

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
May 24, 2010

President of Council William L. Hills called the meeting to order at 7:30 p.m.

Members of Council present: Fred Deskins, Jr., Leslie Kelly, Doug Joseph, Mel Clemens, Barth R. Cotner, Chris Long, Nathan Burd.

The Invocation was given by Mr. Long. Mr. Hills led the Pledge of Allegiance.

Minutes of the regular Council meeting held May 10, 2010 were approved without objection.

Mr. Hills: Moving to Item No. 6 is approval of tonight's agenda and I do know we have some items to add. Chairman Deskins, do you have some things you wanted to add?

Mr. Deskins: Thank you, President Hills. I have three items. I want to change Item No. 11 to substitute Ordinance authorizing the Mayor to enter into a purchase agreement with Rock Trailer Sales and declaring an emergency for the title of No. 11; and No. 11a Waiving of bidding; and No. 11b Authorizing a contract.

Mr. Hills: Okay, we'll note so the people reading the ordinances, the printed information you have on Item 11 will be changed to a new ordinance that was received dealing with the same subject matter but has been changed in content; same result exactly and that's Item No. 11 modification. Item No. 11a will be Waiver of Competitive Bidding Ordinance; and No. 11b will be Authorizing a contract. Councilperson Kelly, Leslie Kelly has something you want to add, correct?

Mrs. Kelly: Yes, I'd like to add as Item No. 11c, the Resolution to make Application for the Ohio EPA Grant, that came from the Community Development Committee Meeting this evening.

Mr. Hills: And that does come from Community Development and will be Item No. 11c. Any other amendments to the agenda? Seeing none, is there a motion to amend the agenda as discussed?

Mrs. Kelly moved to amend the agenda as discussed. Mr. Burd seconded. The amended agenda was approved with all voting "Aye".

Community Comments and Requests:

- a. Update on Safe Routes to School - Monica DeBrock and Tricia Moore.

Monica DeBrock: Good Evening, Council President Hills, members of Council, and Mayor McCloud. My name is Monica DeBrock, 7400 Bryden Road, and I'm here tonight to give you an update on what has happened in Reynoldsburg Safe Routes to School. Safe Routes to School Programs are joint efforts by parents, schools, community leaders and Local, State and Federal Government to encourage students to walk and bike to school. Here in Reynoldsburg, we began our Safe Routes to School Program as a partnership with the city, school and community. Last year we began the program. We have been awarded a \$4,000 grant to create school travel plans for four schools. These schools include, Herbert Mills, Rosehill, French Run and the two Waggoner Road schools. The school travel plan process begins with local committees formed at each of the four schools. They will write a school travel plan that incorporates the five "E's" of Safe Routes to School. The five "E's" that will be incorporated are encouraging students to walk and bike to school, educating students and others about safe biking, walking and driving, enforcing safety on routes to school, engineering safety improvements in the infrastructure along the routes to school, and evaluating how well the project is working.

When the school travel plan is complete, it will list ideas on how to make it safer and easier for students to walk and bike to school. It will state the main barriers to safety in walking and biking and the priorities to overcome them, as well as what activities need to be undertaken and the resources needed to implement them. Our four schools will be eligible for up to \$500,000 per year for Safe Routes to School funding, but in order to secure next year's Federal funding, we must complete six required steps of the School Travel plan and we are currently working with parents, students, staff, city and community members to make this happen. The Safe Routes to School Programming, it helps local communities create safer walking and biking to school, but it also helps Reynoldsburg maintain its family-friendly focus and tonight I passed out some National brochures on Safe Routes to School and when we're looking at the preliminary statistics that we have here in Reynoldsburg, we basically mirror the national statistics. Not that it's good, not enough kids are walking and biking to school, but there has been a lot of progress made throughout the Nation and a lot of ideas. So basically, we can tap into what's working with some communities that are similar to ours and try to get some programs moving.

One of the things that shocked me the most was some of our schools that have adequate sidewalks. If children and parents don't feel safe, then they're not walking to school, but even if a parent doesn't feel that their child's safe walking to school a half, a quarter mile, less than a quarter mile, and they feel it's not safe and they need to drive them to school, what we want to do is encourage parents to actually get on the sidewalks with their kids walking. The more families, the more adults that we have, the more eyes that are on the street, the safer our whole community will be. So one of our, I mean, and that's a no cost, that's just getting out and educating and trying to encourage people to walk. Any other questions?

Mr. Hills: Questions or comments? And these are your posters?

