

SAFETY COMMITTEE MEETING MINUTES

February 2, 2009

Members of Safety Committee present: Fred Deskins, Jr., Ron Stake, Doug Joseph, Barth Cotner.

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

Mr. Deskins: I'll call the Safety Committee meeting to order at 7:30 p.m. The first thing on our agenda this evening is the agenda and we have some changes. We're going to add two pieces of legislation from Mr. Miller regarding Phase I and Phase II, testing of the Rosehill Project Phase I and Phase II. We're going to make them 5a and 5b; and then I've been asked to remove the Item 8 - Discussion: Authorizing the purchase of three cruisers this evening - we're going to hold it for a couple more weeks for more information to be gathered. Is there any additional changes to the agenda from Safety Committee, Council? If not, I'll make a motion that we approve the agenda as changed. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Changes to the agenda are approved.

I need approval of the minutes for January 20, 2009 Safety Committee Meeting. Is there any changes to the minutes? If not they'll stand as written.

Item 4 - Discussion: Authorization to bid 2009 Fireworks Display. Mayor.

Mayor McCloud: Thank you Chairman Deskins. This is simply a request for Council authorization to allow the Acting Safety/Service Director to advertise for bids. If this carries next week, we can publish this February 18th, February 25th and have the bid opening March 4th, 2009.

Mr. Deskins: Is there any reason why we have to do it tonight or do we....

Mr. McCloud: Only that the sooner that we do it, the better bid we're probably going to get. The closer it is to the 4th of July, we won't get quite as quality a bid.

Mr. Deskins: Is there any questions from any of the Committee people, Council? If not, I'd like to make a motion that we refer this to Council for Council's approval and I'll need a second. Seconded by Mr. Stake. All those in favor say "Aye". (All voted "Aye") Opposed. (No response). Motion carries. Mayor, do you want to go ahead and give us a report on the snow removal?

Mr. McCloud: Yes, I will. We obviously had a fairly major winter storm last week. By the time it was done, we had 8" of snow with 1" of ice. Our crews were out beginning 4:45 a.m. Tuesday morning and later that morning, I issued a snow emergency reminding residents of certain streets that they can't park on those certain streets. We continued plowing through Friday and at the end of the week, we had over 326 man hours, 212 tons of salt. We also had some parts issues and fuel. So altogether, this was about approaching the \$20,000 storm that we incurred so.

Mr. Deskins: How we doing with our salt supply?

Mr. McCloud: We're okay.

Mr. Deskins: Are we in good shape? Any questions for the Mayor from anybody? Thank you very much Mayor, appreciate it.

Item 5 - Discussion: Authorize preparation of construction documents, and advertisement for bids for 2009 Street Program and appropriation of funds. Mr. Miller.

Mr. Miller: Thank you Chairman Deskins, members of Council. At the request of some members of Council, I have put together a summary of streets with the construction cost identified for each street, a construction total. I'm requesting \$9,500 to cover engineering costs, a contingency amount, an inspection amount and a total project cost of \$1,072,833 and I'm going to hand this to Nancy and she can pass it down. I'd like to make a couple of corrections if I may, to the memo that I included with the legislation. I made two errors. The first error was the description of the road work to occur on Summit Road. The memo says from Firstgate north to the bridge. It should actually say, Firstgate north to the corporation limit. The second error that I made, was that I had accidentally added two streets on there twice to come up with the \$950,000 construction cost. When I discovered that, very shortly after I submitted the legislation, and after speaking with the Mayor, I have added Haft Road onto the Street Program from Main Street South to, the name of the street left me; Golding. And other than that, the list of the streets in the memo that I've provided to you are the streets that we are recommending that we include in our 2009 Street Program and I'm requesting a motion during the February 9th Council meeting that we prepare the bid books and advertise for bids and that we authorize CT Consultants, \$9,500 to prepare the exhibits that go in the bid books themselves and if you have any questions, I'd be happy to answer them.

Mr. Deskins: Is there any questions from the Safety Committee? Councilman Stake.

