

SAFETY COMMITTEE MEETING MINUTES

July 21, 2003

Members of Safety Committee present: Mel Clemens, Jim Wade, Ron Stake, Lane Beougher. Other members of Council present: Sarah Cannella, William Hills, Eric Gilbert, Council President Bradley L. McCloud.

The meeting was called to order at 7:30 p.m.

Mr. Clemens: This first item on the agenda is the approval of the minutes of the July 14, 2003 Safety Committee meeting. Do I have any additions or deletions? If not, they'll stand approved. The next item is the approval of the agenda. I'd like to add as 3a, Inspection Fees Street Program. Are there any other additions or deletions? If not, I'll make a motion for approval. Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response).

Next item, Discussion Liquor Permit Request - New - Dynasty GAO & Co., dba Dynasty Grill & Buffet, 7661 Farmsbury Drive, Reynoldsburg, Ohio 43068. Chief Miller.

Chief Miller: I'm sorry. We're on the liquor license. Am I correct about that?

Mr. Clemens: On the liquor permit.

Chief Miller: Item 4? The liquor license?

Mr. Clemens: Yes.

Chief Miller: I apologize. I was reading something. We've done an investigation into the Dynasty Grill & Buffet. They've made an application for liquor license at 7661 Farmsbury Drive. We've conducted a complete investigation. We've interviewed the new owners. They will be the sole owner. There's no stock owned. And we've checked, they had two stores that they own in New York. Neither of them were involved with alcohol. The business here in Reynoldsburg is going to be a sit down buffet with a grill, and a sushi restaurant, and he's going to have bottles of beer for sale. Right now, he's not interested in anything else, but he'll be guided by what customers want, so he will probably come back. At this time, we recommend we do not appeal this liquor license for any reason.

Mr. Clemens: Do we have any questions from the committee for Chief Miller? Members of Council? If not, then we'll just let this go then, Nancy. Right?

Mrs. Frazier: Umhum.

Mr. Clemens: Thanks, Chief.

Chief Miller: Thank you.

Mrs. Frazier: Mr. Clemens.

Mr. Clemens: Yes.

Mrs. Frazier: Would you back up for just a minute and maybe add the final resolution on 256? Were you going to add that too?

Mr. Clemens: Yeah. I'm sorry, I thought I had it on there since I had it in the packet. Let's add that as 4b, and we'll have the Inspection Fees for the Street Program as 4a. Is that alright with members of the committee? 4a, Inspection Fees for 2003 Street Program. Mrs. Reichard.

Mrs. Reichard: Thank you, Mr. Clemens. As you know, at your last Council meeting, you passed the 2003 Street Program, and this is for the inspection of that work that needs to run concurrently. We did receive three proposals. H R Gray, DLZ, and KMS. KMS had the lowest bid at \$37,900, and that is what we bring to you this evening.

Mr. Clemens: Are there any questions from the committee for Mrs. Reichard? Members of Council? This is on as an emergency, so I'll make a motion we send this to Council for a first reading as an emergency, and also send it to the Finance Committee for appropriation. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye" except for one). Opposed? (One member voted "Nay"). Okay. It'll go to Council with recommendation for adoption as an emergency.

Item 4b, Final Resolution for the Fairfield County, City of Reynoldsburg, State Route 256 Project. Mrs. Reichard.

Mrs. Reichard: Thank you. There are three pieces to this. You received the preliminary last month, and as always, when we get it from ODOT, they want it yesterday. This one must be to them by August 4, and of course since this is your last committee and Council meetings coming up before the break, it would be important that we pass, or at least send this on tonight, or deal with it. The three pieces that we're dealing with first, is the sample, or is the final resolution. I think you will note in this final resolution, they're a little more, they have refined exactly what the cost is going to be. Originally in the initial legislation, they asked for 308,000. Now it is down to 282,820, and you have already appropriated the 308. Of course, they do have the _____, that if it goes a little higher, you know, they'll come back to us. But I think you might have covered that already in your initial legislation. There's also the officers, the fiscal officers certificate, and a contract between ODOT and the City of Reynoldsburg. The contract sort of brings the other two pieces together. The fiscal officer's piece and the final resolution. One of the things that I really think I need, there was a question about why Pickerington is not brought up in this, why they're not mentioned. And I spoke with the folks, Joe Broshart at ODOT today, and what he told me was, that they do these very separately. They're doing this legislation with Pickerington and they're doing it with us. They separate the two because they're two separate entities, and they don't mix communities when they're doing something of this nature. I think you're probably all aware of the articles that have been in the paper about what's going on in Pickerington in terms of whether their Council, they're vacillating back and forth about this project. They are having a lot

of monetary difficulties in Pickerington with a whole host of issues. They've gone to MORPC for money. I've talked with MORPC. There's no money for us. But, they want, MORPC wanted to see this project move forward. We had appropriated our money, and we're in a little bit better place at this point, and we certainly stand to benefit a great deal by this project. So, I don't know what Pickerington's going to do with it. I have been encouraged by ODOT, and by MORPC, for us to move ahead with this. But what I do have is a call in to find out "what if". You know, "what if" Pickerington doesn't follow through. So I should have something by the end of this week. Certainly before you have your Council meeting on Monday night.

Mr. Clemens: Okay. Are there any questions from the committee for Mrs. Reichard? Members of Council? Mr. Hills.

Mr. Hills: A couple things. Mrs. Reichard, I believe the 308 that we had done on what appears now to be a preliminary approval of this project, if memory serves me correctly, it was 280 on an estimate, plus 28,000 or 10% in engineering.

Mrs. Reichard: That's correct.

Mr. Hills: So I'm not sure the price has gone down. I think the price is now 282,820 instead of the 280. I think we're comfortable at the 308,000 because we have already appropriated that amount of money. But I just didn't want to, somebody to think the price was going down, because I don't think the price we got in front of us includes the engineering.

Mrs. Reichard: Includes the engineering. That could very well be.

Mr. Hills: I guess that would be the first comment. I still think we're comfortable in that we as a Council, and I don't want anybody to misunderstand, we have appropriated \$308,000 for the completion of our portion of this project.

Mrs. Reichard: Correct.

Mr. Hills: Certainly, what we're passing tonight, I believe just sort of resolidifies what we have done because the monies are there and somebody correct me and throw something at me if I'm wrong, but I certainly wouldn't want somebody to think we're adding this amount we're talking about in addition to what we've already done. But as far as the Pickerington part, it is concerning, because I've received some calls and haven't been able to get answers to. This is a project, which I've sat here and was very complimentary to the fact that two municipalities were working well with the state and the private sector for the good of the citizens. And I think it's appropriate to say, that I certainly would encourage both the private sector and ODOT and the City of Reynoldsburg to move forward, and I would hope that Pickerington would stand up and do something on their own. I don't know their financial conditions. Certainly, we can hear disturbing views on everybody's financial position. There is no city that is fleshed right now. But there are all cities, as we have cut back on some projects that we have done on yearly basis in order to continue to provide the services. I don't think there's any disagreement with anybody on Council that 256 and the complex at Taylor Road needs addressed as far as traffic concerns. And

this is the attempt, we thought by two cities, two counties, and the state, to address that. I would certainly, we passed it preliminarily, we passed it, we're finally approving it a second time tonight. I think if anything, it just codifies the fact we very much believe in this project and we appreciate the private sector and the public sector for what they're doing as moving forward, and if Pickerington can't stand up on their own, so be it for Pickerington. But we need to serve. And I'd like for the benefits that we do to benefit the citizens of Pickerington, but I'm more concerned about the citizens of Reynoldsburg and how we have access in and out of the situation. Excuse me for getting behind the podium Mel, but I think that needed to be said.

Mrs. Reichard: Well, I would certainly agree. My concern was, I thought that Council would like to know what the ramifications are, if in fact Pickerington does pull out. So that's what I'm intending to find out.

Mr. Hills: We definitely need to know what they are.

Mrs. Reichard: I will relay that to you as soon as I get the information.

Mr. Clemens: I believe I read an article in the paper where MORPC was, I believe was going to help them on their section.

Mrs. Reichard: Right. I have spoken with MORPC. They are not going to help us with ours.

Mr. Clemens: They're not going to?

Mrs. Reichard: No sir.

Mr. Hills: I would like to add one thing to that, Mr. Clemens. Please note, that as MORPC participated in our Street Project, we compensated MORPC for that participation. They were paid back 10% of the amounts. I believe it was either 5% or 10%, of the amounts they brought to us in granting funds. So MORPC doesn't function without compensation. Let's don't get into discussions of other municipalities and/or some of these groups, associations that represent themselves of being for the benefit of municipalities. Because MORPC doesn't do much for free. I'm not sure there's been a free lunch out of MORPC either. So, and they obviously, they've helped us, but we've paid for that help, and what we've received from MORPC, it's disappointing that if there's offers on the table for one city, they weren't made for the other. But the key thing here is the expenditures for dollars as we've seen the City of Reynoldsburg has done for years. Stop light at Taylor and Broad Street is one prime example. That was participation by the city in an area which was not in the city for the benefit of the citizens, because it did benefit everyone to stop traffic on Broad and Taylor years ago for those people who were here that can remember that. So it's a shame to see a good project start to be slowed because of some hesitation. But these are wise dollars to be spent, and I think we as a Council have said \$308,000 is out there to do it, and certainly we'd like to see the project start as quickly as possible. Again, (inaudible).

Mr. Clemens: This was requested as an emergency. So, I'd like to make a motion that we send this to Council for adoption as an emergency. Do I have a second? Second by Mr. Beougher.

All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

Next item, Adoption of the Franklin County Board of Health Regulations. Mayor, would you like to speak on this? The adoption of the Franklin County Board of Health regulations.

Mayor McPherson: Thank you, Mr. Clemens. When we adopted the Franklin County Board of Health contract earlier this year, part of that contract said that we would adopt the regulations as formulated by the Franklin County Board of Health. And what you have before you, is the second part of that contract, if you will, and these are the actual regulations that we'll be adopting. If you notice that Mr. Underwood did make a couple of changes on them. So they have been reviewed by him and approved. So we'd just like to move it forward according to the actual contract we signed earlier this year.

Mr. Clemens: Okay. Are there any questions from the committee for Mayor McPherson? Members of Council? Mr. Hills.

Mr. Hills: Mr. Clemens, I apologize. I just noticed in this contract, and we only have one page attached, but it does say, "the city shall adopt according to law, the current version of the above described regulations". One of which 704, well 708 is the Planned Review Regulation for food service. We've done that for years. Right? They are the ones that...

Mayor McPherson: That's an annual thing.

Mr. Hills: When we have a restaurant opening up in Reynoldsburg, we get blamed because we couldn't approve something, it usually isn't us. It's the county that says you can't do this. 704 is Vicious and Dangerous Dogs. Does their regulation coincide closely with ours?