Mrs. DeBrock: This is for Waggoner Road School. We were presenting this to the Waggoner Road Middle School the other day and I'll be doing this with the Junior High tomorrow. Part of it is just educating and informing them what the program is and getting their input. Different people have different perspectives of why their kid is/isn't walking to school and it could be the lack of, Waggoner Road Schools huge issue's that, a lot of parents are saying, is the lack of sidewalks. That's going to be a big project, but if we can break it down in steps, hopefully over the years, we can make a big difference.

Mr. Hills: Good. Yes, Councilperson Kelly.

Mrs. Kelly: I would just like to say that I think it's fantastic and I'm so glad that you guys are doing that. Having a child that would attend Waggoner Road School, the sidewalk thing is huge and when I heard that it could potentially be a part of that and possibly give kids the opportunity who want to do that, I know that light's put in across from the school and also the one at Rodebaugh, but still, there's that whole idea of just making it safer for kids to walk and bike so I'm glad that, that project is so in the forefront and I love to see that this is something that our community is bringing forward. People outside of just your typical school administration or the City Administration. It's really coming from apparently people in the community. So I think that's fantastic.

Mrs. DeBrock: I see it as just a win-win for the city. We've got wonderful schools and playgrounds and basketball courts, but for kids after school to be able to use these facilities, there's not a safe way for them to get to school. There's not a safe way for them to get to a school playground afterwards. So I think it's a great thing.

Mr. Hills: Mr. Clemens.

Mr. Clemens: Knowing you Monica, I know it's going to work.

Mr. Hills: Other questions for Monica DeBrock? Tricia, do you have anything or?

Tricia Moore: Monica covered it. I just, you know.....

Mr. Hills: Just carried the camera, right?

Mrs. Moore: I am, I got assigned another job, I'm sorry, you're all aware of how hard Monica works for the community and she's really brought this to our attention. She's had support from a couple of other, another parent and another community member who doesn't have any kids in schools and they've been working awfully hard to make this happen. It's a good thing.

Mrs. DeBrock: But when we brought this subject up to the city and the schools, I am so impressed that everybody basically jumped in and it's a wonderful partnership that the community is doing.

Mr. Hills: Any other questions? If not, I thank you very much and I will agree, if you need a project done, call Monica, because she has her facts put together before she does her presentation, therefore people fall in line real quick, and we do appreciate that.

Mrs. DeBrock: Thank you.

Mrs. Moore: Don't call her yet, though, we've got to get this done.

b. Community Clean Up Student Poster Awards - Mary Burcham

Mary Hudson: Good evening, President Hills. Mary Hudson's going to introduce Mary Burcham. Members of Council and Mayor McCloud, this is our fifth year for the Community Clean Up. Five years ago, Mrs. Reichard asked if Dick and I would help chair this. We said that we'd be glad to do it and off we were. Through SWACO, it is now an award-winning Community Clean Up Project. Tonight is the night we award our poster winners. We have a poster contest that Mrs. Burcham arranges every year. We have the kids from the schools do the posters. They are absolutely wonderful and from that, one will be chosen that will be on the front of the tee shirts that we will pass out to our volunteers the day that we do clean up. So we've had lots of fun with this over the years, but before we get started, I would just kind of give you an update on where we are this year.

As we approach, it is next weekend that we do the Community Clean Up, June 4th through the 13th is when we take, it takes place. We start out next Friday with the 20 Minute Makeover which we hope the businesses and the community will take advantage of for ten, for 20 minutes at 10:00 a.m. just to go out and pick up around your place of business. It helps tremendously if everyone just does their part. We'll have people out in front of City Hall, out on Main Street, the sweeper will be going up and down the street. We have people that toot every year as we're out there picking up trash. Usually, the schools come out and help us and they pick up around their area too. Then on Saturday, June 5th, we'll have our residential document shredding which has been very popular over the years; that will take place here at City Hall. The red bin exchange will also be here. Something that we started just a couple of years ago, that has been very, very well-received by the public is the electronics disposal and that will be here at City Hall, and bulk item disposal will take place all that week. We would like to remind everyone that if you've checked all, what we usually do, this year SWACO will not be doing the hazardous waste at Spangler Field. I've had some calls at the office because this is something new. We've had this for years since we've been going on. SWACO has decided not to do this so we'll have signs up because we know a lot of people will show up with their paint and that sort of thing so we're prepared for that and hope that when they're reading all the press that's come out on this, that they'll see that we are not doing that. SWACO just has a couple of places and they're not doing it on a regular basis anymore. So we'll also have our clean up, fix up that they're working on so that people that are in need will ____ go out and fix things up in their homes, grass, the yards, small painting, fix up fences, that type of thing. It won't be anything really

huge and also during that week, anyone that wants to have a garage sale, the garage sales are free. So it's another great clean up week we hope, coming up. We would love to see all of you out helping us out to clean up the city and also we are still in need of volunteers. So if there's anyone listening that would like to come out and volunteer, they can I believe, call Donna's office, with Jason and Donna, call Parks and Rec to sign up and we can use your help next week on Saturday. So without further adieu, let's meet our contest participants, the ones that we have taken from the many, many posters that we have received. Mary.