Mr. Stake: Thank you Chairman Deskins. Mr. Miller, have you, what accounts are the, are going to be used to fund this, the Street Program this year. Have we figured that out yet?

Mr. Miller: Well, I'm, I'm under the impression that it will be funded from the CIP.

Mr. Harris: We moved money from the General Fund to the CIP last year with the thoughts that the entire Street Program this year would come out of the CIP and then in future years, we would use the Permissive Tax, and the Street Fund, for some additional ones.

Mr. Stake: Okay, I do remember moving the money. I don't remember that we were going to fund the Street Program with that money totally, but...

Mr. Harris: We can take some out of the other funds. It's the original plan I'd put together to do \$1,000,000 for each of the next four years, at least one of those is going to have to come completely from the CIP. We can do this one, we can change it later on and if you'd like to take a look at those, we can sit down and talk about them if you would like.

Mr. Stake: Yeh, I have no problem proceeding with this tonight. I just would like to know what

funds we're going to use to fund the Street Program. Thank you.

Mr. Deskins: Other questions? Councilman Clemens.

Mr. Clemens: Jim, when you talked to the Mayor about Haft Drive, did you tell him I had tears in my eyes and that's the reason that...Jim and I had a little discussion about this you know, and Jim's first year, and for some reason he forgot my district almost, and not that I would care other than I need something done in my district, and I know we're doing Rosehill, to extend that a little further, I know that you and I have discussed this, that the concrete that's going to be in the gutter and the curb is going to run us about \$95,000, the concrete work for the whole project, correct?

Mr. Miller: Correct.

Mr. Clemens: To get a little bit more money, maybe do another block on Haft Drive, another \$90,000 - I was going to ask, I don't know, is there any reason why we can't use Storm Sewer Funds? That is the storm sewer.

Mr. Harris: Yeh, the Storm Sewer, the Storm Fund can be used for anything involving the storm water system, and I think the City Attorney and I have had discussion on this, that we certainly think the gutter would qualify as a storm water project.

Mr. Clemens: That's correct, because that's what it is.

Mr. Harris: It is.

Mr. Clemens: It carries the water into...

Mr. Harris: Into the storm sewer.

Mr. Clemens: ...into our basins and down through our storm water system, and that would be another way to get another \$90,000 in our Street Program to pay for the concrete and be able to extend, I'm partial, to be able to extend Haft Drive another block to Mariner, and that would be a start on Haft Drive, because it's falling apart, I mean, and it's a main thoroughfare. But anyhow, that's something to consider if the other Committee members of Council think that way, because that's what we collect, that's what the people pay in to, to have a Storm Water Fund to help all of them in their districts and certainly getting water down those gutters that are all torn up is a problem and therefore the money could be used for that. I think we ought to do it. Each year I think we ought to do it as we do that, it's just another fund that we can work into our street department, into our street fund, to do this work. So if you could, if it's through the Committee but if you could get together before this is passed, you know, maybe we could work something else in there.

Mr. Miller: Absolutely. Certainly before the end of this week if we're going to take money from the Storm Water Utility to pay for some curb which will allow us do some more streets, I would be more than happy to add that into the estimate and I could get it to the Clerk by the end of the

week. I'll meet with Mr. Harris on that soon.

Mr. Clemens: Thank you.

Mr. Deskins: President Hills.

Mr. Hills: One question following up on Mel's and I gather it's in there, but I just, I didn't read it because it talks about milling and filling and those types of things; when we are talking curb and gutter although the memo doesn't say it, anytime we're doing a street program, the curbs and gutters when we're doing the street program, the curbs and gutters are included in this bid, is that correct?

Mr. Miller: On Haft...

Mr. Hills: The \$1,072,000 we've got in the Street Program, does that include what we anticipate the cost on the curbs and gutters?

Mr. Miller: I am not replacing every foot of curb that is adjacent to a street that we are milling and paving. I'm taking out deteriorated, broken up, distressed curb and I, we'll be replacing it with new. If there is curb that is there that is in good shape, I'm not removing it.

