

SAFETY COMMITTEE MEETING MINUTES
REYNOLDSBURG CITY COUNCIL
September 6, 2011 (Tuesday)

Members of Safety Committee present: Mel Clemens, Chris Long, Nathan Burd, Fred Deskins, Jr.

Other members of Council present: Leslie Kelly, Doug Joseph, Barth R. Cotner, Council President William L. Hills.

Mr. Clemens: I'll call the Safety Committee meeting to order at 7:30 p.m. The first item on the agenda is the call to order, which I just did. Second item on the agenda is the approval of agenda. Are there any additions or deletions to tonight's agenda? If not, Item No. 3 is approval of the minutes of the Safety Committee meeting of July 18, 2011. Are there any changes to the minutes? If not, they'll stand approved.

Item No. 4 - Discussion: Amend 513.01, 513.03, 545.05. City Attorney, Mr. Hood, would you please explain what these are?

City Attorney Hood: Thank you, Chairman Clemens. I sent a memo to you all August 23, 2011 highlighting the changes; and as I said, the first change is relatively simple. What it does is it elevates the amount of jurisdiction for the misdemeanor of the first degree petty theft offense. This was done in a State law; it becomes effective October 17th of this year. Basically, that will keep us in line with State code and allow us the flexibility, I should say our Police Officers the flexibility to cite, or to continue to cite into Reynoldsburg Mayor's Court, or the appropriate Municipal Court as they see fit, in accordance with the Mayor's instructions and the jurisdictions choices as far as criminal history and things of that nature. So if there's any questions about that, I'm happy to entertain them. Like I said, it's relatively simple and it does, it will put us in line with the State statute.

The second and third changes are more significant in their impact. What this does, ladies and gentlemen, is criminalize something that has come to the forefront, not only in Ohio, but across the country, and I'd like to thank Lieutenant McKinley and Detective Binder for bringing this to my attention, because we have seen more and more incidents of possession and also abuse of bath salts and synthetic cannabinoids. These are dangerous items. The State has seen fit to criminalize these things. What I've done is, I've basically mirrored the State statute and ask you to amend the city's Codified Ordinances to once again, to give us the flexibility to cite offenders into the Reynoldsburg Mayor's Court, or the appropriate Municipal Court, as the officers see fit, once again, in accordance with the Mayor's instructions. If you go through the memo, I've actually highlighted some incidents that I've reviewed with Detective Binder and Lieutenant McKinley that have occurred within our borders. Again, these are all incidents, excuse me, these are all incidents that occurred within Reynoldsburg. I'm sure you're aware by reading the news and watching the news reports, there have been other newsworthy, if you will, incidents that have occurred outside namely _____ and these drugs, I call them drugs, but these synthetic drugs if you will, will be added to the controlled substance list _____. That is effective again on October 17th of this year and they categorize them with drugs like cocaine and marijuana and they criminalize them as such. What this recommendation does, like I said, in conjunction with our Police Department, will make possession of these substances a misdemeanor of the third degree in the City of Reynoldsburg.

We thought that a harsher penalty with potential jail time and/or probation may be more appropriate than a simple fine and on your way you go. That is basically how the State is going to treat them as a minor misdemeanor which would be punishable up to \$150 fine and court costs but no probation, no potential jail time or suspended sentence. The only caveat to that would be obviously if you're trafficking, that would be a felony or if you have more than the bulk amount which is 100 grams, just like marijuana it would be a higher level offense as well. So, with that, I'm happy to entertain any questions.

I don't know, if you haven't heard, with the Council members during recess besides Chairman Clemens, about these, but as I asked you to look into these things, with just some internet research, I'm sure you're as shocked and really appalled as I was. The notion of selling these as common items when they have such detrimental effects on people, especially young people, who can possess this and purchase it legally, is just amazing to me. I haven't seen anything like it in my adult life, let alone my legal career. So with that, I'm happy to answer any questions there may be.

Mr. Clemens: Thank you, Mr. Hood. Are there any questions from the committee for the City Attorney? Yes, Councilman Chris.

Mr. Long: Thanks, Jed. So the people who were currently selling this as a bath salt or an incense will still be able to sell it? It would now just become a crime to abuse it?

Mr. Hood: No, Sir. On October 17th, it is illegal to possess this.

Mr. Long: In the State of Ohio.

Mr. Hood: Yes, Sir.

Mr. Long: Okay.

Mr. Hood: And if they are, and to be quite frank, we have actually reached out to a few businesses in the city that we are aware of that sell these things legally, ask them to voluntarily, Lieutenant McKinley actually put a nice letter together, ask them to voluntarily stop selling these things because of their detrimental effects. We have received no response, as far as I know, as of yet, but rest assured that on October 18th, if they are selling these things, they are trafficking in drugs.

