

SAFETY COMMITTEE MEETING MINUTES

February 5, 2007

Members of Safety Committee present: Brett Baxter, Ron Stake, Antoinette Newman. Councilwoman Donna Shirey was absent.

Other members of Council present: Preston Stearns, Doug Joseph, Mel Clemens, Council President William L. Hills.

Mr. Baxter: Good evening. I'd like to call to order, the Safety Committee meeting for February 5, 2007. And I call it to order at 7:35.

First item to discuss is approval of the agenda. Are there any changes to the agenda? Mrs. Newman, I see your hand. What changes would you like to have?

Mrs. Newman: I'd just like to add, I don't know whether we even need to discuss this, but we seem to be having a problem with lack of strict code enforcement. And I'm specifically speaking of the International Property Maintenance Code.

Mr. Baxter: Okay. So you want me to add that to the discussion item?

Mrs. Newman: Yes.

Mr. Baxter: Okay. So why don't I go ahead and take that as a motion. Do I need a second for that for approval? Second from Mr. Stake. All in favor? (All voted "Aye"). Opposed? (No response). Motion is carried. It will be item number 4b, Code Enforcement as discussion.

Okay that said, the next item is approval of the minutes of January 16, 2007 Safety Committee meeting. Are there any changes to them as they've been submitted? (No response). Hearing none, they'll stand as submitted.

Item number 4 is a discussion authorizing the purchase of police cruisers and police van. I assume that we're going to have the Chief come up here and talk to us about that. Since he's getting up, I think that's a good assumption. And Chief, you and I did have a conversation about this in your office a week or so ago and you brought me up to speed. So if you could bring the rest of the committee members up to speed I'd appreciate that.

Chief Suci: It's the standard ordinance requesting a replacement of 3 cruisers and also our transport van which is fairly dated. And there was a recommendation made by the vehicle Maintenance Department that we replace that van at this time also.

Mr. Baxter: I remember last year, they talked about some holes in the bottom of it and stuff like that.

Chief Suci: Yes, sir. It's served its service and it's time to replace. And unfortunately, we are in a situation where we're using that transport van more, and more, and more in transporting more and more people to and from court. So we just felt it was necessary for the city to invest the money in updating that piece of equipment.

Mr. Baxter: Also for the members of the committee to be known that these are replacement.

Chief Suci: These are not additional. These are replacements.

Mr. Baxter: These are not additional vehicles, but replacement vehicles. And they are in the budget already that we approved at the beginning of the year.

Chief Suci: That is correct, sir.

Mr. Baxter: So we're not asking for additional funds.

Mrs. Newman: I can't help but think that you might be better off if a few of your transportees would drop through the holes in the bottom of your van. That would solve some of your problems.

Mr. Baxter: No comment.

Chief Suci: No, sir.

Mr. Baxter: Okay. Is there anything else you would like to make us aware of with these vehicles?

Chief Suci: Not other than the fact that they are replacements. We do need to move forward with an emergency measure if at all possible due to the fact that the bids must be in no later than the first part of April.

Mr. Baxter: What type of vehicles will they be? Just out of curiosity. I saw some really nice ones that Gahanna had. Those Chargers. Wow!

Chief Suci: These are going to be standard Crown Victoria's like we always....

Mr. Baxter: Crown Vic's. Okay.

Chief Suci: Yes, sir.

Mr. Baxter: So we're not going to go with those upscale, uppity type of cars that Gahanna has?

Chief Suci: No, sir.

Mayor McPherson: They use those because they've got freeways out there and they need those hot cars.

Mr. Baxter: Hot cars? Those hemmies? Okay. Are there any questions from members of the committee for the Chief? I see one from Mr. Joseph.

Mr. Joseph: Thanks, Mr. Chairman. Chief, typically, how long do cruisers and a van like this last the department?

Chief Suci: I believe the van's a '95. And we typically try to rotate three cruisers out every year. We have 13 marked cars so it takes me just a little over 4 years to rotate everything through.

Mr. Joseph: Okay. And what's the plan to do with the outgoing vehicles?

Chief Suci: They'll all be traded in.

Mr. Joseph: Traded?

Chief Suci: Yes, sir.

Mr. Joseph: Okay.

Mr. Baxter: Councilman Clemens, I saw you raise your hand.

Mr. Clemens: Yes. You know, I have no problem with it because I know that we need them and I know it's in the budget. I would like to bring up, and on future items that I'm not crazy about emergencies on subjects like this because it could have been started weeks, and weeks, and weeks ago. We knew we were going to do it. We knew last year we were going to do it. So I would like people to watch when they bring it to Council. Especially on things to move through as an emergency. If it's something that could have been planned 4 weeks ago or 6 weeks ago, we could have had a little time to discuss it.

Chief Suci: Understood. I think we were waiting for the budget to be passed, and then the information with regard to the cruisers themselves.

Mr. Baxter: And Councilman Clemens, I know in the past, I haven't been here that long, this isn't the first time we've had this conversation about emergencies and with vehicles. I think it just has to do with the way the timing comes down. And we approve the budget and we go after trying to execute. So it just might be, I understand that. And maybe there could be some forewarning to discuss it prior to budget time. So we're aware that this is one of the things that you're looking to put in the budget and that we don't have to have an emergency on. So I appreciate your comments and thank you. Mr. Hills.

Mr. Hills: I just have a clarifying question. I think the material that was put together says the cutoff day for ordering 2007 models is March 7. Now is that so the last manufacturing date is in April? Is that how that?

Chief Suci: If we don't get our bid in by that date, there's not a guarantee we'll receive any cars in '07.

Mr. Hills: There's no guarantee that they're going to...

Chief Suci: That's correct.

Mr. Hills: They have a limit number, we're going to make this many is what Ford says.

Chief Suci: That's exactly right. We have to get on the top of the list or into the original list.

Mr. Baxter: Right. So the risk is that if we don't place the order sooner....

Chief Suci: We'll be waiting until '08.

Mr. Baxter: We may not have one until later of the year.

Chief Suci: Or none at all.

Mr. Baxter: Or none at all. Okay. Very good. Any other questions? Mr. Stake. I see you raised your hand.

Mr. Stake: Chairman Baxter, thank you. Chief, you're going with the black and white's that we've seen?

Chief Suci: That's correct.

Mr. Stake: A couple of black and white's we've seen around. The reason you're doing that is you're saving a little bit of money on those?

Chief Suci: Actually, our Vehicle Maintenance Department does a lot of the stenciling and the detailing of the cars themselves and saves us about 7 or \$800 a vehicle by doing that in-house. So we changed the color scheme, the way we decal the cruisers out, and it saves us some money.

Mr. Stake: Okay. Thank you.

Mr. Baxter: It's always a good option. Saving some money. Any other questions? Councilman Newman.

Mrs. Newman: I just wanted to make a comment here that I really like the appearance of the new cars.

