

MINUTES SAFETY COMMITTEE MEETING
REYNOLDSBURG CITY COUNCIL
July 7, 2014

Members of Safety Committee present: Chris Long, Dan Skinner, Mel Clemens, Leslie Kelly, Barth Cotner, Scott Barrett, Cornelius McGrady, III.

President of Council Doug Joseph was not present.

Chairman Long called the meeting to order at 7:30pm.

Approval of Agenda

Approval of minutes of the Safety Committee meeting held 06/16/2014.

Discussion: Proposed Changes to Chapter 505.

Mr. Long: I've asked the City Attorney and he as obliged, he and Matt Roth have worked very hard in breaking the proposed changes to 505 down into sections and relevancy and we've lettered them a-f. We're going to go to the first one, 4a, which are the Definitions of Vicious Animals and Dangerous Animals. Jed, would you care to come up here to the podium please? Each Committee member this was provided with the proposed changes, with the strike through, what we call a redline copy, along with the comments of both the City Attorney and City Attorney Roth to what those proposed changes are. The purpose of tonight's Committee Meeting is for us to discuss the proposed changes, to accept the advice and interpretation of our City Attorney and then I will make a motion that we will send this on to Council next week as an emergency. Any members of the Committee or Council have any comments or questions for the City Attorney on item 4a. Definitions of Vicious Animals and Dangerous Animals.

Mrs. Kelly: Jed, just looking over just the definitions, how do you feel about the recommendations from the committee?

Mr. Hood: How do I feel about them?

Mrs. Kelly: Yes, do you feel that they were...

Mr. Hood: I think they changed them significantly. I think that they are in line with the state code, however, I do believe that one of the things that was omitted was the definition of a nuisance dog that is found in the State Code, 955. I'm not sure why they chose not to recommend that to you, but as you can see in my comments, it's a significant change.

Mr. Long: Any further questions of Attorney Hood?

Mr. Skinner: Jed, I appreciate first and foremost you going through this and putting items and comments and so forth and I thought you made some very good points, there was a lot of, a handful of things that wasn't put in or could have been defined better as far as you know, the redline version here, this is what's being proposed to us, not including your comments correct?

Mr. Hood: Oh absolutely not, I'm sorry if that was unclear. Yes, for purposes of clarity, the comments that I proposed, was a separate document and will not be included in anything that moves forward to Council for consideration. They are merely my explanation and once again, as Councilman Skinner, kind

of a reorganization. What Chairman Long had asked of myself and Mr. Roth was to try and group these as best we could so we don't deal with each individual change separately. Because at the time we spoke, we weren't sure what Council, the Committee, would be willing to undertake and what they wouldn't be willing to undertake, so this is our best group, our best effort to group them into themes, topics if you will and to discuss them that way instead of dealing with 20 some odd changes. It's truly the first time we have undertaken to revise an entire chapter of our codified ordinances at once as opposed to individual code sections so it was a tremendous undertaking.

Mr. Long: Any further questions for the City Attorney from members of the Committee?

Mr. Skinner: I don't know that I have questions to Mr. Hood, but he has done a good job of adding comments and you know I have things too that I've written down, we got this marked up legislation on Friday, it's a holiday weekend as Mr. Hood said, this is a pretty big undertaking this entire ordinance Mr. Long and I might disagree on the necessity of moving this forward as an emergency. I'd like to get it past us, I know Mel and I share that, but I do think that anything worth doing is worth doing well and I think that a big change as what's in front of us now should take a little consideration more than just Friday night, Saturday, Sunday on a holiday weekend I would love to see this committee discuss it tonight see what we find to be the hot button issues, give us a little bit more time and me a little time to work with Mr. Hood to bring forth things that he's seen, that I've seen to maybe clean up this legislation and use tonight as a time to weed through some of those issues. That's what I would ask of the Committee. I respect my friend Chris Long and having a difference of opinion on that, but that would be my request of the Committee. Give us at least one more Committee meeting to work through some of this.

Mr. Long: I understand your position Mr. Skinner, while the City Attorney's comments in regards to the changes in 505 that were actually received in your packet in your home on Thursday afternoon so you've had 4 days for review, the proposed changes to 505 from the Ad Hoc Committee was received over a month ago and that's the time that I had asked Mr. Hood and Mr. Roth to go ahead and review the proposed changes, group them by relevancy, in this case, by definitions that were proposed as far as the changes. Now I understand your position as an attorney in wanting to sit down with Mr. Hood and make whatever subsequent recommendations or changes you have, but I do believe that there has been ample enough time that has been dedicated to this issue at large. We're over a year now, this was originally brought to City Council June of last year. We've had hundreds of pages of information that have been provided to us, Ms. Schwartzkopf in the audience has been very gracious and upcoming with that and we've received hundreds of emails and we've had many hours of individuals who have been here to speak before Council. I apologize and I respect you and your opinion but I don't agree with you that this has all of a sudden been sprung. You and I spoke 3 weeks ago and I mentioned it because you were not present for the first half on council for the discussions on this and that you needed to approach Mrs. Beggerow and make sure that you received any and all backup information that was submitted to council at the time so that you would have a complete picture.

