

SAFETY COMMITTEE MEETING MINUTES

April 19, 2010

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

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

Mr. Clemens: I'll call the Safety Committee Meeting to order at 7:30 p.m. First item on the agenda, is the approval of agenda. Are there any items to be placed on the agenda that are not there, or removed? If not, it'll stand approved.

Next item is approval of the minutes of the Safety Committee Meeting held April 5, 2010. Are there any adjustments to the minutes? If not, they'll stand approved. Think I will go back and start.....we do have a speaker. I assume you want to speak on the Safety Committee Meeting? Are you planning on speaking on the Safety Committee Meeting, Bruce?

Bruce Sowell: What ever the.....when it's open discussion.

Mr. Hills: Next week.

Mr. Clemens: Well, it's open for discussion now if it's a safety matter.

Mr. Sowell: Yeah, it's a safety matter.

Mr. Clemens: If that's all right, I'd like to have Bruce Sowell would like to speak before Council. Okay Bruce.

Mr. Sowell: I'm going to do like, to get to the point. You all know me, you know me for awhile. You know I've been involved with the city on a whole lot of things and when there is something that is outstanding that I think we should be addressing, then I'm going to come down here and say it but I also brought some of your neighbors too who also live in Ward IV which is Mel's ward and Councilman Long also lives out in Ward IV. I know that we're trying to get Ward IV together, trying to make some improvements down there with the Task Force and everything, the garden, and all those other positive things that we've got down there, but we also have some negative things that I feel that we should address and lately, it's been a lot of fighting and stuff that's been going on up and down the road and an assortment of other things. We just had a shooting out there the other day. We're real concerned, especially in our, the apartment complex that I live in, Barcelona Square. Now I may not be an owner, but I'm a tenant. These people that are sitting right behind us are owners. We have an individual who's supposed to be our Property Manager, taking care of stuff, supposed to be taking care of stuff who's got 120 days worth of extensions to do stuff. Now, if I didn't cut my grass for 120 days, I'd be in a lot of trouble.

The thing that we're concerned about is, when we first made our complaint and we made them know and we had City inspectors come out and then did everything they were supposed to do, we were jumping for joy because finally, we would get something going on but apparently, our Property Manager has kind of played the legal system to his advantage by not, absolutely not doing

anything. We don't know when the meetings are being held like they're supposed to. We don't even know who's on the Board, but the one face that appears is our Property Manager and who has done absolutely nothing so when we got these complaints here like a few of my neighbors here with their sump pumps not working, they've got an inch worth of water up under their condos which is seriously deteriorating their property. Now, during the time this guy has all these continuances, the situation is not improving, it's getting worse. His response to right after the shooting that occurred out there, was to go hassle another one of my neighbors about a trailer. We have one of the toughest property maintenance codes around. I know, I pushed for it, it finally came through, I was happy about it but it's got to have some claws. So whenever we encounter somebody that's like this, that's basically playing the law like a fiddle then what he, they need to suffer the consequences. We need to come up with something a little bit better or maybe we need to toughen up the Property Management Law, tougher than, you know, okay, we're going to give you an extension but you're going to spend three days in jail so you get the point; but in the meantime, the folks that I brought in here with me tonight, they can give you first-hand knowledge of exactly what's happening over there, the places that they live. This should never happen in the City of Reynoldsburg, not any place and the reason why I asked them to come with me today, so we could put a face on the problems we're dealing with over there. I'm happy to see that the supermarket and everything is coming in. There's a lot of things that need to be taken care of. I see the Police Department has stepped up patrols. I've told them, I've thanked them for doing the job they can do but the other half has got to come from when we decide to take these guys, whoever it is, on and let them know that we mean business but they shouldn't have to live like this. We shouldn't have to live like this - when we got the toughest property maintenance code around. If this were in Gahanna, if this had been in Westerville or any other place, this would not have happened, would not have occurred. So where I'm coming to you today is, I've spoken to a few people, like I said, when his court date came up Thursday and then I found out later today that he had been granted another continuance, how many times can they give this guy a continuance? He's got five new violations, so we're going to face another continuance and this is going to go on for a year or better. It's already gone on that long. So, I'm coming to you today because I know a lot of my neighbors right here, a lot of them, they may not be good with public speaking and everything but I feel their pain because I live with them and something has got to be done other than a continuance here, a continuance here, a continuance here. We should go to a zero tolerance policy but we don't have to do that. We're looking at a possible decline in the neighborhood when now you begin to see people walking down the street with pit bulls. I've been in Reynoldsburg for over 30 years, never seen this happen. Never had them do this kind of stuff. I'm not moving, I'm staying where, I'm staying here. This is my home. So when you're at your home, you fight for your home and they're willing to do this too so I'm asking Council to, what can we do to put some teeth into this law to make people understand that they cannot do this here.

Mr. Clemens: Okay, thank you Bruce. I think, as you said, it has followed a pattern with Code Compliance. It has went to Court. It has went, as you stated, that is out of Council's hand when it goes to Court because it's followed the process through Administration, Service Director, into Court. I, that part I can't answer. I mean, that part, would have to be answered by our City Attorney or by his office on standing, on what's happening, because I don't know other than the process through Administration looks like it's worked that far. Now I'm sure if there's continuances, I know there's continuances in a lot of cases and there's reason for them. I guess, you know, that's something you could make an appointment with our City Attorney and discuss it

with him. That would be the best. I know what you're talking about, I think we all do and we all support the, you know, what's happening with the code compliance down there because we do have their problems. I mean, I know, I live there but it looks to me like it's handled through Administration that far you know. It is in Court. They have been, so I think the thing to do would be to make an appointment with the City Attorney and find out what the problem is. I mean, I can't speak for them.

Mr. Sowell: You know at this point, I spoke with the City Attorney right before the Court date and we sat down and like I said, I was under the impression that when he showed up for Court Thursday, that we would probably finally drop the hammer on him after ninety days. The only thing he's done is some concrete work, a little bit of concrete work out there but the major stuff, the health part of it, he hasn't taken care of. These places have in some places, my one neighbors, the floors have just absolutely warped from the water because the sump pumps are not working and that's a, to me that's a safety issue and a health issue and.....

Mr. Clemens: It is but I mean it's in the process, I mean, I can't speak on why it's not being done. Don't get me wrong. The guy's stalling, that's why he's stalling in Court and as long as he does that, I don't know, the Mayor might have something to say about it, what can be done, because I don't really know.

Mayor McCloud: We have cited this, there are citations pending in the City Attorney's Office and that's as far as we can take it. The City Attorney I do know, has been in the past successful in ultimately getting compliance. You know, Code Compliance is one of these things where we could impose a fine and they could pay it and then we'd still have the same problem. So it's a little bit unique in terms of some of the issues that we face, but we have cited them into Court and beyond that, I don't know where it stands.