Chief Suci: Thank you. So do I.

Mrs. Newman: For some reason, they seem to strike fear into your heart. I don't know why that is but they just really look like, this is a police car.

Mr. Baxter: Thank you for your comments. Although, I'm not afraid of our police because I'm doing the speed limit. Especially with the issues at hand. I don't want to have someone pulling me over.

Chief Suci: Understood.

Mr. Baxter: Alright. Are there any other questions from the Chief or from anyone else here on the committee or Council? (No response). Hearing none, I believe what we're looking to do is move this forward. The legislation forward to Council with a recommendation for approval as an emergency.

Chief Suci: Yes, sir.

Mr. Baxter: And I so move. Do I have a second? Second from Councilwoman Newman. All in favor? (All voted "Aye"). Opposed? (No response). That motion carries. Chief, thank you so much. (Tape Change).

I put this item on the agenda to have discussions on it and I have received some documentation in our packet this week. So this is Discussion, Illegal Aliens in the City of Reynoldsburg.

Mr. Hills: Mr. Baxter.

Mr. Baxter: Yes, sir.

Mr. Hills: I think you added Code Enforcement as 4b.

Mr. Baxter: I did add that and I just went right by it. So thank you for reminding me. So I think item number 4b is Code Enforcement, asked to be put on the agenda by Councilwoman Newman. So I'll go ahead and let her tell me what she's concerned with.

Mrs. Newman: Well, what I'm concerned with is the lax or nonexistent code enforcement of the International Property Maintenance Code. And the west side of the city, I have 5 or 6 e-mails here that I received over the weekend from several people. And they're very concerned, and they're embarrassed about the appearance of their community. And you know, we did pass the

International Property Maintenance Code, and it provides for a teeth if you will, so that people will take this seriously so that you know, if they're given a warning that's fine. But they need to be reexamined, and issued tickets and fined if necessary so that they'll take us seriously. Because we don't sit up here and pass these codes, they're laws just like any other law, and they need to be enforced. And I think all of us have taken oath to enforce the laws of our city and that these laws should be enforced. And I'd like to see them more strictly enforced. So that's all I have to say about that. And I did pass out some information so you have the e-mails and you know what we're concerned with.

Mr. Baxter: Well Councilwoman Newman, I appreciate you saying that. We did spend quite a bit of time working on that code and trying to fit it into the Reynoldsburg feeling for what we wanted and took some time to make sure it was done right. And I agree with you, we should try to enforce it the best that we can.

Mrs. Newman: Well, I think Council has done everything we can do. All we can do is ask the Administration to enforce this law, these laws.

Mr. Baxter: Certainly. I know I've worked with Steve on some areas and pointed them out myself, Mr. DeBolt. And saw some things even on our street, Priestley, in the older section where we saw some places that needed to have work done on it. And no, it wasn't your house Mr. Hills. Your house is just fine. But there are some places over by your area that could use some clean up, so I brought them to their attention. And I would expect the Code Enforcement, that was my request, to send Code Enforcement out there and take a look at it, with mold on the side of the house and those type of things.

Mrs. Newman: We have one person full time and two part time. And surely that's enough people to, we've got to quit playing around with this and really get down to business I think.

Mr. Baxter: Very good. Thank you for your comments. Anybody else that would like to make a comment on this? I have a discussion item.

Mr. Hills: Mr. Baxter, if you're going to hold this for a discussion item, I read these e-mails. I got the same e-mails. And certainly, parts of the e-mails are referring to the city's a mess in the west end and it ought to be cited. I've got, I guess if this is to be discussed, and I think it's appropriate to let the Administration have the time to tell us what is being cited and what's not getting enforced. Now whether that, this just happened right before the meeting so I don't know if you want to, for two weeks, we'd kind of like to hear from Administration. Are citations not being issued? Or how many have been? I don't know those statistics.

Mr. Baxter: I know we receive in our packet, a list of those.

Mr. Hills: I see some of the code enforcement in our packet. And I hope they do more. Because if they're not doing more, you've probably got about 400% more staff than you have. I have to

think that I'm not seeing everything they do. And I'm not sure that we need to see everything. But I think we do need to hear, as we did earlier in the special meeting, I think you have to hear both sides of this. So before we throw too many stones at what isn't being done, I'd like to hear what, at least, they think is being done also as part of the conversation. You bring up a very good point. And some of these e-mails go to great length. Some of them stay on the subject matter and some don't.

Mrs. Newman: That's true.

Mr. Baxter: Certainly not, I'll agree with what you said. I've looked over the code enforcement sheets that we received in our packet this week alone. And you saw the standard trash out there, those type of things. But what I also saw, they were looking at down spouts. The way water was coming off of buildings. So it says to me, they're actually taking it to the next level. At least to begin doing that. So I now know they're looking at, just not homes but businesses as well. So if you read your weeks, this weeks packet, you'll see there are a couple of them in there that if I remember right it was, Mr. Mussi had made tickets and sent notices on certain violations that he had asked to be corrected. So I hope like you we're not seeing them all, but more of a flavor of what's happening. So maybe it is more. So I'd like to ask the Administration to look at it and let us know.

Mr. Hills: Well, the point I'd like to make, I think what we did see is one individual for a small number of days. If we have 3 or 4 people doing this, obviously there should be more citations out there. But now, you've indicated, apparently there's a problem getting the citations issued, or they're not getting enforced. If that's something the Administration is _____, let us know if that's a problem.

Mrs. Newman: Well, when people take the trouble to send this many e-mails out, I would think that they've got a problem. And obviously, the laws aren't being enforced or they wouldn't be having trash all over their neighborhood.

Mr. Hills: I don't disagree with that.

Mrs. Newman: And properties that aren't maintained.

Mr. Hills: I think it's the trash in the neighborhoods, I live on Priestley. I don't live on the new Priestley. I live on the old Priestley. And I unfortunately, have trash probably every morning. Within 2 houses on either side of me, there's trash in the street every day. That's throughout this city. But that's just the inconsiderates of individuals driving or walking through our community that throw their beer bottles and their burger wrappers out in the street and expect the people to go out and pick them up the next morning. That's everywhere. But you bring up a point, and this is certainly a group over here that has some concerns. And the only thing I'm trying to say, because if we're doing the code enforcement and the indication of these people, we're not doing it right, then I would like to hear from the Administration, what is it we have

done and where can it be improved? Because it certainly hasn't been personnel they've had a problem getting. Because we have a number of personnel that are assigned full time or part time to do those type of things. So I guess, I think it's good to get it out here but I'm not sure we can come to a solution until we've heard the other side of it which is Administration.

Mr. Baxter: And I think that's only fair to go ahead and put this on hold for two weeks and give the Administration the opportunity to respond, or at least look at what they'd like to talk about. Mayor, would you be okay with that?

