MINUTES SAFETY COMMITTEE MEETING
REYNOLDSBURG CITY COUNCIL
July 16, 2012

Members of Safety Committee present: Mel Clemens, Cornelius McGrady III, Nathan Burd, Scott A. Barrett.

Other members of Council present: Leslie Kelly, Barth R. Cotner, Chris Long, Council President Doug Joseph.

Mr. Clemens called the meeting to order at 7:30 p.m.

The agenda was approved.

Minutes of the Safety Committee meeting held July 2, 2012 were approved without objection.

Discussion: Authorize purchase of rock salt- - -Street Superintendent Dave Metzger explained the request, noting that the contract would be for next year. Mr. Long asked how many tons were left over from last year since it had been a light winter; Mr. Metzger said the bins were completely filled (3,000 tons). Mr. Clemens said if the city didn't need salt, it didn't need to purchase any. Mr. Metzger said that was correct; that the contract was needed so the price would be available. Mr. Clemens moved to send legislation to Council with recommendation for adoption as an emergency measure. Mr. Barrett seconded the motion; all voted "Aye".

Discussion: Authorize contract for 2012 Street Improvement - Lancaster Avenue, and appropriation of funds- - -Safety/Service Director Bill Smith explained the request, saying there were also some additional underground storm water drainage repairs that would be made during the improvement. Mr. Clemens said the funding would come from the Permissive Tax Fund and the Storm Water Fund and not the General Fund; and asked the City Auditor how much would remain in the Permissive Tax after the project. City Auditor Dick Harris said there was currently 1.1 million dollars in the fund, but after the project there would only be a few thousand dollars left. Mr. Clemens asked how much money came in during the year; Mr. Harris said the Franklin County Permissive Tax Fund received between a hundred and a hundred and five thousand a year. Mr. Clemens moved to send legislation to Council with recommendation for adoption as an emergency; Mr. McGrady seconded. All voted "Aye". Item also referred to Finance Committee for funding.

Discussion: Authorize contract - Inspection Services for 2012 Street Improvement - Lancaster Avenue, and appropriation of funds- - -Mr. Smith said the request was a companion piece of legislation to the previous topic; that the funding would again come from the Permissive Tax Fund and the Storm Water Fund. Mr. Clemens moved to send legislation to Council with recommendation for adoption as an emergency; Mr. McGrady seconded. All voted "Aye". Item also referred to Finance Committee for funding.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE 2012 FORD F150 PICKUP TRUCK (Street, Storm Water, State Highway)- - -first rdg 7-9-2012- - - -Mr. Clemens moved to send ordinance to Council for the second reading; Mr. Burd seconded; all voted "Aye".

ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE 2013 GMC Sierra 1500 PICKUP TRUCK (Street, Storm Water, State Highway)- - -first rdg 7-9-2012- - - -Mr. Clemens moved to send ordinance to Council for the second reading; Mr. McGrady seconded. All voted "Aye".

Meeting adjourned at 7:41 p.m.

Safety Committee
- - -Nancy C. Frazier, Clerk of Council
July 16, 2012

MINUTES FINANCE COMMITTEE MEETING
REYNOLDSBURG CITY COUNCIL
July 16, 2012

Members of Finance Committee present: Chris Long, Nathan Burd, Barth R. Cotner, Mel Clemens, Leslie Kelly.

Other members of Council present: Scott A. Barrett, Cornelius McGrady III, Council President Doug Joseph.

Mr. Long called the meeting to order at 7:42 p.m.

Mr. Long moved to amend the agenda by holding approval of minutes of Finance Committee meeting of July 2, 2012; adding Item 10, contract for 2012 street improvement, Lancaster Avenue; and adding Item 11, contract for inspection services for the 2012 street improvement. Mr. Clemens seconded the motion; the amended agenda was approved with all voting “Aye”.