Mr. Sowell: Okay then, what we need to do, in my opinion and we said it then, what we need to do is, we need to have a different approach with this. I can understand bringing them into Court but maybe the approach needs to be different than that. I recall there was a Magistrate down in Bexley when he had a situation dealing with a property management person like that, they put him in jail where he had to live there while all the repairs were done. So maybe we have to take a different approach to it versus fines. Sometimes you have to lay down the law like that and maybe we need to put a section into code that when we get somebody like that, that's playing the system like that, then we have to come at a totally different approach and I know it can be done. We might have to be creative about it. We might have to bring him into the nuisance abatement thing, you know, whatever.

Mr. Clemens: Bruce, I want to say, yes, Mr. Hood.

City Attorney Hood: Thank you, Chairman Clemens. As you know, my policy is not to discuss open cases that are pending in the Mayor's Court or Municipal Court that we have jurisdiction over; however, generally, I would say that as the Mayor alluded to a moment ago, a violation of a Property Maintenance Code is fineable offense only as it exists now. Anyone who is charged with any violation of the Property Maintenance Code can simply pay a fine. I believe the Mayor has set that at \$150 waivable citation which means they don't even have to appear in Court.

They can just pay their ticket and go about their business and if we cite them again because the violation still exists, they will be cited again. What we have done is and we have strived to get compliance with our codes as opposed to penalize and issue fines after violations and citations have been issued. I do know that the residents of Barcelona Square are frustrated. I appreciate that. There were a few in Court on Thursday afternoon. I spoke to each one of them individually. I also reminded them that their Property Management Company is something that their Condominium Association, group or association contracts with and if they're not satisfied with their service, they obviously could find another. That's not City business and the City won't get into that. However, we will strive to gain compliance with the Property Maintenance Code. Mr Sowell is correct. We did issue eight additional notices of violation on the Court date. They were not things that I would consider to be life safety issues. They were more gutters, fallen gutters. However, there were additional violations issued to the Attorney who represents the Condominium Association and the Property Management group. So, I know it's frustrating, the wheels of justice don't turn swiftly, but we will get compliance. I'm very certain of that.

Mr. Clemens: Thank you, Jed.

Mrs. Kelly: I have a question Mel.

Mr. Clemens: Go ahead with your questions.

Mrs. Kelly: Mr. Hood, you said eight, for eight things, eight additional.

Mr. Hood: They were gutters, all of them were gutters.

Mrs. Kelly: So is that eight separate issues, was it a.....

Mr. Hood: Yes. Separate addresses and one condominium complex.

Mrs. Kelly: So was it \$150 fine for each one of those?

Mr. Hood: The notice of the violations are something that we issue to property owners and we give them an amount of time to remedy before a citation is issued. The citation is the second step and that's when they're actually hailed into Court. Because there was already a citation pending with the case open, we issued the notices of violation on that date and that's all per our normal procedure. They're given 28 days to rectify all those issues.

Mrs. Kelly: Okay so if those are not rectified within 28 days then.....

Mr. Hood: Citations will be issued.

Mrs. Kelly: For \$150 for each one of those?

Mr. Hood: That would be up to the Code Compliance Officer but potentially...

Mrs. Kelly: Okay, so if the person were not to pay those, could they eventually, I'm sure it would

take some time, but could they eventually be held in contempt?

Mr. Hood: It's never occurred. I haven't thought about it. We've always had the funds paid or compliance gained.

Mrs. Kelly: Thank you.

Mr. Clemens: Thank you Leslie.

Mr. Hood: But yes, I mean, once a fine is assessed and it is not paid, the Magistrate could potentially hold them in contempt....

Mrs. Kelly: Okay.

Mr. Hood:but we're talking about a business here, not an individual defendant. So that's why I said that I have to think about it a little bit.

Mr. Clemens: Chris.

Mr. Long: Thank you Chairman. Jed, the continuances that this management group is continually being granted....

Mr. Hood: Yes.

Mr. Long:is it, in your opinion, not without specifically addressing issues in the case, are they playing the system?

Mr. Hood: No, absolutely not. I understand the folks that live at Barcelona Square are frustrated. However, all indications that I'm getting from our Code Compliance Officer is they have progressively been making strides in gaining compliance, the one issue is the sump pumps. The, as I said, I don't want to get into specifics, I'm confident that the Code Compliance Officers are seeing progress, otherwise we would not agree to a continuance. That doesn't mean the continuance wouldn't be granted, but as I said, the final end-all is \$150 fine, not necessarily compliance. So that's why we try to give as much time as reasonably necessary to address whatever issues they may be on the spectrum of smaller issues to grand issues that involve a lot of investment.

Mr. Long: Thank you.

Mr. Clemens: Thank you Councilman Long. Thank you Jed. Yes ma'am, state your name and address please.

Mrs. Irvine: My name's Amy Irvine, I live at Barcelona Square. If we were to call in every complaint that we ever had, right; just two days ago, there was a car that actually drove through a condo. I'm sure that the structure of this condo now is questionable which is also influencing two

other condos on each side of the one that was run through. Maybe the structure isn't good anymore. I don't see how that's even safe and I think it's two days ago now. Maybe it was just last night, and again with the shooting and the bad people that are coming in and the water that's under.....when I open the door to underneath of my condo, it's filled to the brim with water and it's been like this now for four months. There's black mold growing under there. My floors stay absolutely wet. It's a health issue. I don't want my house condemned. These people, I don't know if you can say playing the code, what they do is they do the very things that are visible, like maybe fix a sidewalk or mow the grass, but they're not taking care of the things that are health issues or that are, could possibly endanger my life, my child's life and all the kids in my neighborhood. It's turned into a very poor place to live. I've lived there for 17 years and when I first lived there it was a very, very nice place. We had a pool, we had, the property was manicured, we had very nice neighbors and it has turned into a ghetto. I'm embarrassed to say I live there. That's how bad it's gotten and now, I can't even sell it because it's so disgusting. You know, I guess my building's falling apart, my floors are warped, my neighbors are bad. It's a terrible area. I'm embarrassed to say that I live there but since I do own it and I do want to sell it someday, I need to get this fixed. These people, like I said, maybe they're not playing the system but they do know how to put the right card down to say 'yes, we've done a little bit, we're trying really hard' but they're not. They're not taking care of the things that endanger my life, that don't make me feel good.

Mr. Clemens: I thank you and I appreciate and I understand your problems. And also Mayor, have you and the Safety/Service Director, you know the problems that you.....