Mayor McPherson: Yeah. Do you want to put it on a Safety Committee report? Or just have us give it at one of the Council reports? If you want us to give it as a Council report, it would be three weeks. If you want to give it as a Safety report, it'd be two.

Mrs. Newman: Well, Safety would be fine.

Mayor McPherson: Just tell us.

Mrs. Newman: Safety.

Mr. Baxter: Just bring it in to the Safety Committee and have it as a report after that and I think it'll be fine. Councilman Clemens, I see you raising your hand.

Mayor McPherson: Part of what you, oh I'm sorry.

Mr. Clemens: That's alright. This involves you in some ways. Not in all the ways. And I can understand what Mrs. Newman's saying. And a lot of this as I look through it, I didn't get it, but a lot of it doesn't pertain to code enforcement really. The code enforcement, now we have two Code Enforcement Officers plus, it's my understanding, it has been my understanding, we have a Building Inspector that is also doing code compliance daily. And a lot of it now is switched to not only code compliance but the remodeling of homes, what's being done, and what hasn't been done, and what needs repaired on houses and so forth. So I look at it two different ways. When we hired the two Code Compliance Officers, I expected them to clean up the neighborhood which is what we wanted them for. I look at the homes as far as things that are wrong, being repaired, down spouts, gutters, things like that, I look at that as a Building Inspector. Now we've got a Building Inspector doing this that's out doing code compliance which he should be doing these types of things. But Code Compliance basically, should be out cleaning up the neighborhoods and making sure it's done. Now, Chet did make a statement, and I asked him about it when he made that statement, that we're going to focus mainly on not the minor things but on larger things now. We're going to try to expand and do all this kind of stuff. To me, that's not what the Code Compliance was put there for. To me, there's no minor violation. If the trash can's there and it doesn't belong there, that's a violation and ought to be moved. And the same way if the yard's not cut. And I could take you to 3 or 4 houses 10 blocks from here. Their back yards look like a cyclone hit it with junk all over it. Now we've also got

to do something about the back yards. That falls under code compliance. Just because you say, let=s move this stuff out of your side yard and your front yard. You don=t throw it in your back yard so your neighbors can look at it. I can show you three houses that=s always been in complaints. It=s never been taken care of. I=ve kind of been tied up these last few weeks. I haven=t been able to get out the last few weeks. But I=ve noticed these things. I was going to kind of go along and see how the three worked out. Because we just passed that and so forth. So far I don=t see any improvement. But I don=t want everything, just because we have the three people now, to focus everything basically on house repairs. I want all the codes enforced. Now we=ve got the code enforced about junk cars having to be on blacktop or concrete. Now they can=t sit there in the side yard. They can=t sit in the back yard. Let=s clean it up. It=s there, let=s clean it up. Let=s don=t keep sending out letters. Let=s just don=t keep _____ them. Once you give them the notification, they don=t do it, as Toni said, let=s bring them in court. That=s what it=s about. And until we start fining some of these people, we=re never going to get it cleaned up. I know the Mayor=s worked on this, and I know Steve has, and I=m willing to wait and listen to the Administration give their opinion on it. But I think it=s something that, you know me, I=ve fought this for years and I=m not going to stop. So I=m going to be a pain in the butt any ways so you might as well get used to it. I have been. I=m going to be. This has got to be taken care of. We=re spending this kind of money. I=ve seen that the Code Compliance has went up, and I don=t understand when it was, but I guess it did from, you can make 27,000 to 37,000. I thought when we passed it, it was a flat \$20,000 a year. That=s what it went up to. Now it could be 27,000 to \$37,000. Some times that doesn=t look like a part time job. I mean, I expect them to be out. I don=t expect them to be sitting here until 10:00 or 11:00 a day. Go our 4 or 5 hours, come back in and sit in here again. Too much time is spent on computers and all this kind of jazz. I believe in going up and knocking on the door and getting the job done. Now I=m from the old school. Maybe that=s not the way it works any more. But I want them out of this office. I want them out of this office by 8:30, going out and doing their job. And then come in and maybe a half an hour and cleaning it up. You don=t do any good sitting in here. So I=m willing to wait and see how it=s operated. If it=s not going to be operated, and we find out over the months, and I think we should give the Administration the opportunity to handle it. But if it isn=t cleared up and things start happening within 4 or 5 months, then I think it=s time we start dropping personnel and look at something else, some other way to do it. So I=d like you to hold it in your committee, and I like the idea of the Mayor giving his report because I think that he needs to speak to the people that handle it and so forth and see. Really, what are we going to do? What is our final buildup? I know what Chet said. We=re not going to worry so much about the minor things. We=ve got big ideas, you know. Well, I want to know what these big ideas are. And I do worry about the minor things. Like I said, I=m waiting for the answer from the Administration and see how things are working.

Mr. Baxter: Thank you, Councilman Clemens for your words. Mayor, if I remember right, and correct me, I=m sure you will, voluntary compliance is what we=re looking for. Is it not? voluntary compliance. That=s what we=re trying to get to happen. And how successful has that been for you? If you can think off of the top of your head.

Mayor McPherson: Well, I think if you remember when Chet did his report on, voluntary compliance has been very successful. I think the three properties that Mel=s talking about, I know what one of them is, because I know what he=s talking about in the back yard. I don=t think I know the other two, but if he shares that with me, we=ll certainly try to work on those three. But there are certain things you can and cannot do. Somebody wants to lay a garden hose out in their yard and leave it unreeled, there=s no code against that. I=ve had Rumpke more than once, we=ve talked to them about trash blowing. But if the trash blows, what are we supposed to do? Send out trucks every day to cruise every neighborhood and pick up every bit of trash? My neighborhood, my particular house, almost daily, is a depository for beer cans and food wrappers. But I go out and pick them up because I=m a responsible person. And the problem that we=re having with a lot of people, they=re not responsible enough to go pick it up out of their own front yards. They expect us to come and do it. And we just can=t do that. We don=t have the personnel to do that. We have two Code Compliance Officers. Not three. And that=s all we have. I=m going to check on going from 27 to 37. I don=t know what Mel was referring to. And that seems a bit much for a 30 hour employee. But I=ll look into that. We=ll give a report in two weeks and let everybody know what we=re doing. But if you recall from the presentation that Chet did, he showed you the things that the Code Enforcement people were working on. Cleaning houses up. He showed you pictures of whole houses that we=ve cleaned up. Not just the gutter. Gutters are fine, you=ve got to go out and when you get the opportunity, you take care of them. But when you can accomplish a complete house rehab which will enhance the value of a neighborhood, that=s what you want to do. And that=s what he=s working on. And he=ll reiterate that in a couple of weeks and tell you what he=s doing. But we=re trying to do what Chet said. Focus on the big issues. Try to get the neighbors through voluntary compliance to take their trash cans in on Fridays. Not put them out until Wednesday afternoon. But I can assure you, if we had the personnel, we could probably go around Reynoldsburg and write 50 or 60 tickets every week for people that, if they=re going out of town, they=ll put them out at 10:00 in the morning on Wednesday instead of noon. Well they=re in violation. But how many people do we want to assign to that?