Mayor McPherson: Very, very closely. They've almost gone with what the state says, and that's pretty much what we're looking at now as I recall. I'd have to look at the latest version, but I think...

Mr. Hills: Right. I just looked at this and I think, wait a minute, does this mean we have to have theirs?

Mayor McPherson: I think you'll read in there too, I think Mr. Underwood even says, you know, that we don't have to enforce our code.

Mr. Hills: I could read it. There's some word marked after that.

Mayor McPherson: That's what it says.

Mr. Hills: Oh, we vote. Okay. Is that what it is? Okay.

Mrs. Frazier: Both of those are repealed.

Mr. Hills: Both of those are now gone? Is that what that word is that I couldn't read?

Mayor McPherson: Yeah.

Mr. Hills: Oh. Okay. I guess that means we don't follow it, because they must not have one. The county doesn't have one then. Is that what you're saying?

Mrs. Frazier: I'm just saying, he's got repealed on here, on mine. That word on your page is, revoked.

Mayor McPherson: You'd have to ask Mr. Underwood if it's been repealed or revoked, or exempted.

Mr. Hills: I guess that would be a question, because I apologize. I couldn't read, I got the ER okay, and I never put together that it was revoked. So it says 311.03, so I'm not sure what that means or doesn't mean, but I don't believe Mr. Underwood's here to address that issue tonight.

Mayor McPherson: No. But I'm sure he'll be back next week, and I'm sure he can address it Monday night.

Mr. Hills: Okay. Thank you.

Mr. Clemens: Are there any other questions for Mayor McPherson from committee or members of Council? This also is asked to be passed as an emergency. I'd like to move that we send this to Council for adoption as an emergency. Do I have a second? Second by Mr. Stake. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

Next item, it's had its second reading, would be Ordinance accepting "Homeland Security Overtime Program Grant" if awarded. This has had two readings. Are there any questions for Chief Miller pertaining to this subject from the committee? Members of Council? Mr. Hills.

Mr. Hills: Mr. Clemens, I just, a comment, because we had had a discussion earlier that we thought we would save budgeted overtime dollars on this, and I believe we all got a copy of the grant now, and just for budgeting purposes, it doesn't appear that the grant suggests you do it that way. I just wanted to clarify that, certainly while I'm always in favor of accepting grants, I'm not sure that we're actually going to truly save any budgeted overtime hours in the acceptance of this grant. But I just wanted to clarify that, because we had talked about it earlier. Okay? Thank you.

Mr. Clemens: Are there any other comments or questions from the committee? Members of Council? If not, I'd like to make a motion to send this to Council for its third reading for adoption. Do I have a second? Second by Mr. Wade. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

Next item, An ordinance appropriating funds and authorizing and directing the Mayor to enter into an agreement with Evans, Mechwart, Hamilton & Tilton, Inc. for the Reynoldsburg Major Commercial Corridor Streetscape Project Phase 2, for the preparation of survey, schematics,

design development documents, final construction documents: drawings and specifications, and bidding for the Reynoldsburg Major Commercial Corridors Streetscape Project. This has had its second reading. Are there any questions here for the Administration pertaining this subject from members of the committee? Members of Council? If not, I'd like to make a motion that we send this to Council for its third reading for adoption. Do I have a second? Second by Mr. Beougher. All in favor, say aye. (All voted "Aye"). Opposed? (No response). Thank you.

Next item, Ordinance to amend the Code of Ordinances of the City of Reynoldsburg, Ohio: Chapter 505, Animals And Fowl. This has had its two readings and has been sent back to Council and is up for its third reading. Sent back to Committee. I do have some speakers if I haven't lost them. I do have some speakers on this subject. Before we have the speakers, this has been sent back from Council, it wasn't moved on into third reading, for further discussion. Are there any members of the committee that would like to make any statements pertaining this at the present time? Or would you rather have the speakers? Okay. Fine. I'll have the speakers speak up. The first speaker is Glen Bui. Would you please come to the mike and give your name, address.

Mr. Bui: Good evening members of the Council. My name's Glen Bui. I live at 9402 Kenwood Drive, in Lakewood Washington, which is near Seattle, and I'm a representative of the American Canine Foundation, and I'm here in this state, and by the way, I'd like to say, before I speak, is that Ohio, I've been in all 50 states, this state take's them all. You guys are great here. You've got the best hospitality, the best food. And I'm not pulling your leg either. I mean, I was asking for directions to get here, people were writing them down, and I was just shocked. I mean, you guys have the best hospitality in all the states out there. You've got it going on here. Anyway, and so I'm here because I was testifying in Toledo as a genetics expert in a case, and we're challenging the state law as unconstitutional, and I'll read you a brief article here. As everybody know, there's the claims about American pit bull terriers and various other breeds that they can bite hard, they have all this PSI, pounds per square inch, and that they're these

dangerous animals like satan on four legs. So what we've done, is I'm here on behalf of Tanya Fent and other dog owners. As I've submitted research from the, and I know that you probably have been given that much documentation. There's no way you'll read it all. But I can assure you, I've given you research that was done from the University of South Carolina, because we brought scientists in to Toledo. Not lay witnesses, but actual scientists. All from universities that do experiments in laboratories. And this proves, they actually dissected a pit bull, and they measured the jaw pressure, I mean the jaw size, shape, and they looked at the overall shape of the head to see if the pit bull really can do all this damage that they claim. And actually, when examining the skull of a pit bull, the dogs have different types of skulls, and when you have a dome that comes up to a crest like this, like the wolf does, you have extreme muscle pressure around that dome, which enables a strong, extreme bite pressure, which is like the wolf. But the pit bull has a flat dome, so we testified in Toledo about that. And the thing is, your state law has been in effect for 14 years. There's 10 U S states right now that prohibit this type of legislation, and the reasons are, because it hasn't been effective. Forty nine states allow due process. What we're trying to do, is we're trying to stop the legal activity, animal cruelty, and promote responsible dog ownership, and stop irresponsible dog ownership at the same time. We found that some of these

laws are _____. They're not working. So what we're doing, is we're taking research from law enforcement, from prosecution, animal control, and the statistics, and we've put those all together and then we use the scientific community to legislate, and we're hoping we can change Ohio's state law to give the local jurisdictions a better law to work off of so that you have the authority that when somebody's dog attacks somebody, and the one thing that we have to look at, is we've researched the fatal attacks in this country, and we've researched 431 of them, and out of the 431 fatal attacks, two hundred and, almost three hundred are small children. And out of that, two hundred and sixty some of them were because the parents left their child unattended around a dog. Whether it was at a neighbors house or, either that or the child went next door, jumped over the fence, and a dog was on a chain, or hadn't been socialized, and bammo. Fatal attack. And so the other part is, over 4.5 million people are bitten each year from dogs, and the highest percentage is children. So we have a lot going on in this country that we don't know about. Then we have the illegal activity, and we have the gang bangers that walk around with the macho dogs and they think, I'm big and tough, and they train them to attack, and those cause problems. But the issue is, that before the law was passed, there wasn't a problem with pit bulls. There was a problem with all breeds fighting. Now that the law has been passed, and has been in effect for 14 years, it's done nothing to stop illegal dog fighting. It's done nothing to stop dog bites. It's done nothing to protect the public safety. So this is the only state, like I said, it's the best state for food, hospitality I've been in, but it's the only state that doesn't allow due process. And what that's doing for people like Tanya Fent, is it's causing her to if she has pit bulls in this city, she could become a criminal. And she could walk out of here with a criminal history. So it's really criminalizing U S citizens. And we had a psychologist who's a biologist who testified in Toledo that basically, it's discrimination. And it really is discrimination, and if you look at the statistics behind it, it just doesn't work. So we've submitted this, and with everything else you have, what we'd like to see is that the city enforce the states law, and I talked to the Chief of Police and she seems to be right on top of everything. She's very knowledgeable about it. She's worked in Detroit and some other areas, so she knows what's going on. And if you could enforce the state law, actually until we change it, Tanya would have to get insurance, and other people would have to get insurance. And that's another thing that this law does. When you discriminate against a specific breed, it's almost next to impossible to get insurance. Now if you're a victim and you get bit by somebody's dog and they don't have insurance, what happens to you? And so it's discriminatory toward insurance because everybody's been going around saying the pit bull can bite with all this jaw pressure, and it can you know, kill and it's responsible for the majority of fatal attacks, which is not true. Actually mixed breeds are responsible for the majority of fatal attacks. So they've been working, I can assure you there's a lot of animal organizations, they've been changing the state law. You have a better animal cruelty law now than you had. They're working on, and believe me I've talked to a lot of different agencies in this state, and everybody's working together and next year there will be new legislation coming out. And what we're trying to do is stop irresponsible dog ownership to protect the citizens. So if I could, I know you've got other agendas, I'd just like to read you this story real quick about what's going on in the state. It says, "City unfairly targets pit bulls, _____ the one side calls it unfair dog discrimination, others claim that aggressive dog breeds need to be controlled. The old nature versus _____ debate, took on a floppy eared face yesterday in Toledo muni court during the first day of hearings challenging the Toledo law regulating dog ownership. The city law based on the Ohio Revised Code labels all pit bulls as vicious dogs. If Judge Francis Gorman rules that the Toledo law is