Mr. Hills: Thank you Mary. Mary number one, Mary Hudson.

Mary Burcham: Thank you, Mary. Thank you, President Hills, Mayor McCloud, members of Council. I'm really happy to be here again. This is our fifth year of doing this so we got the students involved from day one and we're very excited to have I think the majority of them here. I think some of them are in sports, so not everybody can show up because we've got lots of busy kids out there but I'm very happy to have a lot of them here. In March, just briefly, all the students in the school district, the daycares, were invited to participate and they were given certain criteria. They had to advertise our event for us so that was a major criteria. We wanted our event on the shirt promoting what we were going to do and the winners I have behind me, they followed the directions which we're very happy to report. It's an important part. Like Mary said, the poster design's going to be on the tee shirt and it's going to advertise our event. Judges, I want to say a little bit about the judges. This year we went a little bit different. Before I went out in to the community and asked for judges, and this year I decided to let some of our city workers participate because they've been asking, 'you know, why can't we look at them, why can't we help you choose?' So we went out and asked the City Attorney's office, we had De Kimble who works in the City Attorney's Office, we had Nancy Parsley from the Water/Wastewater Department, we had Peggy Newland from the City Auditor's Office and we had our Maintenance Foreman, Joe Taggart, and they chose this year's poster winners. Nobody on the Committee was involved whatsoever in choosing. We made sure that we were totally withdrawn from that and the judges had a great time and I'd like to thank those, the judges. We've got some really nice goody bags up here. My trusted assistant, Diana, works really, really, really hard calling and bugging everybody, getting stuff to put in these goody bags. This year she didn't have to do a whole lot of buggin', she just asked and they provided. So I'd like to personally thank the following: we had Buck's Dairy Queen and Buck has participated for many years; we had Donato's; Just Because Gifts; Four Season's Golf Center; Culver's; Max and Erma's; Anthony Thomas;;Burger King; City Books; Creno's Pizza; DaVinci's Italian Buffet; Holiday Lanes; Smokey Bones; and T.G.I. Friday's. So in the little gift bags is quite an assortment of gifts for our student poster winners. With us tonight, like I said, are some of the winners and their family members and when I call the student's name, they've been told to come up holding their posters and I want them to stand up here and stay up here after they get their gifts and their certificate and then Moms and Dads and Teachers and Principals can take all the pictures that they want, if that's okay with you. Wonderful, so students if you would come forward when I call your name and get your certificate and then get your bag from Diana and Donna. (Please see attached document for awards).

Mr. Hills: Thank you all very much.

Clerk read report from Clerk of Court: total monies collected from courts held during April 2010 - \$42,475; monies also collected during that period pursuant to Ordinance Numbers 146-94 and 104-02 - -\$3,469 for the Computerization Needs Fund; and \$110 for the Enforcement and Education Fund.

ORDINANCE AUTHORIZING THE REYNOLDSBURG DIVISION OF POLICE TO APPLY FOR THE FY 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT; AND ALSO AUTHORIZING ACCEPTANCE OF THE GRANT UPON RECEIPT; AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Clemens moved adoption. Mr. Long seconded. With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Long "Yea"; Mr. Burd "Yea". Motion passed; Ordinance No. 34-10 adopted.

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH ROCKS TRAILER SALES INC. AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Deskins moved adoption. Mrs. Kelly seconded. With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Long "Yea"; Mr. Burd "Yea". Motion passed; Ordinance No. 35-10 adopted.

Mr. Hills: Before we move to Item No. 11a, earlier we did add Items No. 11a, 11b and 11c. They are not on your printed agenda, and we will try to go through and clearly explain what we're doing. Mrs. Frazier, could you read Item No. 11a, please.

ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 15-10 PASSED MARCH 8, 2010 THAT WAIVES COMPETITIVE BIDDING FOR VARIOUS EXEMPTED CONTRACTS AND EXPENDITURES OVER \$10,000 AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Deskins moved to amend the ordinance by removing KEYTEL SYSTEMS in Section 1; and by removing the words "and the immediate preservation of the public safety; and further so Keytel Systems can perform all necessary IT functions for the operations of the city, including the police department" in Section 3, and inserting in their place the words: "and further so the name of Pace Analytical can be properly shown". Mr. Joseph seconded. With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Long "Yea"; Mr. Burd "Yea". Motion passed; ordinance amended.

