to Council for it's third reading for adoption. Seconded by Mrs. Shirey. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Thank you.

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- -second reading 10-13-08; *held 10-20-08*. Item No. 12, I'd like to put on hold for at least two weeks and get a report back from a, Administration on how this is coming along. It's been held in the Safety Committee so I'd like to make a motion that we hold this for two weeks. Seconded by Mrs. Shirey. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Thank you and that ends our meeting at....

Clerk Frazier: Mr. Clemens, did you want to send the Target legislation to Finance as well?

Mr. Clemens: Yes.

Ms. Frazier: Thank you.

Mr. Clemens: That ends the Service Committee Meeting at 9:28 p.m.

Service Committee

- - -Nancy C. Frazier, Clerk of Council

November 3, 2008

(Transcribed/S. Cochran, Ass't. Clerk of Council)

FINANCE COMMITTEE MEETING MINUTES
November 3, 2008

Members of Finance Committee present: Ron Stake, Mel Clemens, Doug Joseph.
Councilwoman Antoinette Newman was absent.

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

Mr. Stake: I'll call to order the Finance Committee Meeting at 9:29 p.m.

Item #2 is approval of the agenda. Are there any changes from members of the
Committee to the agenda. I have one change, adding the Target Legislation appropriation to the
agenda as Item #3a. All in favor say "Aye". (All voted "Aye") Opposed. (No response)

Item #3. Approval of minutes of Finance Committee meeting held October 20, 2008.
Are there any changes to those minutes? None being heard, those minutes will stand.

Item#3a. Authorize \$148,126.17 from the Fund 720, Waste Water Sewer to Account #
720.001.5669 and \$148,126.16 from the Fund 740, Storm Water Drainage to Account #
740.114.5659 and to pay the City's total contribution of \$296,252.33 from those accounts. And
this does come from the Service Committee. Councilman Clemens, do you have anything else to
add on this?

Mr. Clemens: No. Well this does come from Service Committee, you know motion for
adoption.

Mr. Stake: Okay. Then I will, are there any questions or comments from members of the Finance Committee, members of Council?

Ms. Frazier: Excuse me, this is just a first.

Mr. Clemens: Yes, I mean to go to Council, I'm sorry.

Mr. Stake: All righty then I'll make a motion that the Finance Committee approve the charge of \$296,252.33 from those accounts. Seconded by Councilman Joseph. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response). Motion passes. Thank you.

Item #4. Discussion: Authorization of contract for CAFR - three year contract and this helps the City Auditor look good.

Mr. Harris: Which is always important.

Mr. Stake: That's always important. That's right.

Mr. Harris: Thank you Chairman Stake, members of Council. Don Schonhardt has done the CAFRs for this City since the first one, I think was 1992. We have an ongoing relationship with him. The fees have gone down over the years as we've been able to take more of the responsibility for doing this inhouse. The main thing that he does in preparation of this now is, we're required under the Ohio Revised Code to use what is known as cash basis accounting in all governmental activities which means we recognize revenue when we actually get the check. We recognize expenditures when we actually write the check. Unfortunately, to do the annual financial reports, they want all that converted to accrual accounting which is you recognize revenue when you've actually earned it. You recognize expenses when they're actually done. So basically, we have to take everything we do and convert it from one form of accounting to the other. This is one of, this and the preparation of the statements is what Mr. Schonhardt does which in order to have an actual financial report is what we're required to do by the State. Now why they do this, I don't know, but unfortunately, we've got to play the game with the way the rules are. So this has been done for a number of years. This money is always in our annual operating budget. There's no appropriation that goes along with this. It will be included in the 2009 budget and if anybody has any questions, I'll be glad to answer them.

Mr. Stake: Are there any questions from members of the Finance Committee for the Auditor, members of Council? I think we get a good value for our services that we get from Don Schonhardt and Associates.

Mr. Harris: They do a nice job for us and the other thing we actually use them for occasionally too, if something comes up during the year, where we have a question on how something's supposed to be booked or whatever, we're always able to call over there and use their services on how to handle things, which is a plus for us as well.

Mr. Stake: Very good. Any other questions for the Auditor, and this can go the normal three reading route?

Mr. Harris: Yep.

Mr. Stake: Then I'll make a motion that we send this item on to Council for it's first reading. Seconded by Councilman Clemens. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response). Motion passes. Thank you.

Item #5. Discussion: Authorization to execute Facility Use and Wireless Internet Access Agreement between City and School District. Mrs. Boratyn.

Mrs. Boratyn: Thank you Chairman Stake, members of Council. This is very straightforward resolution. The School Board uses the Municipal Building for it's meetings and they simply want to be able to have their members use their laptops, wireless, so we all met, talked it over, and looked at what they wanted to do. They just simply want to put in a cable modem so that they can do that. They won't be accessing our system at all. There'll be no security breaches, nothing like that. They're going to pay for whatever they do. No interference with our system at all, no cost to us. They're not going to be connected to our server. It can go the normal three readings, but that's basically what it is.

Mr. Stake: Okay, and the School Board does use this facility for their meetings, so are there any questions from members of the Finance Committee, members of Council. President Hills.

Mr. Hills: Chairman Stake, I would like to take the opportunity to thank Mrs. Boratyn for working through this for those of us who had heard about this earlier that it was going to be tying into our system and there was concerns and it does prove that often when you get everybody in the same room, you can work out some issues and I thank you for your help on that because it was headed in different directions until you got involved.

Mrs. Boratyn: Thank you.

Mr. Stake: Are there any other questions for the Safety/Service Director in regards to this item. I'll make motion that we send this on to Council for it's first reading. Seconded by Councilman Clemens. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response). Motion passes. Thank you.