unconstitutional, it could mean the state code and similar laws in the other Ohio municipalities are invalid. I take this case very, very serious Judge Gorman said, as the hearings began. I'm going to have to rule on constitutionality. The issue came to court because the Lucas County Dog Warden charged Paul Tellings of East Toledo, with one count of keeping too many pit bulls, and three counts of failure to purchase liability insurance for the dogs. Mr. Tellings owns two dogs commonly referred to as pit bulls, but Toledo law allows owners to keep only one pit bull". Which to me, they're declaring it vicious but they allow one vicious dog in the city. That doesn't make much sense to me. The state requires owners of vicious dogs to buy liability insurance. And actually, it would be better that if everybody that owned a dog, that had a dog that bit somebody, was required to purchase liability insurance. _____ Zendorf, attorney for Mr. Tellings, asked the court to dismiss the charges because laws placing more restrictions on pit bulls and other breeds are not rational. He argued that owners have a constitutional right to own dogs without unreasonable interference. At trial, defendant will establish that there is no scientific proof that pit bull terriers or any breed of dog is more dangerous than another. Mr. Zendorf wrote in his statement to the court, legislative bodies acted out of misinformation in media false information, Mr. Zendorf called seven witness, and these were all scientists, including myself, who had experience with dog breeds commonly referred to as pit bulls. All said, pit bulls are not necessarily more dangerous than other types of dogs. Dr. _____ Brisban who studies animal ecology in South Carolina at the university took the witness stand first. With the aid of a pit bull skull in a jar, that both the defense and prosecuting attorney seem scared to touch, he explained that examinations of pit bull bodies show that they do not have more powerful jaws than other dogs. Dr. Brisban said pit bull bites are less dangerous to people than bites by other breeds because pit bulls tend to hold on while other dogs often slash and tear the skin and causing excessive bleeding. Later in the day, Mary Lee Knitsky, a psycho biologist, scientist, and dog trainer from Portland, Oregon testified that how a dog is treated influences the behavior more than genetics. I think experience is so much more important than breed when it comes down to how a dog is behaved, she said. Breed specific legislation is not only discriminatory, it does not make any sense. Daniel Pilrose, prosecuting attorney representing the county dog warden, charged Dr. Knitsky several times by asking how different dog breeds would act in certain scenarios. At one point prompting her to explain that most dogs view running, squealing children as giant shoe toys. During a series of questions from Judge Gorman, Dr. Knitsky stuck to her guns insisting that all breeds can be trained to be good pets. Hearings are set to continue today with three more witnesses for the defense. Mr. Pilrose says he plans to call two witnesses for the prosecution today, and another will testify next week. We will provide testimony to show there is a rational relationship between the states power and the use of the power to limit the pit bull ownership, Mr. Pilrose said. Judge Gorman will rule on the case within a few weeks. We're testifying tomorrow to complete it and the states only witness, a Deputy Dog Warden from Lucas County agreed. And there were people here who heard it, but basically she agreed with all of our testimonies. She sat there and listen to it, and got up and they asked her after she was done, do you agree with what the American Canine Foundation testified to? And she said, "Yes I would have to say, I do". So if we can change your state law, we worked on Louisiana's two years ago, we've been working on ours. I worked along with other groups as a representative of our foundation to change our state law. We have a potentially dangerous dog law at the state level that allows a felony statute penalty, and if your dog bites somebody you can be given a citation, and at that point, your dog will be declared potentially dangerous. And that puts you on a warning

status, and it doesn't matter what breed it is, it can be a, because a pomeranian has killed somebody, and so what that does is put you on a warning status and we hope from that point, you'll go get some obedience training for your dog, keep your dog well contained, keep it on a leash, and do the things you're supposed to be doing to be responsible. If your dog bites a second time, and you've been cited the first time, and it causes severe injury, which this can be multiple sutures, you could face a felony. And we see other states following in this pattern, because nobody's perfect out there. But when you look at the dog laws, and they're kind of ancient in their way, and they've been not really revised since the early 1900's, and they're based off common law. So our big concern is that it really is discrimination. You know, if we take the pit bull away right now or the rottweiler, everybody doesn't obey these laws any way. The City of Cincinnati has repealed the breed ban and there's hundreds of pit bulls there in that city. And I talked to the City Council there about the problems and they told me, "Mr. Bui, there's only five pit bulls registered, what do we do"? How do we deal with this? And so what we need to do is stop the discrimination and we need to focus on the owners. It's not the dogs. It's not an individual breed. It's the owners. So I would just ask the city to consider what you can do with that information and for now, for the time being, to amend your laws to go with the state so that responsible owners can own dogs. Because this really does, it criminalizes us as U S citizens. Thank you.

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

Mr. Hills: Mr. Clemens, if I could. Mr. Bui, where does, I believe, and a couple of times in your presentation you said that, our ordinance exceeds the state ordinance, the state law.

Mr. Bui: Yes.

Mr. Hills: Can you say where that is? Can you give us...

Mr. Bui: Yeah. Your law, from what I read of it, basically prohibits the ownership of vicious dogs. And under the state law, a pit bull is declared a vicious dog. So therefore, that would prohibit pit bull ownership as I read it. I don't know, you can ask the Chief of Police.

Mr. Hills: No. I'm interested where people say we exceed. And you're saying that our ordinance prohibits the ownership of a vicious dog, and our ordinance says that a pit bull is a vicious dog. I was asking your _____.

Mr. Bui: Yeah. I think your Chief of Police could explain it better though than I could. I don't enforce laws. I just help work (inaudible).

Mr. Hills: Well, you've asked us to implement the state law.

Mr. Bui: Yes.

Mr. Hills: But yet you've referred that ours goes beyond the state law and I'm just trying to clarify where it is going beyond the state law. And is there anywhere else, or is that?

Mr. Bui: That's the only part of it.

Mr. Hills: Okay. Thank you.

Mr. Bui: You're welcome.

Mr. Clemens: Any other questions? Mr. Beougher.

Mr. Beougher: Thank you, Mr. Clemens. Mr. Bui, I apologize for keeping you up here, but...

Mr. Bui: Hey, I'll stay up here as long as you want me to.

Mr. Beougher: You made a couple of comments about pit bulls not being any more dangerous than other breeds? Do you stand by that?

Mr. Bui: Yes, I do.

Mr. Beougher: And your statistics of fatalities are based on what study?

Mr. Bui: Hold on a second.

Mr. Beougher: Okay.

Mr. Bui: I only have one copy, but I'll give it to the City of Reynoldsburg. Okay? This is the latest published journal used as the CDC.

Mr. Beougher: Okay.

Mr. Bui: The woman that worked on this book worked with Dr. _____, Dr. Lockwood, and she tells all about everybody that she worked with. And so the CDC is outdated, and they're actually going to change their statistics, and I don't know who I should give this to, I guess to her.

Mr. Beougher: The Clerk.

Mr. Bui: And you can review it. So what we do is, we base our statistics on the research we do, and we work with everybody including the CDC. We work with the woman that published that. We work with Pickney and Kennedy, who published "The Fatal Dog Attacks". And the big problem about fatal dog attacks, is what we testified in Toledo about is, we don't know the given population of any breed. Now the registry's came in, the United Kennel Club, and the American Kennel Club, and another registry came in to Toledo to testify, and we know from the information they provided, is that we can estimate, and I showed the judge, that we believe there's 4.5 million to 5 million American pit bull terriers in the country by going on the registration statistics. Which means they make up out of 52 million dogs in the country, they make up about 9.6%. Now we also know from the Humane Society of the United States, from our organization, because we have a task force to stop illegal dog fighting, that we estimate, we know for a fact, about 25 dogs were

seized in the last two years, and 234 people were arrested for illegal dog fighting. We estimate, from looking on the internet, looking at the newspapers, everything we can possibly do, that about 200,000 pit bulls a year are being used for illegal activities throughout all 50 states. So that puts it at less than 4% of the total population of the American pit bull terrier. Because something that maybe you didn't hear is, that actually the American pit bull terrier was bred for two purposes and the Irish immigrants imported them over here, along with the English, and they used them not only as a pit dog to fight, but they used them on farms as guardians. And Dr. Brisman testified that they're using them at the universities all over the country for ecological studies because they are one of the few breeds. I could give you the research on it. Believe it or not, they bite and they hold. But when they're trained to fight, they can be dangerous. That's why for example, Alabama and Louisiana passed a law that it prohibits you training a dog to fight or attack.

Mr. Clemens: Mr. Bui, I don't want to interrupt, but I think Mr. Beougher had a question. Am I correct?

Mr. Beougher: Please continue, I'm sorry.

Mr. Bui: And so...

Mr. Clemens: Let's get to the point.

Mr. Bui: Okay. Well you asked me, are they dangerous, are they, no. And there's no scientific proof. There's no genetic proof. The dog has 79 chromosomes in it, and genetics plays a small part, about 3.5% of the inherited traits from behavior, or genetically connected. The rest is environment, and training, and socialization. So from all our research, everything put down, we can't find any genetic proof that the American pit bull terrier is any more dangerous than any other breed. It has animal prey drive. All terriers have animal prey drive. It doesn't make them dangerous, vicious, or anything of the sort.

Mr. Beougher: But just based on the raw data from a report on the CDC web site, pit bulls do appear to have, like I said, a raw data figure of more bites, or more fatalities than any other breed of dog.

Mr. Bui: Just between a certain portion of years they claim that.

Mr. Beougher: Right. Which is 1979 thru 1998.

Mr. Bui: Right. But when you look at that, you can't use that because there's no way to equate the number of population of sitzu's.

Mr. Beougher: Understood. As I said, raw data.

Mr. Bui: If I may, on there, if you have the front page of the CDC...

Mr. Beougher: Is that the one?

Mr. Bui: There's a quote from Dr. _____ and I don't see it on this. (Inaudible). Okay. It says here, although (inaudible) breed specific problem, pit bull type dogs and rottweilers, other breeds may bite and cause fatalities at higher rates because of the difficulties inherent in determining a dogs breed with certainty, enforcement of breeds, specific ordinances raised, constitutional and practical issues. Fatal attacks represent a small portion of dog bites to humans, and therefore, should not be the primary driving public policy _____ concerning dangerous dogs. Many practical alternatives to breeds specific ordinance exists and hold promise for prevention of dog bites. And actually that was written by Dr. Randy Lockwood but they don't quote him in there.

Mr. Beougher: Okay. Thank you.

Mr. Bui: Okay.

Mr. Clemens: Are there any other questions for Mr. Bui? If not, we'll move to the next speaker, Patricia Loar. Please give your name and address.

Ms. Loar: Patricia Loar, 1322 Lancaster Avenue. I walk my dog a lot and I run into a lot of different kinds of dogs that are not socialized to dogs. Now, I have not been bitten. I have ended up on the ground because the dog attacks my dog. Not because it's running loose, but because they break loose. Just run out of the house, or they run out of the yard, and the owner is there and sometimes they get the dog back and sometimes they don't. Over the years I've heard numerous things about pit bulls and I've talked to mail men who have had to jump up on a car to avoid pit bulls. I've talked to more people that are on the street that have been harmed by pit bulls than any other dogs. Now I don't know where this comes from, but if there isn't some way that you can protect the person walking down the street, I'm not talking about fatalities, a dog will kill another dog. I mean, does that not count? So I don't have to be the data to know what the statistics are or anything, but I just find it difficult to believe that these dogs have just been mistreated as far as their PR is concerned. But they are not the kind of dogs that everyone says they are. And I know, I've had German shepherds that have come after my dog and rottweilers, and dalmations. There's a lot of unsocialized dogs out there and if you walk the street with your dog, you're in trouble. I carry pepper spray now. But I just think that pit bulls, I don't know how you're going to control people. It sounds great to say, well the people. It's their fault. It is their fault. But that doesn't help if a dog kills your dog or kills a child.

Mr. Clemens: Thank you, Patricia. Are there any questions? Yeah, Mr. Beougher.

Mr. Beougher: I'm a little confused. You are against the pit bull legislation? Is that correct?

Ms. Loar: No. I'm for it because it sounds all well and good to say, well the people have to control the dogs. But they don't. And pit bulls are, as far as my information over the years, are more aggressive than most dogs when it comes to really going after people and not just animals.

Mr. Clemens: Thank you, Patricia. Next speaker is Mr. George I believe. Is that correct?

Please give your name and address.