Mrs. Newman: Well, I think it=s just chronic people who don=t voluntarily comply that need to be cited.

Mayor McPherson: And those are the ones that we=re trying to concentrate on. And again, I=ll get with Mel after the meeting, but if he gives me the address of those three houses, we=ll try to work on those. But you need to understand, a lot of things, just because they=re in somebody=s back yard, does not make them illegal. You know, we went through that several years ago if you=ll recall with a guy that put the trailer and hung trash cans from it and called it decorative art. Mel remembers that because I think he was the Safety/Service Director.

Mr. Baxter: Thanks, Mayor. Mel, do you have something else to say?

Mr. Clemens: And I understand the problem. But I also understand, we have had a Building Inspector on Code Compliance for a long time.

Mayor McPherson: Well, until we hired the other part time guy. We had one part time, one full time helping. And then now we have two part time working, and the Zoning Code fellow is back doing Zoning Code.

Mr. Clemens: Well, we've got the Building Inspectors. This time of year, and I know how busy they are, and I know what's been going on the city, I'm hearing enough and I go around enough, they could be checking these houses too. It's a two way street. And you probably don't know and I probably don't know, so I'll be glad when Chet would be here and he could explain it. And then we'll go from there. And I understand that we can't make people pick up things in their yard, things like that. But if junk lays there long enough, we can sure cite them. And that's what the code says. And as far as going around on trash cans, you know that I turned in 60 some one day. It took me 2 hours to get 60 violations. So really, it doesn't take that long to drive the neighborhoods if you know what's there and what you can do as far as one item. Now, I look at these things that we get each month too on what the Code Compliance Officer did and so forth. And I see how many miles they drive. And if that's all they can see in 142 miles when they drive, that list we get, of violations, they're in the wrong neighborhood. I can tell you that right now. So I'll listen to what Chet has to say and then we'll discuss it from there.

Mr. Baxter: Okay. And Mr. DeBolt, I saw you raise your hand.

Mr. DeBolt: If I could just make one comment. I had a chance just briefly to review the e-mails. And I noticed one from a resident, I think it was a few weeks ago, had contacted myself again about a littering problem on the west side. I contacted Mr. Hopper and he had already made violation notices through the Code Enforcement Officers at that location. So they were already on that job where the complaints were made. But again, we'll discuss it. Get together and make you a report. The other thing I would mention is, the enforcement is only as good as the people you have doing it. And I think we have good, quality people. But there's been a transition here. Mr. Mussi's come on board. Just as of last week, we've had another transition because of Mr. David Hays is the other Code Compliance Officer because Mr. Keyes moved over to another position. So there's a training period there. So I think once we have two quality people like we have in place now for a period of time, I think you'll see that enforcement on a steady basis. But there has been a gap because Mr. Mussi was basically doing it on his own for the whole city for a period of time. So I think you'll see that and Mr. Hopper will give you a good report.

Mrs. Newman: I think we also need to keep in mind that this time of year, everything looks worse. This is the bleakest time of year as far as the appearance of our world. It really is. So we have to take that into consideration too.

Mr. Baxter: Thank you, Mrs. Newman. Okay. With that said, are there any other discussions on this? (No response). I think we'll put it on hold for two weeks and readdress this in the Safety Committee meeting waiting for a report from the Administration. Thank you so much.

I also, just as a reminder, I do have a speaker slip here, so Susie, please don't let me

forget this after item number 5, to address the speaker slip.

Item number 5 is, Illegal Aliens in the City of Reynoldsburg listed at the request of Chairman Baxter. It was held on 1-16 at time of approval of the agenda. And the intent here was, our Law Director was out of town. Really didn't have a chance to do what I needed him to do. And since then, I have received a document from him in our weekly packet this week. And I'll be quite honest with you, you could tell it was written by an attorney because there was some things in there I didn't understand. So hopefully we can get him to help us understand what this is all about and get some leverage on this. I know the reason I brought it up, just so you understand the intent, the intent here is, trying to reduce the amount of calls that we have from the Police Department since we aren't going to add more officers right away. We don't have the money. And if we can reduce the number of calls to service, that's one way of allowing our officers to spend more time out on the street, by reducing it. And what we're going to have to do is continue to look at ways that we're going to have to reduce the number of calls.

Mr. Hood: Do you have any specific questions?

Mr. Baxter: Well first off, the question I had was with the, you gave me a judges needs in the document. Of what he needs to look at. And there were four, I believe four items in that.

Mr. Hood: Correct.

Mr. Baxter: And what I didn't understand was what the conclusion was. Because I saw it going back and forth. So I didn't understand. Is it legal, is it not?

Mr. Hood: Okay.

Mr. Baxter: I mean, bottom line.

Mr. Hood: The City of Hazleton enacted an ordinance prohibiting, actually two ordinances, prohibiting landlords and employers from knowingly hiring undocumented immigrants. Secondly, they required registration of those folks. So there is a number of issues going on. Before the law was enforced, they I assume have the same or similar requirements that we do if we pass, if Council passes an ordinance. It must go to the Mayor for signature or veto and becomes effective at some point in the future. Before that occurred, after the Council had passed these two ordinances, after much heated debate, before the Mayor could sign the ordinance into law and it became effective. The ACLU, which is American Civil Liberties Union, and a number of other organizations and private members of the Bar Association, filed a law suit and asked a Federal Court Judge for a temporary restraining order in joining, which means stopping basically, the City of Hazleton from enforcing these two ordinances. The judge in the Federal District Court granted the restraining order in joining Hazleton from enforcing these two laws. And the analysis is detailed in the memo that I gave to you. There are four prongs, a four prong test, each one of those are identified, and analysis explained right out of the courts ruling. I think that after

reading the memo, you understand the judges frame of mind when he=s weighing this balancing test in theoretical interest of the city and real concrete interest of these people who live there who would be affected by the ordinance. It spoke about the undocumented immigrants themselves. It spoke about their children who are naturalized and born in the United States who would be affected by this. And it also spoke about this interest from the city that they could not produce any statistical data to back up. Police and safety was one of the issues. Straining on hospitals was another. Straining on school districts was another. Unfortunately, Hazleton did not compile any data to suggest that this was a true problem before they passed this ordinance. And the judge I think weighed in heavy favor towards the undocumented immigrants. And that=s designated the first two questions that the judge has to answer. The third is the interest itself. And whether or not the preliminary would be in the public=s interest. And the judge once again said that any interest that the city may have would be outweighed heavily by the interest in the citizen. The people that this ordinance would affect. Because anybody in the City of Hazleton would be forced to prove that they are United States Citizens. So if I lived in Hazleton, I would have to prove that I was a United States Citizen. The only thing that I own personally is a United States passport that proves that I=m a citizen. So before I could rent an apartment, I would have to produce my passport to the landlord to show them that I=m a United States Citizen. And lastly, before I=ll field specific questions, lastly, the judge weighed the likelihood of the moving party, which would be the people affected by this ordinance, they=re the likely outcome. And I believe that this judge in giving this order for a restraining order, believes that this law will be struck down as unconstitutional. And the moving party, in challenging the laws, will prevail once the final hearings are held, the trial if need be. But I think once this is justly adjudicated and finalized, that the ordinance would be struck down. And I believe the judge incorporated that in his ruling in this temporary restraining order. With that, I=ll field any specific questions you may have. And if that wasn=t detailed enough, please let me know and I=ll be happy to go over it.

