

MINUTES REGULAR COUNCIL
REYNOLDSBURG CITY COUNCIL
MONDAY September 9, 2013

President of Council Doug Joseph called the meeting to order at 7:31 p.m.

Members of Council present: Barth R. Cotner, Chris Long, Monica DeBrock, Leslie Kelly, Mel Clemens

The Invocation was given by Councilman Cotner. Mr. Joseph led the Pledge of Allegiance.

Approval of Minutes of Regular Council Meeting held 7-15-2013 will be held until prepared.
Approval of Minutes for the month of August were approved.

Mr. Long motioned that Item 13 from items from First Reading to Item No. 12a. Legislation requiring one reading. Mr. Joseph said the two items that I have we are going to remove the Executive Session from the agenda this evening and would like to add a report from the President of Council. The amended agenda was approved with all voting "Aye".

Community Comments and Requests- -Ms. Dacia Alexander, 655 San Miguel Pl., Reynoldsburg, I believe that City Council should revise Chapter 505 of its Code to mirror Ohio Revised Code thereby creating a breed neutral safer and better Reynoldsburg.

Brad Hauser, Jr., 6897 Roundelay Road, Reynoldsburg. I would like to address you tonight: Members of Council: insuring safe and respectful communities includes protecting Citizens from irresponsible dog owners and dangerous dogs regardless of the breed. City Officials should protect people and pets by passing and enforcing laws that emphasize personal responsibility, public safety, individual accountability and equality. An easy route for Reynoldsburg City Council to follow would be to repeal its current breed specific legislation in favor of Ohio Revised Code breed neutral language. This has already been vetted by multiple lawyers and multiple legislators. As you are aware members of the Reynoldsburg community and neighboring areas have banded together in a cause known as "Pitbulls for Reynoldsburg". The mission for "Pitbulls for Reynoldsburg" is to advocate for a breed neutral code for Reynoldsburg. Educate people about the shortcomings of breed specific legislation and some alternatives. We are not alone in our efforts many Ohio communities and communities and states around the nation have repealed or are undertaking campaigns to repeal breed specific legislation in favor of more demonstrably effective defensible and equitable laws. 16 states in our nation actually prohibit municipalities from enacting breed specific legislation. I realize that not everybody will readily agree with our viewpoints, however, I invite such individuals to open civilized dialog and discussion of hard facts that withstand scrutiny. Some may say that we wish to belittle or discount the injuries of those that have suffered dog bites. This could not be further from the truth. Like these individuals, we believe that reckless dog owners and dangerous dogs are a serious public safety issue. Where we disagree is how to address the issue. While some minds may not be swayed out of genuine fear or misinformation, I hold that an overwhelming preponderance of the evidence leads to the inevitable that our cause is simply the right thing to do. We last presented in front of Council at a July 8th

session during which we highlighted many of these same points provided packets of information to you the members of council and encouraged and invited questions, concerns and comments. We also met with several of you, not all of you individually during the August recess. I would like to personally thank those of you who accepted our invitations and showed and continue to show sincere commitment to your positions as representatives of the people. I sincerely hope that you have made it a priority to review the informational packets and consider all that we have discussed in the individual meetings. Why I understand that matters involving legislation require careful consideration of all viewpoints impacts options and strategies, I challenge you to consider this issue an active item on the agenda of Council. With respect, I submit that the safety of Reynoldsburg Citizens is a matter that merits immediate and constant attention and should not be delayed further. In conclusion, I urge you to listen to not only voices of your constituents, but also of the voices of your Ohio Neighbors and revise Chapter 505 of our code to mirror Ohio Revised Code, thereby creating a breed neutral safer and better Reynoldsburg.

Communications- - Clerk read report from Clerk of Court: total monies collected from July 5th, July 11th, July 18th and July 25th fines, waivers, bond costs, bond forfeitures were \$16,464.50. Court costs and miscellaneous costs assessed \$26,470 with a total of \$42,934.50. Computerization Needs Fund \$3,8080; Enforcement and Education Fund \$75. Which brings a grand total to \$46,889.50.