Mr. George: Good evening Council members. My name is Harry George. I live at 3795 County Road 24 in Cardington, Ohio. I had a chance to speak to you last week on some facts. I hope you had a chance to absorb those and talk about them. I'm also a witness at the Toledo case. The Dog Warden versus Paul Toings. And I've been called as an expert witness to Pontiac, Michigan as an expert on the American pit bull terrier. And I'm going to make this short and sweet. If you have any questions to ask me on statistics, I've done a state wide survey on dog bites throughout Ohio, I'd be glad to do that.

Mr. Clemens: Thank you, Mr. George. Are there any, Mr. Beougher.

Mr. Beougher: Thank you, Mr. Clemens. Mr. George, I didn't ask Mr. Bui because I know he's from out of state, but you're familiar with the state law I assume.

Mr. George: Yes. He is very familiar with it also.

Mr. Beougher: Okay. Well, we give him the benefit of the doubt. The state defines a pit bull as a vicious dog. But does it allow a vicious dog in the, are we (inaudible).

Mr. George: Are you referring to any other vicious dog? A dog that has killed another animal?

Mr. Beougher: Are we, is a vicious dog prohibited from the state, or is it allowable?

Mr. George: Yeah. So it's allowed. We just need to keep insurance on it.

Mr. Beougher: Okay.

Mr. George: Which, to my belief, anyone that has anything would carry insurance on their dog. There's a big liability on any of our dogs.

Mr. Beougher: And we have kind of two levels. We've got dangerous dogs and vicious dogs. What the state's calling vicious dogs, by allowing them to reside in the state, that sounds like our classification of dangerous dogs. We allow them to reside in the city but we require a permit. Does that sound like it's more in line with the states law?

Mr. George: I think basically, probably about the only difference is what you're stating now and the ban if I read your law right. There is a ban on pit bulls in Reynoldsburg? Is that right?

Mr. Beougher: That's correct. And dangerous dogs, my understanding is we require them to be enclosed in a pen with a top or secured in some way. We have an animal control, or dog control ordinance, not a dog leash law. So someone with a poodle could have it off the leash, and I think a dangerous dog ought to be confined or restrained at all times. I think most people would agree with that.

Mr. George: Right. The state law says pit bulls, okay, first off, pit bulls is a generic term. We got into this at court and the judge decided to define this as one of three breeds. An American pit bull terrier, American Staffordshire terrier, or a bull terrier. A lot of our dog wardens throughout the counties are pretty well naming anything with short hair and shows some muscle tone as a pit bull. I'd like to answer your question a little bit deeper. What were some of the other?

Mr. Beougher: Well, I guess my thought is if we change the classification of a pit bull from vicious to dangerous, is that a reasonable compromise?

Mr. George: That sounds like your dangerous compares with the state law and vicious. Yes, sir.

Mr. Beougher: Correct. That's my understanding. I need to read the state law.

Mr. George: Yes, sir.

Mr. Beougher: And reading everything about the state law I guess. So, a lot of information out there on dogs. So, thank you.

Mr. Clemens: Are there any other questions for Mr. George from members of the committee? Members of Council? Thank you, Mr. George.

Mr. George: Thank you.

Mr. Clemens: This is back in committee after it's had second reading and went to Council for a third and then sent back for discussion. Members of the committee, does anybody have any discussion as far as this is concerned? Mr. Wade, and then Mr. Stake.

Mr. Wade: I just want to talk a little bit about, and hope that we'll think through this process. And I guess, my concern with the breed specific legislation, and I think that everybody knows that I'm not particularly in favor of it, and the reason that I'm not is because I think it's very hard for us to sit here and think that we're passing legislation that's responsible legislation to get rid of what, even if all of the statistics about pit bulls that you hear are correct, and that they are the most dangerous breed out there, and if we're acting responsibly, when we accomplish that and we get rid of all pit bulls, it would only be responsible to do it again to the next most dangerous dog. And then the next most dangerous dog. So if we're acting responsibly and we're eliminating pit bulls, and we are successful at that, then it's going to be before this legislative body, or all legislative bodies to do what is considered the next responsible thing and so on, and so on. And that's the problem that I have with this. I personally don't believe that it is the dogs. I believe that it's always ownership and the responsibility of the people who own those dogs and recognize the danger of a dog, if in fact it is dangerous, and so I guess, had we done this 30 years ago, we'd be getting rid of all German shepherds. Had we done it before then, who knows what it would have been. And so I guess from that standpoint, I'm having a very, very hard time being in favor of this kind of legislation.

Mr. Clemens: Thank you, Mr. Wade. Mr. Stake.

Mr. Stake: Thank you, Mr. Clemens. I just have a couple of questions for the Chief please.

Chief Miller: Yes, sir.

Mr. Stake: You sent us a memo and you're in favor of the language in the ordinance, and why are you in favor of having pit bulls in there, in that language?

Chief Miller: It was something that was standard to the legislation. When we first sent this legislation forward all so many months ago, our original language was only to clean up the problems that had occurred during a rewrite of the legislation. There were, somehow the definitions got mixed up with the body of the ordinance and it caused some problems with some citations that were written, and that was when it was brought to our attention. So, I certainly never meant for this debate to ensue. Our language that we forwarded was what had been on the books for any number of years, and that the city and the police department, and specifically our animal control officer had been enforcing over the last several years. At one point when the language that would have allowed pit bulls along with other breeds to be harbored in the city, or kept, but mandated certain conditions, their passing the American Kennel Club's Good Citizenship Award, was brought forward, I went to the patrol Sargent's and asked how they felt about that. And there was unanimity that we needed, that they felt that this was something that was important, certainly for the officers. And that's, and then at the same time that that was happening, I also got an e-mail from a citizen in Reynoldsburg who expressed serious concern and asked me why we would be doing this. Why would we be allowing these dogs in the city when it had been our standard policy, it had been our law, not to allow them. And that was at the point that I asked the Mayor and the City Attorney to call back the legislation and for us to seriously consider it. And you have what you've got now in front of you.

Mr. Stake: How do you feel about, Mr. Beougher made a comment about I guess, reclassifying these as dangerous dogs instead of vicious dogs? I think that's what he was saying. I don't want to speak for him but, how do you feel about that?

Chief Miller: We'll enforce the law. Whatever it is that you make it. I probably have some personal feelings about it and life, I think that sometimes our citizens look at government and they look at the police department and they say to us, we want you, meaning City Council and the police department to make our lives risk free. And everybody sitting here knows that that's not a possibility. We're not going to make it risk free. If you do this, there are risks. But we will do our best to enforce whatever law is, or ordinance is enacted.

Mr. Stake: Thank you.

Mr. Clemens: Thank you, Chief. I have an opinion too. This is a law that has been on our books and has been enforced, and it does come with the Chief's and Administration's recommendation. I can understand the thoughts of Mr. Wade as far as, but that's true on any ordinance we have passed, and it's all hypothetical. You can go from one thing to the other and keep right on going if that's what people want to do. And I understand that. My problem is, the safety part of it. My

problem is, the ownership part of it. We can't get people to cut grass, I don't know how we expect some to take care of their dogs. And it's their responsibility. If we have to rely on responsibility of a homeowner to take care of his animals, which they don't do, and we all understand that or we wouldn't have a police department or administration that takes care of all of our problems, then I would feel safe about it. But I at first start thinking about the children and about people and people out taking walks like Patricia and so forth, and myself. And it's not pit bulls. The pit bull's no different than like Jim says, German shephard. We have all kinds of screw ball dogs that people let run loose and we can't control. But this is one way possibly we can control one dog. I don't like to pass ordinances that we can't enforce. I would hope we do enforce this ordinance if we do pass it. But to say it's the responsibility of the person, and I understand that, a lot of things are the responsibilities, but they seem to forget their responsibilities, and that's what we're here for is try to cover their responsibilities by the ordinances we pass so we can enforce them. I assume, I have children, I have grandchildren, I've been there and I've taken them walks and I've seen dogs come out, and I've seen them stand there and just stare at them. If I hadn't been there, God knows what would have happened. I don't, they run loose and not a pit bull but I wouldn't want them killing one of them either. So I think we have to operate for the public to make sure they're responsible. As far as insurance, how do we know that they take out insurance? We don't even know where the dogs are at. So they're supposed to have insurance. Who says they're supposed to have insurance? Nobody's showed me a policy. How many people that have dogs that have insurance? I mean, I don't know. You do probably because you know the law. I'm not begrudging, I know there's good pit bulls, and there's good shepherds, and there's good dogs, there's good people. But by God, there's a lot of them that aren't. And those are the ones that we have to worry about. We don't have to worry about the people that are responsible. We've got to worry about the people that aren't responsible. That's the only thing that bothers me about the whole thing. If this is a step in one direction that will help, then I'm not opposed to it because it's been on the books. If this is something new that we were passing, I would feel a little different about it. But it's been on the books and if this is a law that the state eventually feels is incorrect, and eventually then we can change with the state. But at the present time, since it's on the books, for the safety of the public, and this is a safety issue, for the safety of the public, I feel that this is something that I would support to leave on the books really. And I feel that way about it. And I know we all feel different and I'm not criticizing anybody on their thoughts because everybody has their own thoughts. But that's my opinion on it. Mr. Hills.

Mr. Hills: Mr. Clemens, if I could. Chief, could I ask a couple of things because, and the Chief and I have discussed this, so has the City Attorney, I did have a concern on the initial draft of the ordinance of listing specific additional breeds of dogs. That is gone. The ordinance pretty much, and I think I read this a couple of weeks ago, it's pretty much what it was saying before other than the additions now are, if you train a dog to fight or to bite, that by the fact that you did now is deemed a vicious dog.

Chief Miller: Yes, sir.

Mr. Hills: So we basically are very close to the ordinance that we already had out there. The issues that have been brought up over the last couple of weeks is, our ordinance, since it was passed in '93, '94 if we'd listen, and I certainly believe what the witnesses are saying, they're

saying you're not allowed to do what we've been doing. And that raises a concern when we're saying that we prohibit ownership of a vicious dog. But if you start taking this in examples, and certainly Mr. Wade makes a very good point. A dog, a lion controlled is not vicious. It's when it's not controlled that things happen. But a, and I have a shelter so I'll use that as an example, a shelter who bites someone in this city and causes injury to an individual is deemed by that act to be a vicious dog. Is that not correct?

Chief Miller: That would be correct.

Mr. Hills: And so we move out of the category into vicious.

Chief Miller: If the bite is unprovoked.

Mr. Hills: If the bite is unprovoked or I assume they could make the, they could make whatever arguments. But if we show it was an attack type bite it's going to be a problem. They're a vicious dog.

Chief Miller: Yes, sir.

Mr. Hills: And then our ordinance says we prohibit vicious dogs to reside in the city.

Chief Miller: Yes.

Mr. Hills: The concern I get into, and it's a concern I think we honestly have said, and everybody's touched on tonight, how do we identify all of those animals? The ones that bite, we can identify.