Item#6. Discussion: 2009 Appropriation. I appreciate the Mayor getting this down to us. Mayor, do you have anything you want to say about it?

Mr. McCloud: Probably precious little at this point Mr. Stake. This is not a destination, but a starting point. These are fairly raw numbers. Specifically, in terms of the revenue and some of our costs, we don't know what those will be, our insurance costs are yet to be identified. I think our Worker's Compensation is still, I think it's safe to say there's going to be an increase. We don't have those final figures, but this is a starting point, so that's all I have to say.

Mr. Stake: Okay, I didn't see anything in here that showed what our projected revenue would be next year so that's something I know we're still working on and it's a lot to digest here. Just got it over the weekend so I would, I did want to get it on the agenda so we could start discussing it, start looking at it, if members of Council have any questions, they can go to the proper Department Head, because those are people who prepare their budget, and ask them questions. I

do know note that there's an emergency on this, but it won't be passed in one reading. As long as we get it done by the end of the year, we're good. Are there any questions or comments from members of Finance Committee for the Mayor or anybody else. Councilman Clemens.

Mr. Clemens: And I think that we are getting the cover letter on this. It would cover about each department explaining everything aren't we?

Mr. McCloud: Yes.

Mr. Clemens: That's what I thought.

Mr. Stake: President Hills.

Mr. Hills: I do thank the Mayor for having this down. This is a starting point. For those people who haven't worked on a budget, just get your yellow highlighter out and kind of look over it. Especially the, look to the 2008 estimate. You'll see it in columns. Auditor Harris always prepares it this is what they were, this is what they're asking for and certainly mark down and then you can get those questions answered then. I do note, just that it appears as our budget requests exceed our estimated revenue by about \$500,000 but there, maybe there's a reason for that somewhere, or maybe we just won't have that much, but I understand Nancy has some further details and backup; Nancy, was delivered to your office today, is that correct?

Ms. Frazier: That's correct.

Mr. Hills: So, wherever you see some explanations in here, there should be further explanations with Nancy, and I think the Mayor's going to summarize that, but this is a starting point and a lot of things tonight were a starting point. That's why it takes so long I guess, but certainly I know I have a number of questions and Brad, I'll give you a call and we'll go through them and see where we are and because there's things we got to look at and I'll go ahead and say that one of my concerns has always been we have to get back to the \$1,000,000 a year Street Programs. Our plans are to do that in 2009. Bottom line, there's \$1,500,000 in CIP right now. If a \$1,000,000 of that leaves in 2009, we need another \$1,000,000 in there in 2010. We're only going to have \$500,000 and we've got to figure out how in 2009 to put another \$500,000 into the CIP. There are ways to do that. It's like a 4% increase of the budget going into the CIP and as we get into this process, we can talk about that, but that's one thing I think, between that and the sidewalk programs, there are things we have to know. These are the things that effect everybody in the City and they've, we've got to edge it up a little bit and do more of it but that again, is just for discussions we go through so Councilman Stake, I thank you very much.

Mr. Stake: Thank you President Hills. Are there any other questions or comments from members of Council? Hearing none, then I'll make a motion that we send this item on for it's first reading. Seconded by Councilman Joseph. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response). Motion passes. Thank you.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (a) of Section 953.01 "Water Rate Schedule" OF CHAPTER 953 WATER CHARGES AND DECLARING AN EMERGENCY- - -read for

first time 10-27-08. Mr. Kipp's here tonight, if there are any questions; this is annual exercise I believe, right Mark?

Mr. Kipp: It has been since Columbus started raising the rates like they have. Yes, we've had to do it yearly instead of, we used to do it every three years at one time. Now we just have to go and see what Columbus is doing and plan accordingly.

Mr. Stake: And really, this is just an answer to what they've done.

Mr. Kipp: Yes it is.

Mr. Stake: Pass-through to the customers...

Mr. Kipp: Yep.

Mr. Stake: ...of the increases. I don't think the General Fund can absorb the increase. We don't have any other funds really that can absorb the increase so something we really have to do. Are there any questions from members of Finance Committee for Mr. Kipp? Members of Council? Mark, I appreciate your work on this. Every year you've been, I know, worked very closely with the City of Columbus on this and other entities to make sure that the increases weren't more than they needed to be. Appreciate that, and I'll make a motion that we send this item on for its second reading. Seconded by Mr. Clemens. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (c) of Section 945.02 "Rate Schedule" OF CHAPTER 945 SEWER CHARGES AND DECLARING AN EMERGENCY- -read for first time 10-27-08. This is just the other part of the service that we get from the City of Columbus.

Mr. Kipp: Correct.

Mr. Stake: Any questions or comments for Mr. Kipp from Finance Committee, members of Council? Then I'll make a motion that we send this item also on for it's second reading. Seconded by Mr. Joseph. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you Mark.

Mr. Kipp: Thank you.

Mr. Stake: ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR HEALTH SERVICES- -first reading 10-27-08. Mrs. Boratyn.

Mrs. Boratyn: I don't have anything to add unless you have questions.

Mr. Stake: It's another pass-through, the fee that we get from Columbus.

Mrs. Boratyn: Yes, this is just the standard contract. It's gone up. I think it said last time, it's

went up 7.5%.

Mr. Stake: Okay. Any questions or comments from members of Finance Committee for the Safety/Service Director, members of Council? Then I'll make a motion that we send this item on for it's second reading. Seconded by Mr. Clemens. Any further discussion. All in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. Thank you. I'll adjourn the Finance Committee at 9:42 p.m.

Mr. Hills: One further item, tomorrow is Election Day. Please go vote and please be patient from what I understand.

Finance Committee

---Nancy C. Frazier, Clerk of Council

November 3, 2008

(Transcribed/S. Cochran, Ass't. Clerk of Council)