Mr. Deskins moved adoption. Mrs. Kelly seconded. With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Yea"; Mr. Cotner "Yea"; Mr. Long "Yea"; Mr. Burd "Yea". Motion passed; Ordinance No. 36-10 adopted.

ORDINANCE AUTHORIZING CONTRACT FOR INFORMATION TECHNOLOGY TECHNICAL SERVICES ON LOCATION AND REMOTELY; MAKING TRANSFER OF FUNDS WITHIN THE COMPUTER DEPARTMENT ACCOUNTS; AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Deskins moved

adoption. Mrs. Kelly seconded. With the roll called, members voted: Mr. Deskins “Yea”; Mrs. Kelly “Yea”; Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mr. Cotner “Yea”; Mr. Long “Yea”; Mr. Burd “Yea”. Motion passed; Ordinance No. 37-10 adopted.

RESOLUTION AUTHORIZING APPLICATION FOR A GRANT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY IN COOPERATION WITH THE REYNOLDSBURG CITY SCHOOLS TO DEVELOP A WETLAND; AN DECLARING AN EMERGENCY- -Clerk read ordinance by title for the one required reading. Mrs. Kelly moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Deskins “Yea”; Mrs. Kelly “Yea”; Mr. Joseph “Yea”; Mr. Clemens “Yea”; Mr. Cotner “Yea”; Mr. Long “Yea”; Mr. Burd “Yea”. Motion passed; Ordinance No. 38-10 adopted.

ORDINANCE MAKING TRANSFER OF FUNDS FOR EXPENSES RELATED TO ASSET FORFEITURE- -Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Section 154.01 “Establishment of a Department of Development; Appointment of Director.” of Chapter 154 Department of Development- -Clerk read ordinance by title for the third reading. Mr. Deskins moved adoption. Mr. Long seconded.

Mr. Clemens: Yes, and this has to do with all three of the ordinances. I don’t want to keep repeating myself, but, and basically I will say, this has no reflection on Mayor McCloud and his staff or how he operates his staff or anything like that. Basically, it’s the content of the ordinances that really affect me. I just feel that they’re turning the future into political appointments. They’ll be political hack jobs and I don’t think that’s something we need for the city. I know it was brought up that we should operate like the State of Ohio, and that would be sinful in some ways. I don’t want to get involved in something like that either. So I think the best way to do is to keep them as they are. It gives Council oversight on whether they’re hired or how they’re fired and I would be remorseful to say if I didn’t tell you really how I feel about them. They really remind me as I think about them as three piles of manure, covered with whipped cream and strawberries, and it makes ‘em look a lot better, but it still smells and that’s how I feel about them. I’ve got to be honest, I guess. That’s it.

Mr. Hills: Other questions or comments? Councilman Cotner.

Mr. Cotner: I just, again it’s no reflection on our current Mayor, but it is something that concerns me that these are too important to our city to risk losing over an election and become a political appointment. I just think they are professionals that deserve our respect, and I’d like to see a partnership between Council and the Mayor, working on this together, and enable us to keep good people who are in good positions, doing very good work for our city.

Mr. Hills: Other questions or comments. I’ll just cap it by saying that I personally am not in favor. I’m in the fortunate position, or unfortunate, after being here this many years it is unfortunate at times, I only get to vote if there’s a 3-3 tie, so if I had the opportunity, I would certainly vote against this. You can read all the articles in the paper. It’s a technical argument of

5.03 versus 6.09 of the Charter. The thing that bothers me is that I was here when these were first set up. I was an elected official. I was a Councilperson and these were appointed under Section 6.09 and at the time, Council, with agreement of the Mayor at the time, actually did vote to approve the hiring and the firing; and there's been misconceptions about the barbaric treatment and things. It's not. It's a very simple thing. It's confirming the Mayor's decision is all Council does. It's not public debate, it's not anything else. You hire the wrong person, you need to get rid of them, you say 'Council, he's not working out' and the man's gone. He works for the Mayor. He runs the Department but it's just, it is for continuity in keeping people in. I don't want to get into the political part of it. The managerial rights, don't want to get there. It's just in my mind, if something's working, you don't change it and in this case, if it needs to be changed, it should be changed in the 2012 Charter Review Commission. It shouldn't be changed by vote of Council but I started many years ago and you see seven people up here now that I've clarified that I can't vote. I only vote in ties, Nancy Frazier doesn't vote, so it quickly, with all the students we have here tonight, it doesn't take long to count to four, so four votes, ordinance is passed. Any other questions or comments on Item No. 13? Councilperson Kelly.