Mr. Hood: Thank you Chairman Long. Just for another point of clarification Mr. Roth and I have not changed any of the language that was proposed from the Ad Hoc committee. The document you see before you is the same document that was received by council. What we did in a separate document was we basically commented in the margins but we decided that because they were so large and cumbersome it would be better to have a second document read in conjunction with the proposal made by the Ad Hoc committee. Once again that language that you see in front of you is the same language that the Ad Hoc committee voted on and forwarded onto council a month ago.

Mr. Skinner: To follow up on that it was my understanding and possibly wrongly that the committee's recommendation would go to Mr. Hood and he would insert in the draft that would come to us his

comments that I think he has done a good job with. It was not my understanding that we would receive the same thing that we received. I did not receive the packet on Thursday-not getting into semantics. Regardless we have been considering this for a year. I did not come onto council until January. The committee took its due time to come up with this recommendation. Mr. Hood had a few weeks. I think the committee and Mr. Hood don't vote on this. We do. I think one more committee meeting is a reasonable request but I will leave it at that.

Mr. Barrett: Are you proposing to move this to council as one piece of legislation? Or is the intent to divide it up as you have it here?

Mr. Long: The intent is to divide it as the city attorney has divided it in order to go ahead and make a consideration on each one of those sections.

Mr. Barrett: The one thing that struck me was the committee coming back with that many items of interest although some are more than we could ask for but some good points for that much detail to come out of that. I would like them to be weighed on their own merit. What do you guys think? Sounds like that is what we are going to do right?

Mr. Clemens: I can understand Councilman Skinner's position and I respect it. Mr. Hood is our city attorney and I am not sure that I would agree with you meeting with him and then changing it and coming back to council. That would be your opinion compared to mine. This has been a 10 month deal honest to Christ and if you haven't followed up on it and are not with it then I feel bad about it. I think Jed did a good job and if you want to meet with him and talk with him in private but I don't want anything changed from what he has presented to council. If you have anything to say then say it now or say it in public. That's how we all do it. I respect your position on it.

Mr. Skinner: I hear you Mel. I think the kicker here though is not even Jed's comments are in this draft so you see what I am saying. It potentially would have been different if it went from committee to Mr. Hood refined to us at least we would have it viewed through the eyes of our own city attorney but that didn't happen. This is just committee language. It is. . .

Mr. Clemens: I was ready to vote on it when he gave it to us. So let's move on ok?

Mrs. Kelly: Jed I want to clarify something. What I am looking at is 505.37 in your comments and it says "Dangerous dogs and other animals permit required fee impounding" And what you brought that I actually missed and I have read through it again which is why I read through it again. Where it talks about the dangerous dogs and that they have to be spayed or neutered and micro chipped. I went back in and am looking at that and I just want to make sure that I am following correctly. Under the definitions a dangerous dog with this and I go back up. . . You did do a very good job with this by the way. I go back up to the definitions and it says a dangerous dog would end up being a dog that caused injury other than killing or causing serious injury without provocation to a person. So a dangerous dog has caused injury to somebody? I go back up to 505.37. . .

Mr. Hood: Wait a minute that is not the only category of dangerous dog. A dangerous dog is defined by the state code and the proposed ordinance says that a dog that has caused injury to a person, a dog that has killed another dog or one that is found at large 3 different times. That is the 3 ways to be characterized as a dangerous dog.

Mrs. Kelly: And in here it talked about without provocation it states that?

Mr. Hood: That's right.

Mrs. Kelly: So one of those dogs. . . we have a dog that has done all of those things that dog can still be kept in Reynoldsburg if the owner is issued a permit. . .

Mr. Hood: posted signage, has the dog spayed or neutered and is micro chipped.

Mrs. Kelly: Ok and that we have changed? I want to be clear on what has changed. That the ad hoc proposed to that.

Mr. Hood: There is one last one that is in the next paragraph after the micro chipped paragraph that complies with 955.22 A-D and without boring you with the details it basically if the dog is on its property it has to be in a locked pen or fence. If it is off its property it has to be tethered with a chain with somebody who is big enough to restrain the dog.

Mrs. Kelly: So this new permit or law the owner or the keeper of the animal would have to provide evidence of the neutering and of the micro chipping, correct?

Mr. Hood: Yes.

Mrs. Kelly: Now what did you. . . You had said something about that?

Mr. Hood: It is a bit unclear. I assume the intent was before a permit was issued. They have to provide documentation.

Mrs. Kelly: Now but when I look at your comments you say the new ordinance does not require proof of spay or neutering or micro chipping as conditioned prior ok? It doesn't say prior to obtaining it. It just says you have to get it at some point in time.

Mr. Hood: That is the uncertainty in my mind but yes I think it is something we can work out. Like I said understanding that they were taking an existing document and plugging things in what they thought was a good chronological order which may very well be. I think that was their intention. It is just not spelled out that clearly. I don't know how it would work otherwise. I don't know when else we would really have the cause to or need to determine if one of those dogs were spayed, neutered or micro chipped.

Mrs. Kelly: It sounds to me like the most logical thing would be to do it while you are getting your permit you have to prove that. You 3rd comment on that paragraph require the city to hold the animal until the owner can prove that the dog is spayed or neutered or micro chipped. Would that be an issue where there is an incident with the dog somewhere and the dog got taken or for some reason the police have the dog and we would have to hold it.