Reports- -- Mr. Nathan Burd said thank you President Joseph and members of Council I want to welcome a group of students from the Ohio State University here tonight. Earlier this year Councilwoman DeBrock brought to us an opportunity to have students from the University do a city and regional planning project on our city. We met with them a couple of weeks ago on campus, this is a portion of the students, it's actually a much bigger group of folks who are going to be looking into this so we're really excited and honored to have them involved in Reynoldsburg for the next few months. It's a win win for us and we certainly think it will help get them some tangible real world experience as they continue their studies and start their careers and we're hopeful that maybe a few of them will decide to live in Reynoldsburg when it's all said and done so we'll see. We'll work on them.

Report- - Mr. Joe Brown thank you President Joseph and members of council. I have submitted to you a copy of the Needs Assessment. We've been working along with the recreation commission have been working on this since February, we're excited about it. I think the goal here is to ensure that as far as quality of life is concerned that we're implementing and developing quality of life opportunities for our community members that they want. It's not anything that Council has dreamed up or the Parks Director has dreamed up. I want to maintain the pulse of our community and this is a step in doing that. So, its 22 questions long, I'd like to distribute this the week of September 23rd, do that to the last week of October. We will send a large series of these surveys hard copies to all of the schools which they'll be given further guidance as far as taking them home, filling them out and bringing them back to class where the teacher will collect them and then our staff will collect them 3 times during that month. Then we will have an online version that'll just be the same survey, just online they'll be able to fill out and submit online to the parks and rec general mailbox. We'll post the survey on the city website, the school website, on our facebook page we'll have a link and then we'll also distribute hard copies to the Senior Center. We'd love to get anywhere from 300-500 returned surveys back that we can quantify.

Mr. Long: Great idea Joe. I mean, how could we put together what services we should be doing if we haven't asked the community that we're serving. I like the fact that you're doing it hard copy to the schools but that you're also offering an electronic version for people to be able to enter online. Super idea. I know we did it a few years ago in the Economic Development Department and it's been awhile since anyone has done this so thank you.

Mr. Cotner: What's your goal to finish the project up, what deadline, when do you want to have it back to you.

Mr. Brown: You know, I'd like to have it done by December as far as quantified, graphed out, something that I could present to Council.

Report- - - President Joseph item 9c is a report that I added. I wanted to talk a little tonight about a legislative request that Council Members received over the weekend. It was submitted by the City Auditor so I will be directing questions to you Mr. Harris. The subject is for the funding of a 2013 Levy Campaign. It is a request for Council to authorize the Mayor to enter into contract with Zack Woodruff to consult on the 2013 Tax Levy Campaign, to request Council to appropriate \$17,000 from the unappropriated General Fund account 110.522.5339 miscellaneous contract services to pay campaign expenses and then there's an attachment of the detailed plan. It's also listed as an emergency. The document indicates that the memo was prepared by Mr. Woodruff on August 22nd, which was 2 and a half weeks ago, 2 weeks before Council had a chance to see this. In this document it also indicates that beginning the following week, a new website was going to be going up to discuss the tax increase. The document also indicates that this plan must be implemented to make sure that the issues passes. I believe that this legislative request, at best is unethical and at worst is illegal. Is it appropriate for the city to talk about deficiencies where we need additional money, yes. To actually coordinate a campaign with a private political effort to raise the city income tax or do anything frankly with the city income tax in my opinion is, as I've said, at best, unethical, probably illegal. Most people would read through this document and say you're going to spend \$27,000, because they're identifying \$17,000 that the City would pay and \$10,000 that a private political action committee would spend, to pass this issue. This document, basically would, indicates that the city dollars would be spent on everything other than actually advocating the passage of the issue and then this political action committee would then close the deal with an additional \$10,000. I think it's this kind of proposal is why so many citizens have been cynical about the city, the need, I mean if we have \$17,000 to spend to essentially promote a tax increase, because it will be presented in a way that we need money. It's an issue campaign but it's being coordinated with a political campaign. I'm also disappointed that, this is a document that has been in the works for weeks and now it's being presented as an emergency. It would have been nice to have Council consulted since we're being asked to spend \$17,000 on something next week probably, it appears that it's already in operation based on information in this document. So Mr. Harris, I'll just start with you. Where are we at on this plan, has any City dollars been spent so far and where exactly are we with this plan?