Mr. Long moved to further amend the agenda by moving Item 8 (Discussion: Ad Hoc Committee Report (2011); addressing structural imbalance; possible adjustments. (Chairman Long had item listed, as suggested by Mr. Barrett during special Finance Committee meeting 3-26-2012)- - -item discussed during committee 5-7-2012. On 5-21-2012 item held. On June 4, 2012 item held at time of approval of agenda. On June 18, 2012 item held at time of approval of agenda for two weeks. On July 2, 2012 item held two weeks.) to Other Legislation; Mr. Clemens seconded the motion; the amended agenda was approved with all voting “Aye”.

Mr. Long moved to further amend the agenda by moving Item 9 (For Discussion Only: Income Tax Credit (Chairman Long had item listed at request of Councilman Clemens)- - -item discussed during committee 5-7-2012. On 5-21-2012 item held for two weeks at time of approval of agenda. On June 4, 2012 item held at time of approval of agenda. On June 18, 2012 item discussed and held for two weeks. On July 2, 2012 item held two weeks.) to Other Legislation; Mrs. Kelly seconded the motion; the amended agenda was approved with all voting “Aye”.

Minutes of the special Finance Committee meeting of June 11, 2012 were approved without objection.
Minutes of the special Finance Committee meeting of June 25, 2012 were approved without objection.

Discussion: Authorize City Auditor to pay Parks and Recreation employee for working out of job classification- - -The Mayor said the current Parks Maintenance Supervisor had been off work since February; the Assistant had been filling those duties; that pursuant to the Civil Service Commission's blessing, he had promoted the Assistant to the Supervisor position, but the City Auditor needed authority to pay the individual. Mr. Long asked if the situation was revenue-neutral; the Mayor said it was. Mr. McGrady asked if there was a maximum time frame for the temporary work level increase/promotion. The Mayor said the interim appointment would terminate at the return of the Parks Maintenance Supervisor. Mr. Long moved to send legislation to Council with recommendation for adoption as an emergency. Mrs. Kelly seconded the motion; all voted "Aye".

Discussion: Request for Franklin County Permissive Tax Funds- - -Safety/Service Director Bill Smith said he was asking for authorization to request one million one hundred thousand dollars from the Franklin County Engineer from the Franklin County Permissive Tax Fund to pay for the Lancaster Avenue repaving project. Mr. Long moved to send legislation to Council with recommendation for adoption as an emergency measure. Mr. Clemens seconded the motion; all voted "Aye".

(The Charter Review items were discussed as Committee of the Whole)
Charter Review items - added to special Finance Committee agenda 7-9-2012; held until 7-16-2012.- - - -Charter Review Commission Chairman Lane Beougher said he would be happy to answer any questions on the proposed items; and thanked his colleagues who had served on the commission: Robert Cook, who was also present; Roxyanne Burrus, Michele Ray, and Richard Donovan. Mr. Long thanked all the members for having served.

1. 9.01 Nominations- - -Mr. Long asked if there were any questions or comments and noted that "...Mr. Burd had done a lot of work previously, and we are currently the only community in Franklin County who still holds elections when there are no elections. Case in point - we had a ward race and had a single individual from one party who was running for Council; there was no opposition, but yet Franklin County Board of Elections still spent the money to send all of the equipment out, open up the polling place, man that polling place for thirteen hours or whatever it is, packed everything up, and then transported it back to Board of Elections storage facility. The cost can be enormous when considering the overall aspect of transportation and personnel. I have no problems on this." As there were no questions or comments, Mr. Long moved to send the proposed change to Council with recommendation for adoption as an emergency measure. Mr. Burd seconded the motion; all voted "Aye".
2. 6.01 ( c) City Attorney- - -Mr. Long said the proposal cleaned up the section in that the schools have grown and have their own counsel; and moved to send the proposed change to Council with recommendation for adoption as an emergency measure. Mr. Clemens seconded; all voted "Aye".
3. 6.06 (a) Department of Public Safety- - -

Mr. Long: Once again what we're doing here is cleaning up the elements within our Charter; some of you may remember that the Supreme Court ruled that in the State of Ohio it is inappropriate and illegal for us to enforce any type of a residency requirement on an individual in a director's position within the city. I have no questions on this; does anybody else have any questions for Mr. Beougher?