Mr. Long: Okay, great, thank you.

Mr. Clemens: Yeah, I didn't, you know, realize about this either until I talked to Jed. I mean, I have seen the sign over there in the filling station and I didn't understand that, because I couldn't figure out why the filling station was worried about selling bath salts, but I didn't realize it was what it really was until, you know, until you brought the subject up and then I've been reading about it and it's been on the news, really, that Columbus has had some problems and has had to, some people they've arrested. That's what they were into and so forth.

Mr. Hood: Yep, and the City of Pataskala recently enacted a similar ordinance to the one I presented to you all. They've chosen to make this a misdemeanor of the first degree. I don't know what their consideration was in making it that high of a misdemeanor. It is the highest

degree we have. Once again, in collaboration with Lieutenant McKinley and Detective Binder, we chose a misdemeanor of the third degree. Basically so, there is an opportunity for a suspended sentence, that if we have repeat offenders they can be punished more harshly. Yes, Sir.

Mr. Deskins: Will there be any kind of notification to the public?

Mr. Hood: We haven't discussed that, to be quite frank with you. This is not as though, and as I said before, it's not a controlled substance, as of yet. I think that with the media coverage and things of that nature, there will be sufficient notice. Obviously, when Governor Kasich signed this bill into law, there was a lot of media attention at that time. I think once it becomes effective, normally you know that news outlets bring to the public's attention once again that these laws are taking effect, but as of right now these are not illegal, but they won't be legal in the City of Reynoldsburg. What I've asked you, what I will ask you, is that if you undertake these changes, to do your three readings and then pass this as an emergency on October 10th so that the Mayor can sign into law before the State law comes into effect October 17th.

Mr. Clemens: Are there any other.... Mr. Hills.

Mr. Hills: Yeah, Jed, I had mentioned to you just earlier, I was, watched a newscast out of Nashville last week when I was gone for a couple days, and it was about an hour-long discussion between the AG and some drug enforcement agencies and they were having this same problem, so I gather it must be in many states, but one of the comments they made and it's why I've asked, because we only think there's two places in the City of Reynoldsburg selling this, offering this for sale, and the Shell Station out here across from Speedway on East Main Street, and Waterbeds and Stuff over on Rt. 256. That's all we know of?

Mr. Hood: To my knowledge, that is correct, Sir.

Mr. Hills: We may want to take a look at all the cigarette shops. I forgot, I didn't think about it when I was talking to you, but they were saying in Tennessee, in Nashville, they could walk in any place that's selling cigarettes, if that's their business, just cigarette sales, they're selling the same stuff in there also. And in case you all don't know, this stuff sells, I think the cheapest you could buy was \$25 to \$60 - something like that for....

Mr. Hood: It is rather expensive to be honest with you. I can't recall off the top of my head right now. I do know that one of the bath salts goes for \$60 for two grams or something like that. It is rather expensive, but as I said once again, at the present time, it is legal to possess and legal to sell. Not until October 17th does this become a, do these become controlled substances in which case they ought to be pulled off the shelves altogether. What we are doing is preparing if they are not or if the trade goes underground, like our other illegal narcotics.

Mr. Hills: It disturbs me a little bit and I'm, every businessman has rights to make money and they're certainly doing that, but I'm not sure where some of their conscience is; if you know, the only thing that doesn't make it illegal today is it's passed in the budget bill, this non-monetary item, so therefore it has to be ninety days before it goes into effect as a non-emergency item, but it's just as harmful today as it will be on October 17th.

Mr. Hood: There's no question about that.

Mr. Hills: And are we doing any business with these stations, this gas station selling it? I don't know what business we'd be doing at Waterbeds and Stuff, but I mean, we have the options to go take our business elsewhere. I would hope that everybody in Reynoldsburg would take their business to someone who is not selling known, dangerous material, and known to be illegal in a month or so. I had the opportunity to see, when I was Acting Mayor, those reports and I thank Chief Suci, because I think of 6 or 7 days of reports that I got, over half of them had an incident of something to do with these drugs being taken and suicide attempts and taking people to Net Care. I mean it's not a, it's almost an every other day event that we have here that's major.