Mr. Hood: I think so. I think that is what their intention was. I believe it was part of the code that was not changed. We put it in there so you know that our police department does not hold dogs for 3 days. They either get the owners or we take it to the proper shelter and they take custody of the dog.

Mrs. Kelly: Ok that was the part I knew we didn't do anymore. Thank you. Those were my questions.

Mr. Barrett: Mr. Skinner do you have additional ideas to be added to this?

Mr. Skinner: Yes I think Jed did a good job and I think some things are too vague. They are not well

defined. It will leave us in trouble for challenges down the road. You've heard Mr. Hood say a few things a few times and I think that was the intention. I just want to see this thing tightened up. I think we can do that. I am not asking for a long period of time. My understanding was it would go from committee to Jed. Jed would screen it and it would come to us. I can appreciate that that is not what happened so I'm thinking give Jed the chance and I am happy to volunteer anyway that I can even if it is just to sit here.

Mr. Long: Actually Mr. Skinner it did go from the Ad Hoc committee to Jed and then it is coming back to us.

Mr. Skinner: When I say screen it he didn't change it or he didn't tighten it up like what I am talking about it. I thought it was going to go. . .

Mr. Long: You want to rewrite the suggestions from the Ad Hoc committee?

Mr. Skinner: My impression is that it went from committee to Jed's office for comments but not changes to the proposal that we will be. . . I think it makes sense to have our attorney screen what is given to him by a committee. Some having a background in this more than others let our attorney tighten that up. I don't have to be a part of that if you don't want me too. And then us take a look at and vote on what Jed has refined for us. I think that does a better job for our community. Especially something that has been lingering so long. I hate us to vote on something that even our own attorney has said this isn't complete. Six months from now we are getting law suits.

Mr. Barrett: Do we start adding speculation at that point though? Is that Jed's opinion starting filtering on this? I can kind of see it both ways. There are a few things that I have noticed that we are missing which really surprised me. One is landlord ownership. We have a sizeable amount of rentals in our fair city now. These people that come and go they might not know our codes and I think that I am surprised that not everybody picked up on that. Nor did they say anything about breeding requirements or limitations. I mean are we opening ourselves up to puppy farms? I don't know where this could go and really I saw nothing about a limit on number of animals per residence. Where could that go? If we are going to open up our gates and modernize it then we need to do our diligence to do it the right way. Or to just move it down stream. Those are the things that I saw that were missing. And interestingly enough there was no plans for a dog park which I thought would have come out from this. While I am talking can I ask Mayor a quick question?

Mr. Long: It depends if it is relevant to 505. I am fine with it then if the Mayor is up for it.

Mr. Barrett: Based on your reading from this committee and what they have done how you would enforce it as an administration?

Mayor McCloud: I am not sure the nuts and bolts would be a whole lot different in terms of enforcement. If in fact you folks required that an animal be micro chipped and some of the other restrictions that you are discussing then it would be incumbent on the department to enforce that those things did happen and that the dog was in fact compliant. Other than that I am not sure that it would change a whole lot. Chief if you have anything to add to that I haven't thought of please feel free but. . .

Chief O'Neill: I don't have the ordinance in front of me the way it's been rewritten but it would require a little bit of man power realignment on our part. I can't remember us ever actually issuing a permit for a dangerous or viscous animal in the city for the past 22 years. I know even when we had an animal control officer we dealt with them in the past. I don't know how they regulated it. No one has come to me in the past 2 years and asked for a permit. We would have to put the mechanisms in place to number one verify

the documentation that they are bringing us. We are starting to see fraudulent documentation or things you can obtain on the internet to declare that your dog is a service dog. I imagine it would not take much for them to find somebody that would swear there is a microchip in there. We have no way to read that. That would be a purchase of the equipment to tell us if there is or isn't a microchip. I'm not sure what the cost on something like that would be. There would be some realignment of manpower. There would be some expense but I don't know if it would be significant.

Mr. Barrett: I am just kind of wondering can we afford to enforce it. If you are going to have descriptive rulings on things then you have to find a way to enforce it. I am just kind of wondering if we can do that right now.

Mr. Long: Any further comments from members of the committee? In light of the discussions here and hearing Mr. Skinner and yes reminding the fact or recognizing the fact that we just went through a holiday weekend. There was an adequate chance in order to be able to have open discussions with members of council and the city attorney. I will make a motion that this item be sent to council for an up and down vote after the 2nd reading as an emergency which will be the July 28th meeting. Second by Mr. Clemens. All in favor say aye.

All voted aye. Motion passed.

b. WILD AND EXOTIC ANIMALS

Mr. Long: Are there any questions for the city attorney on his comments and proposed changes in the section regarding wild and exotic animals?

Mr. Hood: It's truly a rewrite of the Ohio Revised Code.

Mr. Long: Is it a rewrite or an adoption?

Mr. Hood: Adoption of the Ohio Revised Code. Thanks.

Mr. Long: Any questions? Hearing none I will make a motion to send this to council for a full up and down vote as an emergency adoption on the 2nd reading which will be the July 28th meeting. Second by Councilman McGrady. All in favor say aye.

All voted aye. Motion passed.

c. ANIMALS AT LARGE; LEASHES; TETHERING

Mr. Hood: So this section you have dogs running at large and tethering. Amongst other things if you look at my comments there are things that this does due is incorporate an ordinance that Councilman Barrett had brought before council and was adopted but not codified so this would remedy that oversight amongst some other changes.