Mr. Clemens: Yeah, the way I read this, the appointment has to be approved by Council?

Mr. Long: The way it's written here is, yes, the Mayor would make the...

Mr. Clemens: Okay...that's what I wanted to bring up; it's not....this pertains to Service Director and Recreation Director cause all three of them are under the same situation as Council approving his appointments. It's never been that way before and the Mayor's elected by the public to administrate the city. I see no reason why he shouldn't have the ability to appoint his key personnel, which he's always had, the Public Safety Director, Service Director, and Parks and Recreation. I see no reason why Council should be changed, why we should approve those positions; it's never been approved before. We do have the authority if things do not work out with the appointment; if Council feels the person is not capable, not doing the job, and it's discussed with the Mayor and things can't be worked out - the situation can be handled; it's been handled before. You defund that position. And then that appointment is finished. That's happened before and that's one way to handle the situation if it doesn't work out. But I think the Mayor has the right, and he should have the right, to have an administration that he can control and then he can appoint; and they all work for him. Council, we're legislators and we appropriate the money; I just feel that those positions are something that's really a necessity for the Mayor to handle and I don't think Council needs to approve those positions. Never have thought that way and I still don't think that way.

Mr. Beougher: It's true that the Director of Public Safety and the Director of Public Service has not traditionally had Council approval; however, the Department of Parks and Rec does currently state the Mayor's appointment shall be subject to the approval of the Council by a majority vote of its members. And my intent was to harmonize the three positions and I don't necessarily disagree with you, Mel, but, and I want to make a point that these were drafted ten years ago. We had a different Council and Mr. Clemens was the only member serving at that time that's still here, and it's not directed at any particular mayor or any particular council; it was designed to eliminate the residency requirement, but also put something back into maintain kind of a checks and balance; make sure that the person appointed had the interest of the city at heart and if it's a good appointment, there should be no question that Council would approve it. It also does not require Council approval for a dismissal, so this person serves at the pleasure of the Mayor, in all three cases. And the period, not to exceed six months, was intended as a balance for the requirement that the person had to become a resident within six months and that was the way it was drafted intentionally.

Mayor McCloud: I am opposed to 6.06 (a), 6.07(a), 6.08(a) as they currently are pending before you. The original Charter Review Commission was a pretty August body; one of the members was a constitutional law professor at Capital University Law School; they spent a lot of time on this. It was in some respects a mini-constitutional convention. If the framers had intended for this language to be included, it would have been simple enough to include it at that time; I don't think they just forgot. It has not been a problem in the thirty-three years, an insurmountable problem I will say, in the thirty-three years that the Charter has been in existence. As Mr. Clemens just alluded to, in an unlikely event there would be a negative service, City Council has a lot of power at its disposal to address those things, assuming the Administration did not. And I think that quite frankly, if I'm going to be responsible for the finished product of an Administration, I would like to have some solid control over the ingredients that go into that. So I am opposed to these three proposals.

Mr. Joseph: Last year we had a piece of legislation before Council that changed how we dismissed certain department heads including the City Engineer, and it was something I supported; I thought it was a good idea for Council not to be involved in the minutia of dismissing department heads. But I also think that these items are a good idea because of the checks and balances. We have that type of system set up at the Federal level, this type of system set up at the State level, where department heads, particularly important ones, get the confirmation of the legislative authority. And for the most part, I don't think we've really had a problem whenever we've approved other department heads that do require that. I think Mr. Beougher's idea of uniformity is a good one and I think checks and balances is a good reason to support this, again the same reason I supported the Mayor's legislation to take Council authority away from the dismissal. So I would, I'm supportive of this and think that the voters should have a chance to weigh in on it as well.

Mayor McCloud: It is true that in some Federal positions, Senate confirmation by two-thirds majority is required. That is not two-thirds of the entire Congressional delegation of the 435 members and the 100 members of the House of Representatives. Sixty-six members out of 535 converted to this math would require that I had nine-tenths of one vote for confirmation, if in fact we're following that model just proposed by the Council President. I'm pretty sure I can get nine-tenths of a vote. It is not the model of the State government, and I guess I would, I am interested in hearing how the departments of the Administration are so vastly different that other elected official's departments are exempt?

