

MINUTES REGULAR COUNCIL
REYNOLDSBURG CITY COUNCIL
December 12, 2011

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

Members of Council present: Chris Long, Nathan Burd, Fred Deskins, Jr., Leslie Kelly (present at 7:38 p.m.), Doug Joseph, Mel Clemens, Barth R. Cotner.

The Invocation was given by Councilman Long. Mr. Hills led the Pledge of Allegiance.

Minutes of the regular Council meeting held November 28, 2011 were approved without objection.

The agenda was approved.

Reports- -Mr. Hills said he would have two reports, saying the first item would be that there would be a special Council meeting following committee meetings on December 19, 2011. Secondly, he wanted to try to update some information that had come out the previous week during discussion about appointment to the West Licking Joint Fire District Board.

Mr. Hills: I had asked to see some material; I appreciate Councilman Joseph did forward some statutory references; I read them. I don't think there's any doubt in my mind that any Council person could be appointed to that; the President of Council could be appointed, and I think probably, if you read it closely, you could pick John Smith off the street and appoint him, so I don't think there's any issue with that.

I did want to clarify a couple things, and I've talked to, for those that don't know, we have fire service provided, and EMS service, by four separate first departments: Jefferson, Violet, Truro, and West Licking. I don't know what their percentages are; obviously, Truro is the number one provider; number two is West Licking; and then Violet and Jefferson, I think they kind of split up; I'm not sure there's a large difference between the two of them. The statements we were talking about on the appointment, were the minutes. There have been minutes made available - 2006, 2007, 2008 and 2009; they were forwarded to Nancy electronically. We haven't had any in 2010 and 2011; that's easy enough to forward those on electronically, so I'm sure that will get taken care of. The question I had was just wanting to be able to see the material before you all make your decision on appointment of whoever's there. I have no problems with who's appointed; I just, when I read the article that came out in November 3rd about what we call 'soft billing of EMS', which they had passed, and Doug Joseph was a representative there, he did vote in favor of it; I was not even aware, and I guess it's because I hadn't seen those minutes, but I wasn't even aware it was being an item of discussion. But before I even discuss that, I want to be sure people understand - Jefferson Township does do soft billing on all transports; Violet does soft billing on all transports. Now what soft billing means is when they come to your location of need, whether it be a car accident, house, or whatever, if you have

insurance, they will bill your insurance company for the amount of the transport. Now the insurance company may pay, may not pay, the individual that's being transported, and I can speak for Jefferson, Violet, and Truro and I'm sure the Chief will be happy to speak for his own department; the person being transported will not be held responsible for the bill. What the insurance company pays, the insurance pays the fire district, says okay, that's it, we just got some money in. I think as I read in West Licking they were looking at possibly three quarters of a million dollars a year; Violet mentioned to me that they thought it could bring in three quarters of a million dollars a year. And, you know what? That isn't bad money. That helps the fire district, and I think some of them have done this on the fact that maybe we'll delay a levy, not have to do one quite as soon. And maybe there's an argument for that; I guess you got others, the far right will say, you know, we don't like tax increases, we don't like fees, but let me assure you if I generate money from an insurance company, paying me to put money in my pot, eventually whoever's got that insurance policy is going to pay for that difference, cause his rates are going to go up. The more they pay out in transport, it's a vicious circle; there aren't any free lunches.

Where my concern came was, as I, Mr. Joseph did make the statement that this was bringing it in the same stead as Truro is. Truro is not there. I talked to Chief Foltz on Friday, and I already caught hell tonight as why isn't he here; well, let me assure you folks, you all have known Chief Foltz for a lot of years. If he tells you something, it is what it is. I didn't realize there was any need to have him here. Truro Township, which is the primary provider of the majority of Reynoldsburg and only because the majority of Reynoldsburg is still in Franklin County; Truro Township is limited to Franklin County; West Licking is the Reynoldsburg residents in Licking County, okay? But when it comes to Reynoldsburg residents, if the individual being transported by Truro has a Reynoldsburg address, they are not soft billed; they will not be billed by Truro. Now if, I guess using my house, I would be a Truro recipient; if my mother-in-law, bless her heart, but if she was over there, and something happened to her and I called Truro, Truro would bill her insurance company from my address, but if it was myself or my wife, they would not be billed to transport. They would not bill the insurance company to transport. And I guess the concern that I have, I don't know what West Licking, I'm reading the article in the paper, I don't have the minutes, they haven't been here, and I don't know what their plans are; the article in the paper certainly doesn't indicate that this is going to be any soft billing; it says the charge will apply only patients, including both residents and non-residents; I don't know if you're not a resident, if you're a resident or a non-resident and we're going to charge somebody, then I'm not sure who's being exempted from that group, but, so that's where my concern is, it's not whether they can do it, they absolutely can do it, and they're basing it on 2001 and I think there was also and Mr. Joseph probably knows, he knows more about the General Assembly right now than most so, I think in 2010 they made some modification that made it even easier to do it. So is it a trend that's coming? Yeah, it is. West Licking is, from what I can tell, effective 1-1-2012, going to be doing it; I just think our residents need to understand Truro does not bill those residents they transport that have a Reynoldsburg address.