Mr. Baxter: I understand the four points that are being addressed, and at what points the judge in this specific case has to think about. Now this legislation has been passed by many cities. Has all, in this case here, I know in Texas as well, I know there=s another city in Texas also passed it, where I think the issue=s even greater than what we=re talking about here in Reynoldsburg. Because I don=t believe the issue=s that great in Reynoldsburg personally. But I do know that my biggest concern on this is that we do have undocumented workers here in the city working in the city. And also as well, living in the city. And why is this an issue? Because of the fact we have to support those undocumented workers for the services the city, as well as other entities, in the state and outside the state give to those people who don=t pay back into the system. Personally I=d like to see them documented and then pay back into the system. It=s a fair and equitable system we all have to live under. And to have a group of people who aren=t being asked to do that, utilize the same service as those people who do have to pay into it, in my mind is unconstitutional.

Mr. Hood: Well, I think you bring up a good point. And it=s something that I did not include in my memo because I was trying to do a little bit more detailed analysis of the things that you presented to the Council. I could not find any other law suits that were pending, and I don=t

know if the folks in Texas had used this in Hazleton because the way I read the information you provided was, Hazleton was first. And they may have seen what happened in this case and decided not to pass ordinances. I don't know the answer to those questions. Specifically in Texas. I would think that they may have a larger problem with undocumented immigrants in Texas than they would in Pennsylvania and in Reynoldsburg. I don't know that for a fact. And it's interesting that you brought that question up. The Mayor, and I did not include that in my memo as well, but in this ruling that I read, a portion of that was, the ACLU actually showed the judge a tape of the Mayor of Hazleton the year before saying, hey, we just had the best crime rate in the city's 20 year history last year. Crime rate dropped by 12% last year. So did all those undocumented immigrants move in the day after this study was done? So they caught them in a catch 22 right there. Because what they really did is, the judge really hammered Hazleton on these vague assertions that this is a problem that we need to address. And the ACLU had concrete data that says, this is not true, this is not true, this is not true. You are going to displace these people on vague assertions. And the judge didn't have that. And I think that's why he finally issued this order. And secondly, I think you bring up a good point about the role of our City Council and the role of federal government. I'm sure all of you are aware that we have an Immigration and Naturalization service by the federal government. And the President of the United States no _____ State of the Union of this year believes that this is an issue that needs to be addressed. So I think the proper course is it to be addressed at the federal level and delineated down to the states and then the municipalities itself. I think it would be improper for us to try to circumvent the federal government in this regard.

Mr. Baxter: So Jed, you don't think home rule has any bearing on this type of discussion or those types of conditions where we as a city have a right to insure that the citizens that we protect are documented citizens?

Mr. Hood: That's a very good question. Home rule does absolutely come into play. But home rule only goes, home rule is a limited power. _____ us by the Ohio Constitution of Title Seven. And it says when the federal government preempts us, preempts our home rule power, we can not conflict with that preemption. So they have what we call in the legal field, they have occupied the field. They're taking immigration and naturalization. States, local governments, we got this one. You have to think about something else. That's preemption in a nut shell.

Mr. Baxter: Certainly. So if our federal government was in fact doing something about immigration, then we could sit back here and say, yep, thank you for doing that. But since they are not, do we have a recourse then to go back to our federal government saying, since you refuse to deal with this situation, why doesn't our cities and state have an opportunity to step up and something, do something about it?

Mr. Hood: Your recourse is just like anybody saying in this room who votes, vote for somebody else to send to Washington.

Mr. Baxter: That's right. Good answer.

Mr. Hood: That=s your recourse.

Mr. Baxter: Good answer. Alright. Thanks, Jed. Are there any other questions from Council members? I=ll go from left to right here. At least from my side here. So Councilman Stake, if you=d go first and then I=ll go...

Mr. Stake: No. Mrs. Newman, you go ahead.

Mr. Baxter: Go right ahead.

Mrs. Newman: That was one of the objections I had. That we do have an Immigration and Naturalization Bureau who=s supposed to handle these things. And the other thing is, any legislation that we would, along these lines, that we would enact, would tend, as so often is the case, a government enacting a law, and then expecting the private sector to enforce it. The employers, landlords, why should they be charged with a responsibility of finding out if these people are citizens or not? That really doesn=t come under their purview in my opinion.

Mr. Hood: That=s a very good point. The way that Hazleton drafted their ordinances, it was incumbent upon the private business owners to make some, I wouldn=t go so far as to say investigate, but to make some determination whether or not this person was a citizen. And in my scenario that I told you, if I wanted to rent an apartment in Hazleton, I had to prove to that landlord that I actually live, and that I am a United States Citizen at that time.

Mrs. Newman: Well being a veteran of a few years in working in a bank, I understand how government regulations can impact a business and how the federal government per se seems to make banks responsible for enforcing a law of their regulations, and it costs money.

Mr. Hood: And I think the federal government is taking that into account when they decide that they=re going to either, I don=t want to say circumvent, but make some immigration laws less cumbersome. Maybe giving amnesty to some immigrants that have been here more than 10 years. I mean, they=re talking about all of these options because I don=t believe that anybody who=s being reasonable as part of the conversation can say, this will not affect private businesses one way or the other once they do take some type of enforcement action. I think it would be naive to think that it wouldn=t have an economic impact.

Mr. Baxter: Certainly. And I think my intent for bringing this up is the same type of intent to be inclusive. To make sure we give an opportunity for all citizens registered or not, documented or not, an opportunity to be part of our community and pay for those services which we render. So I=m looking to make this an inclusive argument, not an exclusive argument. The intent is not to kick people out. To give an opportunity to be part of our community. To step up and say, here I am, document myself, and work with them to go through the appropriate channels to become a citizen of the United States. They=ve already enjoyed it. And like you said, some discussions have been already made to give amnesty. At then they would pay back to the city.

Mr. Hood: Chairman Baxter, I think your frustration is with the federal government unfortunately. And I share that frustration as well.

Mr. Baxter: Alright. Thank you. And Mr. Stake, I did see your hand up and you allowed Mrs. Newman to go ahead of you. So if you have a comment, please do so.