Chief Miller: Yes.

Mr. Hills: The ones that are walking down the street on a leash, we can't identify that, whether it's vicious unless we have said it's a pit bull. Now, how do we then identify, is the police department aware of this pit bull that's walking down the street versus the other pit bull that caused the problem that there was a report on. I mean, do we, we aren't going to ask somebody to come register your pit bulls because we're going to send you this letter, quote, we've seen that says, now get rid of it. Because people aren't going to do that. I appreciate what Mr. Bui is saying about, does this go beyond, and I'm not sure, but whatever it does, it has been doing since '93 or '94. Now, I guess the question I would have is, how long have we been sending letters that says, get rid of your dog? Is that a fairly recent act?

Chief Miller: We've been doing that for the last several years.

Mr. Hills: Several years being two or three?

Chief Miller: I would say, yes it dates back to when we were still in the old building. So it's pre 2001. And what happened was, at a patrol staff meeting, an issue was raised by a couple of the Sergeant's that there had been some raids executed, and in the course of patrol duties, officers had

come across dogs that they identified as being commonly known as a pit bull. And the issue was raised, what are we doing? Don't we have an ordinance on the book? And at that point, the Animal Control Officer was directed that when a dog was identified that it might be a pit bull, that there would be a letter sent, along with additional information, and pretty much what we've copied, is what the Franklin County Dog Warden sends out to Franklin County dog owners.

Mr. Hills: Unfortunately, which may or may not be revoked now from our earlier statement.

Chief Miller: Well, yes.

Mr. Hills: Okay. I don't know. Is it still valid as far as you know?

Chief Miller: Yes, sir. To my knowledge.

Mr. Hills: So the revoked that we saw and had written, may not be correct? They have a vicious dog ordinance.

Chief Miller: Who is, I'm not clear on what you're talking about now.

Mr. Hills: Franklin County Health Department has a vicious dog ordinance.

Chief Miller: Alright.

Mayor McPherson: Mr. Underwood says, "may have been revoked" and we're not sure what he meant.

Mr. Hills: Okay.

Chief Miller: I've not seen any of that, sir.

Mr. Hills: Okay. So we in essence, when we have the ability to remove an animal that has created problems, has attacked, has been vicious, has been trained to fight, or has been involved in dog fights, in our own existing ordinances?

Chief Miller: Yes.

Mr. Hills: So what actually, everyone is talking about now, is something that isn't being changed in our currently codified ordinance. It's been around. Right or wrong, it's been there.

Chief Miller: That's correct.

Mr. Hills: And I guess the issue that has come up that has raised some secondary concern is, the lady that walks down, her two pit bulls down Priestley Drive on Sunday morning, every Sunday morning, should she been said get rid of your pit bulls, and I guess by definition, she should be. But she won't get a letter until somebody complains about it. Right?

Chief Miller: That's correct. So if Mrs. Hills observed this person while she was walking your shelter, walking two pit bulls, and she makes notification, then yes. A letter would be sent now. I'm going to tell you that in 2002, we had an incident where someone, one of our statistics for this letter and sending out was, that we had a complaint from someone who said, I believe my neighbor is harboring, keeping a pit bull. And in reality, when, after the Animal Control Officer sent the letter along with the additional information that goes out with the letter, the last sentence says, "if you have any questions or concerns, please contact me at this number". This person, and generally speaking, there's a phone call made, and in this instance when the dog was inspected, it was determined that it did not fit being a dog commonly known as a pit bull or any of the American Kennel Club registered breeds that are associated with that definition. And so that dog was not removed.

Mr. Hills: But that dog, now the person that has the pit bull that has never been out of the yard, doesn't know nothing but cage, would still get the letter as long as the pit bull saying, remove the dog from the city.

Chief Miller: That's correct. Because that's what's in the ordinance.

Mr. Hills: Okay.

Mr. Clemens. Thank you, Bill. Mr. Wade.

Mr. Wade: Just a couple of points. One to your comments, Mel, and with all due respect, I agree with you on the enforceability part of this, but frankly, I think it's impossible to enforce. And just something to think about, and I'm a little bit confused here, is a rottweiler considered a pit bull?

Mr. Clemens: No.

Mr. Wade: No. So what we're saying is that, if you take a pit bull and you cross breed it with a rottweiler, big ugly dog. It's ok.

Mr. Hills: Til it bites you.

Mr. Clemens: Til it bites you.

Mr. Wade: But you can't keep a pit bull. That just doesn't make any sense. That just doesn't make any sense to me. And frankly, a mixed breed dog, because of the genetics involved, is probably, I think the statistics would show, a more dangerous dog than a pit bull is. So it's okay to keep the more dangerous dog but the pit bull has to go. And I just, that doesn't make any sense to me.

Mr. Clemens: I understand what you're saying.

Mr. Wade: And I don't think the enforceability, excuse me, I don't think the enforceability from a visibility standpoint, I don't think we have enough experts in this community, in this city, for us as

a municipality to enforce such a law. I certainly couldn't walk up to a dog, what are you going to get, DNA test to enforce the law? I just don't see how that's enforceable.

Mr. Clemens: I understand. I agree with the enforcement. The only problem I see with the whole issue, if this had not been brought up to clean the ordinance up, we wouldn't even be discussing it. The ordinance is on the _____. The only thing the ordinance does is make changes in the other sections. So, we're sitting here arguing about something nobody even cared about. So, you know, you didn't care about it. You didn't care about it. I didn't care about it. She's just taking care of it. So why are we arguing about it? I mean, if she was taking care of the city, we had the ordinance on the book, the only thing's brought up now is a couple of changes in the other sections. So now we're taking away something that has been there that she's been trying to enforce, the police department has, so it's hard to understand even what we're arguing about. Because we wouldn't even be arguing about it if it hadn't been brought up for a change. We were all happy with the ordinance. Nobody's out here kicking doors down to make her change it. So what's our problem with it? I mean, it was there, so why not leave it there and handle it the way we've been handling it. I don't understand the problem. All we did was clean it up and make it a little better on the other sections that we can enforce. I mean, that's the way I look at it. And I agree with a lot of the things you said other than, the one I do agree with, we're arguing about something that's been there that none of us even cared about or we would have brought it up here and had it on the table. The Chief brought it up just to make some changes in the others. Mr. Hills.

Mr. Hills: Mr. Clemens, I agree with the concept of what you're saying. However, I can assure you that I read, I hope to say I read almost all of everything I get up here. But do I fully understand everything that I read before I vote on it? I doubt it, at the volumes we get and the time we get it. Certainly, this discussion wasn't had before we passed it in '93 or '94. Is every law that we vote for perfect? I would have to think not. But, I guess, and if you don't mind, I'd like to ask the Mayor. I know we don't have a City Attorney here to get his input, but Bob, I don't mean to put you on the spot, but with some of these things that we have heard, that's a tough spot about being the big guy. Right? I don't know. Is this something that you as Administration would want to sit down and say, is there a way that we ought to consider this? Or are you saying, let's just leave it the way it is and move forward?

Mayor McPherson: Well, I tell you, based on everything that I've heard tonight, I don't think it would hurt at all, maybe to send it back for another couple of months, you know, where we can look into some other issues. Some of the things that Jim brought up tonight, like the rottweiler crossing with a pit bull and all, that's true. The more dangerous dog would be allowed to be here. The second thing, Mel brought up, how in the heck do we enforce it? You know, even you, you said, you know, you've got a neighbor that walks two pit bulls down the street every Sunday morning. You know, should we be banning those dogs just because they're pit bulls? Now in the past, our ordinance, we were doing it. But I can tell you right now, we obviously weren't enforcing it until the Sargent's got together and said, hey, this is a problem when we're doing some raids on houses. You know, I think maybe we need to look at it in another of couple of weeks, or maybe hold it until after your August recess. Let the City Attorney look at it again. One of the other things you brought up tonight, we can check and find out whether or not that has been

revoked by the Board of Health, and if so why. Was there some sort of a state law or something that, you know, was challenged and we lost. I don't know. So, you know, if you would like to just hold it until after your recess, we'd be more than happy to look into it further, and then come back with a recommendation. I just can't make a recommendation tonight. I mean, I've heard so many different things tonight that, you know, I think to try and absorb it, and make an intelligent decision, it would be very difficult tonight.

Mr. Clemens: Okay. Thank you. And I have no problem with that if the rest of the committee has no problem with just holding it into committee.

Mr. Beougher: I have a question for Ms. Fent. What is the status of your situation at this point?

Ms. Fent: My dogs are currently, one is in a foster home in Indiana unless this is resolved (inaudible). I have so many, one of the speakers from last Monday has two of my other dogs. A co-worker from the animal clinic I work at is holding another one. We have two, a boxer and a boxer lab that the Animal Control Officer has to visit my home still and see if my dogs are there. I've shown my dogs. My dogs have been through training. I work at an animal clinic. I understand (inaudible). I've walked my pit bull in Blacklick to meet my mother who's out there. And I've had a cocker spaniel run up to the pit bull. The pit bull's wagging his tail and the cocker spaniel wants to bite his face off. I mean, I don't see how it's fair that my dog is not allowed here, that that cocker spaniel that was loose ran up and tried to attack my dog. That's okay. I don't see how this is fair. They've not done anything either. I mean, the personalities I feel are closer to a lab than anything else. (Inaudible). I think it's individual circumstance. I definitely feel for this woman who had a dog run up to her and tried to knock her down. Because it's happened to me too. But I don't think it's fair that now my dogs, who are the only things that I have, we don't have any children, are all out of my, they're gone. I don't have them. They were ripped from my house. I'm told you either need to get rid of your dogs, and the letter actually states 24 hours to get my dogs out of the city limits. That's what the letter states that I have. I talked to the Animal Control Officer, she said I had 30 days. So 30 days to either get rid of my kids or have them seized from my house and destroyed. That's not _____. I don't think that's fair. I didn't do anything. The dogs didn't do anything. They weren't loose. We have a 6 foot privacy fence.

Mr. Clemens: Thank you. Do you have any other questions? Mayor. Let's hold this. We'll put it on hold until the first or second meeting when we come back in September. We'll talk to the Chief and work on it and bring it back up and discuss it.

Mayor McPherson: Okay. We'll try to get some additional research on it and get it to you then.

Mr. Clemens: If that's alright with the committee. Alright. We'll put that on hold until the Administration brings it back to us in September.

That ends the Safety Committee meeting at 8:45.

- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
July 21, 2003
SERVICE COMMITTEE MEETING MINUTES
July 21, 2003

Members of Service Committee present: Eric Gilbert, William Hills, Ron Stake, Lane Beougher.
Other members of Council present: Sarah Cannella, Jim Wade, Mel Clemens, Council President
Bradley L. McCloud.