Mr. Long: Now I understand that what we had adopted but was not codified that Mr. Barrett proposed was that the only time a 6 foot leash was required was when an animal entered another individuals property.

Mr. Hood: Off the property of the owner is the language that is in there.

Mr. Long: A dog that is under reasonable control without a leash could walk down the sidewalk in the public right of way. I think that is the way we adopted the ordinance.

Mr. Hood: No. I think we were pretty clear when we took away the reasonable control aspect of it. I don't know if that was the intent of council but that is what the language says. If you look at some of the comments that I have for 505.3 one of the recommendations that I think is least problematic for enforcement is the notion of underground fencing. I think those are pretty popular in our city. I don't know. . . I checked with the building department and we do not permit them like we do with an above ground fence so we are not really sure how many of our residents have them already and whether they are front, back or both. That would be something that we may have trouble with enforcement. There also will be issued with fences that are predating the change in the code.

Mr. Long: My thought was that some of the Huber homes or Brookside homes that are set back off the street then have a small backyard that by the time you surround the fencing area or your property line 15 foot offset. You will have very little area that the dog can go out and do his business. Are there any comments from members of the committee?

Mrs. Kelly: Jed, going back to what you just said-just a clarifying question. If you are a resident that already has an underground fence and if this gets passed do you get grandfathered in because you had already put it in?

Mr. Hood: What we are talking about is the notion of ex post facto law. We can make something illegal on Tuesday but we can't punish you for the thing you did on Monday. So it is not a grandfathered clause. The problem that I foresee is we don't know who's already got an underground fence in their yards as we speak today. We don't permit them or inspect them so our building department just does not know. We know Mrs. Kelly whether or not you have an above ground fence in your backyard because you are required to have a permit in the city before you can construct one.

Mrs. Kelly: Say this gets passed and the ordinance gets passed where you can't have the dog in the front yard and somebody comes by and sees a dog in the front yard that homeowner can prove and show that they got this put in a year ago.

Mr. Hood: It is actually the reverse. I have to prove that it was done after the ordinance was in fact codified and made legal.

Mrs. Kelly: Ok. So I guess my question is say the person cant. . . I'll use myself as an example because I have one in the front yard and back yard. So my dog is in the front yard and somebody comes by and sees my dog in the front yard and I can show you here is my invisible fence receipt from 10 years ago. A lot of people in my neighborhood have these fences. Would I then be exempt from having. . . like my dog could be in the front yard or no?

Mr. Hood: It doesn't say that you are exempt. Like our property maintenance says those conditions may deteriorate over time.

Mrs. Kelly: So what would the de facto thing?

Mr. Hood: No it is called ex post facto. It is when you punish somebody when their conduct was legal.

Mrs. Kelly: So really having a visible fence isn't the illegal act. The illegal act is having the dog in the front yard.

Mr. Hood: And having an invisible fence after we say you can't have an invisible fence.

Mrs. Kelly: So everybody who has an invisible fence. . . I am still confused.

Mr. Hood: Just because you put the fence in when it was legal and now we made them illegal. . .

Mrs. Kelly: and now every resident who has an invisible fence has to take them out?

Mr. Hood: Potentially. Yes. Like I said I don't know the amount and we don't have any records of them. They may be less than popular than I think or more popular than I think. I don't know. It is just one of things that could be a concern and become problematic.

Mr. Long: Any further comments from members of the committee? Hearing none I will make a motion that this item be sent forward for its 1st reading with a recommendation of an up and down vote at the 2nd council meeting on July 28th. Second by Councilman McGrady. All in favor say aye.

All in favor. Motion passes.

d. BARKING DOGS.

Mr. Long: Any questions for the city attorney on this?

Mr. Hood: This is one that we struggle with in its existing form. There is this reasonable person standard that is built into our existing code and I think that the committee attempted to address it the best way they could. It is just difficult either way. When we have a barking or howling dog complaint we have one neighbor who is complaining against another neighbor and then they both go and get 5 other neighbors to come in and say "Yes it bothers me" or "No it doesn't bother me." Then we are stuck. Who is the reasonable person in this circumstance? We normally mediate these kinds of things. We don't normally prosecute to the fullest on these cases because these folks still need to live next to each other in whatever neighborhood that they reside. It is difficult. We struggle with it now as it is. I can tell you that the police do the bright light standard. If the dog barks 15 straight they will cite them.

Mr. Long: Any questions or comments? Hearing none I will make a motion that this item be sent to council for its first reading and a full council vote on July 18th. Second by Councilman Clemens. All in favor say aye.

All in favor. Motion passes.

e. REPEALING CERTAIN SECTIONS OF CHAPTER 505 OF THE REYNOLDSBURG CITY CODE

Mr. Hood: These are pretty self-explanatory. These are all the ones that are either unnecessary or outdated. Horses walking on sidewalks and things of that nature. There is one concern I do have with the poisoning of animals. It appears that under our code that it exists the mere act of attempting to poison the animal is a violation and I am sure that the committee did not mean to decriminalize that act but in their language it may be debatable whether or not if the animal has to become sick or ill. Again I am sure that they did not mean to decriminalize the act of poisoning the animals food and/or water supply. The language is debatable.