Now, that brings up another little issue, which I'm not real sure Truro and West Licking work a whole lot together. Am I incorrect in that Chief; I mean, you all don't cover much on fire or EMS services, do you?

Chief Fulmer said they ran a fair amount of mutual aid. (Was not on microphone)

Mr. Hills: Do you run some? That's good, cause I'm three houses away from Licking County and everybody I see that comes out as back up is Columbus, which has always been a surprise to me, but that's the way it's been the last four or five years, so. I'm not sure that there's competitiveness, you know, all the fire districts are good; I have yet to hear anyone, in my eighteen years, complain about the service they receive from the fire department, whichever one it may be. And I think that's commendable to everybody in the fire service. Again, I just thought it was appropriate, and I meant to talk to the Mayor about this, because I think when we see this that this is now a charge going to the insurance companies of our Licking County residents, I think we as Council, and Administration, need to understand, that policy of soft billing is not being applied in Truro Township, but it is being applied in the three smaller ones. Mr. Joseph, is there anything you want to add to that?

Mr. Joseph: No. I'll just let the Chief speak to it when it's his turn.

Mr. Hills: Then Chief, I understand that Mr. Joseph gave you a call and I guess he was all upset that I didn't have Chief Foltz here and I'm sure you and Foltz have talked a number of times, but is there something you want to add or say that I'm incorrect, because if I'm incorrect, I'll be happy if somebody'd correct me.

Chief Fulmer: Thank you and good evening, Council. Yeah, Dave Fulmer, Fire Chief for West Licking Joint Fire District. I can address some of the questions that you had. We are implementing a soft billing policy, meaning that we will bill insurance carriers only, because of the Medicare and Medicaid rules, if it's an uninsured non-resident, they will receive a bill. And after the third bill, that debt will be written off as bad debt. And the reason that jurisdictions that do EMS billing have to do that is so that they don't get charged with disparate billing if they get an audit by Medicare and Medicaid. I am unsure what exactly Truro does; I do know they use Med 3000 is my understanding for the portion of EMS billing that they do; that's the company that we have chosen, because they represent all of the MEC agencies who we recently signed on to for emergency medical services and medical direction. So I can't speak to how they do it; I can tell you that in my experience with EMS billing, which dates back to 2001, the only portion that a jurisdiction can waive, and that's based on the office of Inspector General's opinion, is the co-pay and that is because the office of Inspector General views the tax contribution to the city service, fire district service, township service, a private service, that is a third party provider is part of their contribution. I can tell you that there is statutory language within the Ohio Revised Code that requires insurance carriers, as well as Medicare and Medicaid, to cover the costs of EMS transport. So while it may be true, at the end of the day, whatever day that is that insurance premiums increase, it's merely not the cost of EMS transport; that's automatically provided and agencies and jurisdictions implement EMS billing as a tax avoidance measure. And estimates for us do say we have the potential to have a revenue stream between seven hundred and fifty, upwards of a million dollars. And to us, that's equivalent to one mil; one mil in

today's climate brings in the district approximately a million dollars. We do have intent to do the soft collection, and if you're uninsured, we run through that three invoices to your residence, and after the third one, it's written off as bad debt. The only time any of these agencies typically will do a hard collection, and granted some agencies do do a hard collection, they have no soft billing practice, would be, you yourselves may have had medical care provided at a doctor's office or somewhere else and had a check sent directly to you that you had to turn around and then provide to the medical provider. Often times that will happen with the EMS transport as well. And it's not uncommon for people to get that check, around this time of year go out and buy a big-screen tv, book a cruise, and they're basically using insurance monies for transport; and most agencies will go and ask for reimbursement of those funds and if they don't get them, will do a hard collection on those funds, because it basically amounts to insurance fraud. So specifically I can't address what portion that Truro does write off or if they don't send a bill to the residents..