Mr. Stake: Thank you, Chairman Baxter. I agree with the comments Councilwoman Newman made. I also agree with our City Attorney. I think this is a role for the federal government. I really don't see us getting involved in this. And I guess, I'm wondering, and Mr. Hood, maybe you can answer this question, do we have a problem with crime and undocumented immigrants?

Mr. Hood: Well, as part of my analysis, I did not go to the Police Department to pull numbers to get statistical data. But I was aware that that was something the judge was looking for when he uses the words >vague assertions=. I did not take it that far for these discussion purposes. I can tell you in my role as a chief prosecutor in the city with our Mayor=s court on Thursday=s, it would not be uncommon to have one Spanish speaking gentleman or woman. But as far as other nationalities, I wouldn't go so far as to see that they were undocumented immigrants that were from other countries besides Mexico. But on a docket with close to 200 people on it, if 1 or 2, I mean, you=re talking about tenths of a percentage. I can't comment and say yes, I think it=s a problem, no it=s not a problem, but it=s not a glaring problem in my mind judging by the purview of Mayor=s court.

Mr. Stake: Okay. And maybe somebody from the Administration could answer this question. Are we finding a large amount of undocumented immigrants living in apartments or residents here in Reynoldsburg?

Mayor McPherson: Well, we=ve not actually done any studies on whether they=re living here or not living here. To the best of my knowledge, short of this conversation that we=re having tonight, it=s never been a topic of conversation with the Administration on any front. Whether it be apartments, or houses, or Mayor=s court or anything.

Mr. Stake: But none of them have come to your attention that you=re aware of?

Mayor McPherson: None. No. At this point, none.

Mr. Stake: Okay. And I also see this as being a burden on our landlords. And I guess if you go as far as some of these other city=s have gone, and from what I=ve seen, there=s just been a hand full of cities who pass this type of legislation or talking about it, I guess you really put an undue burden on the landlords and also business owners when it comes to hiring people and proving I guess, citizenship. I don't even have a passport. So I guess if I want to rent a piece of property in Reynoldsburg and we had this law on the books, I wouldn't be allowed to rent because I don't have a passport. So I guess I don't know how you show that. And in reading some of the articles Mr. Baxter, that you provided us, I found that, I gotta tell you, in reading those, I really

couldn't find any good reason to do something like this. It's very polarizing to pit citizens against citizens. One Council person, this is, I'm a Council person and I wouldn't like to see this but, this one Council person had to go into a meeting with body guards.

Mr. Hood: That's right.

Mr. Stake: To me, to bring this up, I guess if we don't have a problem, I don't know why we're even discussing it this evening.

Mr. Baxter: Well, I think the first thing I'd be worried that you don't have a passport or a way to prove that you're a citizen, Mr. Stake. But in my mind, a citizen, even a residence, or an apartment complex, we're all asked for a couple of things, aren't we? Our social security number. They want to know if we have credit. They want to know, can we pay? Okay? You notice I put social security number in the middle of that? That's proof of citizenship.

Mr. Stake: None of those prove citizenship.

Mr. Baxter: And they want those so they can go after you and make sure you're going to pay. So I don't think we're putting an undue burden like Councilman Stake does. And to be quite honest with you, if I see there's an issue, and to be honest with you Council Stake, when they built my house, I had illegal citizens in my house. I threw them out. Because you know something? I wanted Americans being paid to build my house. And I went over to the supervisor and I told him, I said, these are undocumented workers, as far as I'm concerned, they don't build on my house. I asked them to leave. I'll find somebody who will build my house and is documented.

Mr. Hood: Chairman Baxter.

Mr. Baxter: I think everybody should step up and make sure that good Americans are getting paid for good American jobs.

Mr. Hood: To address your concern, that was the specific example that the judge cited in his analysis. That ordinary residents would have to produce documents that says they are United States Citizens. And he thought that was very cumbersome. And I believe that also weighed in favor. As you look at my analysis, all four of these factors were ____ in the favor of the moving party which was challenging the law suit. So to me, it wasn't even close. And that analysis was part of the courts analysis. That was not something that I just brought up.

Mr. Baxter: Alright. I understand. To me it just didn't seem like an undue burden ____ that we asked the exact same things just to be able to vote these days. To register and do what our natural citizens are asking us to do. So that's why I brought it up. Because I saw it as an issue. Only because the fact, it ran into me personally. I see it happen as well as, I see it elsewhere throughout the city. So I questioned, do we have a problem? If we don't, obviously there's no

need to address it. But the other side, it=s worth discussion. That=s why I brought it up.
Councilwoman Newman.

Mrs. Newman: Yeah. Just one more thing. If you carry this kind of thing to its logical conclusion, I could see us getting to the point where operating like Nazi Germany did for example. Where everybody has to have their papers. And everybody=s free movement is restricted. And I don=t think that=s going to go down well. Of course, that=s a theoretical conjecture there. But I don=t think this very idea will go down very well with Americans and given our tradition.

Mr. Baxter: Certainly. And I definitely believe that citizens have a right to be in our city. And illegal aliens, or undocumented workers, as they like to be noted as, should have an opportunity to become part of this citizenry. That=s my goal. Give them an opportunity. Do we have a place in the city here where they can come and be helped through that process? I don=t think we do, do we?

Mr. Stake: How would you pay for that?

Mr. Baxter: Well, we could pay to kick out sex offenders. We can=t ask to bring somebody in? Be a citizen? I see that kind of odd.

Mr. Stake: That=s a role for the federal government Mr. Baxter.

Mr. Baxter: You can be a citizen and kicked out of this city, but you cannot be a citizen and be made to stay. That seemed real odd to me. So that said, that was why I pushed the point. I see Councilman Clemens down there and I=ll give you an opportunity to discuss it. Also we have a speaker slip of Brandon Wright who would like to talk about this issue as well.

Mr. Clemens: I=ve studied this since you brought it up. And I realize, because I=m in construction, I=ve been in construction all my life, but we have different types of nationalities doing work that aren=t citizens. Yet as they=ve lived here for years. They=ve raised families. They=ve had children. And we can=t punish their children. They are citizens. And I go with this, you know, we have a diverse community, which most of the cities around Franklin County do have, and I don=t think we should, and I follow what Toni said, we can=t pit citizens against each other. And I think that=s what we would be doing. If we try to get into something like this, I think what we=d be doing would be trying to put sections against sections because we would have people calling us all the time if they didn=t like somebody or didn=t like the neighbors. I think these people are immigrants. They=re not citizens. We=d be investigating that constantly. And as far as us having people become citizens by working through the City of Reynoldsburg, I don=t think we can handle that. We don=t have the personnel to handle that. And I don=t think it=s our business to handle that. Because the federal government does that.

Mr. Hood: I think if, just to piggyback up what you=re saying Mr. Clemens, and just thinking

about that notion, I think you actually may see an influx of undocumented immigrants move to Reynoldsburg for that purpose. Because I think we'd be unique in that regard as being a municipality offering that type of service. So then you may see a true influx of undocumented immigrants move to the city. So for what that's worth.