Mr. Hood: And that's one of the reasons I'm here before you, at your first meeting after the recess. To be quite frank, it took me a back as well, and I think, you know, I can't speak for the Police Department, but I'm sure that these things, you know, it's the next thing. It just, we have to react to these dangerous situations to protect the public, so that's why I'm before you. As far as speaking to the business relationships we have, you know, I think that's one of the reasons we voluntarily reached out to these establishments and asked them to comply, because you're right, these aren't going to be, they're not any less dangerous today than they will be on October 17th, but I think Chairman Clemens' point, I think that's one of the reasons you saw that on the sign during the Tomato Festival and things like that, you know, we don't sell this stuff and I think that they took pride in that and I think that they're probably being confused, what business is it in?

Mr. Hills: They were nice enough to send them away from Reynoldsburg. If people stop in, they say it's the Shell in Whitehall....

Mr. Hood: That was my understanding. That is what I've heard.

Mr. Clemens: Councilwoman Kelly.

Mrs. Kelly: Thank you. If we went ahead, would it, is it possible for us to go ahead, before the 17th, and say that you can't, say, sell those in Reynoldsburg, to create an ordinance?

Mr. Hood: I don't believe so, and here's why, and we've talked about this a little bit at the Council orientation, where you kind of talk about your interaction with me. We have the ability to make things, it's like the floor and ceiling argument. The State puts the floor in. We have the ability to raise that, okay? But it's just like, you know, if I had my druthers, we'd make marijuana, you know, illegal in the City of Reynoldsburg and we'd make it a higher degree of offense, okay? And I'm sure there's cities in Michigan that'd like to do that too, but the State law in Michigan says that marijuana is legal with a prescription. So there's things that play like that. So I think the safest route for us is to criminalize it when the State law becomes effective on October 17, 2011. Now I will tell you in addition to that, if we find somebody who is in possession, and this is really when I kind of found out about this stuff, if we find somebody who's in possession of bath salts or synthetic cannabinoids, right, and our officers are convinced that they a) abuse them to become intoxicated, or b) are possessing them with their intent to become intoxicated, we charge them of the crime right now, and it's basically abusing harmful intoxicants

is the short definition of the offense and the synonym I kind of draw to that or the analogy is, if you possess a five gallon gas bottle for your lawn mower and go and you huff the gas in the garage, that is a legal item that you are abusing for an intoxicating effect, okay?

Mrs. Kelly: Okay.

Mr. Hood: That is illegal.

Mrs. Kelly: Right.

Mr. Hood: It's illegal in the state, it's illegal in the city, okay? That's a misdemeanor in the first degree. The thing that gets kind of changed is, that is not a controlled substance. The state is making these things controlled substances on October 17th. It will not be legal to possess them any way, it doesn't matter what you're intending to use them for.

Mrs. Kelly: So then the state is not saying that it has to be a misdemeanor of the first degree or the second degree or whatever.

Mr. Hood: They are making it a minor misdemeanor, which I said before that it's only a fineable offense, up to \$150.

Mrs. Kelly: Okay.

Mr. Hood: And, in fact, those are one of those things where you can probably pay your fine without even coming to court, okay?

Mrs. Kelly: Okay.

Mr. Hood: Okay, and ...

Mrs. Kelly: That really stinks, because huffing and that are pretty much the similar issues.

Mr. Hood: That's not a minor misdemeanor. That's a misdemeanor of the first degree.

Mrs. Kelly: Right, right.

Mr. Hood: But once again, what the state has done has added into the controlled substances, okay, the schedule of controlled substances, like cocaine and marijuana, okay, and by doing so, you can't use that city code any longer because you're not using something that's a household item that's legal to possess, for an improper purpose.

Mrs. Kelly: Right.

Mr. Hood: You're using something improper for an improper purpose. That's one of the reasons that this is in front of you tonight. I know it's a bit confusing if you don't practice but.....

Mrs. Kelly: No, I'm just thinking, I'm just wondering, you know, if you have, if I'm using something that's legal to possess and I abuse that, I get a misdemeanor one, but if I use something that's illegal to possess and I'm using it and abusing it because I'm trying to get high, I get in less trouble than I do if I use something that's legal and I

Mr. Hood: Unfortunately, our system is full of those examples and, you know, I wouldn't want to bore you with all of them that I don't agree with, but, you know, we have those issues, you know, drinking underage is a misdemeanor of the first degree, smoking marijuana is a minor misdemeanor. I don't know. It doesn't matter. If you have a beer when you're 18 years old, it's the higher degree of misdemeanor. If you're smoking a marijuana cigarette, it's the lowest degree of misdemeanor. I don't understand it. I just enforce it.

Mrs. Kelly: That needs to be revisited.

Mr. Hood: Yeah, well.

Mrs. Kelly: Just get on that in your spare time.

Mr. Hood: Yes, Ma'am.

Mr. Clemens: Are there any other questions for our City Attorney from members of Council?