Mr. Hills: No, only, you go look at our curbs and gutters long enough, they're as bad as the streets so, but when we do a street program, the faulty curbs and gutters are marked and repaired and included in the anticipated cost and you'd have those numbers in here right?

Mr. Miller: Yes, yes.

Mr. Hills: I mean, we're not going to see a \$300,000 curb and gutter thing added on to this.

Mr. Miller: No.

Mr. Hills: Okay.

Mr. Deskins: Do I hear you saying that only if the curbs need replaced, they will be replaced?

Mr. Miller: Correct. Correct, and if you're interested, President Hills, I do have detailed cost estimates for each street, and each segment of street has various lengths of curb that need to be replaced from 500 feet....

Mr. Hills: You have those, but you didn't pass them out to us, correct?

Mr. Miller: Correct.

Mr. Hills: Okay.

Mr. Miller: Correct. If you would like to see those, I can provide those quickly.

Mr. Hills: I suspect that we'll see them. Your estimate of what they're going to be and we'll see them when they come in, right? I will, I will take a look at them sometime. I didn't know that was there or I, maybe I wouldn't have asked the question.

Mr. Miller: My apologies.

Mr. Hills: No problem.

Mr. Deskins: Is there any other questions from Committee, Council? Okay, I'd like to send this ordinance to Council with recommendation for adoption as an emergency. Seconded by Mr. Stake. All those in favor say "Aye". (All voted "Aye") Opposed. (No response). Motion carries. I'd like to also refer this to the Finance Committee for funding. All those in favor say "Aye". (All voted "Aye") Opposed. (No response). Motion carries. Jim, will you explain the other two ordinances we put on the agenda this evening please?

Mr. Miller: Sure. Item 5a which I believe was professional services for construction administration and inspection on Rosehill Road, Phase I and II, is that correct, is inspection 5a and material testing 5b?

Mr. Deskins: That's correct.

Mr. Miller: We requested proposals from our pre-qualified list of consultants to provide inspection services and material testing services for Rosehill Road. Each member of the committee read a proposal, we met, and we mutually decided as a committee, to select CT Consultants to provide construction administration and inspection services for Rosehill Road, Phases I and II. In the legislation that you have before you, I have provided the proposal with a detailed scope of services that they will provide to the city for an amount of \$266,450 and if there are any questions about the scope, I would be more than happy to answer, or if there's anything else, any other questions that you have on any other matters associated with the inspection on Rosehill Road, I'd be happy to answer that as well.

Mr. Deskins: Is there any questions from the Committee, Council? Councilman Clemens.

Mr. Clemens: Yes, Jim and I had forgotten - CT Consultants, they're one of our five main engineers that can do anything?

Mr. Miller: Correct.

Mr. Deskins: Any other questions? If not, I'd like to send this ordinance or these two ordinances to Council with recommendation for adoption as emergency. Seconded by Mr. Joseph. All those in favor say "Aye". (All voted "Aye") Opposed. (No response). Motion carries. I'd also like to send these two ordinances to Finance for funding. All those in favor say "Aye". (All voted "Aye") Opposed. (No response). Motion carries. Thank you very much Jim for your

information, appreciate it.

Mr. Miller: Thank you very much Chairman Deskins, Council.

Mr. Deskins: Chief Suci, are you here this evening? I think we've got a request for a Liquor Permit, a new one for the Target Corporation; and then we have a transfer of a, I think it's a name, a name change, I believe.

Chief Suci: That's correct, Chairman Deskins.

Mr. Deskins: Will you give us some discussion on it this evening?

Chief Suci: We did an investigation into both this new Liquor Permit, and the request for a Transfer, and found nothing that would give us cause to appeal either the new permit, or the application for transfer.

Mr. Deskins: Did I read a story yesterday where BP is being sold out to Englefield, is that....

Chief Suci: That's correct, Sir.