Mr. Hills: I think it's not a period of writing off; they do not bill. If the party being transported is a Reynoldsburg resident, has a Reynoldsburg address, Chief Foltz says they do not even bill them.

Chief Fulmer: That could very well be true.

Mr. Hills: And that's within their records. Now the curious one I want to see is what happens when he goes mutual aid and he goes and picks up one of your Licking County Reynoldsburg residents and doesn't bill, or what kind of battle are we going to get in - don't send West Licking, send Truro cause they're cheaper - I don't think that'll happen cause there's not that much working on the border...

Chief Fulmer: I can tell you that, based on my experience, if an agency bills and they respond mutual aid, they bill for that mutual aid call to the insurance carrier. Because what happens if they don't, then they put themselves in a position where it's disparate billing, which if they get an audit could cause them a great deal ...

Mr. Hills: And maybe they would; I don't know what Truro _____ in Franklin and what his statement was if you have a Reynoldsburg address and you're a Reynoldsburg resident, we will not bill you. They do bill everybody else and that's why he went into the explanation if you have somebody at your house that isn't from that address, but is not a Reynoldsburg resident, they will bill their insurance company. So he's just not doing it with Reynoldsburg. I didn't realize there was a need to have him here and I still don't think there's a need to have him here. If anybody's got a question, pick up the phone and ask him.

Chief Fulmer: Sure. And really, it's neither here nor there to West Licking what .. how Truro bills...

Mr. Hills: Yeah. If we do go pick up, if he ends up on a mutual aid and picks up somebody, you may technically be very correct; he may have to bill that insurance company to protect your records of the records of somebody transported off of mutual aid coming out of your district. I don't know. You

all have to figure it out; that at a higher pay level, which would be in the Fire Department than here, but...I guess what I'm trying to point out, and I think...I appreciate your comments, because it very much goes along with the article in the Standard, it, Doug was indicating it didn't go into half the details; well, it didn't, but they didn't do a bad job of explaining to the people what's going to happen.

Chief Fulmer: That's cause Chad and I work together to write the articles and make sure they're about as complete as they can be.

Mr. Hills: Well that's good. We have that around here sometimes where people work with the people writing the articles, and they come out all different angles, but...yes, Mr. Deskins.

Mr. Deskins: I have a question for the Chief. What happens...you said you billed three bills on the soft billing and then you write it off as bad debt. Does that person get turned over to the Credit Bureau like a normal bad bill?

Chief Fulmer: No, they do not. It's totally forgiven. I've been involved with EMS billing since 2002 and not once have we, in those agencies I've been employed at, ever turned anybody over to collections. The only people we took a hard approach and through the prosecutor's office, because my prior employment was with the township, we worked through the prosecutor's office to send a letter stating you have received funds from your insurance company for the purpose of EMS transport; you have not remitted those to the fire department, and if you do not remit those, then we will take further action. Most often times, that gets their attention and you get a check in the mail that was rightfully belonging to the fire department.

Mr. Deskins: Thank you.

Mr. Hills: Any other questions of the Chief?

Chief Fulmer: I just have, if I may, one closing statement.

Mr. Hills: Sure.

Chief Fulmer: I as the Fire Chief/Administrator don't take these kind of things lightly, and you know, we took almost a year to evaluate the billing process with pretty comprehensive requests for proposals, had five to six proposals submitted, and ultimately chose to go with a company that represents a majority of the MEC agencies, which is eastern Franklin County and we are one of the last departments contiguous to the district that we've held out as long as we could. The only other jurisdiction that's contiguous to the district, that does not bill, is the Village of Granville. And while they're considering it, I think there's some funds that are tied to the university there that have not, you know, they just haven't made that leap of faith yet, so as always, I'm available to any of you folks with any questions you may have and any time you want me to be here, I'm more than happy to come

over and ..