Mrs. Kelly: Yes, one of the things that I thought quite a bit about this whole situation I guess, is that we also have a couple of other positions that I think are equally vital to the city, our Safety/Service and our Parks and Rec; and you hear a lot, we've heard a lot that these three positions are professionals and we want to keep those maintained, and which I agree, they are professionals and stability is good, but I worry a little bit when we reiterate that over and over that those other positions are also professionals and also need to be afforded the same, should be considered in the same, the same vein. So I just wanted to make sure I put that out there and I know I'm sure nobody means that they're not as professional, but that was one of the questions that came up for me through this process, of Safety/Service and our Parks and Rec are not included in this, and so we're trying to make sure we're protecting these positions and the professionalism of these positions, that we do have those other two positions. So really we have two different entities going on right now with ones in the Charter and one seems to be in our

Mr. Hills: That's the point I was going to try to clarify. The Safety Director, The Service Director are in the Charter that says "the Mayor shall appoint". That is the Mayor's appointment. The Parks and Recreation Director is the Mayor's appointment consistent with the recommendation of the Parks and Recreation Commission. If you're looking for, does the Mayor not have enough people to appoint, I suspect that number is somewhere between 15 and 20 with each Mayor that comes in. There's plenty of places of people to appoint. So it's not an issue of that, it's, and they are professionals. You know, it may depend, who gets appointed to those positions, but it certainly is a very key position to the city, but there's a difference in the Charter when it says the Mayor does something and then the Charter in 6.09 says the Council shall do something. So I'll be the first to say what Council does Council can change. I've heard people state that and I agree with that, but the one thing Council can't change is the wording in the Charter.

Mrs. Kelly: Right.

Mr. Hills: That can only be changed from a recommendation from the Charter Review Commission which meets not less than once every five years and makes recommendations to Council that goes to the voters to vote on and that's how these are set up. Councilman Clemens.

Mr. Clemens: And I can understand the problem between the Charter and these positions is, if the Charter's direct appointments by the Mayor, if you work directly under the Mayor, you do what the Mayor says, you have to get along. I mean that's strictly, and I have no problem with any of those. The problem with the Development Director and the City Engineer and the IT position and HR Director is that the way it's set up and the way it was set up by Council is that Council could discuss items with these people and these people not get fired, because you know, they're listening to City Council. Now the Mayor and it's happened in the past, the Mayor would dictate, not Mayor McCloud, but would dictate, you can't talk to Council people, period. Now this has happened in the past, but they were appointed people and he could do that. The way these other people are set up, they can converse with Council and also with the Mayor. They are under the Mayor's jurisdiction, but they also could converse with members of Council and not feel threatened or anything such as that and like I said, I'm not talking about this Administration. It can happen any time, the upcoming administrations. It's happened in the past and that's why they were set up that way to help more or less get along. I know it makes it more difficult, possibly for the administration to handle it that way, but that's why they were set up to guard against what had happened in the past, and could happen in the future, and that was one principle of it.

Mr. Hills: Thank you, Mr. Clemens. Other comments? Just so we can clarify, Mrs. Frazier, Chairman Deskins moved this and there was a second by Mr. Long.

With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Nay"; Mr. Cotner "Nay"; Mr. Long "Yea"; Mr. Burd "Yea". Motion passed; Ordinance No. 39-10 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Section 155.01 "Establishment of a Department of Engineering; Appointment of Director." of Chapter 155 Department of Engineering- -Clerk read ordinance by title for the third reading. Mr. Deskins moved adoption. Mr. Long seconded. With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Nay"; Mr. Cotner "Nay"; Mr. Long "Yea"; Mr. Burd "Yea". Motion passed; Ordinance No. 40-10 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Subsection (b) of Section 152.01 "Establishment of Department; Director Appointed." of Chapter 152 Department of Human Resources- -Clerk read ordinance by title for the third reading. Mr. Deskins moved adoption. Mr. Long seconded. With the roll called, members voted: Mr. Deskins "Yea"; Mrs. Kelly "Yea"; Mr. Joseph "Yea"; Mr. Clemens "Nay"; Mr. Cotner "Nay"; Mr. Long "Yea"; Mr. Burd "Yea". Motion passed; Ordinance No. 41-10 adopted.

Meeting adjourned at 8:15 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council