Mr. Deskins: Thank you, Chief Suci. Is there any questions for the Chief? If not, I'll send this on to the Clerk without any action, for her disposal. Thank you very much. I think that's all on the agenda of Safety Committee this evening. I'll close at 7:50 p.m.

Safety Committee

- - -Nancy C. Frazier, Clerk of Council

February 2, 2009

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

SERVICE COMMITTEE MEETING MINUTES

February 2, 2009

Members of Service Committee present: Mel Clemens, Donna Shirey, Doug Joseph, Barth Cotner

Other members of Council present: Ron Stake, Fred Deskins, Jr., Council President William L. Hills. Councilwoman Leslie Kelly was absent.

Mr. Clemens: I'll call the Service Committee Meeting to order at 7:51 p.m.

The first item on the agenda is approval of agenda. Are there any additions or deletions? Yes, Mr. Hills.

Mr. Hills: Mr. Clemens, if I could please. I need to do a correction on a Public Hearing that is set. We set it last week for February 16th at 7:00 p.m. Unfortunately, we will not be here February 16th at 7:00 p.m. - that's President's Day, so the notices have not gone out on that, but will go out and they will reflect February 17, 2009 at 7:00 p.m., and I'm just clarifying it for the record. Thank you Chairman Clemens.

Mr. Clemens: Thank you, President Hills. Are there any other items to be added to the agenda? If not, it'll stand approved.

Item 3 - Approval of minutes of the Service Committee Meeting held January 20, 2009. Are there any additions or deletions? If not, they'll stand approved.

Item 4 - Discussion: ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (7305 East Main Street, proposed use - tattoo studio); applicant, _____ - - - added to 1-26-09 regular Council agenda and had first reading. Who's going to handle this Luke, you or Aaron or who? First, I got a question for either Aaron or Luke, either one. All right, two things I want to ask you was on the variance, let's see, it was added as a hardship. Of course, you know that, that changes our ordinance completely, and that ordinance stays with the property. What I wanted to ask you about was, applicant's name is Richard Morrison, am I correct?

Mr. Domini: That's correct.

Mr. Clemens: All right. He's not the owner of the property, and I think to get a variance on a piece of property, you should have the owner as the applicant, because if you don't, that means anybody could, anybody could go down and - get a variance on my house and I wouldn't even know about it because you know, if you allow somebody that's not the owner of the property to get the variance...

Mr. Domini: Michael Craig was submitted whose the owner of the property on the actual application....

Mr. Clemens: That's right and....

Mr. Domini: ...who attended the meeting, and Mr. Morrison was also at that meeting.

Mr. Clemens: But the variance application says Richard Morrison.

Mr. Domini: _____ on the actual application.

Mr. Clemens: Yes, I see the other. The other's for the Special Exception Use Permit Application.

Mr. Domini: The variance application property owner's Michael Craig with Main Street, LLC and the applicant is Richard Morrison, on that application, that's correct and Mr. Craig was in attendance at that meeting as well.

Mr. Clemens: Mr. Craig should be on as the applicant's name.

Mr. Domini: Okay.

Mr. Clemens: It's his piece of property. It's not Mr. Morrison's piece of property. Am I correct on that, I mean?

Mr. Domini: That's correct. Mr. Craig with Main Street, American Limited, is the current property owner.

Mr. Clemens: That's right but he's not on as the applicant.

Mr. Domini: That's correct, on the actual application, that's correct. Michael Craig is listed as the, on the Special Exception and the variance but not as the applicant.

Mr. Haire: Mr. Clemens, that's fairly common practice that we have contractors that sign as the applicant on many properties. We also have attorneys that sign as representing the applicant. In this particular case, Mr. Morrison and a group of investors are in the process of purchasing the property. They don't want to purchase the property until their purchase contract is contingent on gaining zoning approvals so if they can't use the property for the type of use they want to operate there, they're not going to purchase the property.

Mr. Clemens: The problem

Mr. Haire: Mr. Craig was well aware of the application and he was in attendance at the meeting.