Mr. Long: Any questions from the committee? Hearing none I will make a motion that this item be sent to council for its 1st reading next week. And I will request it be an up and down vote on July 28th. Councilman Cotner seconds.

All in favor. Motion Passed.

f. AMENDING MISCELLANEOUS PROVISIONS OF CHAPTER 505 OF THE REYNOLDSBURG CITY CODE

Mr. Hood: This is kind of our last catchall. There are not really grouped in any particular order. Any individual questions about one or the other?

Mr. Long: Any questions from the committee members?

Ms. Kelly: Jed on your comments of 505.11 killing or Injuring Animals. Can you explain?

Mr. Hood: Yes. Revised Code 955.28 actually outlines when you are allowed to kill or injure an animal. They are basically limited to the protection of others but you don't have to be a public official. You can be an ordinary citizen. It is not limited to just dogs.

Mr. Long: Any further comments? Mrs. Beggerow would you please see that Dan and I get copies of that after the committee meetings?

Mrs. Kelly: I want to go back to 505.03 D. This is the underground fence thing. I want to clarify for myself so I understand. When I read this I take this as it can be in my front yard but I can't use it. I can only use it in the backyard. If I am using it in the front yard I would be a violation.

Mr. Hood: No I am sorry if I confused you. The title is Animals at Large so I think that you are right.

Mrs. Kelly: I just wanted to be clear on that. For me that completely changes it. If people have those things buried then they would have to pull them up. Thank you. I just wanted to clarify.

Mr. Long: Any further questions or comments? Hearing none I will make a motion to send this on to council for its first reading and make a recommendation for this to be an up and down vote on July 28th as an emergency. Second by Councilman Barrett. All in favor say aye.

All in favor. Motion passes.

Mr. Hood: Councilman Long? It appears that the agenda does not reflect one of the proposed changes in regards to permitted animals that are on age 2.

Mr. Long: I will make a motion that we amend the agenda adding item 4G which will be an ordinance amending Chapter 505 for the City of Reynoldsburg code in regard to permitted animals. Can I get a second on that? Second by Councilman McGrady. All in favor say aye. Agenda has been amended. Please precede Mr. Hood.

Mr. Hood: Thank you. Well the Ad Hoc committee recommends that the city permit animals that are not currently permitted and I think the one that we have talked about before which is chickens, Council banned them a few years ago. The language being what it is Mr. Roth and I went back and forth.

He seems to think it suggests that you are limited to 6 chickens in residential and I think it only permits chickens in the residential districts. As of right now it is permitting up to 6 chickens in a residential zoning district. No roosters. They have to be in an enclosure that meets ASPCA standards. They are not defined in the code but they do fall in with ASPCA standards. The thing that is also interesting is that it requires the city to inspect the chicken coops but doesn't permit us to charge a fee for doing the inspection.

Mr. Long: I believe that you even commented along the lines of the deeds. I have heard comments before but I have not verified it. The original land owner deeds prevent the harboring of any farm animal in that entire section.

Mr. Hood: Yea. Those were discussions we had a couple years ago when we debate whether or not allowed chickens the first time. That was something brought up by residents to us. That there deed restrictions of their home owners association prohibit this whether the city allows this or not. The comment that I included in the packet for you all to consider but something the city has standing to challenge. The home owners association and how active they are and if they would be willing to enforce those or not. It is truly none of our business. There are other restrictions like that that have nothing to do with animals that we are not allowed to enforce for the home owners association.

Mr. Long: Any other questions or comments for the city attorney from committee members on this item? Hearing none I will make a motion that this item be sent to council for its 1st reading as an up and down vote on July 28th. As an emergency. Second by Councilman Clemens. All in favor say aye.

All in favor. Motion passes.

Mr. Long: Thank you Jed. I am sure you will be receiving a phone call from Mr. Skinner.

ORDINANCE AUTHORIZING CITY AUDITOR TO REMOVE FIVE RADAR UNITS FROM THE CITY'S FIXED ASSET LIST. (First reading 06/23/2014).

Mr. Long: Any questions from the committee? Hearing none I will make a motion that this item go back to council for its 2nd reading. Seconded by Councilman Skinner. All in favor say aye.

All in favor. Motion passes.

ORDINANCE AMENDING ORDINANCE NO. 55-02 PASSED JUNE 24, 2002 TO REFLECT CHANGES OF DESCRIPTION OF AN AREA IN THE CITY TO PHASE VI, VII, AND VIII, AND ADDITION OF PHASES IX THROUGH XI OF THE SIDEWALK PROGRAM. (Second reading 06/23/2014).

Mr. Long: Any questions for members of the committee? Hearing none I will make a motion to send this on to council for its 3rd reading with recommendation of adoption. Second my Councilman Skinner. All in favor say aye.

All in favor. Motion passes.

Adjourned 8:18p.m.

Safety Committee
- - April L. Beggerow, Clerk of Council
July 7, 2014

MINUTES SERVICE COMMITTEE MEETING
REYNOLDSBURG CITY COUNCIL
July 7, 2014

Members of Service Committee present: Mel Clemens, Scott Barrett, Leslie Kelly, Barth Cotner, Chris Long, Cornelius McGrady, III. Dan Skinner.

President of Council Doug Joseph was not present.