Mrs. Irvine: Are we to call every time you know.....did anybody call on the car that drove through the condo?

Mr. Clemens: That I don't know.

Mrs. Irvine:and after how many violations do you need to get until, come on you guys, do your job.

Mr. Clemens: You know, I have to leave this up to Administration. The City is awful big and we do have an awful lot of problems with code compliance. Don't get me wrong. We know yours, we know mine, we know the other parts of the City and we do try to handle them.

Mrs. Irvine: I know the reasons that I've come tonight is so that we can all be together.

Mr. Clemens: Right, I understand, correct.

Mrs. Irvine: This is our City. This is part of your City.

Mr. Clemens: That's true.

Mrs. Irvine: And look how bad it's gotten.

Mr. Clemens: I understand that, Mayor, were you going to say something?

Mayor McCloud: Thank you Chairman. Let me without comprising the pending cases, if I may, re-visit this issue and then give a report to Council either, I could do that either next Monday, or Committee in two weeks.

Mr. Clemens: Two weeks, if you could at Committee.

Mayor McCloud: Okay.

Mr. Clemens: And could you contact the residents that are here and Bruce and....

Mayor McCloud: Yes.

Mr. Clemens:.....speak with them and personally check their problems and I know our Code Compliance has been down there and maybe Pam could go down there. I don't know whether you've been down or not Pam but.....

Mrs. Irvine: I feel like a nuisance to the code because we have to call so often.

Mr. Clemens: Now, that's what we're here for. Don't get me wrong. We're.....

Mrs. Irvine: That's why we're here, we need your support.

Mr. Clemens: I mean, it's hard to sit right here and say 'boy, we can do this' because we don't know.

Mrs. Irvine: Actually, we just need everybody to be on the same page.

Mr. Clemens: That's correct and thank you Bruce for coming before Council. Any other questions? If not, thank you Mayor. Yes ma'am.

Mrs. Losey: My name is Mary Losey. I live in Barcelona. My Mother had hardwood floors put in her condo. Now we've contacted Mr. Abbott several times and his answer was 'contact your homeowner's, your home insurance' but the damage to her floors were due to a leaking roof that the condo is responsible for. So every time we bring an issue to him, it's always your homeowner's policy and he won't do any repairs. That's the problem we're up against. You're trying to better the area where you live in, but he's not giving any effort to do it either.

Mr. Clemens: I don't know the person. Sounds like an ass, but.....

Mrs. Losey: He is.

Mr. Clemens: I'm sure we'll check into him all right and I'm sure the Mayor will.

Mrs. Losey: And they tell you your kids can't play on the sidewalks or the parking lot, you have a field to play in. Well, there's so much dog mess in there, the kids can't play in there.

Woman in audience: They took our playground down.

Mrs. Losey: Yeah, then they.....

Mr. Clemens: I'm sure we're looking at it. We're trying to do our best and the Mayor and everybody will check with you and we'll get a report back in two weeks and see what we can do for you. Thank you Bruce.

Mrs. Kelly: Mel, can I say something real quick.

Mr. Clemens: Yes, Leslie.

Mrs. Kelly: I just want you to know that we all share concern about what's going on in that area. I was Administrator of the Reynoldsburg Junior High School down Baldwin for a number of years and so I've seen some change over time and I know a lot of the families that live through there and so I know that we are all concerned about what's happening over there and want to see improvements and want to see it be a safe place so kids and families feel comfortable there. So we're going to look forward to hearing what comes, what the Mayor comes forward with. I know he's been working with the people here, but it is definitely on all of our radars.

Mr. Clemens: Thank you, Leslie. Move on to the next item.

Item No. 4 - Discussion: Authorization for engineering services - Summit Road Reconstruction Project and appropriation of funds. Mr. Miller.

Director of Engineering Miller: Thank you, Chairman Clemens, members of Council. Before you this evening is legislation to authorize ME Companies to prepare plans and specifications for the Summit Road Reconstruction Project. This recommendation comes to you from the selection committee, and I'd be happy to answer any questions that any of you may have.

Mr. Clemens: All right, this is a request for authorization to direct ME Companies to obtain the necessary field data and measurements, prepare bid documents, estimates of construction costs, supply bid documents for distribution, advertise and appropriate \$222,914 from the CIP Fund to Account 410.130.5651. Is that correct?

Mr. Miller: Correct, and it's also noteworthy to know that this money, once the project goes under construction, it is an OPWC Grant eligible expense. Approximately 75% of that will be reimbursed to the City.

Mr. Clemens: All right, and this you want as an emergency?

Mr. Miller: Yes, please.

Mr. Clemens: Are there any questions for Mr. Miller pertaining to this project? Mr. Hills.

Mr. Hills: Chairman if I could. I just need to clarify. I received over the last couple of weeks, two or three phone calls about why we pass everything as an emergency and just so we can try to explain, this is coming to us for its first time, this specific document in asking for an emergency, but the Summit Road Project has been before Council for a number of months and there has been the OPWC Grant. So this is reaching the point now of we need to go ahead and do the plans and specs for the project, correct?

Mr. Miller: Correct.

Mr. Hills: And this group, the ME Companies is a group of professional engineers who have been pre-qualified. They and others and the committee from the city has reviewed those and said this is the group we're going to go with. So, the emergency jumps out here and it raises questions, but in this case it's just an administrative type matter because it's been agreed upon. We are doing this project. This starts it forward and once the decision's been made, this is who's going to do that project, or do the plans for it. So I don't know if that helps clarify a little bit Mel but it just, the number of people have commented about everything's going as an emergency and some items are, some items should, some items, they could be debatable whether or not, but this one says emergency. It looks like we haven't done anything on it, however this is the completion of the long-going project and application through OPWC. I don't know if that helps clarify for anybody or not, but at least it's been said now.

Mr. Clemens: Are there any other questions from Council members?

Mr. Miller: Thank you, President Hills.

Mr. Clemens: If not, I'd like to send this to Council for an emergency and also send it to the Finance Committee. Seconded by Mr. Deskins. **All in favor vote "Aye". (All voted "Aye") Opposed. (No response).** Thank you.

Mr. Miller: Thank you.

Mr. Clemens: Next item on the agenda is Item No. 5 - Discussion: Authorization of contract for 2010 Fireworks Display and this is a request authorization for the mayor to enter into contract with Pyrotechnico of New Castle, Pa in the amount of \$25,000 for the 2010 Fireworks Display to be held July 3, 2010. The money has already been placed in the budget and this also is an emergency and Mayor, would you explain this please?