Mr. Clemens: The problem is the variance has been granted and Special Exception Use Permit could be turned down. The variance is still there on the piece of property. Okay. Mr. Craig is the applicant for that piece of property and what if he doesn't buy the property.

Mr. Haire: Then the variance would still be applicable for that specific case if you wanted to open another tattoo shop in that, that would potentially be the case.

Mr. Clemens: In other words, there'd be Mr....you don't get what I'm trying to say and I don't care.....

Mr. Haire: Sorry.

Mr. Clemens: ...and I don't care how you handle it with other people. We're talking about a variance you granted that means quite a bit to the City with applicant's name for the variance as Richard Morrison, not the owner. He's not the owner of the property. So, let me ask the City Attorney. Jed, Mr. Hood.

Mr. Hood: Yes.

Mr. Clemens: You understand what I'm speaking about?

Mr. Hood: I think so.

Mr. Clemens: That the variance was not granted to the owner of the property. It was granted to the applicant's name who's not the owner of the property.

Mr. Hood: I wasn't aware of that until just a second ago but after I was instructed to read the minutes of the BZBA Meeting, it was brought to my attention that through the testimony that was given at the meeting, that the gentleman who intends on opening the tattoo and art gallery has an option to purchase the property contingent upon the zoning change thereby declaring he was not the owner. Our Code is very narrow when it talks about the application process for a variance. It says the owner shall apply for a variance. It's less restrictive in the application for a Special Exception Use Permit in which it allows an owner, a lessee, or an owner's agent, to come before the Board and apply for a Use Permit and I think that's because a Use Permit does not run with the land as you were alluding to before. It has to do with the use of the property and a variance does attach itself to the land and can survive multiple uses. Does that answer your question?

Mr. Clemens: It answers the question, the owner should be the one that applies for the variance. He should be the applicant now, because it leaves a void as far as granting somebody a variance that doesn't own the property, to change our ordinances, and if he doesn't get a Special Exception Use Permit, then he's out of it with what happens to the variance, because he wasn't the applicant.

Mr. Haire: I think that was what Mr. Hood just explained, wasn't it?

Mr. Clemens: He said that our Code says the owner is the applicant for the variance, if I'm not mistaken, it doesn't have to be on the Special Exception Use Permit. You can have a representative. Am I correct, Jed, the code says the owner for a variance?

Mr. Hood: For a variance.....(inaudible).

Mr. Clemens: Yes, Mayor.

Mr. McCloud: Then I guess it boils down to was, in your opinion, was this granted illegally, was this improper? It was either right or it was wrong.

Mr. Hood: The variance or the Special Exception Use Permit?

Mr. McCloud: No, the variance.

Mr. Hood: I don't know. That's the unfortunate part. The Special Exception I think was granted probably properly because if everything that was said tonight was correct, that the owner of the property was there, there's an agreement in place potentially for this gentleman to buy the property, I think there's a case to be made that he was acting as an agent of the owner, obviously with the owner's consent, it seems like. So I think that's less of a problem, but for some reason I think it's because the variance attaches itself to the property, it's a strict and it's a narrow application process where the owner of the property has to do it. What comes of that now, I don't know. I do know that these things are normally challenged in the Court of Common Pleas. The burden would be upon the person challenging the variance to prove that it was done incorrectly. Whether or not a Court would take the strict interpretation of our Code or would allow somebody who's got an option to purchase a piece of property, to act as the owner through the process, I just don't know right now. I'd have to do more research to determine that.

Mr. Clemens: Are there any other members of Council...yes, Mr. Hills.

Mr. Hills: I'm just listening to the communication and I, it appears I think similar to what the Mayor's saying that the applicant for the variance per our code should have been the owner and he wasn't based on the paperwork. Now, I realize all the contractual relationships and I'm not going to do this unless I get the variance but I guess, technically, if somebody wants to get real picky, they could say this variance being granted is being granted to Craig and if he buys that property, then he's got to ask for the variance again because that variance was granted through that the owner and that's why is there, I guess what I'm looking at, is there a cure somewhere? I can see where this could go into legal battle for quite awhile and is there, you know, I take it, I don't want to use the word clerical error, it was just, Special Exception was done properly. The variance doesn't appear like it may have been and I know that they're represented by Counsel too, so I don't know if their Counsel's got a cure or if there is a cure and Jed, you're saying we'd have to look at it further to see what, if there is a way to rectify an improper application I guess, is that what everybody's saying?