Mr. Baxter: Good point.

Mr. Hood: Would you like me to stay here to address Mr. Wright?

Mr. Baxter: I believe, unless there's no other questions of our City Attorney. Mr. Wright, if you'd like to come up and give your comments. Or you can use the one in the back if you'd like.

Mr. Wright: I will use the back mike. Brandon Wright, 1740 Brice Road is where I stay. And just a few things that I have here. One, I'm very familiar with the Hazleton case. And on MPR, they did lots of interviews with the citizens and it divided the city. And so that's just something to be aware, that this is something that is definitely charged people on both sides. And I think we have a lot of other issues financially that we should be focused on instead of bringing up issues that would just divide our city. And just bring headlines that may not be where we want to go as a city. The other thing I want to address is, I think that, I respect your insight to looking into this, but I really do believe that, like everybody has said here, this is a federal issue, that if you like to deal with this, then maybe you should run for U S House and that we keep that on the federal level. The City of Reynoldsburg would have, just like he said, what would actually be the chance that they could win on this? It would be very low. And especially if you listen to that MPR, the Mayor now, as an approval rating, that's in the pits. Because this is divided at the city. So I think that's where we shouldn't go as a city. Because it just seems to me like it would bring bad things. And another issue that I wanted to point out is, just because somebody else speaks a foreign language doesn't automatically assume, or you shouldn't automatically assume that they're not a citizen. Because I'm fluent in another language and I'm a U S Citizen. So that one instance where there's a Spanish speaking person in the court, I don't think you should automatically assume that they're not a legal American Citizen. And I just think that we should really, kind of squash this discussion here and have this legislation and not move further than this. Because it's only going to be something that will charge the city, I don't think would be in a positive way. Thank you.

Mr. Baxter: Thank you for your comments. And I can't disagree with the legislation that was sent around, was to bring up the topic in discussion. And my point here is to try to unite, not divide. To add to our city, opportunity to say we want to bring people into our city. And that I don't see this as a negative. I see that as a positive. As you said, we might bring more Latino's in the city. Just so you're aware, I've lived around the world. I've spent half of my life in other countries living there. Okay? So the diversity that I've been exposed to has been vast. And I think it's only a blessing when you ask other cultures to come and be part of your community. And that's what my intent to bring this up was, to say just that. What can we do in

our Administration to help citizens become citizens and be part of the structure that we have here. To help us with our taxes and be paying part of those taxes so that we are sharing in the burden across the entire city. So that was my goal.

Mr. Hood: Chairman Baxter, you understand that the purpose of the Hazleton ordinance was not that goal.

Mr. Baxter: Opposite to that. Yes.

Mr. Hood: Was not that intent.

Mr. Baxter: I realize that. Yes.

Mr. Hood: I did not know that that was the intent that you, the reason you provided that information. I didn't realize that was your intent sir. But obviously the Hazleton ordinances that were struck down did not have that intent at all.

Mr. Baxter: No. It's just the opposite. My intent is to show why we should agree with what, your points were all for them is why we should open it up and allow it to be part of that assistance to get them through this federal bureaucracy. That's why they don't go through it. It's so difficult to become a citizen.

Mr. Wright: So there's a question that I have. I mean, if you're trying to open this up, are we trying to create a department within the Administration for immigration? That's what it sounds like based off what you just said.

Mr. Baxter: Not for immigration but to assist in it. It's such a difficult process.

Mr. Wright: Say that again.

Mr. Baxter: To assist with it. To make sure people get to the right places and know exactly what they need to do to be able to have this happen. And to give you an example of why, I'm a member of the Knights as you know, and one of my Council's that I'm responsible for have at least 32 different members of it who are undocumented. And we're trying to help them become documented citizens. And we have found how difficult it is to try to bring somebody into this country and embrace them and their culture and have them become part of our community. And what a place it would be to have our city to give them a place to do just that.

Mr. Hills: Mr. Baxter, I think some of the points you're making are well said. I appreciate Mr. Wright summarizing what's been said. The issue isn't here at the local level. What you've experienced at the local level, you need to take those efforts, and work with your federal elected officials to improve the process. You don't go improve the federal process by writing things at the local level I think is what Mr. Hood has indicated to us. We could go and, we have enough

community issues right now that I'm not sure the advantages of bringing this is most appropriate now when we don't have enough information to work with. And I'd like to say, let's let the courts work a little bit. But I do encourage you, and the Knight=s, and any other groups or individuals, work with your federal people. They're available. You can get Pat Tiberi=s office without any trouble whatsoever. You can get Dave Hobson=s office. You can get Price=s office. It=s not a problem. They will talk with you. If you can show a method to make it work smoother from the federal level, then I think that=s the place to go. I just don't see here at Council table where Reynoldsburg writing something is going to be advantageous to the issue. And I may be wrong but I'm not sure I see a lot of support for moving and discussing the item much further. Because we do have a number of issues and a number of other things to address in the city before this one would seem to hit the top of the list.

Mr. Baxter: Fair enough. Councilman Stake.

Mr. Stake: Chairman Baxter, for the reasons President Hills stated and everybody else stated, I make a motion that we table this item indefinitely.

Mrs. Newman: I second the motion.

Mr. Baxter: I have a motion on the table for tabling this indefinitely. (Tape Change). Mrs. Newman with the second. And there=s three members on the committee, I say let=s call it to a vote. All in favor? (All voted AAYe@). Opposed? (No response). And the motion carries. And I thank you for your conversations, frank as they may be. And I appreciate an opportunity to address something I thought was a good idea for our city to get involved with.

With that said, I have only one item to do and that is to reach out to Rich Bayes, I believe it is. It=s B-a-y I believe it is, s, or e-s. If you=d like to come up sir. You have an item here you would like to talk with Council, or the Safety Committee about on horses and disturbances. At least that=s what I'm seeing here.

Mr. Bayes: Yes. More than that, lived in German Village. Talked to the Mayor about this. And he seemed not to really care too much. All due respect to the Mayor. I've talked to great Council members that have supported me in this move to come here today. I live in Barcelona Square. It can be the best complex the City of Reynoldsburg=s ever had. When I called the police 17 plus times to complain, and I feel threatened living in the City of Reynoldsburg, it=s time our city police do not tell me to move. You=re telling me to move out of my community? No. Did anyone tell you all to move? No. It=s time we fight. It=s time our City Council takes the steps that Donna and Mr. Stearns is taking and stand up and fight and take back the City of Reynoldsburg. I didn't move here to feel threatened to leave my house. And I'm getting ready to buy a complex, a condo in this same area. But until we stand up as citizens of Reynoldsburg and fight, what are you going to do for me? Because guess what? November, I get to vote. And I get to vote as a citizen of Reynoldsburg. And I will vote against everyone that does not stand up for people. And it=s time we fight back now.