Mr. Harris: Nothing has been spent, nothing will be spent until Council appropriates the money. Council was very adamant during the discussions over the past few months that they did not feel that the previous levy attempts were done correctly so we went out and found Mr. Woodruff who worked for the City of Whitehall, who did theirs. The Mayor, the City Attorney and myself

interviewed him, talked with him, asked him to put forth a plan of what it would cost to do this, this is the plan you have before you. The website is not up, nothing has been done and nothing can be done until Council appropriates the money. It is legal, it is ethical, other places have done this, it's the only way we know of that will take care of Council's request that this was not handled well and you can ask Mr. Hood for the legality of it. Other people have done it, it is certainly legal it is certainly ethical and your characterizing that is very disappointing and the fact that you're running for public office and want to use this as a sounding board rather than trying to do what's right for the people of this city could also be considered unethical.

Mr. Joseph: Mr. Harris, until such time that I would ever do that, that's an inappropriate comment to make in this forum.

Mr. Harris: And so was yours.

Mr. Joseph: No it was not. This document, right here says, this must pass, this document must pass for the issue to pass. We're talking about using city dollars to promote a tax increase. It says so right in the document. The city has no authorization to promote a tax increase. That's what this document says right here.

Mr. Harris: Are you going to let me finish? The city part will only be informational.

Mr. Joseph: The fact that you are coordinating a public campaign with a private campaign is where you have your problem. I have no problem with people in this room going out and saying we need to raise additional dollars for this city, let's promote a tax campaign but using private dollars. If \$27,000 is determined to be what is necessary to pass this, it should be done with private dollars, not largely city dollars. That's my issue and the fact that it's coordinated- you look at the calendar that is in here, you can't even tell what is city dollars and what is private dollars looking at this calendar. This is coordinated. You might have a sliver of legality in here on the yellow sheet, but everything underneath it, in my opinion, is illegal because of the coordination factor.

(inaudible)

Mr. Joseph: I've seen organizations do this before but they don't coordinate with political organizations. Non-profits have done this kind of things for years and it's legal but not when you coordinate with a political organization.

Mr. Harris: Cite the Ohio Revised Code. When you say something is illegal, you should cite the section of Ohio Revised Code that says its illegal.

Mrs. Kelly: Can we have Jed jump in here since he's the City Attorney?

Mr. Hood: Thank you, as you know, I was on vacation last week so I didn't get a chance to look at that until this morning but I have been involved in the conversations before I left and what was decided by the Mayor and the City Attorney and the Auditor, was that we were going to attempt to get a consultant because we hadn't used one in the past because Council was so concerned about

getting the information out to people and that's what we talked about. There is no question that the city money cannot be used to take an adversarial or proponent approach to this, it has to be an informational piece only and I would, either my staff or myself, would approve any language that was used as far as any promotional pieces for the city, when any city dollars are expended. The rest of the proposal, if it's a private organization, they can advocate for any position they choose, but there has to be basically any money spent by the City has to play right down the middle, can't take any position one way or the other, but it can be informational, there is no question about that. That's the legal aspect of that.

Mr. Joseph: Mr. Hood. This document, it says right in it that both parts have to be implemented for the levy to pass. Is that not advocating the passage of that issue?

Mr. Hood: I don't think we approached the consultant with the hopes that it would fail.

Mr. Joseph: You're telling me the city can go out and spend city dollars to promote the passage of a tax increase, is that what you're telling me?

Mr. Hood: Absolutely not, that's not what I said. What I said was the city can spend money to inform their citizenry on an issue that is on the ballot that the City Council placed on the ballot.

Mr. Joseph: this document..

Mr. Hood: that's what I can say...

Mr. Joseph: yes but this document, that's not what the document says.