Mr. Hood: In regards to the variance itself, I think so. I'd have to look into it more and you know, I think this is akin to if the Council members remember last year the annexation petition that we received on Main Street for the Black property, the U-haul across from the now defunct Mulholland Brewing Company and we rejected that annexation petition because it came to our attention after the County Commissioners agreed to the annexation, that the person that was applying for it didn't own the property. I think most of the Council members were here when we did that and that was the basis for the rejection of that annexation. I think it's similar.

Mr. Hills: On this one, if Michael Craig is Main Street of America Ltd and on the variance

application had been the one that applied for it and it had been granted, then our position if he sells that, the variance sticks to that piece of property anyway, correct?

Mr. Hood: Yes, Sir and the difference between the annexation, I'm sorry.....

Mr. Hills: Yeh, but the Special Exception doesn't, that has to be gone to the user.....

Mr. Hood: The variance, you all don't have an appeal remedy or a power to change what happened at BZA but the Special Exception Use Permit, you all do.

Mr. Hills: Right.

Mr. Hood: But you had to approve the annexation. You don't have to approve and you're not allowed to deny the variance.

Mr. Hills: Right, the variance.....

Mr. Hood: It's problematic actually.

Mr. Hills: I think that's what the question is. The variance has been granted, but was it granted to the right person, I think seems to be where the issue's coming up. I guess I'm just looking, is there a way to clarify or cure and I'm not, I don't know. What is it Luke? What was it?

Mr. Haire: I just said I don't think we know the correct answer to that tonight, so.

Mr. Hills: I'm not sure I do or I guess we'd be suggesting other than ask the question.

Mr. Clemens: I wish I hadn't read it to start with. It's two names, but I did catch the two different names and I do know the variance, it's an important variance because it stays with the property no matter what happens here. As far as the Special Exception Use Permit, not worried about the Special Exception Use Permit pertaining to the property. This is something that changes that property and the variance is not in the homeowner's, not in the property owner's name and that's what, to me, causes the problem. I know he was there and went through all this but he still didn't, he's still not here as the applicant's name, and wasn't granted in his name. It was granted in Richard Morrison's name. I understand it correctly, he's the one that spoke for it and he's the one that it was granted to because he was the applicant, am I correct on that?

Mr. Haire: Yes.

Mr. Clemens: I tell you, my thought would be to hold it for two weeks and that will give us a chance to look into it and discuss it and see, see if we can come up with, come up with an answer that satisfies everybody that's concerned, because I think it is important that, it is important that we not grant a variance to a person that didn't own the property, and whether it was a mistake on how it was filed or how it was done, he was the one that represented for it as I read the minutes and so forth, and he was the one that was granted the variance, so I would like to hold this for

two weeks for further study. Seconded by Mrs. Shirey. All those in favor say "Aye". (All voted "Aye") Opposed. (No response). Thank you.

Mr. Hills: Mr. Clemens, if I could ask, I do know that, I think Counsel is here for the applicant for whatever the term is. Does Counsel understand where we have our concern?

Mr. Clemens: I'm sorry, I didn't represent.....

Attorney David Hodge (speaking off mic): My name is David Hodge and I'm an Attorney and here tonight on behalf of the _____ family and understand the motion's been made, being the low man on the totem pole, for many, many years, I have filled out a thousand applications and it's just a matter of going down through it, filling the blank on the forms. I would hazard to guess that if somebody took the time to go back through this historically, you would see that this has happened time after time after time after time.

Mr. Clemens: Probably.