Mr. Gilbert: I'll call the Service Committee meeting to order at 8:46. The first item on the agenda is the approval of the minutes of the July 14, 2003 Service Committee meeting. Are there any additions or deletions? The minutes, none being heard, they will stand as read. Just one brief

announcement, in light of some concerns that were raised in Etna Township in regards to the validity of our Ad Hoc Committee on reviewing our residential zoning codes, I would just note for the record that this is a public meeting. A committee that meets in public where the media is notified to review our own residential zoning codes and to look at if there's a need for changes or if what could possibly be at the end of the process, there are no changes that are recommended. But from this point on I'll just, for each committee prior to the meeting, I'll take the time to announce that the Residential Zoning Committee will be meeting Tuesday, July 22, 2003 at 5:30 p.m. I appreciate you granting that latitude to make that announcement. I have been reading the minutes and I'd just like to thank Mr. Stake, Mr. Beougher, and Mrs. TenHoeve for their work on this matter. So far it seems that you've had some quite interesting and enlightening discussions on what will be going in the future. So I appreciate your service on that committee.

Item number 3 is the approval of the agenda. I'd just like to make a motion that we hold item number 4 (Discussion, Ordinance to amend the official zoning map of the City of Reynoldsburg adopted by Ordinance No. 131-95 on November 27, 1995 and as subsequently amended - 8450 East Main Street; from R-1 to CC; applicant, Kroger Real Estate by Glen A. Dugger) for two weeks. Actually this will be until the first committee meeting in September. And I would like to add item 3a at the request of the Development Department, which will title Natural Gas Supplier Proposals. Do I have a second for that motion? Second by Mr. Stake. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 3a, Natural Gas Supplier Proposals. Mr. Brandt.

Mr. Brandt: Good evening. Thank you, Mr. Gilbert for giving us the latitude to include this with such short notice. But in the spirit of keeping everyone informed on what's going on, we talked I believe, last week just briefly about the fact that we were moving on in the world of electricity. Friday we met with Amp Ohio who's been working as a consultant with us and the City of Bexley. I provided you with items one thru nine with respect to possible natural gas supplier offers which would be in concert with our having previously passed the aggregation opportunity for the city. This, unfortunately comes to us at an untimely manner so to speak, inasmuch as Council will be recessing. However, due to the notification time lines and all the issues involved in it, it may require that we would have to request you to come back and approve a contract if one actually comes forward and we are, quite frankly expecting one to do so. As, and I'm not going to belabor the point, you can peruse it one thru nine, probably the significant issue or major portion of this legislation would be for the city to either accept a contract at a fixed price or 5% discount off of Columbia Gas' GCR rate. Some cities that we've talked to, actually there's only two in our particular situation, us, the City of Reynoldsburg, and the City of Bexley currently in a position to move ahead. The other cities that are kind of tying together, currently haven't got their approvals and had their operational plan approved and those necessary hurdles. So, as it says, going through, there were four or five suppliers that offered. One was exceptionally, was considered higher. Two were relatively close. And it's a very complex issue as I'm sure some of you are well aware of, and I'm positive Mr. Hills is. He's listened to a lot of this much more than we have. But what we're proposing to do is, hopefully within the next two weeks, get an offer from one or two suppliers, and once we've looked at it, if it's deemed by the Administration to be suitable, feasible, and acceptable, we would notify you and ask you to come in for your

consideration. Because there's a, what they refer to as an opted out mailing requirement prior to implementation, and the selected provider, or supplier would handle that, and they have a time line to meet the requirements of the statutes to perform those functions as well. One of the issues of concern is, obviously, pricing. And there's, the price is based on the New York Mercantile Exchange and some of those issues, which pricing becomes a difficult issue in the arena. I think I had, just to give you an example, the price per thousand was 961 for one month, then it dropped to 732. Is it going to go back up and go down? I mean, it's like watching Wall Street. So it's a difficult issue in the form in which we operate, and like corporate America where the chief executive can make the decision buy or sell and keep on going. So other than what's on the proposal information we've provided, we'd be happy to answer any questions. If we don't have the answers, we'll certainly get them for you tomorrow. Mr. Sloan apologized for not being here but he had been committed to another city before these opportunities came along which he made us aware of on Friday afternoon in a joint meeting with our good friends in the City of Bexley.

Mr. Gilbert: Thank you, Mr. Brandt. Members of Service, does this raise any questions from you? Mr. Beougher.

Mr. Beougher: We're in the process of competing with other entities that provide gas through Columbia's distribution network. What is their pricing structure? Is it a fixed rate? Or is it a discount from the gas recovery cost?

Mr. Brandt: The ones that we're looking at, well there's two opportunities. One would be a fixed rate depending upon what the rate came in at, or a 5% discount, approximate 5. We can't say the exact number right at this point until they make the price offer because, and I think Dr. Whitney can explain it better than I. They call it the Nimex Price Strike, period. Which is the pricing time line where they sell the gas on the New York Mercantile Exchange. And so, it's very difficult to get into everybody what they're doing because to negotiate in public, it becomes difficult as well.

Mr. Beougher: Okay. But my question was, what are other entities that are selling gas doing? Are they offering a fixed price? You may not know the answer to this question. I haven't shopped gas. I have my first home in 8 years with gas.

Mr. Brandt: Well I can tell you the ones that the Amp Ohio folks and the cities involved that have had proposals, offers from, there were five. And I think they're detailed on this paper. One which had came back and said that as far as gas which was WPS, they weren't going to get into it for another year. So that took it down to four. And then there's one identified that their pricing structure was already higher than what would be considered worth getting into. So there's basically three. And also they looked at it from a, hopefully a long term basis. We all realize how volatile that whole market place is after one major collapse. There were three major players that stepped forward and said, we're interested. Because what the potential down the road is, the City of Dublin's moving along on this process. The City of Upper Arlington, and the City of Gahanna. Reynoldsburg and Bexley being the first, they'll be ultimately five. And I believe Amp told us there's 20 additional cities up in northern Ohio. So the supplier would hopefully be interested in that kind of customer base. And this is all new to all of us, so we're all just kind of trying to work our way through it.

Mr. Beougher: But as a consumer, if I'm shopping rates, and I'm comparing the City of Reynoldsburg's rate, and we go with the fixed cost and somebody else out there is, you know, tracks Columbia's price, and I don't know what the other entities are doing, not entities, but companies are doing to, that are discounting gas prices. I mean, I don't know what they're doing. Are they fixed or are they floating?

Mr. Brandt: I think the options are unlimited.

Mr. Beougher: Unlimited. Yeah. Okay.

Mr. Brandt: And it depends upon where they're from and who they are. As we all know, over the last several years there's been a number of them come and go. And what our goal in getting involved in this was, at least to provide an opportunity or an option for the residents. Because when you start receiving mail from anywhere in the 48 contiguous states offering you a deal on gas, or electricity hopefully down the road, people are somewhat, shall we say, reluctant to jump into it. And I think the last time that I heard Columbia, which has certain incentives to get a number of customers over to other suppliers, less than 30% of the people actually that had the option to try whatever option was out there, did it. So this is merely to put something local on the table. Will it be lower? We hope so. Could we be higher? Possibly. I think it's a very speculative market. Anybody that's followed the Enron debolical all the way down the line. But, if we're lower than the GCR by 5% and somebody finds the XYZ company, God bless them and good hunting and maybe we try again the next time.

Mr. Beougher: Well, is there an opportunity to offer our citizens a choice between the two styles? We're selling the whole market at once. Right?

Mr. Brandt: Right.

Mr. Hills: I believe, if I could, I think that's, right now the gas market, any individual can go buy from a supplier and avoid Columbia. You may end up paying more than Columbia depending, you're in a contract. You just enter a contract with a supplier. The gas industry is open. And if somebody, you want to contract with someone, Columbia will deliver it through your meter. But you're going to pay what that contract rate is and whatever the terms of that contract. The reason we are seeing cities get involved with this, is in Toledo and Cleveland, many families got just ruined by people coming in at a low cost rate, and within 90 days was up three times Columbia's rate and they were stuck in the contract. And that's when the State of Ohio got back involved through the legislatures and established some systems as this. The advantage to a city should be, rather than John Smith talking on the phone to a supplier, we are talking on the phone through all of the customers of the city and should make the buying power better. I like the idea very much of blending with other cities to do that. That should make it even stronger. This is just the first time this is starting to piece together. Certainly, I appreciate getting all the information on this. Is this the best deal going? It's the first time around. This is all new. It's all up first time. Certainly, I would encourage us as a city to be sure that we have other cities lining up with us as we're doing this. We don't want Bexley going one way and us going another way. You kind of cut away

from your power base if you can well work that. Now, your question I believe, and John or the Mayor or someone, that's the opted out. What will happen, if this city gets into it and says, we now are going to go in a contract with Shell or Vectron or IGS and this is what we're going to offer to you as all citizens of Reynoldsburg, you will then, can fill out a form opting out saying, no, I don't want it in your price rate. I want to either stay with my current Columbia gas or whoever it may be and/or the other contract I'm in. So you have the ability to get out. Now, what I don't know, and we would have to have answered, if you're already in something else, do you have the ability to get in to the city? Those questions are going to be needed to be answered before we enter into this contract. Just as a forewarning. Now, certainly I appreciate you giving this as to whether there's going to be action in two or three weeks. Let's wait and see as everything comes together. But certainly, we would want to see the contract, and I'm sure the City of Bexley, and Amp Ohio, and the Mayor, and everybody else, and the City Attorney when he gets back would probably want to see the contract.

Mr. Brandt: Certainly. And as I said early on, we felt that it was imperative, although we realize timing is not the best, and maybe the folks that are on that side of the table, the marketers, or the suppliers, once they get adapted to our style. But, you know, we're trying to compromise. They're willing to sign a deal tomorrow at a price that, whatever, at the Henry Hub, which I never heard of the Henry Hub until I got involved in this stuff. But, our ability to do that is very limited as most municipalities. So we thought at least bringing it forward now, everybody's kind of forewarned, forearmed, and realizing that it could be a savings to a good many residents of the city. As you said, that's part of the timing issue because there's some requirements for the supplier to mail out the information providing either in or out, whatever you want to do. And then the return time, and then when they actually take over the process. They get the mailing information based on volume, which they've got some estimates from Columbia Gas.

Mr. Hills: If I could ask Mel, one other question. We are approved by the PUCO as being able to get into these contracts?

Mr. Brandt: Yes, sir.

Mr. Hills: So is the City of Bexley. Is what you said earlier, no other city yet has had their permission granted, or had their permit issued, or whatever it is?

Mr. Brandt: I believe there's, and I can't say which ones, but there's a couple I believe that are going to the ballot this fall. There's a couple of them in the process.

Mr. Hills: Once you get on the ballot, then you still have the procedure you have to go through, the PUCO even after you pass the ballot to get that approval. Because somebody else has gone, Gahanna's already been on the ballot, haven't they?

Mr. Brandt: Gahanna's already (inaudible).