Chairman Clemens called the Service Committee Meeting to order at 8:19 pm

Approval of agenda

Approval of minutes of the Service Committee meeting held 06/16/2014.

Special Exception Use Permit #159544 6748 E. Main Street, 6 Month Follow up.

Mr. Clemens: They've asked if I would extend the time of the review into August, which I'm not going to go into August because that's when we're not here, on vacation. So what I would like to do is move this to our next Committee Meeting which would be, I have no idea, would be 2 weeks from tonight. So it would be what the 21st? So I'd like to, and we'll send them a notice, I've moved it 2 weeks to see if we can get them to show up. If there are no other questions on that I'd like to end the Service Committee meeting at 8:22.

Adjourned 8:22pm

Service Committee
- - -April L. Beggerow, Clerk of Council
July 7, 2014

MINUTES FINANCE COMMITTEE MEETING
REYNOLDSBURG CITY COUNCIL
July 7, 2014

Members of Finance Committee present: Barth Cotner, Chris Long, Mel Clemens, Leslie Kelly, Scott Barrett, Cornelius McGrady, III., Dan Skinner.

President of Council Doug Joseph was not present.

Chairman Cotner called the Finance Committee Meeting to order at 8:23pm

Call to Order

Approval of agenda

Approval of minutes of the Finance Committee meeting held 06/02/2014 and 06/16/2014.

Discussion: MARCs P25 Radio Project.

Chief O'Neill: Thank you Chairman Cotner. The legislation that you have in front of you is a request on our part to move forward with our upgrade to the radio system. It's a change from a 400mghz to 800 mghz which virtually every fire department, police department in Central Ohio is currently using. It would allow our officers to have the ability to communicate back and forth with other first responder personnel in the event there was a multi-jurisdictional type emergency for even something as routine as day to day conversation between us and the corresponding communities.

Mr. Cotner: Does anyone have questions for the Chief on this issue?

Mr. McGrady: I had some initial questions, I took my initial questions to the Chief and like I said to him, I'll just do follow up, I'll email if I have anything else.

Mr. Long: Chief, I understand from our discussions, this will not have any impact on the general fund correct?

Chief O'Neill: That's correct. The initial estimate, the quote we received was \$152,000 for the total upgrade of the system. We were able to secure approximately \$62,000 of that through grants either through homeland security or the Ohio CJS. That leaves us roughly \$100,000 including a contingency that we had put into the initial quote. So we're going to see about \$102,000 hopefully appropriated out of our special Law Enforcement Fund which currently sits at about a balance of \$309,000 and some change.

Mr. Cotner: Questions, comments? Ok. We want to forward as an emergency?

Chief O'Neill: That's correct. One of the components of the grant that we're looking into is that we have to spend the money and bill them for reimbursement before you would be returning from recess so we need to get this taken care of and get the money started down the pipeline.

Mr. McGrady: So the grant that you said you're applying for, we have to make expenditure first, is that what you said?

Chief O'Neill: Yes. I believe it's covered in...

Mr. McGrady: So bottom line, it's a guarantee?

Chief O'Neill: Yes. Homeland security is going to pay \$50,000 directly to the vendor, the other grant is \$10,125.00 and we will have to front that and we will be reimbursed and placed back in Enforcement Account number 290.111.5529.

Mr. McGrady: Ok.

Mr. Cotner: Good? Ok, yes Councilman Clemens.

Mr. Clemens: I think it's something that's needed and since no money comes out of the general fund, I would think that an emergency would be appropriate.

Mr. Cotner: I want to make sure everyone's questions are answered and Mr. McGrady, you got yours covered? So you're good then. Ok, then I'll make a motion we send this forward with recommendation for adoption as an emergency. Second by Councilman McGrady. All voted "Aye". Motion passed.

Discussion: Solid Waste Contract, 2015 – 2017

Mr. Burd: Thank you Chairman Cotner and members of Council. I don't have a piece of legislation for you to consider tonight. I just wanted to very briefly introduce this topic. Our solid waste contract with Rumpke expires on December 31st of this year. We're part of a 10 member consortium of communities that bids for this service together and the bids were recently received. There were three contractors that provided what we refer to as status quo bids. A status quo bid means that absolutely nothing changes, so for example our pick up day would remain Thursday, unlimited solid waste pick up, things like that, nothing would change. Of the three bids that were status quo, Rumpke was the lowest bidder by a fairly wide margin. In fact, Rumpke's bid would keep our services the same, but residents would pay less than what they pay now. It's currently \$16.65 per month, under the new bid it would drop to \$15.53 a month and I'll tell you, I didn't envision an scenario when we started this process where the cost of this would go down like it has so I think that's good news. Between now and your next meeting, I will provide you with additional documentation on all of the bids that were received and I'll also give you some background information on the consortium. Each member of the consortium has been asked to pass a resolution indicating which bid they're choosing. I'll have that drafted for your next meeting. My hope is that you will pass that before your recess and then that will give us a chance in August to get the actual contract finalized and have it for your consideration in September. The administration's recommendation is going to be to select that status quo bid from Rumpke. If you have any questions about that over the next few weeks or right now, I'll be happy to answer them.

Mr. Cotner: I think we've discussed it enough and it's nice to see something going down. Whatever bonus we can get for residents is a good thing. No other questions from Council or Committee? Alright, thank you.