Mr. Hodge: And it's just a matter of filling out the forms that the property owner, while not specifically listed as the applicant on that form, certainly I believe a defacto applicant on the application. They were here the night of the hearing, they participated in the process, they are, the property's largely been unoccupied for three years. They're interested in selling the property, they support Mr. Morrison and want to sell Mr. Morrison the property, so my position_____a defacto co-applicant on the application.

Mr. Clemens: And I understand that and I'm sure that they did a lot of them. We do a lot of room additions, we do a lot of this, they have them changing fences, but when you're changing zoning, it's a little bit different. When you're changing a piece of property that you're giving a variance that's going to be there forever, a variance on an ordinance that Council passed for a certain reason, this is not Council changing it, this is a separate body from Council that's changing it, our ordinance by a variance. They're not, they're not changing a fence or a setback or something like that, so I think it's important to get it straightened out. If we get it straightened out, I have no problem with it, don't get me wrong. I just don't want, personally, I don't want to see a variance granted on an ordinance on a piece of property that's going to be there forever.

Mr. Hodge: Sure. Until_____they own the property and then down the road and come back and find out_____(inaudible)

Mr. Clemens: That's correct so, best to straighten it out before we even get involved in Special Exception Use Permit.

Mr. Hodge: We need to have our "t's" crossed and our "i's" dotted. One other thing that we see in other cities, is that there's actually an owner's authorization that comes with this kind of an application so every time an application is submitted, that owner has to sign the form.

Mr. Clemens: That could be, that could be handled and if it's acceptable to our City Attorney,

why we bring it back. Anyhow, it is going to be sent back for two weeks so we can further look into it. Thank you. That ends the Service Committee Meeting at 8:08 p.m.

Service Committee

- - -Nancy C. Frazier, Clerk of Council

February 2, 2009

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

FINANCE COMMITTEE MEETING MINUTES

February 2, 2009

Members of Finance Committee present: Ron Stake, Mel Clemens, Fred Deskins, Jr. Councilwoman Leslie Kelly was absent.

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

Mr. Stake: I'll call to order the Finance Committee Meeting at 8:09 p.m.

Item 2 is approval of the agenda. Any members of the Finance Committee have anything to add to the agenda? I have three things, so Item 3a would be the funding for the professional engineering for the bidding of the 2009 Street Program; 3b would be the funding for CT Consultants for the Rosehill Road Phase I and Phase II; and 3c would be the funding for Mannik and Smith for Phase I and Phase II for Rosehill Road. Are there any other additions to the agenda by members of the Committee? All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

Item 3 - Approval of minutes of Finance Committee meeting held January 20, 2009. Are there any changes to those minutes? Hearing none, they'll stand as submitted.

Item 3a - Funding for the initial professional engineering for the bidding of the 2009 Street Program. It came from the Safety Committee this evening and it would be to appropriate \$9,500 from the CIP Fund to account 410.123.5651. Are there any questions or comments from members of Finance Committee in regards to that item, members of Council? Then I'll make a motion that Finance Committee approve the funding for the review of the bids for the Street Program and appropriate \$9,500 to fund Account 410.123.5651. Seconded by Councilman Clemens. Any further discussion? All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

Item 3b - Funding for CT Consultants to provide construction administration, inspection services for Rosehill Road, Phase I and II in the amount of \$266,450 and it will be paid from Account 450.001.5651. Are there any questions or comments from members of Finance Committee in regards to that item, members of Council? Then I'll make a motion the Finance Committee approve and appropriate \$266,450 for professional services from account 450.001.5651 for the administration and inspection services of CT Consultants. Seconded by Councilman Deskins. Any further discussion? All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

Item 3c - Funding for Mannik and Smith to provide material testing services for Phase I and II for Rosehill Road in the amount of \$62,395 from Account 450.001.5651. Any questions or comments from members of the Finance Committee, members of Council? Then I'll make a motion that the Finance Committee approve the appropriation of \$62,395 for professional services with Mannik and Smith for Rosehill Road Phases I and II from account 450.001.5651. Seconded by Councilman Clemens. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

Item 4 - Discussion: Amendments to the Personnel Policy and Procedure Manual. This comes from our HR Director, Megan Kish. I believe she's here this evening to give us a brief overview.