Mr. Hills: They're on the ballot, but they aren't licensed by the PUCO yet?

Mr. Brandt: Right. And as you may recall, when we brought this forward initially, both together,

part of the reasoning was that the time line that's required, the ballot issues, and of course in our unique situation being in three counties, three issues in three counties makes nine times the opportunity for problems as opposed to some of the other cities that lie in only one county. And if you got all the way through the process for both issues to this point.

Mr. Hills: I think we're the first city to have both gas and electric in the state.

Mr. Brandt: That is correct.

Mr. Gilbert: Any other questions from members of Service or other members of Council? None being heard, thank you Mr. Brandt for the presentation. I think it's worthy to note that if you come across a situation where we're able to obtain a contract and save the residents of this city some money this winter, then I know the members would be willing to come back with the proper documentation for a meeting during our recess to make that happen. So, just give us a notification. Next item, we'll hold this, in fact what I'll do is keep this on the agenda and we'll hold this for two weeks for discussion purposes.

Item number 5, is an Ordinance accepting unrecorded deed of easement from Helen Kitzmiller and Jack Kitmiller appropriating funds therefore. This item did have its first reading on July 14. Also I received the forwarding from the Finance Committee. Is that correct, Mrs. Frazier?

Mrs. Frazier: (Inaudible).

Mr. Gilbert: Mr. Hills, we had the Kitzmiller deed of easement that went through Finance last week. Correct?

Mr. Hills: I believe it did. We have appropriated the funds for that I believe. Did we not, Mrs. Frazier?

Mrs. Frazier: (Inaudible).

Mr. Hills: Yeah. It's been to Finance last week.

Mr. Gilbert: So if I recommend that it move forward, does it need to go to Finance again? Okay. Does this raise any questions or comments from members of Service? Mr. Beougher.

Mr. Beougher: Yes, Mr. Gilbert. I believe we need to amend the title of the ordinance. Do we not? Since it is a general warranty deed and not a deed of easement? We're actually purchasing the land.

Mrs. Frazier: It had come down as a deed of easement and that's how I found out we didn't have one, was when I looked for it to see what it was for. It wasn't there. So we can amend that, and we also need an account number.

Mr. Gilbert: So we'll amend the title at the table next week? Is that correct? As a redraft?

Mrs. Frazier: Yeah. That'll be fine.

Mr. Gilbert: Okay.

Mrs. Cannella: Mr. Gilbert, did you want the rule suspension?

Mr. Gilbert: I don't believe there's a time, we're under a time crunch at this point with this. Are we Mayor? Or do you want it...

Mayor McPherson: The only reason we brought this one on forward, you know, we have two more we're working on. We kind of wanted to reward the Kitzmiller's for stepping up to the plate and we wanted to try and get it done before you went on recess. That's the only reason.

Mr. Gilbert: Okay. I would concur with that. If there would be no disagreement from the members to have this, to clear this off the agenda prior to the recess by moving it forward with a rule suspension and provide for the amendment next week in regards to the title. And do we have an account number that we could add this evening?

Mrs. Frazier: I think it's on the legislative request.

Mr. Gilbert: Okay. I have the ordinance in front of me.

Mr. Hills: I think it's 410.083.5651. And if that's not right, I think Mr. Whitney will get it right by next week. Right?

Mr. Gilbert: Mr. Beougher will find it. Thank you, Mr. Beougher. Any other questions from other members of Council? None being heard, I'll make a motion that we forward this to Council with a recommendation for adoption with a rule suspension. Is there a second? Mr. Beougher with a second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 6 is an Ordinance to authorize the Mayor of the city to enter into contract with Green Mountain Energy Company for the provision of competitive retail Electric Aggregation Services. Are there any questions or comments from members of Service? Other members of Council? None being heard, I'd like to make a motion that we forward this to Council for its second reading on the Consent Agenda. Do I have a second? Mr. Hills with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

And I'll adjourn Service at 9:07 p.m.

- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
July 21, 2003
FINANCE COMMITTEE MEETING MINUTES
July 21, 2003

Members of Finance Committee present: William Hills, Mel Clemens, Eric Gilbert, Sarah Cannella.

Other members of Council present: Jim Wade, Lane Beougher, Ron Stake, Council President Bradley L. McCloud.

Mr. Hills: I'll call Finance to order at 9:08 and ask for approval of the minutes of Finance Committee of July 14, 2003. Are there any additions, or deletions, or changes at all to these minutes? Seeing and hearing none, they'll stand as submitted. For approval of tonight's agenda, I need to add an item 3a, which is the Contract for Inspection for our Street Program. Are there any other additions or deletions to tonight's agenda? If not, I'd move we do add the inspection program as 3a. Is there a second? Second by Mr. Gilbert. All in favor, state aye. (All voted "Aye"). Opposed? (No response). It will be amended.

And that will move us to item 3a, which we have a lot of information here that did come from Safety. I will have a couple of questions for whomever. Mrs. Reichard or the Mayor? It would look, from the information we received, and then from the information we received from Mr. Clemens today, that in whatever solicitation we did for information received from people who wanted to do inspections, we did get three people to respond. Is that correct?

Mrs. Reichard: That is correct.

Mr. Hills: And we didn't do a true competitive bidding, so therefore we'll probably have to waive competitive bidding. But you did do the RFP, request for proposal type thing?

Mrs. Reichard: That is correct.

Mr. Hills: And this was not done at the same time we did the street package, which means that's why we're picking it up and trying to catch up?

Mrs. Reichard: Yeah. It was like two weeks behind. Next year when they come, hopefully the whole package will come at one time.

Mr. Hills: Because I look at this, and just so the records are all clear, I do think in order, if we move this forward, we certainly have to do it with adding a section of waiving competitive bidding. Because anything that's over \$10,000 is supposed to be competitively bid. Mr. Clemens.

Mr. Clemens: That's when we get back in with Mr. Underwood on professional _____.

Mr. Hills: Mr. Underwood isn't here this evening.

Mr. Clemens: He ruled last, we did this last year and we didn't waive competitive bidding. But you know, that was last year. Maybe this year's different. You never know.

Mr. Hills: It may be. Professional services certainly in contractual basis don't have to be, but we're not in contract with these people until we do this. Correct?

Mayor McPherson: Yeah. That was the same argument that was held last year and Mr. Clemens is right. Mr. Underwood gave us the opinion that we didn't have to waive competitive bidding. But you know, if you want to be on the safe side and you want to waive competitive bidding, I see no problem with doing it. But Mr. Clemens is absolutely correct. That's how we handled it last year.

Mr. Hills: And the point I'm trying to make here is, there were three people who said, I want to do this work.

Mayor McPherson: Right. And gave us proposals.

Mr. Hills: Right. And they did provide some sort of proposal. One of which was \$3200 greater than this one that we are being asked to approve, and the other was \$12,300 greater than this one we're being asked to approved. So what has come to Council was the lowest of three submissions of, I'll charge you this amount of money to do this work.

Mayor McPherson: Correct.

Mr. Hills: Now whether or not we have to waive competitive bidding, I'll defer to what the City Attorney says on that. I mean, professional service contracts, I guess you could (Tape Change) Depending on what the City Attorney does review between now and next Monday night. He is due to be back next week. Is he not? Or this a two week?

Mayor McPherson: I think he's coming back Monday, or Friday?

Mrs. Reichard: I'm not sure that he's going to be back in time to review this. We could ask Kevin Shannon to take a look at it.

Mr. Hills: Certainly ask, yeah, if we can get Kevin Shannon, Kevin may want to be here if he's not here next Monday. Sometimes it's two weeks in July. So I'm never sure when, but certainly this...

Mayor McPherson: I just didn't ask. Normally he'll say how long he's going to be gone. I didn't ask.

Mr. Hills: But certainly, he needs...

Mr. Clemens: If you want to go through the process of waiving competitive bidding, I have no problem with it. You can go ahead and do it. The point on this is, this is a situation that can't be held up one way or the other. Because we can't start the project until we get the inspection part of it done. The other contract means nothing, because they can't start. It's something that...

Mayor McPherson: Right.

Mr. Hills: I don't disagree with that. It would have been nice to have seen this right along. And I think as Mrs. Richard said, we'd hope that next year this would attach to the Street Program as it came forward. Because we saw it back in April or May.

Mrs. Reichard: Yeah. As I understand, this is a little bit closer than it was last year. So, hopefully next year we'll get them all bid. We'll get them in sync. Okay?

Mr. Hills: If the City Attorney feels there is a need to waive, then certainly I think that we'd want to send it forward with the inclusion of that if necessary. And then number two of course, the City Attorney is going to have to approve the contract, which we haven't seen that either. Of course, if he's not here, then Mr. Shannon ought to be able to do that. So, with those, certainly, these are, I believe that KMS is the same people who did our inspection program last year?

Mrs. Reichard: That is correct. (Inaudible).

Mr. Hills: I think a safe statement, it would appear that they will do this job either \$3,000 or \$12,000 less than the other people who had expressed an interest. So there appears to be a savings on _____. Mr. Clemens.

Mr. Clemens: I have one thing I would like to mention as far as, because I know what can happen. If we have a contract date signed for completion of the project and it's not been extended because of weather or something like that, if it goes by the contract completion date, and there's additional inspection fees, I think it should be paid for by the contractor. Do you know what I mean? In other words, if the project, if we set a completion date as October 30, and it hasn't been extended by the city because of inclement weather or something like that, say we extend it 10 days and it has

to be done October 10 and they don't get it done until November 10, then there's additional \$8,000 inspection fees because the project went longer than what it was supposed to, I think the contractor should be held liable for the inspection fees and not the city.

Mrs. Reichard: I think we could take care of that in the contract.

Mr. Clemens: I think that's the way it should be operated.

Mr. Beougher: Pardon me, Mr. Hills. In who's contract? In the construction contract?

Mrs. Reichard: KMS.

Mr. Beougher: Okay.

Mrs. Hills: There's two places, Mr. Clemens brings up a good point, and on this first sheet attached, it says that it shall be this amount of money unless approved by Reynoldsburg. And I think we need some clarification in the contract, when would Reynoldsburg approve something that is on a "shall not exceed" bid. Why would we approve something that's over the shall not exceed, and it should be clarified by a contract. Then in the scope of the contract, which is somewhere back about a third of the way through, it mentions again the \$37,900, and then in parentheses, "unless the contract runs beyond the date set for completion by the city". So somewhere there needs to be some clarification that this is a "shall not exceed" the \$37,900 which is the money, but then we need to be sure the contract is dealing with, if it would ever go that, it has to specify when and how, and who's going to pay it. Does that clarify, Mr. Clemens, what your concern is?

Mr. Clemens: Yes. I think it should be looked into, because I know how jobs can be extended, and of course, that's up to the Service Director and the Mayor, and we've handled them before like this. And I think, Bill we went through this a few years ago, you and I had a little argument about this on a few of the projects. And it is an overrun, and it's hard to get these guys here, and things happen, and it's a penalty as far as the engineer's are concerned.