Mr. Hood: then there's a problem with the document Mr. Joseph. But what I'm saying is, and my opinion is, the city can spend dollars, public dollars, to educate their electorate, there is no question about that. And it cannot take a position one way or the other.

Mr. Joseph: And that is not the issue that I bring here tonight. I'm talking about a campaign where you don't know where one starts and where one ends.

Mr. Hood: I just told you where one starts and one ends. The city cannot spend money to advocate for against anything.

Mr. Joseph: if you give this document to anyone in this room, they would not be able to see where the issue campaign starts and then when the political campaign starts. People will see it in the same light.

Mr. Hood: Mr. Joseph, that may be true I can tell you that I have not received a phone call from any member of Council asking me that.

Mr. Joseph: I'll go ahead and open it up to questions.

Mrs. DeBrock: I do believe they can be kept separate. They were kept separate during school

campaigns, there were informational newsletters that went out to families telling them activities that may be cut, programs that may be cut, it's getting the information out. If you don't have certain dollars, what can't be done and with the City right now, Council and the City are not getting the information out on the fact that we have lost so much water, treated water, through our lines because we've not been able to spend money on it. We're not repairing the streets the way we should be. I've talked to three business on Brice road and conversations continuously are shall they stay on Brice as they watch gang fights and prostitution in the day time. So this is an issue and most people are not aware of these issues and this is where a consultant can help us get the information out. They don't have to say vote yes, but they can say these are issues that we are facing in this city and it's black and white.

Mr. Joseph: Mrs. Debrock, that's not the question. You're talking about something that I didn't even bring here tonight. I'm talking about a coordinated campaign, if they had brought forth something that said we're going to run an issue program talking about why this city needs additional dollars, that's fine. I may not like the idea that we're going to spend \$17,000 on that type of program, but to coordinate it with a political program that is the issue, because that clearly shows what the ultimate objective is, so we can use city dollars to promote an issue otherwise it would not have been this way, that is my issue. I do not have any issue with city dollars saying we need additional dollars in the city. My issue is, this is a flagrantly political document and that's inappropriate. That is why I want to have discussion on it. I don't want to have discussion on yes we need to have an issue campaign, I don't have a problem with that. Mrs. Kelly.

Mrs. Kelly: Ok, just so I'm going to clarify and show my understanding of the document that I'm looking at. When I look at what is the information and then what is the political part of it, the City is saying that they're going to spend- Mr. Harris correct me if I'm wrong, \$17,000 to get the information out for a webpage through literature, through community coffees, the consultant will help to develop the webpage, put the literature together and help to facilitate community coffees.

Mr. Harris: That's correct.

Mrs. Kelly: Then separate, the political campaign, separate, they're going to go out and advocate through absentee voter tracking, doing some direct mail with the tailored message saying vote yes, door to door advocating and the yard signs.

Mr. Harris: That's correct.

Mrs. Kelly: I think it is clearly separate.

Mr. Joseph: It's not separate, how can you say, why does this document even mention the political aspect of it if we are talking about appropriating dollars.

Mrs. Kelly: I think it is for us to see how separate it is.

Mr. Joseph: It does the exact opposite.

Mrs. Kelly: I think it explained it very well.

Mr. Joseph: any other comments.

Mr. Long: President Joseph, while I agree to the fact that the document is confusing, there are two very clear distinct campaigns contained in the document. One being informational on the City, what we are doing what we could do, so forth along those lines with whatever additional revenue that would be generated that are neither pro or against the tax levy. And then there is the other section in here that does describe the vote yes campaign. That's the problem here and as Mr. Hood, the City Attorney pointed out, he has not have an opportunity to accurately and effectively and deeply look into this document. Like he said, there could be problems with the document itself. This legislation has been delivered to us but it hasn't been introduced. There are changes that can be made to the legislation prior to it being presented to Council.

Mr. Joseph: it's also being presented as an emergency. Why did we not see something along these lines weeks ago.

Mr. Long: That I don't know. I think what we're discussing here tonight ***** the way that the document was presented is poor. Very poor.

Mr. Joseph: The consultant is going to be the person who runs these programs.