Mayor McCloud: Yeah, Chairman Clemens, this is a request for authorization for Council to authorize me to enter into contract with Pyrotechnico to provide our fireworks on the 3rd of July this year. We need no additional appropriation. The money was included in the appropriation ordinance.

Mr. Clemens: All right, this also is an emergency?

Mayor McCloud: Yes, please.

Mr. Clemens: All right, do we have any questions from the Committee for Mayor McCloud? Members of Council? Yes, Councilman Long.

Mr. Long: Yes, Mayor. I believe one of the reasons that you had requested an emergency on this, and the aspect with the no-bid was that you'd already specified a process and an aspect for saving monies with Truro Township and so forth.

Mayor McCloud: Yes.

Mr. Long: So they were already familiar with dealing with this company?

Mayor McCloud: Yes.

Mr. Long: Thank you.

Mr. Clemens: Thank you Councilman Long. Are there any other questions for Mayor McCloud? If not, I'd like to send this to Council for the first reading with the emergency request and also send it to the Finance Committee.

Mr. Hills: I don't believe.....

Mr. Clemens: That's right, that's right, it's in the budget, I'm sorry, to Council as an emergency. Seconded by Mr. Deskins. **All in favor vote "Aye". (All voted "Aye") Opposed. (No response).** Thank you.

The next item No. 6 is a discussion: Replacement of salt truck and appropriation of funds and we have the Service Director, Mrs. Boratyn, would you please explain the process that we've discussed as far as the truck and why it's an emergency.

Safety/Service Director Boratyn: Sure. Thanks Chairman Clemens, other members of Council. This legislation would be to allow the Mayor to have permission to purchase from Miami Valley International Trucks a salt truck for \$116,315. It's made through the State of Ohio's Department of Transportation's bid and in the legislation I identify where the money would come from; \$91,315 would be appropriated from Unappropriated Street Funds and \$25,000 would be appropriated from Unappropriated State Highway Funds which are the two areas which you can use, Enterprise Funds that you can use for this, not General Revenue to buy, to purchase this kind of a truck. The reason that we were asking for an emergency, was because it takes a while to put everything onto the truck

when you purchase it, to get it, to make sure we have it here by the time Fall and Winter get here, but also because there's two left on the bid and we would like to get one of these. In a few months the price is going to go up because Federal regulations are going to require that the engines have a new redesign and they'll be more costly for emissions. So those are the reasons for wanting to move it quickly. It doesn't have to be an emergency straight from here but if you hear it a few times, maybe it's an emergency for the Mayor so he can sign it and we don't have to wait an extra 30 days, but the quicker we could take this on the bid and get it moving, the better we are because it does take several months to get it here, for us to get it. I put a memo with my Legislative Request, which I tried to explain some of the past. This particular truck is seventeen years old. We have another one that's seventeen years old. We had tried a year ago to get some grant money to help us and it was a 50 - 50 grant to buy a couple of trucks. We weren't successful in that. Larry Ward and I tried to find some money again this year. We couldn't find any funds again this year to try to tap into. We've spent quite a bit of money and man-hours on trying to keep this truck up and running. We weren't really successful keeping it going this last storm and we had other trucks that were in for repair. It's going to cost, I put in my memo \$10,000 to \$12,000 to replace the bed and hydraulic cylinder but there are other costs in addition to that. So I talked with Larry and asked him to talk with the mechanics and try to get me some kind of an estimate of exactly what it would take to replace, to just fix this truck. Well, to just fix this truck, based on their best guess, based on the age of the truck and what they would have to do, it would be anywhere from \$25,000 to \$34,000 you'd have to sink into this truck because you would have to spend about \$15,000 to replace the bed and sub frame, you would have brakes at \$3,500, fuel tanks and lines is another \$1,500, radiator would be \$1,400, hydraulic tank \$1,000. That brings you up to \$22,400, then there are exhaust manifolds. If they could be pulled and bolted then it would be about \$3,000 more which would give you the \$25,400. If they can't be pulled and bolted, then you're going to have to pull the engine and do some more other type of work which would be a guesstimate of \$12,000 so that would be \$34,400. So you have a seventeen year old truck that if you really want to make it safe to be out on the street again, we'll need to spend anywhere from \$25,000 to \$34,000 to put it back out on the street and make it safe. So we talked with the Mayor and we've decided to come down and recommend that we use some money and purchase a new salt truck and so that's what I'm advocating, that's what I'm requesting and I'd like your consideration and.....

Mr. Clemens: I believe and I know they've been discussing this for years. We've been discussing this for a few years because.....

Mrs. Boratyn: For several years.

Mr. Clemens:we've been having our trouble as far as the snow is concerned and their trucks are getting older and that's why I talked to Pam about this and Larry and we brought it forward. Are there any questions for the Safety Director, Committee members. Yes Mr. Hills.

Mr. Hills: The only thing, Mr. Chairman if I could and define for some people that may not have been

around here at the time and I'm not sure the numbers are totally correct but this is sort of our seventh truck. The others are out all the time. This is the one that's out when it needs to be out and we got another twin that's the same age and this one can't be out any more although it's not out all the time. It's out when the weather's, just absolutely extra needed. It no longer works as the extra truck. So you're putting a new one into the fleet and taking that other 1993 truck and make it the one that doesn't have the everyday work. So in essence, we looked at it this year and said maybe we can get through and the reality is we didn't get through as a salt truck, it just became a plow truck.

Mrs. Boratyn: That's all we could use it for. We do, what we have is, we have eight trucks that are, we like, we have eight trucks that we try to get out and use and have assigned. We have them assigned to our guys to go out and use them. So we do try to use, we do use all the trucks that we've got. The problem is that we really, in the past few years, haven't been able to keep them all up and running because we've got various troubles with all, with many of them because of their age.

Mr. Deskins: Has this not having an extra truck to use for both salt and pushing snow caused any overtime?

Mrs. Boratyn: Sure, absolutely and in this past year, we wound up at one point having only five of our eight trucks running, which was very difficult, because we had a lot of overtime having the guys to just keep going and moving around and it was difficult to get to everybody. We could have gotten to the streets a little bit better. Now I still think we did a great job, I think our guys did a great job but if we had them all up and running, we can do better. Maybe we won't get another winter like this past one. We haven't had one since 1910 so maybe we're good for another 100 years, but yes it does. It definitely, in fact it did this year cause us trouble.

Mr. Clemens: Are there any other questions from the Committee or members of Council? This also is an emergency and I believe it is because any delay is going to cost us more money. That's correct?

Mrs. Boratyn: Correct.