Mr. Hills: We appreciate that and we appreciate the service you provide. I'm not sure what the percentage is of Reynoldsburg, but it's substantial and again, I've been around here long enough to hear about the mergers and all the different things and if residents aren't complaining, why are you doing anything to change the service they're getting, and that's always been my feelings on it; I don't know if that's going to change at some time, but I hear no complaints out of the Licking County residents, in Etna Township, and Reynoldsburg addresses, nor do I hear anything in Truro, but I appreciate you coming in and explaining. Again the issue that I had, I was surprised to see it in the paper. We had a Council member who had voted for it, and I just think there was a little communication problem that nobody knew they were voting on it and I do know that some Council members have some feelings, gee, should we have done that. Well, we didn't; it was our representative that was done and it was a 3-2 vote; there isn't any doubt about that and please, don't ever doubt, I'm not questioning your ability to do it. I'm just questioning now how do we answer to some of the residents when one side of the street would get billed to transport to their insurance company, and the other side of the street may not, just because of the geographic difference between Franklin and Licking. And that's one that I think that Council needs to be aware of and I think the Mayor needs to be aware of it, because those questions are going to come up and they're going to start after January 1.

Chief Fulmer: Sure. And if you guys, you know, if Council members and the Mayor field questions and you know, we need to do some community education, which is part of our roll-out component, we'll be more than happy to have some focus group meetings for the residents that are going to be affected and answer any questions they may have.

Mr. Hills: I appreciate that and I think we're going to try to improve the communication on this side so we don't just, something doesn't come up that we didn't understand and maybe we can .. I appreciate you're here; we're friends anyway, I mean, not you and I, we've met, but I mean this is not an aggregated discussion or fight or anything, this is just a matter of getting some information that the papers need to understand so the residents can understand. Where we are, why we're there, and how we got there.

Chief Fulmer: Sure. I'm happy to be here under any circumstances; sorry my face has been a little absent. My promise when I started was to try to get here at least once a month or every other month and no excuse, definite apology for the last year..

Mr. Hills: Chief, you're to be commended because you hadn't been on the job two weeks before you did come in. And I remember that night, so.

Chief Fulmer: I won't be a stranger. Anything we can do for you folks, don't ever hesitate to contact us and we'll be here at a moment's notice.

Mr. Hills: Any other questions on the issues? (No response) Thank you very much Chief.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR WATER DEPARTMENT FOR "COLUMBUS CONTRACT" AND DECLARING AN EMERGENCY- -
-Clerk read ordinance by title for the one required reading. Mr. Joseph moved adoption; Mr. Long seconded. With the roll called, members voted: Mr. Long "Yea"; Mr. Burd "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea". Motion passed; Ordinance No. 52-11 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AN INTERGOVERNMENTAL WORKING AGREEMENT WITH FRANKLIN SOIL AND WATER CONSERVATION DISTRICT TO SUPPORT THE BIG WALNUT WATERSHED COORDINATOR PROGRAM ADMINISTERED BY FRANKLIN SOIL AND WATER CONSERVATION DISTRICT IN COORDINATION WITH AND SUPPORT FROM MORPC, CENTRAL OHIO GREENWAYS, AND THE STATE WATERSHED PROGRAMS WITH ODNR AND OHIO EPA; APPROPRIATING FUNDS THEREFOR; AND DECLARING AN EMERGENCY- -
-Clerk read ordinance by title for the one required reading. Mr. Joseph moved adoption; Mr. Clemens seconded. Mr. Hills noted the clerk had noted concerns on the proposed legislation, and asked if all the concerns had been addressed. Mrs. Frazier said they had been. With the roll called, members voted: Mr. Long "Yea"; Mr. Burd "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea". Motion passed; Ordinance No. 53-11 adopted.