Discussion: Ad Hoc Committee Report (2011); addressing structural imbalance; possible adjustments.

Mr. Cotner: As always, who wants to talk on this a little bit? We do have a couple of drafts that the Auditor prepared for us on looking in to rate increases. Anyone on committee have questions for him or comments on this issue? Nothing? Ok..

Mr. Barrett: So we have adjusting the tax credit on the table for 2 amounts, right? 2 different drafts on that?

Mr. Skinner: One was specific to Police/roads, and the other was more general.

Mr. Long: I thought these aren't credits, these aren't adjustments.

Mr. Skinner: You're talking about the rate right?

Mr. Long: These are 2 proposals to go to the ballot.

Mr. Barrett: Ok, and the latest one we weighed in was the half percent income tax increase to put on the ballot right? Was there any more discussion, I apologize for being out at the last Committee Meeting, but was there any more discussion regarding earmarking said funds in any way?

Mr. Skinner: We just held it.

Mr. Barrett: For me, right. Well, this isn't going away and it is quite frustrating obviously, but I would support the half percent, putting it on the ballot. It's a step in the right direction, we all know sitting up here from reading the last report which was 2011 and it hasn't gotten better, that the gap is just expanding and the disparity of our revenue issues have just widened. While I don't mind putting a half percent on and praying it goes the right direction. I don't think it's really going to hold water as to what we should be doing as a Council and particularly, when you look, when we had this other Ad Hoc Committee on the animal issue, 505 and some of the ideas brought to light and how we could really modernize this, really, we can't. We can't throw the dollars or resources at it or else it's going to take away from the police department which is already working miraculously for how their staffed. Right? We've gone through this, we're understaffed for a city of our size so it's frustrating. I just wish that there was a way we could get the interest that we've had with this 505 deal around the state of this city and the long term health of this city, because it's sad. While I know you're passionate about your animals and so am I, I'll tell you I'm more passionate about the city and protecting our property values and it's just sad. So that being said, I'll support frankly, any step in the right direction at this point that can allow the administration to move some things forward and help this infrastructure out.

Mr. Cotner: Mr. Harris, if anything were to go forward again, I apologize, what is the time frame that something has to be passed here?

Mr. Harris: It has to be passed and be effective, which means if you're going to pass it, starting next week it will have to be as an emergency. So it has to be to the Franklin County Board of Elections 90 days prior to the November elections which is the first week in August.

Mr. Cotner: Ok, so it, again it wouldn't have to be passed next week, you're saying it could pass at our last meeting as an emergency...

Mr. Harris: ...as an emergency and still be effective by the date is has to be to the Franklin County Board of Elections.

Mr. Cotner: We have, if we're doing anything or putting anything to the ballot, obviously we have to make a decision and move forward with something if we want to. So...

Mr. Clemens: At this point, I don't think I'd support either way. Any of them. I kind of had a change of mind on feeling about putting it on the ballot and also about reducing the tax credit for certain reasons. But if it other people do pass it, if it goes CIP, you understand, that money can, none of that can be used

in the General Fund. So, it wouldn't be used to repair our streets. Cause that money comes out of the General Fund. It has to be a Capital Improvement deal, so you want to think of that if it goes that direction. I'm not going to support it, I don't think either direction doesn't make any difference.

Mr. Barrett: I don't know that I fully understood that in the past. Are you saying additional income resulting from the income tax...?

Mr. Clemens: We're discussing it going to CIP? Am I correct or not?

Mr. Long: That was one of the versions that was in your packet.

Mr. Barrett: I thought that was in the adjustment to the credit.

Mr. Clemens: No, no no..

Mr. Long: There were 2 versions of going to the ballot in the packet.

Mr. Barrett: I must have missed that.

Mr. Clemens: In that version, the money cannot be used for the General Fund. So if you go with that one, you understand you can't use it for paving streets, things like that.

Mrs. Kelly: If we have projects though in the Capital Improvements that includes streets, we can use it for those streets.

Mr. Harris: You could use it for anything, 410 is really a subsidiary of the General Fund. The money that goes in there is General Fund money.. You could use it for streets, you could also use it for parks, you could also use it for buildings. You could use it for a lot of different things. I think what Mr. Clemens is trying to say is we've already talked about adding police officers. If you put this money in the Capital Improvements and Capital Improvements only, there will be no police officers. It has to be used for capital improvements only. What that does is, I think, is you don't have the flexibility to move that around if an unusual situation, let's say, Taylor Square had to be closed for a year because of a fire and you lost all of that money to the General Fund, you could not take money from that and put it into it.

Mrs. Kelly: But could we use money from that to fix Taylor Road because that would be a capital improvement?

Mr. Harris: yes.

Mrs. Kelly: And so could we then, money that we might have to divert from the General Fund currently to do some capital improvement projects, we'd be able to keep that money in the General Fund thus having more flexibility.

Mr. Harris: You're talking about \$200,000. That's not very much money.

Mrs. Kelly: but we would still have that, that we would not be diverting...

Mr. Harris: Right. That would pay for next to nothing.

Mrs. Kelly: Right but we would have some of that.

Mr. Skinner: Mr. Clemens, I understand that the Capital Improvement Fund proposal, not supporting that, but the general tax rate, you would support? No. None of them whatsoever.