Mrs. Kish: Thank you Chairman Stake and members of Council. We had met with the Mayor, the City Attorney and the City Auditor on some changes to the Policy and Procedure Manual. I provided you with a brief memo outlining the proposed changes just giving you a quick summary of the changes and then I also provided the actual language of the Policy showing the strike-throughs, or the additions and the changes. These changes do not have any monetary impact. Some of them are some typos. We have a new policy that we would like to introduce on disability separation and the other change that's substantial is the changes to Family and Medical Leave Act. There's recently been some changes to extend benefits for folks who have Military families and need extra time off to take care of those service members. If you have any questions, I'd be happy to answer them.

Mr. Stake: My only question would be, you've got emergency marked on this. What would be the nature of the emergency? Or is it, I mean is there something that's time sensitive in here?

Mrs. Kish: I apologize Mr. Stake. The only thing that, there's really not anything time sensitive.

Mr. Stake: Well, I mean, we can send this on for three readings if there is something that comes up along the way, let us know and.....

Mrs. Kish: Okay, my apology on that.

Mr. Stake: ...if we need to, we can take a look at that. Any questions or comments from the Finance Committee for the HR Director, members of Council? Hearing none, then I'll make a motion that we send this item on to Council for it's first reading. Seconded by Councilman Clemens. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries. Thank you.

Mrs. Kish: Thank you.

Mr. Stake: Item 5 - Discussion: 2009 Final Appropriation- - *held 1-20-09*. I did hear today there's some things going on with that. Mayor, do you have anything you'd like to add on that at this time?

Mr. McCloud: Not in addition to what I've already spoken with you about earlier.

Mr. Stake: Okay. Then I will, members of Finance Committee have any questions for anybody in regards to the budget, members of Council? Okay. Then I'll make a motion that we hold this item for two weeks. Seconded by Councilman Deskins. Any further discussion. All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

ORDINANCE MAKING TRANSFER OF FUNDS WITHIN THE INCOME TAX DEPARTMENT ACCOUNTS TO PAY THE REGIONAL INCOME TAX AGENCY FOR THE 2009 SUBPOENA PROGRAM; AND DECLARING AN EMERGENCY- -read for first time on 1-26-09. This does come from the Auditor. Are there any questions or comments in regards to this item, I believe it can have three readings, from members of the Finance Committee, members of Council? Then I'll make a motion that we send this item on to Council for it's

second reading. Seconded by Councilman Clemens. Any further discussion? All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

ORDINANCE AUTHORIZING CITY AUDITOR TO SEEK REIMBURSEMENT FROM OPWC FOR PRELIMINARY ENGINEERING INCLUDING DESIGN, PLANS, SPECIFICATIONS, BID DOCUMENTS, AND GRANT APPLICATIONS FOR THE ROSEHILL ROAD IMPROVEMENT PHASES I AND II; AND AUTHORIZING CREDITING OF MONIES RECEIVED, AND SUBSEQUENT TRANSFER OF FUNDS- -first rdg 1-26-09. Any questions or comments in regards to this item from members of Finance Committee, members of Council? I'll make a motion that we send this item on for it's second reading. Seconded by Councilman Deskins. Any further discussion? All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 971.08 "Program and Facility Fees And Charges" OF CHAPTER 971 MUNICIPAL PARKS- -second rdg 1-26-09. Are there any questions or comments in regards to this item from members of the Finance Committee, members of Council? Hearing none, then I'll make a motion that we send this on to Council with recommendation for adoption. Seconded by Councilman Clemens. Any further discussion? All those in favor say "Aye". (All voted "Aye") Opposed. (No response) Motion passes. And I'll adjourn the Finance Committee at 8:17 p.m.

Finance Committee

---Nancy C. Frazier, Clerk of Council

February 2, 2009

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