Mr. Clemens: Then I'm sorry that we haven't got it to you sooner. In some respects, it's probably my fault in a way because I wanted to make sure that we had the money from the accounts because we're talking about, you know, a lot of money for a truck. Our City Auditor and Pam worked on it and came up with the money, that we wouldn't have to appropriate any additional money, they were able to come up with where we could get it. So, now it's come as an emergency and it is an emergency for the health and safety of the City because these trucks are important and it takes so long to get them. That's one of the problems. Are there any other questions? If not I would like to send this to Council as an emergency and also to the Finance Committee. Seconded by Mr. Deskins. All in favor vote "Aye". (All voted "Aye") Opposed. (No response). Thank you.

Mrs. Boratyn: Thank you.

Mr. Clemens: Thank you Pam.

Item No. 7 - **ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 757 PAWNBROKERS and CHAPTER 759 SECONDHAND DEALERS**- -first reading 4-12-2010. Thank you Mr. Hood and I'll turn this over to you.

Mr. Hood: Thank you Chairman Clemens. I gave you a packet with proposed changes to both of those codified chapters and in doing so I also informed City Council that our plan was to have a presentation this evening with Detective Michael Binder who has been instrumental in helping me go over the proposed changes to the ordinances. He's here this evening, he has a short power point presentation he'd like to present to you and members of the audience and then of course, we'd entertain any questions after he's done. So, I'll turn it over to Detective Binder.

Detective Binder: Good Evening, I'm Mike Binder, I'm a Detective with the City Police Department. I did a Power Point to outline kind of what we're trying to do and the reasons why we're trying to do it. I think it's a positive thing for the city and I hope you all agree with me. It's to propose to change Section 757 and 759 of the current City Code. Leads on Line is a comprehensive tool for law enforcement use to help track and recover stolen property. Items that are bought at pawn shops and secondhand stores are uploaded to Leads on Line by stores that report to Leads on Line. This data is searchable only by law enforcement agencies conducting official investigations. The Reynoldsburg Police Department currently subscribes to Leads on Line and a change in the current law is necessary to maximize the effect that Leads on Line has in solving crimes by getting all pawn and secondhand shops to report. Some of the current problems we're facing, the old ordinances under Section 757 and 759 of the Reynoldsburg City Code are outdated and many are not followed. Section 757.02a describes records to be kept through the use of proper books and forms in which they shall be legibly written. Books and forms were acceptable when this ordinance was written; however, technology in 2010 makes it possible to keep complete electronic records of pawn and secondhand purchases.

Section 757.03a and 759.03 requires that pawnbrokers and secondhand dealers must every day furnish information to the Chief of Police. With the exception of only two stores currently in the city that are currently reporting to Leads on Line this requirement is not being satisfied and the vast majority of secondhand stores do not furnish any reports ever. Section 759.06d states that each employee at all secondhand stores in the city be required to pay a fee to the Police Department, which currently I believe is \$10, and submit fingerprints and a photograph. This requirement is simply outdated. This requirement is not enforced and would not be practical to enforce due to the number of stores and employees working at all the stores. Of the approximately fourteen pawn shops or secondhand stores currently operating in the City of Reynoldsburg, only two report to Leads on Line as I previously mentioned and one turns in paper forms. The solution to these problems is proper education of the new law and equal enforcement. Paper forms in reporting are outdated. The forms are written by hand, many times in extremely illegible handwriting. They're picked up by Detectives

approximately once per week or whenever Detectives have time to do it and that does not satisfy the current requirement of daily reports to the Chief of Police. The overwhelming majority of these businesses do not report at all. This is an actual example of a pawn ticket at one of our pawn shops for a piece of jewelry. As you can see, it's not legible. Even if that was typed out, it would still be hard to understand because of all the grams and weight you know and different things but that's what we see and we see hundreds of those. Once picked up by Police, paper forms are checked against all theft and burglary reports that exist in the time that the item was pawned or sold. This is a time-consuming task that is drastically reduced by electronic data keeping with a searchable data base like Leads on Line. Records must also be searched by hand when other area law enforcement officers call requesting searches for suspects or stolen items, which does happen frequently. The solution to that is electronic reporting of buys and pawns to Leads on Line. Electronic reporting will satisfy the current requirement of daily reports to Police. It will also allow for real time data searching by law enforcement conducting investigations, cutting the practice and time of hand searching documents from hours to literally less than 30 seconds. Due to many of the businesses not reporting, items without serial numbers such as video games and jewelry are either not recognized as stolen items or resold before the Police can track them down. In many of these cases, the crime is never solved and the property is not returned. The solution to that is uploading the information of buys and pawns to Leads on Line. The investigation will continue when the items are thought to be located instead of a crime with no leads being closed out. Jewelry items are very rarely traced back to the victim due to the wide variety of jewelry and the poor descriptions that are recorded as you observed on that pawn ticket. Jewelry makes up a large percentage of items that are stolen in burglaries and are very frequently, jewelry items are sold to pawn shops, not on the street. The reason for that is because the gold is worth a lot more melted down than selling it to somebody else. Most of the stores that buy jewelry send it off to the gold-buying companies that melt the jewelry down. With the absence of photos, even if the jewelry is thought to be tracked down, it usually is sent off and melted before we can get to it. The solution to this problem is any jewelry piece, precious metal or stone that is purchased, should be photographed and the photo uploaded to Leads on Line. Sometimes, crimes are not reported until after the seven day hold period, which currently exists, expires when the victim is on vacation. That's just one example of why if the Police cannot get to the jewelry before it is melted, a photo will serve as evidence of the crime and can help solve cases. These are examples of what the jewelry photos would look like so we'd be able to look at them and tell if we're on the right track or not.

So what's in it for the pawn and secondhand shops? First of all, reporting to Leads on Line is free to businesses. Only the Police Department using it pays a fee. Leads on Line will provide a free camera system to take photos of the jewelry as required by the City of Reynoldsburg's new laws to each shop that's effected and assist them in setting up a camera. Right here is one of the cameras that they are providing us. They've given us two right now until we figure out how many shops are going to need them if this law is passed and they will provide these cameras to each shop and they will also help them set it up. I'll go into that a little bit later. Businesses that use Leads on Line get a specially designated national check also known as an SDN check. It's a free service provided by Leads on Line. A SDN check compares names of people doing business with these shops to a federal