Mr. Long: I understand that, you just said it right there, programs plural. One of them is City, is not pro or against the tax, the other one is the campaign that the individual is going to be running for...

Mr. Joseph: But that's my point, the coordination. I would have been a lot more comfortable if you use one consultant for your issue campaign, a different consult... the coordination is what give the impropriety picture here and that's what the public is going to see. This city has made mistake after mistake when it comes to passing levy campaigns and this is a colossal one in my opinion. The voters are going to get wind of this and they're going to say \$17,000 of tax payer money is being used to fund a tax increase vote, it doesn't matter if it's true or false. That's going to be the perception and that is what the voters are going to remember on election day.

Mr. Long: With all due respect, sir,--- cut off

Mr. Joseph: I think it would be cleaner, not to have the coordination we could have a debate on whether we want to spend \$17,000.

Mr. Long: We could have discussed this privately without getting into this.. -cut off

Mr. Joseph: It would have also been nice to have been consulted weeks ago, I was blind sided when I got the stuff.

Mr. Long: I was too, I hadn't seen it yet.

Mr. Joseph: this was something that could have been discussed.

Mr. Long: Absolutely

Mr. Joseph: And other people made that error. They chose to slap this down in front of Council and say this is what we need.

Mr. Clemens: I almost forgot what I was going to talk about, I scared myself to death. I think you know, your opinion's different than ours. The only way to pass this election day, is to get the information out to the public. We've not done that before.

Mr. Joseph: I'm not opposed to that.

Mr. Clemens: Now, let me finish. I've looked at it, and I've discussed it with them when they were doing it and I knew about it because I was interested but I didn't take part in who they hired or anything like that. I can't see where the \$17,000 that we're spending and as you read and as you know it's going to be strictly information. I know that we can't do anything else, you know that we can't do anything else, it would be illegal. As far as the electoral part, it would be the other section as far as getting it elected. And the political part is completely separate. I don't know why it wasn't brought last week, we had enough problems last meeting, but to bring it up before it's been presented, we should have been arguing about this or give your spiel about it *** as introduced at Council meeting. This is not, it has not been introduced, that's the part I don't understand.

Mr. Joseph: this is pending legislation. It's something that will probably be listed on the agenda next week.

Mr. Clemens: It takes somebody to put it there and so forth. It hasn't been put on the Finance Committee.

Mr. Joseph: something of this magnitude, it's listed as emergency legislation...

Mr. Clemens: The problem with this whole situation is, you're opposed to it, we're for it.

Mr. Joseph: I have no problem with people raising money to promote this issue.

Mr. Clemens: You did this the last 2 times, tried to get it defeated, you're doing it again this time. You brought this up to get into the paper to confuse people and I think you're wrong.

Mr. Joseph: there's no reporters here tonight.

Mr. Clemens: I think you're doing it wrong.

Mr. Joseph: Let me set the record straight, I have voted against every tax increase that this Council has ever presented, there's been 3 of them that I've had a chance to vote on. But I did not do anything regarding those issues once it passed this Council table. What I have a problem with is tax payer dollars being coordinated being, I'm a political consultant myself, I've been doing it for

20 years. I know how political consultants will use this document to maximize the tax position using tax dollars. I understand, you're not talking to someone who doesn't understand this.

Mr. Clemens: Understand this. This is the same situation and the same person and the same organization that handled in Whitehall. They won by using this situation. It wasn't illegal then, it's not going to be illegal this time.

Mrs. Kelly: I have something to say just real quick. First of all I would just like to thank Mr. Harris, Mr. Hood and the Mayor for making good commitment to get the information out. I understand there are some questions but I think right now we're talking in circles and so it's probably time to move on.