Mr. Hills: I think it went over some last year. So those things sometimes happen, but we need to clarify by contract.

Mr. Clemens: Yeah, but clarify it by contract who's going to pay it.

Mr. Hills: If and when, how it's going to be paid, and by whom.

Mr. Clemens: I mean, if it's legal, and you've set the date, and you've gave it another ten days, that's fine. It runs over ten days and they finish, that's it. But if you give them another ten days and it runs thirty days, then somebody's at fault for the engineering inspection part that they have to be there on the time, making up a time. And it's not the inspectors fault. It's not that company's fault. It's ours for not enforcing it, and that's part of our job.

Mr. Hills: Okay. Any other questions or comments by anyone from Finance? By anyone on

Council? Mr. Beougher.

Mr. Beougher: Yes. I'm not going to beat my head against the table this year, so I just want two simple things. If you could give me a copy of the engineering firms Certificate of Authorization to practice in the State of Ohio. And a copy of their Errors and Omissions Policy. Thank you.

Mr. Hills: Any other questions? If not, I will move that we send authorization forward for the Mayor to enter into contract with KMS, if and when all those other contingencies we've talked about are completed by the time we vote on it next week on those that we need, and recommend we send this forward in the amount of \$37,900 from the Unappropriated Street Fund to account 410.087.5651 and pass as an emergency. Is there a second? Second by Mr. Clemens. All in favor, state aye. (All voted "Aye"). It will move forward with the clarifications. Thank you very much.

We'll move to item number 4, Transfer of funds to Capital Improvements Program Fund. This is a transfer of \$998,301 to the CIP Fund. Mr. Whitney, would you like to talk to us on this, or do you want me to just kind of give a little summary of it? What this is, and you all received reports from Mr. Whitney, and also from Brenda Browning, we were, in February '03, we were the fortunate beneficiary of someone coming due, and I do not know, and won't be asking who or how many firms it was, but we had unexpected tax income in at the amount of \$998,301 from an entity that had owed us money for a number of years and then paid it. If you'll remember, we had with our cash flow problems like all municipalities have and have to deal with, we had not been transferring any money into the CIP and diverted 83% into the General Fund and the other 17% into the Debt Retirement Fund to be sure that we were protecting the day to day operations of the city. In that, whenever we have talked now about monies from the CIP Fund, this whole year we haven't been putting any monies back into the CIP Fund. With the receipt of this unexpected income, rather than, and it did when it first came in, went 83% into the General Fund, and 17% in the Debt Retirement. Well what it has done is, actually overstated what our true tax receipts have been for the year '03 because we had this one lump dollar come in. And after meeting with Administration and the Auditor and all parties, it was decided for the best place and the more accurate way to reflect these funds is put these back into the CIP Fund where we haven't been putting any money. It therefore, gives us the balance we need to maintain operations in that fund, and it doesn't overstate what our monies were received on a normal tax basis that we can figure what our operating budget would be. Mr. Whitney, does that clarify that? Mayor, did you have anything to add to that?

Mayor McPherson: That sums it up.

Mr. Hills: This is an Administrative type thing. That's why it's sitting in Finance. But what this does is, more accurately account for those funds that we received and the way we received them. Does that raise any questions from anybody on Finance? Mr. Gilbert.

Mr. Gilbert: Will this be just a lump sum that will be placed in just the CIP account in general? Or will it be disbursed amongst what projects are already established with the old CIP program? I don't think we adopted one last year.

Mayor McPherson: It will just go in to the Unappropriated Capital Improvements Project Fund.

Mr. Gilbert: And so this will be funding that could possibly be available for other projects that we want to add or detract?

Mayor McPherson: Correct.

Mr. Gilbert: And we can determine that this fall. Correct?

Mr. Hills: I think right now, we have heard the number of 1.7 million dollars in the CIP Fund? I think truly, if the CIP Funds balance of non-committed dollars is somewhat closer to six to \$700,000. And so what this will do, is bring that CIP Fund back up to the million four or so that we'd like to try to keep it.

Mr. Gilbert: Of non-committed.

Mr. Hills: Of non-committed. So these go back into the CIP as non-committed. We have, in all these projects we talk about that we're going to do the Graham and Main, everything else, monies are going to come out of the CIP Fund. And we haven't been putting any money into it. What this will do, is keep that bank and that reserve in place so that we, although we're not out doing a lot of CIP projects, Capital Improvement Projects, we are doing those that need to be done for the benefit of the city. And what this will do is allow us to have monies in the account as those projects that come up that must be done, we're able to do it with some funds available.

Mr. Gilbert: Now some of those projects, the funds are already provided for in the CIP. Correct?

Mayor McPherson: That's where Mr. Hills was indicating that when the uncommitted funds, the balance will be approximately three quarters of a million dollars of the total fund of 1.7.

Mr. Hills: Questions? Comments? Okay. This would just be a, this would be an ordinance I guess to transfer the funds. And we don't have it marked as an emergency. So is there a need to do this before the break?

Mayor McPherson: Mr. Whitney says it's my call.

Mr. Hills: I can see that we have...

Mayor McPherson: We had talked about several reasons to put it into that fund to get it out of the General Fund. You're probably all aware right now, we're working on our budgets starting for next year. And in order to get a real budget, we just have to remember this money is not a part of our operating budget. So if we could get it separated as quickly as possible, it would make budgeting much easier for the coming year.

Mr. Hills: The quicker we would take it from the General Fund and the Debt Retirement Fund, the more accurate we could project what our funds would be for '03.

Mayor McPherson: Exactly. And since we're working on that now, if you could do it as an emergency and get it into the right place, it will make our budgeting for '04 a lot easier.

Mr. Hills: Right. Mr. Clemens.

Mr. Clemens: Get it out of there before he works on the budget boy. That would be my suggestion.

Mr. Hills: I agree. Because it overstates your General Fund and makes you think you've got...

Mayor McPherson: Do you know how hard it was for me to say, take it out of the General Fund and put it in there?

Mr. Hills: No. But we're glad to see you stood up and said it. But with that, I would recommend that we do send an ordinance forward to transfer these funds from the General Fund to the Debt Retirement Fund to the CIP Fund with recommendation for adoption as an emergency. Second by Mr. Gilbert. All in favor, state aye. (All voted "Aye"). Opposed? (No response). Hearing none, it will go forward as an emergency.

Next, we're moving to item number 5, Ordinance to amend the City of Reynoldsburg, Ohio Personnel Policy and Procedure Manual adopted by Ordinance No. 14-03 passed March 10, 2003. And please note that Ms. Milam has added another so many pages to us, which appears to be four additional sections.

Ms. Milam: That's just corrections.

Mr. Hills: Of corrections that have already been made, and we are cleaning this up legislatively to add them in. And I guess the only thing I would ask, are you finished?

Ms. Milam: For now I am. Yes.

Mr. Hills: And the next one's we'll see as you make the changes rather than after the fact.

Ms. Milam: That's correct.

Mr. Hills: Does anyone want, would like Ms. Milam to go through these sections? The two page memo sort of details under policy, the changes to 3.15, 3.20, 4.01, and 5.11, and in italics is the changes that were made. I'm sure she would be happy to read through those as she did last time if you would like. Questions or comments? And I don't think they want to hear you read, Ms. Milam. I know there was a desire to have this before break because there's some issues that needed to be updated. Does the Leave Donation or any of these other additions raise any questions from any one on Finance? Anyone on Council? If not, I'd recommend we send an ordinance forward to amend the Reynoldsburg, Ohio Personnel Policy and Procedures Manual as stated accordingly, including the Leave plan, and send it forward with recommendation for adoption as an emergency. Is there a second? Second by Mrs. Cannella. All in favor, state aye.

(All voted "Aye"). Opposed? (No response). It will go forward with recommendation for adoption as an emergency. Thank you very much.

Ms. Milam: Thank you.

Mr. Hills: Moving on to item number 6, Ordinance making appropriation for Waggoner/Rodebaugh intersection improvement project. We had our first reading 7-14-03. This has been up on the table. It was brought to us early, which is always nice to see, and the amounts have been changed. We will need an account number at some time. There's no big rush yet, because I don't believe this needs to be an emergency. We talked about doing this after break. Is that correct?

Mrs. Reichard: That's correct. But I do have an account number.

Mr. Hills: Do you? Well, great.

Mrs. Reichard: Yes, I do. It's 410.090.5651.

Mr. Hills: 410.090.5651. Any comments, questions from anyone? As you know they are starting this project, and as of Monday, you won't be able to come as far north or south as you used to on Waggoner Road. So get ready to make your adjustments. Correct?

Mr. Beougher: Today.

Mr. Hills: Today.

Mrs. Reichard: Today. At 9:00 this morning, but I also wanted to point out that those on Rodebaugh Road north, cannot come out onto, they can not egress on to Waggoner Road. So while Waggoner, between Amelia and Rodebaugh is closed, those who live on West Rodebaugh must go...

Mr. Beougher: Old Rodebaugh.

Mrs. Reichard: There you go. One of our employees today called me about 5:30 and said, did you know this part was closed down too, and I thought, yeah, I thought that was in the article, but apparently it was not. So it's going to be difficult for a while. But there are a lot of good detour signs. There's a lot of signs that hang up all over town talking about the road closure.

Mr. Hills: The only sign that was wrong was the one that said July 21.

Mrs. Reichard: Today's July 21st isn't it?

Mr. Hills: It is the 21st. Excuse me. That tells you how much I look. Sorry about that. I've only seen 21st on everything I've looked at. You're right. They're closed. Sorry about that. Any other questions on, because this project is going forward and we will be recompensing the

county upon the completion. I recommend we just send that forward for second reading. Is there a second? Second by Mr. Clemens. All in favor, state aye. (All voted "Aye"). It will go forward for second reading.

Mr. Gilbert: Was that the Consent Agenda, Mr. Hills?

Mr. Hills: On the Consent Agenda.

Item number 7, Ordinance to amend the Code, Mrs. Reichard, did you want to talk to us about this one?

Mrs. Reichard: I would respectfully ask you to table that indefinitely.

Mr. Hills: This ordinance went deep sixed, and we'll make everybody, we'll just remove it from the agenda. Thank you very much, Mrs. Reichard.

Item number 8, Ordinance making transfer of funds within Tax Administrator's accounts. This was transferring from .5300 to .5639 for the purchase of a computer. It did have second reading on July 14. Any questions or comments from anybody on Finance? If not, I'd recommend we send this ordinance forward for third reading with recommendation for adoption. Is there a second? Second by Mr. Gilbert. All in favor, state aye. (All voted "Aye"). Opposed? (No response). It will go forward. Thank you very much.

We will adjourn Finance on July 21 at 9:30.

- -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)
July 21, 2003