list of known terrorists and drug traffickers and these are required under federal law of all regulated financial institutions which include all pawn shops and the majority of the secondhand stores in the City of Reynoldsburg. In doing some of the followup with some of these shops, I do know that some of them don't even know what this is. They're obviously not following that federal requirement. Failure to conduct the check can result in large fines and criminal prosecution from the Federal Government and the paid subscription service that does these SDN checks such as Lexus/Nexus can cost upwards of \$1,800. That's a quote from a company in Cincinnati. Use of Leads on Line will help safeguard legitimate businesses from buying stolen property from known thieves with a no-buy list that we can create in our present Leads on Line. Uploading information to Leads on Line will satisfy the requirements of the law and be much easier than bringing paper reports to the Police Department daily. Leads on Line works with every known current point of sale system which is also what you think of as a cash register software. Stores with these systems have the information. They already keep in their computers automatically uploads to Leads on Line. It does not effect their business. They don't have to do anything else. Leads on Line will set that up for them. When new systems are created, Leads on Line's IT Department quickly develops the patching necessary for Leads on Line software to work with the point of sale system. They said that there is no point of sale system that doesn't work and every time a new one's updated they update their system. Stores without Point of Sale System can upload the information through an internet page that can be opened on any computer with internet access so the shops that are currently doing business with paper, they wouldn't have to buy a Point of Sale cash register system. They could still keep their paper records if they like and on the internet on any computer, and log in to their account which is free like I said and they'll be able to input the data through that.

What's in it for the Police Department? Use of Leads on Line cuts down drastically on the time it would take to send a detective into the field and physically search every pawn and secondhand store for stolen property. Instead of searching the old fashioned way, Detectives are able to conduct multiple searches on every burglary and theft that occurs in the city. It could take five or more Detectives working full time searching pawn shops to come up with the result even close to what Leads on Line provides. I have a case right now that's being solved with Leads on Line that took me over 45 minutes away because of Leads on Line and there's obviously no way I could have searched every pawn and jewelry shop within a 45 minute radius of the city. It would never happen. The cost of Leads on Line is \$6,100 for three years and that's significantly less than the cost to hire one more Detective, let alone five. The City of Reynoldsburg purchased Leads on Line February, 9, 2010. We do already subscribe to them. Since its purchase, Reynoldsburg Detectives have already solved and closed three cases, all of them burglaries with another one in the investigative stages all through the use of Leads on Line. That may not seem like a lot with three, but trust me, in two months, three burglary cases being solved is more than any other tool for burglars we've ever seen. A gap currently exists in items that can be entered in NCIC as you guys might know as LEADS, as stolen items. NCIC is a national law enforcement data base that has many functions including tracking stolen property. Certain criteria must be met to be entered into NCIC. For example, an entered stolen item in NCIC, it must either be an automobile, a firearm or an item with an identifying number like a serial number and a value over \$500. With Leads On Line, any item that is purchased,

is entered into the system and any item can be searched for by law enforcement. If an item is logged into NCIC as a stolen item, such as a gun, the agency where the item was sold will be notified as well as the Police Department, where the item was stolen from, if it was sold to that pawn shop. Leads On Line allows for searches of stolen items through serial numbers, model numbers or descriptions. It also allows for searches of suspect's names, ID numbers, addresses and phone numbers. If known thieves that are currently a part of, or were involved in theft investigations are selling items, Detectives can be immediately alerted by email. Leads on Line can also search items being sold on ebay. The change in the city law will not only benefit Reynoldsburg Police, but also other area Law Enforcement Officers that have stolen items being sold or pawned in the City of Reynoldsburg. Any items sold in Reynoldsburg will be on Leads on Line regardless of the city they were stolen in. This will also cut down on time when other Detectives call our PD for assistance in locating stolen property at our pawn or secondhand shops.

So what's in it for the citizens of Reynoldsburg? With the Police Department's use of Leads on Line, citizens are seeing real results in their crimes being solved and in many cases, property being returned to them. Citizens will have the peace of mind that Reynoldsburg Police are doing everything we can to solve their cases, and of course, everybody wants to know what's in it for the bad guys. It's going to be jail time. In conclusion, in changing the current pawn and secondhand law, it will benefit everyone in the City of Reynoldsburg except criminals. The ways criminals work is ever-changing and law enforcement must be prepared to change as well and hopefully stay ahead of the bad guys. And that's my presentation. Any questions?

Mr. Clemens: Thank you Detective Binder. We appreciate it. Okay, are there any questions that you, members of Council, yes Leslie.

Mrs. Kelly: I thought it was extremely thorough, excellent.

Mr. Hood: He has a tendency to be extremely thorough.

Mrs. Kelly: It was fabulous. I'm very glad we're doing it. I love when we're being proactive rather than reactive. Good job.

Detective Binder: I'm glad you agree. Thank you.

Mr. Clemens: Are there any questions from members of Council to either Jed or Officer Binder? Thank you and thank you both. It was a great presentation. We appreciate it. Thank you Officer.

Mr. Hood: Thank you Chairman Clemens.

Mr. Clemens: I'd like to send this to Council if there's no other questions, send this to Council for its second reading. Seconded by Mr. Deskins. **All in favor vote "Aye". (All voted "Aye")**
Opposed. (No response). Thank you and that ends the Safety Committee Meeting at 8:20 p.m.

Safety Committee

--Nancy C. Frazier, Clerk of Council

April 19, 2010

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

SERVICE COMMITTEE MEETING MINUTES

April 19, 2010

Members of Service Committee present: Doug Joseph, Nathan Burd, Barth R. Cotner, Chris Long.

Other members of Council present: Fred Deskins, Jr., Leslie Kelly, Mel Clemens, Council President William L. Hills.

Mr. Joseph: I'll call the Service Committee Meeting to order at 8:20 p.m. Second item on the agenda is the approval of agenda. Are there any additions, deletions or changes tonight? Seeing none, the agenda will stand approved.

Item 3 is approval of the minutes of the Service Committee meeting held April 5, 2010. Are there any additions, deletions or changes to the Service Committee meeting minutes? Seeing none, those minutes will stand approved.

Item No. 4 - Discussion: Rezoning of 1755 Lancaster Avenue; from AR-1c to NC; applicant, George J. Igel, V. Mr. Haire you have something on this tonight for us.

Development Director Haire: Thank you Chairman Joseph and Council members. This application was submitted last week for re-zoning. I've worked with this applicant over the last few months in the process of purchasing this home which is located at 1755 Lancaster Avenue. It's about .37 acres. It's a small, single-family home. I wouldn't say a small, single home, a single-family home on a smaller lot along Lancaster Avenue. The property is currently zoned AR-1c, which is multiple-family residential, which would allow for a number of units to be constructed there. This property at one time was part of a larger development plan which was going to be developed by a developer to build condominiums. It was sold off separately from that development and it's remained as a single-family home during that time. Mr. Igel, his wife operates a hypnotherapy office I believe and they would also have candles, sales of candles and aromatherapy and things like that.