Mr. Clemens: Nothing

Mr. Skinner: None of them. Nothing. Ok. Is it something you'd want to share why? I understand..

Mr. Clemens: Maybe a little bit later but...

Mr. Cotner: So we still sit with no real decision or direction. And we're going to ask the Mayor to continue to operate with the same amount of resources as we've had for awhile. I don't know that, I guess my concern is, I don't know that it does a lot to pass something and not believe we can pass it to our community if we can't kind of pull something together ourselves.

Mr. Barrett: I agree, if we can't decide on it right now, there's no way they're going to buy it.

Mr. Cotner: I don't know, I could be wrong but I think one of the agreements we all recently had come to the realization all collectively is there is a need for some more revenue. So we're just going to have to come up with a plan of how to address that. It doesn't seem as if there is a clear consensus as to where to go tonight, so...

Mrs. Kelly: I just want to say for the record, I would like for us to put it on the ballot, put half a percent on.

Mr. Cotner: Ok, Just directly as a half percent to be used in General fund, or...?

Mrs. Kelly: No, I would like for it to be used for capital improvements. But I would also support General Fund if that's where the majority went.

Mr. Barrett: Is that a motion?

Mrs. Kelly: Yeah, then I will make a motion.

Mr. Long: For which one.

Mrs. Kelly: For Capital Improvements, I'm going to go for the one that I want. I make a motion to send to the ballot, the half a percent increase to go towards Capital Improvements.

Mr. Cotner: Ok, we have a motion, do we have a second to move this?

Mr. Barrett: I would gladly second that motion.

Mr. Cotner: To see something happen we have a motion...

Mr. Barrett: To move the ball forward in this city we have to take a step.

Mr. Cotner: ...and we have a second. So, at this point again, the motion is to move the one forward for the half percent specifying it to be used toward Capital Improvements and declaring it an emergency.

Any other questions, comments then about that? Should we try to discuss it a little bit more or should we try to pass it next week.

Mr. Long: Once the motion is made, the only way to change it is to amend that motion.

Mr. Cotner: Is that.. We set it in motion as an emergency, thank you. So we have a motion to move this forward as an emergency, Seconded by Councilman Barrett. 6 voted "Aye" 1 voted Nay, Motion passed.

Mr. Skinner: Just a follow up comment. This is upon examining it and we have spent a lot of time even before I was here. This does seem to be, create the least amount of tidal waves. Fewer waves than cutting the tax credit and we're gearing this up towards just specific items. So for the citizens that are concerned, I feel like this is the best shot that we've got to kind of minimize the effects and specify the need. Would you guys agree with that, that's my reflection on it.

Mr. Cotner: I don't think it answers every issue of course, but I agree that it's a step and one of the biggest questions that we've tried to address is improving the city. And that's what we're looking, improvements. So.... Once again, I guess you're right, I guess we have a step that we're moving toward at least. So.. Any other comments on it? Nope? Alright then we shall move forward.

ORDINANCE AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY GRASS AND WEED CUTTING COSTS (2013) FOR COLLECTION BY THE FRANKLIN COUNTY AUDITOR AND DECLARING AN EMERGENCY. (1st reading 06/23/2014 - requests emergency passage at third reading).

Mr. Cotner: I make a motion to send this for its second reading. Second by Councilman Skinner. All voted "Aye". Motion passed.

ORDINANCE AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY GRASS AND WEED CUTTING COSTS (2013) FOR COLLECTION BY THE LICKING COUNTY AUDITOR AND DECLARING AN EMERGENCY. (1st reading 06/23/2014 - requests emergency passage at third reading).

ORDINANCE AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY UNPAID WATER BILLS FOR COLLECTION BY THE FRANKLIN COUNTY AUDITOR AND DELCARING AN EMERGENCY. (1st reading 06/23/2014 - requests emergency passage at third reading).

Mr. Cotner: I make a motion to send this for its second reading. Second by Councilman Skinner. All voted "Aye". Motion passed.

ORDINANCE AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY UNPAID WATER BILLS FOR COLLECTION BY THE LICKING COUNTY AUDITOR AND DELCARING AN EMERGENCY. (1st reading 06/23/2014 - requests emergency passage at third reading).

Mr. Cotner: I make a motion to send this for its second reading. Second by Councilman Skinner. All voted "Aye". Motion passed.

RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF REYNOLDSBURG OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015 AND DECLARING AN EMERGENCY. (1st reading 06/23/2014 - requests emergency passage at second reading).

Mr. Cotner: I make a motion to send forward with a recommendation of adoption as an emergency. Second by Councilman Long. All voted "Aye". Motion passed.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (b) of Section 953.01 "Water Rate Schedule" OF CHAPTER 953 WATER CHARGES. (Adjusts renter deposits on water services). (1st reading 06/23/2014).

Mr. Cotner: I make a motion to send this for its second reading. Second by Councilman Skinner. All voted "Aye". Motion passed.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH EMH&T FOR THE EAST MAIN STREET PARKING LOT AND INTERSECTION IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY. (1st reading 06/23/2014).

Mr. Cotner: I make a motion to send forward with a recommendation of adoption as an emergency. Second by Councilman Barrett. All voted "Aye". Motion passed.

Adjourned 8:43 p.m.

Finance Committee

- - -April L. Beggerow, Clerk of Council

July 7, 2014