Mr. Hood: You know, I understand this is a, it's not a large undertaking, but it is something that is new subject matter. If there is consensus to move this along forward, you know, I certainly would appreciate it. Once it becomes illegal, you know, maybe then we could once again take a crack at educating at least the merchants or something like that, but the plan that was discussed with Detective Binder and Lieutenant McKinley was that we would ask you to read this three times in case there is any other, you know, potential stakeholders that want to discuss this with you before we'd ask the Mayor to sign this as an emergency.

Mr. Clemens: Okay. I'd like to make a motion to amend this General Offense Code, 545.05, Petty Theft, 513.01 Drug Abuse, 513.03 Drug Abuse and send it to Council for the first reading. Seconded by Mr. Deskins. All in favor vote "Aye". (All voted "Aye") Opposed. (No response). Thank you.

Mr. Hood: Thank you all.

Mr. Clemens: That ends the Safety Committee Meeting at 7:47 p.m.

Safety Committee-- -Nancy C. Frazier, Clerk of Council 9-6-2011(Tuesday) (Transcribed - S. Cochran, Ass't. Clk. of Council)

**FINANCE COMMITTEE MEETING MINUTES
REYNOLDSBURG CITY COUNCIL
September 6, 2011 (Tuesday)**

Members of Finance Committee present: Doug Joseph, Leslie Kelly, Mel Clemens, Fred Deskins, Jr.

Other members of Council present: Barth R. Cotner, Chris Long, Nathan Burd, Council President William L. Hills.

Mr. Joseph: Okay, I will call the Finance Committee to order at 7:48 p.m. Second item is approval of the agenda. I have three changes tonight. First change is, we would like to move Item No. 6 to Other Legislation - that's the Approving Salary for the New Chief Building Official; and then for discussion, I'd like to add two items: that's 5a, I'd like to add Freezing of Salaries for Elected Officials, and Item No. 5b, Elimination of Health Care Benefits for Part Time Elected Officials. All in favor vote "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

Next is Item No. 3a, Approval of minutes of Finance Committee meeting of July 18, 2011. Any additions, deletions or changes to those tonight? Seeing none, those will stand approved. Item No 3b is approval of minutes of special Finance Committee meeting of July 25, 2011. Any additions, deletions or changes? Then those stand approved.

Item No. 4 - Discussion: Appointment to fill vacancy on the Reynoldsburg Housing Council- *-on 7-18-2011 item held until first committee meeting in September.* We've had, Linda Winters had been the person holding this position. She moved out state, creating a vacancy. We asked for people of interest to send in a letter stating their interest in the position. I know of only receiving one from Bruce Sowell. This position, according to the paperwork I saw, expired in July so since he's the only person that we've had any communication from, I'm going to make a recommendation that we appoint Bruce Sowell. Is there any questions or comments on that tonight? Okay, I'll make that motion that we send to Council the appointment of Bruce Sowell to the Reynoldsburg Housing Board. Seconded by Mr. Clemens. All in favor vote "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

Item No. 5 - **ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 160 EMPLOYEE COMPENSATION, SECTION 160.02 "AUTHORIZED POSITIONS, PERSONNEL, CLASSIFICATION AND PAY GRADE" SUBSECTION (g) "SERVICE DEPARTMENT" (1) Service Department TO ELIMINATE THE POSITION OF RECEPTIONIST-** -second rdg 7-25-2011. Are there any questions or comments on this item tonight by anyone on the Committee or Council? If not, I'll make a recommendation we send this to Council for third reading with recommendation of adoption. Seconded by Mr. Deskins. All in favor vote "Aye". (All voted "Aye") Opposed. (No response) Motion carries.

Item No. 5a and 5b - we'll discuss those jointly. President Hills has circulated a memo suggesting that this be brought up for discussion and I'll let him explain his memo.

Mr. Hills: Okay, I did send out a memo to all elected officials August 25, 2011. The first paragraph of that memo deals with the fact that we have, I think, on the latest numbers that we have seen from Council, we're looking at revenues next year at \$11,700,000 and expenditures of, estimated to be \$13,000,000. That's a \$1,300,000 deficiency. That's something we need to deal with budget-wise; now I understand and that's why in this first paragraph, I understand Administration is currently reviewing and working with the fee adjustments, and also the reduction of the budgetary items, correct Brad?

Mayor McCloud: That is correct.