That's what their proposed use for this property would be. I did recommend that they re-zone to the NC district to meet their needs which allows business and administrative offices and it also allows retail sales while not allowing a lot of the other uses that may not be more appropriate for a residential area which the area is still fairly residential in character. That's all I have. If there's any questions, I'd be happy to try to address those.

Mr. Joseph: Okay, I read through it. I didn't have any questions. Do we have any questions from members of the Service Committee tonight, Council? You said this property was split off the larger piece of ground that was originally planned on, what is going on with the additional property behind? Is there, is that just in limbo or is there some plan to ultimately do something with that by them or somebody else?

Mr. Haire: That property consists of 17 acres and it's currently bank-owned and it's being marketed for sale.

Mr. Joseph: Okay.

Mr. Haire: There's no buyers identified yet.

Mr. Joseph: All right. Well, unless there's additional questions, I'll go ahead and make a motion we send this on to Council for its first reading. Seconded by Mr. Burd. **All in favor vote "Aye".** (All voted "Aye") **Opposed.** (No response). That was our only item in the Service Committee tonight so we'll close out the Committee at 8:24 p.m.

Service Committee

-- Nancy C. Frazier, Clerk of Council

April 19, 2010

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

FINANCE COMMITTEE MEETING MINUTES
April 19, 2010

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

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

Mr. Deskins: I will open the Finance Committee at 8:25 p.m. this evening. First thing on the agenda is the agenda and I have a couple changes I need to make to the agenda. I need to add engineering for Summit Road funding, we'll make that 3a; and replacement of the Salt Truck funding, we'll make that 3b. Seconded by Mrs. Kelly. All in favor vote "Aye". (All voted "Aye") Opposed. (No response).

Next on the agenda is approval of the minutes for Finance Committee that was held April 5, 2010. Do I hear any changes to the minutes? If not, they'll stand as written.

Next is Item No. 3a - Engineering for Summit Road funding. Mel, you want to make any comments?

Mr. Clemens: This does come from the Service Committee for your approval.

Mr. Deskins: Okay, anything else, any more comments? I'd like to send this to Council with recommendation for adoption as an emergency, the request for legislation authorizing the Mayor to enter into a contract with ME Companies for \$222,914 for professional engineering services for

Summit Road Reconstruction Project. This funding is being requested from the CIP and will go to account No. 410.130.5651. Seconded by Mr. Joseph. Is there any questions from Committee? Anyone else? All in favor vote "Aye". (All voted "Aye") Opposed. (No response). Thank you.

Next on the agenda is Item No. 3b, replacement of salt trucks. Mel, you got anything you want to say?

Mr. Clemens: This does come from the Service Committee for first reading for approval to you and it is something that is a safety issue that's needed by our Street Department and we recommend it to Council for emergency.

Mr. Deskins: Okay, thank you. Okay, I'd like to move to send to Council for adoption as an emergency a request for the Mayor to purchase one salt truck and related equipment at a cost of \$116,315. Funds will be appropriated as follows: \$91,315 will be appropriated from the Unappropriated Street Funds to the Street Department Account No. 260.268.5632 and funds in the amount of \$25,000 will be appropriated from the Unappropriated State Highway Funds to the State Highway Account No. 270.268.5632. Seconded by Mr. Clemens. Is there any questions from the Committee, any from Council? All in favor vote "Aye". (All voted "Aye") Opposed. (No response). Thank you. Motion carries.

Next is Item No. 4 - Discussion: Amend Section 154.01 of Chapter 154 Department of Development. Mayor Brad.

Mayor McCloud: Thank you, Chairman Deskins. These three pieces of legislation would eliminate the requirement of Council action to terminate the Directors of these three Departments. This requirement of Council approval applies to only four positions in the entire city. None of the other elected officials, including City Council, are subject to those type of restrictions. The authorized strength of the city employees is dictated by ordinance, which has been and will continue to be amended from time to time, as appropriate. These requirements are inconsistent with every other position in the city. They are inconsistent with the surrounding municipalities and they are inconsistent with the State model of government. This is purely an issue of management rights. And that is simply what I'm asking this Council to do.

Mr. Deskins: Is there any questions? Councilman Clemens.

Mr. Clemens: Yes, certainly and you know I don't really care about the State, so it doesn't make any difference. You are by Charter, as the other Directors, I mean the other elected officials, have "x" number of people by Charter that you can appoint, that they're your own, and this was set up for a reason, and this has nothing to do with you or Mayor McPherson, this was set up by Council for reasons of professionalism on these three departments and the issue was to carry over so we didn't have a political issue as the State has, other cities have, new Mayor or whoever comes in can change them immediately. These were felt to be three professional positions that are really something for the city that we would like to have carry over from one Administration to the other. They're important to the City of Reynoldsburg. It's not like appointing one of your buddies to this or something like that which can be done by whoever's elected in this position.

It had, if you're asking to eliminate, Council hires these people, not the Mayor. The Mayor recommends. If the Council doesn't feel the recommendation is a good recommendation, they don't hire them. This is a hire, this is something that Council hires these people. The Mayor administrates with these people. Now, that person can be let go if he's not properly doing his job or the Mayor feels it improper some way. You come before Council, recommend for the dismissal of the person and that's up to Council, they can do that. That's the only reason it was put in was a carry over because we thought it was good, a position it should be. You know, your Development Director, if he's good, he brings something to the city. Let's not let the person who's re-elected, to come into your position, to remove you, because that's not really good for the city. That's why it was done. If you're so intent on this being with other cities or with the State, there's no reason for Council to approve your appointment; you can make the appointments. I don't know why you ask to be able to dismiss them, and not be able to make them. That doesn't make sense to start with. I mean, if you want to correct the issue why would not the Mayor make the appointments without Council's approval?

Mayor McCloud: That is consistent.....

Mr. Clemens: That could be done, you know. That's, all we have to do is change the ordinance, you know that. What's inconsistent about that?

Mayor McCloud: I'm not asking for to, for a removal of the confirmation process.....

Mr. Clemens: I understand.

Mayor McCloud:that we have.

Mr. Clemens: I understand that.

Mayor McCloud:but if my Directors don't perform, people are not going to complain to you, they're going to complain to me.

Mr. Clemens: That's when you come to Council.

Mayor McCloud:and come to a public forum?

Mr. Clemens: Don't have to be a public forum.

Mayor McCloud: Can I finish? And say my Director is incompetent? You wouldn't do it.

Mr. Clemens: What's wrong with Executive Session? I mean, you can come to those, too, can't you?

Mayor McCloud: We have to take official action in an open meeting.

Mr. Clemens: Well, I'm not afraid to take it, are you afraid to take official action or what? I mean, you were elected to do your job. I don't understand what's so difficult about that.