Mr. Joseph: I'll just close with one last comment on this. I don't know how many times I have to reiterate this, I do not have a problem with people who raise taxes, to go out, raise money to promote the position and if the voters go for it fine. I don't have a problem with that. My problem is I don't like the city coordinating with that effort, this document does that and if we see a different document next week that strips out all references to coordination and again, I would hate to see Mr. Woodruff working both programs because that is a clear indication that he says ok we're going to do this with the city dollars and set it up and then we close the deal with the political dollars. I've seen it done with corporate and political. It happens all the time in political campaigns. A corporation will spend millions of dollars to beat up a politician or beat up an issue and then political dollars are spent at the end to close the deal. So I hope that when we reconvene in committee next week and this is on the agenda, people will take that into account that this is an issue and the voters will see it as such, don't make the same mistakes that were done before. Let private dollars promote the issue and if the city voters go for it, wonderful.

LEGISLATION REQUIRING ONE READING

10. ORDINANCE AUTHORIZING THE TRANSFER OF \$9,750.00 FROM (110.449.5101 (Salary-Elected officials Director)) TO (110.340.5339 (MISC. CONTRACT SERVICES)) WITHIN THE PARKS AND RECREATION DEPARTMENT. THIS MONEY WAS IN SUPPORT OF THE 2013 TOMATO FESTIVAL AND DECLARING AN EMERGENCY- - Cotner. Finance.

Mr. Cotner: This comes from the Finance Committee with a recommendation for adoption as an emergency I so move. Second by Mrs. DeBrock.

Clerk called the roll: Mr. Cotner "Aye", Mr. Long "Aye", Mrs. DeBrock "Aye", Mrs. Kelly "Aye", Mr. Clemens "Aye".

5 affirmative votes, no negative votes, ordinance 61-13.

11. ORDINANCE REQUESTING COUNCIL PASS THE ATTACHED RESOLUTION ACCEPTING AMOUNTS AND RATES, ETC. (LICKING COUNTY) AND DECLARING AN EMERGENCY.- - Cotner. Finance.

Mr. Cotner: This comes from the Finance Committee with a recommendation for adoption as an emergency I so move. Second by Mrs. Kelly.

Clerk called the roll: Mr. Cotner "Aye", Mr. Long "Aye", Mrs. DeBrock "Aye", Mrs. Kelly "Aye", Mr. Clemens "Aye".

5 affirmative votes, no negative votes, ordinance 62-13.

12. ORDINANCE REQUESTING COUNCIL PASS THE ATTACHED RESOLUTION ACCEPTING AMOUNTS AND RATES, ETC. (FRANKLIN COUNTY) AND DECLARING AN EMERGENCY- - Cotner. Finance.

Mr. Cotner: This comes from the Finance Committee with a recommendation for adoption as an emergency I so move. Second by Mr. Long.

Clerk called the roll: Mr. Cotner "Aye", Mr. Long "Aye", Mrs. DeBrock "Aye", Mrs. Kelly "Aye", Mr. Clemens "Aye".

5 affirmative votes, no negative votes, ordinance 63-13.

FIRST READING

13. ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH NORTH AMERICAN SALT CO., 9900 WEST 109TH ST., SUITE 100, OVERLAND PARK KS 66210 AT \$48.72 PER TON; FOR AN ESTIMATED TOTAL OF 3,000 TONS +/- (\$149,160.00). FUNDS WILL COME FROM THE 2014 APPROPRIATION FOR STREET DEPARTMENT. ACCOUNT (260.268.5253) AND STATE HIGHWAY ACCOUNT (270.268.5253).- -Long. Safety.

Mr. Long: This item comes from the Safety Committee with a recommendation of adoption as an emergency, Request amend to the redraft date of September 3rd to add emergency language.

Mr. Joseph: Councilman Long moves to amend, Second by Councilman Cotner.

Clerk called the roll: Mr. Cotner "Aye", Mr. Long "Aye", Mrs. DeBrock "Aye", Mrs. Kelly "Aye", Mr. Clemens "Aye".

5 affirmative votes, no negative votes Ordinance amended

Mr. Long: I move adoption. Second by Mrs. Kelly

Clerk called the roll: Mr. Cotner "Aye", Mr. Long "Aye", Mrs. DeBrock "Aye", Mrs. Kelly

“Aye”, Mr. Clemens “Aye”.

5 affirmative votes, no negative votes, ordinance 64-13.

ADJOURNMENT 8:26 p.m.