Mr. Hills: Now we will be, they have a lot of work to do on that as going through before it even gets here, but I think that the Auditor's Office and the Administration are working together on those; and then, as I noted in the last two points, further issues that I know will take legislative action if we're going to be doing them, they were discussed, was the freezing of all elected officials whose terms commence 1-1-2012 at the 2011 salary level for the four-year elected term. That, in essence, we have to do a piece of legislation saying what the elected officials are going to be making in 2012, because those that are in the position now, their salary ceases at the end of 2011. So it's not unusual to do the piece of legislation. The one that we're talking about here is freezing those starting 1-1-2012 at their current level the same as all of the elected officials in, that began their term in 2010 have been frozen for the years 2010, 2011, 2012 and 2013. So it's doing nothing but catching up all the rest of the elected officials so that all elected officials' salaries are frozen; and in the second, is the consideration of the health care benefits. There was some discussion that came out of the Ad Hoc Committee and there were comments made that we're the only city, and I don't know when the city started making health care benefits available for part time officials, but I can assure you, I thought, I thought at the time and I may be wrong, but I thought there were a number of cities doing that. Brad, you were on Council then, too. It wasn't, we weren't unusual?

Mayor McCloud: Not at that time.

Mr. Hills: But when those issues and questions were raised, I did check Gahanna, Westerville, Worthington, Hilliard and Grove City, which are similar cities to ours around the 270 loop and the only city that does make health care benefits available to part time elected officials is Hilliard. So certainly, that's a, I'm not sure what it is a year, \$125,000, \$130,000, Dick, is that per year?

Mr. Harris: It's around \$100,000 for the people, because there's a couple Council people that don't take insurance too.

Mr. Hills: And so all I wanted to do is to be sure we point it out, because I do know that many places start their enrollment in the month of October to be effective 1-1-2012 and if it is going to be discussed and recommended for elimination, I think everybody needs to note timely enough that they can make some adjustments for themselves, but those were, that was the purpose of bringing this forward, just to be sure that we didn't run into a problem, and I think anybody running for election ought to realize before the election that the salaries are the same rate as they are now and I think most people don't know, how much big money is paid to Council people anyway, but let me assure you, it doesn't pay for the retirement. I think it's \$6,500 or something like that, Dick?

Mr. Harris: It's \$7,500 for the Council members and \$8,400 for the President.

Mr. Hills: Which is, two or three cities less than that, two or three cities more. So we're not in any, we're not at the top and we're not at the bottom in what's being paid. Okay, questions? Or do you want to take questions, Doug, or?

Mr. Joseph: Councilman Clemens.

Mr. Clemens: Yeah, I'd brought this up and I ask Doug to put it on the agenda, not to move it forward this evening, but to let Councilmen know that we're thinking about it, and have it added to the next Finance Committee Meeting. It'll give everybody a chance to think about it, talk to each other about it, and I don't know whether, how many people have really thought about it, you know, on how they feel about it, but it is something like Bill says, something I would like to know, because I know I have to do mine in October, if there's a change. So anybody that has to make a change, why I know they would like to know by October, so that we could do it in October. So I think it's something, you know, that everybody should think about it, consider. I'm not here to try to put anybody in, you know, a dire position or anything like that, but it's something we should think about. We're going to ask, probably have to ask employees to take some type of a hit on our health care insurance and I just don't think it would be quite fair if we have to do that and, you know, we not suffer some, at least show that we're doing the same thing. So that's why I brought it up.

Mr. Joseph: Yes, Councilwoman Kelly.

Mrs. Kelly: I'm in favor, just for the record, of us not keeping the health benefits for the part time elected officials. I think very few places do you find part time employees receiving the type of benefits that are offered to our part time elected officials and I think any opportunity to save that kind of money for the city at a time where we're going to struggle as budget cuts continue to come down, I think would be very beneficial to the city. I'm also in favor of continuing to freeze our pay. That is something that we've done in the past and I think it needs to continue until we're in a different place.

Mr. Joseph: Other questions or comments?

Mr. Clemens: I've got one.

Mr. Joseph: Yes, Councilman Clemens.

Mr. Clemens: Mr. Harris, am I correct in saying, I could be wrong, but our part time employees, they do not get health care, do they?

Mr. Harris: That's correct.

Mr. Clemens: That work for the city.

Mr. Harris: The only part timers that are eligible for health insurance are the elected officials.

Mr. Clemens: Okay.

Mr. Harris: The regular part time people get no health care benefits.

Mr. Joseph: Other comments on this tonight? Okay, we'll hold both Items No 5a and No 5b for two weeks and anyone that, in the next couple weeks, everyone can give this some more thought and we can have some more discussion on this in two weeks. Those were our last items on the Finance Committee agenda so I will close the Committee at 8:00 p.m.

Finance Committee

--Nancy C. Frazier, Clerk of Council

September 6, 2011 (Tuesday)

(Transcribed - S. Cochran, Ass't. Clk. of Council)