Mayor McCloud: And if I can finish. When these positions were created, it would have been easy enough to make them Civil Service, as we did in the Auditor's Office, but that didn't happen.

Mr. Clemens: Let's make them Civil Service, I have no problem. If they're professional people and if they're doing their job for the city, then they should be carried over, and I'm not worried about you. We don't know who's going to come in following you or something like that. That's why it could be changed; like you changed your Safety/Service Director, or whoever you wish. Those are under Charter. Council has nothing to do with those. I mean, that's my only point Brad is these are professional jobs that are important to the City of Reynoldsburg and that's the, Council felt they should be carried over. I saw no objections at that time, you know. You were there at those times. That's the only thing I say, you know, my only problem was, I don't like to lose good people and we could. Not saying you would, but we don't know who's coming in after. That's why it was set up with Council's guidance.

Mayor McCloud: Well, if we lose good people, then apparently you're concerned that I would not hire good people, and that plays back into the oversight that Council has on the hiring process.

Mr. Clemens: That's true.

Mr. Deskins: You know, Councilman Clemens, I hear what you're saying and a lot of what you say I totally agree, but if I'm a manager or a director of a department and I'm responsible for a person, I want to have control of that person; but I hear what the Mayor's saying too and I don't think he does.

Mr. Clemens: I understand. The ordinance says that he does. I mean, that's up to him. If you read the ordinance, they work for him.

Mr. Deskins: Can he fire them?

Mr. Clemens: He certainly can. All he has to do is come to Council.

Mr. Deskins: With Council's final approval then he can.

Mr. Clemens: We hired them.

Mr. Deskins: I know we did.

Mr. Clemens:and we should fire them, know what I mean?

Mr. Deskins: Is there any other questions?

Mr. Hills: Two of us got gray hair that's been through this before and there's another one grayer, because he was there through every one of them. This was done, seriously, for purposes of continuity. If you had a development project going on, it should be able to continue. If you have an engineering project going on, it should be continued. Human Resources, it should continue. We just didn't have a Human Resources Director for a while. Executive Sessions deal with personnel issues. How many of those issues get documented in ordinance coming out of Executive Session? I'm not sure I've seen one of these but the Mayor has presented to Council in Executive Session. Historically, when someone isn't doing the job, that is serving the city, and that person has been relieved from their services, I have yet to see Council disagree with any action of the Mayor on someone who isn't performing their services. I rarely have seen when someone wasn't approved other than there was something in their background was missed and there have been those at times. I mean, if your last job, you left in lieu of criminal prosecution, then probably we don't need to hire you here and those occasionally happen and those slip through, but there was a purpose, and Brad, I think at the time you were supportive of those purposes, were you not?

Mayor McCloud: I believe I was.

Mr. Hills: And I guess it comes down to Brad runs the day-to-day operations. This government is a strong Mayor-Council, but Council does have a purpose. Council's purpose is to be sure that things continue to run when an elected official isn't there, whether it be the Mayor, the Auditor, whomever. There is a role that everyone has up here as an elected Council person that assures the citizens that it's going to go smoothly. If somebody didn't want that and want's an appointment, talk to the Mayor, then you can be appointed and then you can work for the Mayor and you don't work for Council, but there was certainly, and when you look at these from 1999 up through the last, all of them are pretty much worded the same and there was a lot of thought, a lot of discussion and agreement between the Mayor and Council whomever they be at that time that this was an appropriate way to go. I just don't see a benefit to doing, I don't, because I have, I've been here a number of years and I don't know that I have seen any Councilmatic body say no to the request of the Mayor whether it be personnel, or on a needed item that has been justified that there was a reason for it, and I don't think they would now. If Brad's got someone who is not producing, he comes to Council and says why he's not producing. I can look at all of you. I've sat and talked with you in personnel issues in Executive Sessions. I think you're probably going to support your Mayor and it's not a thing where it has to be published in the papers and everything else. That's the action at that time that the Mayor takes. I just think before we just go ahead and pass one of these things, I suggest you read 6.09. Those people who have sat on Charter Review Commission, Mr. Burd, remember 6.09; 6.09 is what allows Council and tells Council if you want to add, establish new departments, divisions or sub units, you do that through Council. The Charter tells the Mayor where he's got direct appointments on a number of different positions. So I just, I can't see re-writing something that has worked good for

certainly over fifteen years, but that again, is just my opinion Mr. Chairman. Thank you.

Mr. Deskins: Thank you President Hills. Is there any other questions or comments from anyone? Well, do we have anymore.....

Mayor McCloud: May I add just one last thing. One of the recurrent themes I keep hearing is the changeover, the volatility of the office, keeping good people. In the twenty-eight years before I took office, we had a total of two Mayors. We've had twice that many Auditors in the last fifteen years. When I took office, we didn't have a Development Director, or an HR Director, and the IT Director resigned a year later. So there's not a history here of cleaning house. This is all I'd like to make clear.

Mr. Deskins: Brad, I'm going to ask you a direct question I guess. Are you having a problem with any of these areas right now?

Mayor McCloud: No.

Mr. Deskins: Why are you wanting to change it right now?

Mayor McCloud: I think it is a fundamental right of management.

Mr. Deskins: Okay. Well, if there's no other questions, I'd like to refer, I'd like to make a motion that we send this to Council for its first read. Seconded by Mr. Joseph. **All in favor vote "Aye".**

All voted "Aye" except for Mr. Clemens, who voted "Nay".

Mr. Deskins: We have two other discussions; we'll handle them separate also. Item No. 5 - Discussion: Amend Section 155.01 of Chapter 155 Engineer. This is basically the same discussion as Item No. 4.

Mayor McCloud: I have nothing different to add than any, than what I've already said.

Mr. Deskins: Any questions or comments?

Mr. Clemens: I'll save mine for next week.

Mr. Deskins: I'd like to make a motion that we send this to Council for its first read. I need a second. Seconded by Mrs. Kelly. **All in favor vote "Aye".**

All voted "Aye" except for Mr. Clemens, who voted "Nay".

Mr. Deskins: And the last one **Item No. 6** - Discussion: Amend Section 152.01(b) of Chapter 152 Department of Human Resources. Same discussion as Item No 4. I'd like to make a motion that we send this to Council also for its first read. Seconded by Mr. Joseph. **All in favor vote "Aye"**.

All voted "Aye" except for Mr. Clemens, who voted "Nay".

Mr. Deskins: Thank you. If there's nothing else to come before the Finance Committee, I'll close at 8:40 p.m.

Finance Committee

--Nancy C. Frazier, Clerk of Council

April 19, 2010

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