ORDINANCE MAKING TRANSFER OF FUNDS FROM GENERAL AND ADMINISTRATIVE ACCOUNTS to the SAFETY/SERVICE DEPARTMENT; AND APPROPRIATING FUNDS TO VARIOUS DEPARTMENT ACCOUNTS and FUND ACCOUNTS (Police, Clerk of Courts, Mechanic; Police Pension, Sewer Capacity, Special Assessment Debt Retirement, Sidewalk Construction, Visitors Bureau, Columbus Sewer Capacity, Brice-Main TIEF, Kroger TIF Debt Retirement, Taylor Rd TIF #1, Income Tax, Computerized Needs) IN ORDER TO BE IN COMPLIANCE WITH ORC AT YEAR'S END AND DECLARING AN EMERGENCY- -
-Clerk read ordinance by title for the one required reading. Mr. Joseph moved adoption; Mr. Burd seconded. With the roll called, members voted: Mr. Long "Yea"; Mr. Burd "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea". Motion passed; Ordinance No. 54-11 adopted.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO A FIFTEEN-YEAR AGREEMENT WITH THE STATE OF OHIO, ACTING BY AND THROUGH THE DEPARTMENT OF ADMINISTRATIVE SERVICES, GENERAL SERVICES DIVISION, OFFICE OF REAL ESTATE AND PLANNING, for and on behalf of the Ohio Department of Agriculture and the Ohio Department of Commerce FOR AN EASEMENT IN ORDER TO PERMIT THE INSTALLATION, CONSTRUCTION, RECONSTRUCTION, USE, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, REMOVAL, SERVICING AND IMPROVEMENT OF A CERTAIN UNDERGROUND SANITARY SEWER LINE UPON THE EASEMENT AREA- -
-Clerk read

ordinance by title for the first reading. Item referred to Service Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 1131.02 "Definitions" OF CHAPTER 1131 DEFINITIONS; and AMENDING 1171.06 (d) "Accessory Use, Accessory Structure" of CHAPTER 1171 GENERAL REQUIREMENTS- -Clerk read ordinance by title for the second reading. Mr. Joseph moved to suspend the CRC Section 4.04 three reading rule; Mr. Clemens seconded. **With the roll called, members voted: Mr. Long "Yea"; Mr. Burd "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea". Motion passed; rule suspended.** Mr. Joseph moved adoption; Mr. Long seconded. **With the roll called, members voted: Mr. Long "Yea"; Mr. Burd "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea". Motion passed; Ordinance No. 55-11 adopted.**

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF HEALTH CARE FACILITIES REVENUE BONDS, SERIES 2011 (WESLEY RIDGE RESIDENCE CORPORATION), OF THE CITY OF REYNOLDSBURG, OHIO, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ~~\$9,000,000~~ ***\$10,000,000*** FOR THE PURPOSE OF FINANCING COSTS OF HOSPITAL FACILITIES (AS DEFINED IN SECTION 140.01, OHIO REVISED CODE); PROVIDING FOR THE ASSIGNMENT OF REVENUES FOR THE PAYMENT OF THE SERIES 2011 BONDS TO BE ISSUED AND THE LEASE OF CERTAIN PROPERTY FROM AND TO WESLEY RIDGE RESIDENCE CORPORATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A BASE LEASE, A LEASE AND A TRUST INDENTURE TO PROVIDE FOR THE PAYMENT OF SERVICE CHARGES ON, AND OF OTHER AGREEMENTS, INSTRUMENTS AND DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF, THE SERIES 2011 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT FOR THE SALE OF THE SERIES 2011 BONDS; PROVIDING FOR AND AUTHORIZING CERTAIN OTHER MATTERS RELATED TO THE ISSUANCE AND SALE OF THE SERIES 2011 BONDS; AND DECLARING AN EMERGENCY.- -Clerk read ordinance by title for the second time. Mr. Joseph moved to amend the ordinance to the one received November 29, 2011; Mr. Burd seconded. **With the roll called, members voted: Mr. Long "Yea"; Mr. Burd "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea". Motion passed; ordinance amended.** Mr. Joseph moved adoption; Mr. Clemens seconded. **With the roll called, members voted: Mr. Long "Yea"; Mr. Burd "Yea"; Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea". Motion passed; Ordinance No. 56-11 adopted.**

ORDINANCE TO MAKE AN INTERIM APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF REYNOLDSBURG, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012 AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the second time; item referred to Finance Committee.

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- -Clerk read ordinance by title for the second time; item referred to Finance Committee.

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- -Clerk read ordinance by title for the second time; item referred to Finance Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR HEALTH SERVICES AND DECLARING AN EMERGENCY- -Clerk read ordinance by title for the second time; item referred to Finance Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR CITY INSURANCE- -Clerk read ordinance by title for the second reading. Item referred to Finance Committee.

Meeting adjourned at 8:03 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council