Mr. Long: The Mayor has a good point and then so also does Councilman Clemens. You know, the Mayor was elected as an individual to run the city as a whole; he is the CEO of the city; the overall manager of the Administration. There are essentially, as Councilman Clemens mentioned, checks and balances in place, if something were to go awry, and something get out of hand, we, as Council as the whole, do have the option and the ability to defund the department. We basically pull the plug on it.

Mr. Beougher: I would just offer that the Council-created positions - Director of Development for instance, when the ordinance created that position, it kept an approval process for Council in that and I don't have any statistics on every single department head in the city, but there are some that are created by Charter; there are some created by ordinance; and I think this makes the Charter positions more consistent with the positions created by ordinance. And the city has a single legislative body, and something as insignificant as service on the Cultural Facilities Commission, which I was appointed to by the Governor, required Senate confirmation, so it doesn't seem important, but it's part of the process and .. there you go.

Mrs. Kelly: For me, just as we talked last week about, or I should say, I spoke about that I believe that the Mayor should work with his department heads in coming up with the budget, that that's, he's here, he lives this, he leads this. I think he should be given the responsibility, as well as the authority, to work with his department heads and choose those department heads; there is a process that we talk about, defunding; so there is a process, you know, that we could go through. But I think that just as we expect our Mayor to lead the city, part of leading that city is being able to identify who he believes are going to be the right people in those positions.

Mr. Long: I do not support this as it is written, so I therefore cannot make the motion, but if somebody else feels strongly about it and does wish to make the motion to send it to Council, I will entertain that. (No response) Item dies for lack of a motion.

4. 6.07 (a) Department of Public Service- - -Mr. Long said he did not support the proposal, and asked if there was a motion to send it forward. (No response) Mr. Long said Item dies for lack of a motion.

5. 6.08 (a) Department of Parks and Recreation- - -Mr. Long said he did not support the proposal, and asked if there was a motion to send it forward. (No response) Mr. Long said Item dies for lack of a motion.

6. 6.07 ( c) Department of Public Service- - -Mr. Long said, "The proposed element here is that the Charter, in my opinion, and I'll let you go ahead and reiterate on this, Mr. Beougher, is that they felt that the zoning responsibilities should not be under the Service Director, but should be under the Building Department, or I'm sorry, should be under the Department of Development."

Mr. Beougher: Well, Chairman Long, members of Council, this was proposed by a member of the commission, who is employed by the City of Columbus and is familiar with their organizational structure and felt that zoning could be better served if it were part of the Development Department. The original proposal moved Building and Zoning as a complete unit and the commission debated the issue and we left Building in the Department of Public Service; we had considerable discussion, asking questions of staff, and Mrs. Frazier, and trying to figure out how things come to Council, if something pertaining to streets comes to Council, does it go to Safety Committee or Service Committee; are there some alignments there. In any event, it's just moving things around and we did forward it, but it was after considerable discussion and some intense fellowship.

Mr. Long: I'll refer very quickly to Items 7 and 8 - and our intent within there is to remove the Development Director from positions in voting on boards to where he could influence the decisions for a company who has been persuaded to come and move into the City of Reynoldsburg. But then under this proposal, we're talking about putting the Zoning Department directly under his control, is that what I'm hearing?

Mr. Beougher: That's the way the proposals read, yes.

Mr. Long: Okay. Any questions or statements from anybody on Council? (No response) I feel like I'm not supporting anything tonight here. I do not support this move, because once again, I believe that the Items No. 7 and No. 8 have merit in the element that you do remove an individual with control from voting capability. I don't support this; if anybody does, and would like to entertain a motion to go ahead and send it forward? (No response) Hearing none, this item dies for lack of a motion.

7. 7.01 (a) Planning Commission- - -Mr. Long said, "As we've just discussed and as was discussed initially before this meeting started ______ of the items were brought up, what the intent here is to, while leaving the Department of Development Director in a position of advisory and information, his voting authority is being removed due to the fact that his job is to market, sell the City of Reynoldsburg, and to bring prospective businesses into the city. And then to ask him to sit on a board with voting rights to where he would be voting 'yea' or 'nay' in regards to a business wanting variances from our codes and things of that sort, the Charter Review considered that to be inappropriate. Are there any comments or questions from the committee, Council, on this item? Councilman Clemens.

Mr. Clemens: No, I agree, the Development Director should not serve on the committee and it's my understanding that the Zoning Officer, at the present time, meets with the commissions and gives his opinion and ___ so forth, and why would we have the Development Director involved in it, if we have our Zoning Officer that does the background check and so forth and present it to, is that not going to be that way now, or, I mean...just like we had this evening, you know, the Zoning Officer has always presented the case and his opinion on it to the Zoning Commissions - now would it be the Development Director doing that? I mean, that's what it says here. That's the way I understand it....shall be a background and help with the voting...I mean, he will be there - is that correct? Is that what this means?

Mr. Beougher: It's not the intent to replace or supplant the Zoning Administrator. Currently they serve as the clerk, or secretary, to each of the bodies and they do provide a staff report. I'm currently serving on the Design Review Board and they provide a staff report which is very helpful; helps us understand the issues and they do the research into the code and how the item effects, is influenced by the code. Currently the Charter requires that the Director of Development be a voting member of the board.

Mr. Clemens: I understand that.

Mr. Beougher: This would take the vote away and put them in an advisory roll. Once again, it may be a redundant with the Zoning Administrator.

Mr. Clemens: He would be presenting the staff report, is that the way I understand it? Or would the Zoning Officer still be doing it?

Mr. Beougher: That was not the intent of the proposal. The intent of the proposal didn't address who would be clerking the body.

Mr. Long: Right. The proposal in itself, Councilman Clemens, simply states the structure of the committee itself and the voting rights of each member of that committee, not necessarily the meeting structure. The year and a half I served on the Zoning Board - we had our voting members, who at that time, was the Development Director, but we also had our Zoning Officer there as well. And they were always present at those meetings. I believe what we're talking about addressing here in the Charter is just the structure of the committee itself, who has the right of voting, but not the overall structure of the meeting, who's going to be there, and who to advise who or anything of that sort. Any other questions?

Mr. Clemens: My only problem was, I was trying to get his nose out of it; you know what I mean? I mean, if he's going to make the staff report, he might as well be on the commission.

Mr. Long: Right. I'll make a motion that we send this to Council with a recommendation for adoption as an emergency. Can I get a second? Second by Councilman Burd. All in favor, say "Aye". (All voted Aye) All opposed. (No response) Thank you.

8. 7.02 (a) Board of Zoning and Building Appeals- - -Mr. Long said the proposal was essentially a repeat of the previous proposal, and asked for any comments. (No response) Mr. Long moved to send the proposal to Council with a recommendation for adoption as an emergency. Mr. Clemens seconded the motion. All voted "Aye".

Mr. Beougher: Thank you very much.

Mr. Long: Thank you, Lane.

(Remaining items considered by Finance Committee)
ORDINANCE AUTHORIZING ITEMS ON FIXED ASSET LIST FOR AUCTION; AND AUTHORIZING APPROPRIATION OF MONIES RECEIVED FROM SALE OF ITEMS- - -first rdg 7-9-2012.- - - -Mr. Long moved to send ordinance to Council for the second reading. Mr. Clemens seconded; all voted "Aye".

Contract for 2012 street improvement, Lancaster Avenue- - -Mr. Long moved to add the requested funding to the legislation from the Safety Committee, and send ordinance to Council with recommendation for adoption as an emergency measure. Mr. Clemens seconded the motion; all voted "Aye".

Contract for inspection services for the 2012 street improvement- - -Mr. Long moved to add the requested funding to the legislation from the Safety Committee, and send ordinance to Council with recommendation for adoption as an emergency measure. Mr. Burd seconded the motion; all voted "Aye".

Meeting adjourned at 8:19 p.m.

Finance Committee
- - -Nancy C. Frazier, Clerk of Council
July 16, 2012