Mr. Baxter: I appreciate your comments. But to be honest with you, I have no idea what you're talking about. Because obviously, you had conversations with other members and I wasn't privy to them so....

Mr. Bayes: Yes. And let me tell you what I'm talking about.

Mr. Baxter: I don't know what the issue is so I don't know how I can help you.

Mr. Bayes: I moved in here three months ago. I hear people being knocked against the wall next door to me. I call the Reynoldsburg Police Department, move. Why would I move? When I call the law, I'm calling for a reason. And when the City of Reynoldsburg does not care. I have children hollering next door when someone is beating the heck out of someone. Hearing a kid holler 3:00 in the morning? No.

Mr. Baxter: Okay. Now I'm getting a picture of what your issue is. Because I'll be quite honest with you, you had me flabbergasted trying to figure out why you were so charged about something. And it doesn't tell me here what the issue is.

Mr. Bayes: Because I'm tired of people in this city, officials not caring.

Mr. Baxter: Well, I don't think it's a matter of caring, sir. And I do know these gentlemen you've spoken to. And I would be quite honest with you, I know the Mayor, at least cursory. He and I don't always agree eye to eye. But I know he's got a good heart. I do know the Chief as well and I know he has a great heart. And every time I've reached out to him, he stepped up. So what I would like to do is take some time to talk with you, find out what the issue is.

Mr. Bayes: That's fine.

Mr. Baxter: And talk with the Chief and with the Mayor and see if we can come up with an answer to what you're talking about. It sounds like as if you've leveled claims that you've called the police and they won't come help you. And I don't believe that. Because I know when I call the police, they come help.

Mr. Bayes: Why am I told then to move?

Mr. Baxter: And that may be the case. I don't know that to be the case but I'm sure the Mayor here, and I can take this if you want to, now Mayor if you can. But we can take this off line in a meeting separately and have a conversation about it. See what we can get to help out.

Mayor McPherson: We can do that or we can read it into the record.

Mr. Baxter: That's fine. Go right ahead. If you feel comfortable with that. Go right ahead.

Mayor McPherson: Fine. Mr. Bayes called my office, made me aware of what was going on Friday. I was not available Friday. My secretary took the call. And of course we document everything. Called Friday 2-2-07. His complaint is that he was continually awakened in the middle of the night because of noise and disturbances. Complained to an officer and the officer told him to move. Comment by the secretary, this is completely unacceptable. Then officer told him, this is what happens when the Mayor allows Section 8 housing into the city. This individual was very nasty. Not only in his town but in the things he said about elected officials not doing their jobs. Mayor and Council totally irresponsible. Never being in the office and not taking care of the city. I talked to the Chief about this. He identified the officer as Officer Bender and was going to get Officer Bender's side of the story. Monday 2-5-07, Mr. Bayes called again at 8:20 to see if you were in today because you haven't called him back yet. Of course, I was in a meeting. Wants you to do something about the drugs and prostitution in the area. Advised him that you were in a meeting, that I'd give you the message. Mr. Bayes called back at approximately 10:30. I was out of the meeting at 10:00. He spoke to me. Just of our conversation, he moved from German Village November of '06. They did not have crime in German Village and if he had known about the crime in Reynoldsburg, he would not have moved here. Mayor of Columbus takes care of the crime in Columbus. Barcelona has prostitution and drug dealers and we do nothing. He hasn't told our officer's where they're working, but we should know and arrest them. It's because the Mayor allows Section 8 housing in Barcelona. Noise is constant and we do nothing. Last Thursday 2-1-07 at 3 a.m., he called in a noise complaint. He asked for a complaint form and the officer told him he did not have one. The officer went on to tell him if he didn't like it he should move out of Reynoldsburg. All officer's have told him to move that he's dealt with. Called a noise complaint in on Sunday 2-4-07 at 7:30 p.m. Was told by phone that the person on duty was the only person on duty and something to the affect that we cannot respond to his call, didn't make sense to me so we moved on. Told that Preston Scott and Donna Shirey would take care of the officers being disciplined and that they were going to solve the crime issue in Barcelona Square. Donna was going to meet with the Chief today and get something done. I tried to tell him there was no Preston Scott, that it was Stearns but he refused to believe me and got very argumentive about it. Waiting on a response from the Chief regarding last Thursday. Told him to check on Sunday. It appears the complaintent is unhappy about where he lives and wants to blame the city for his decision to move there. Answer from the officer that was involved, it was, Mayor hears the response that Officer Bender regarding the call on San Miguel. It appears to me that this call is handled very professionally and that Mr. Bayes was given proper instruction and options. Chief Suci, I was called at 6557 San Miguel earlier in the night on a fight about to break out. I arrived and identified two people in the parking lot. Neither person lived on San Miguel but knew the people at 6557. They stated that a fight had taken place and the people involved in the fight had left. I gave both these people a ride to Brice and Livingston at their request. The people at 6557 were not given a notice to keep their noise down because the call was not about noise coming from inside the apartment. I cleared this call and was called back to the same address within 30 minutes. I made contact with the person who was identified at the primary residence at 6557 San

Miguel. I identified her and kept the information. I further instructed the female to keep the apartment quiet, and if officers had to respond again on a noise complaint, she would be cited. I next made contact with Mr. Bayes at 6555 San Miguel. I felt that I maintained professionalism and treated Mr. Bayes with the respect the entire time I was speaking with him on this call. I asked Mr. Bayes what happened. Bayes told me he was awakened by the people at 6557 San Miguel banging around and screaming in the apartment. Bayes told me that officers have responded to this address before and told him he needed to move to avoid the people in San Miguel and that he was not willing to move. I responded by telling Bayes that I would not expect him to move and he should not have to. Bayes then told me that, although not supposed to, some people in the complex are using Section 8 to live at extremely low incomes. Bayes told me that he pays \$800 a month to live there and he does not wish to have these people around him. I told Bayes that I was not sure if Barcelona Square is Section 8 housing. Section 8 or any other apartment complex in the city, he would be welcome to contact the office of the Mayor and inquire about this issue. Bayes then told me that he was not prejudice but he was tired of all the blacks living around him. I told Bayes that I identified the person responsible for keeping the noise down next door. I told him that she had now been formally notified to keep it quiet or she would be cited. I explained to Bayes that if he was awakened again or bothered at all the night by the noise at 6557, he was to call our PD and I would respond. I told Bayes that if he wished to do so, he would be able to privately file noise violation charges against his neighbor. Bayes told me Athat will be fine, sir.@ He never demanded the charges be filed immediately or anything else. I am quite frankly, shocked that he complained about this instance because he seemed very satisfied with the way I handled it when I left. I believe the one thing that is not in here is something I just found out tonight, Chief Suci, I had talked to Chief Suci about sending an Officer over to Mr. Bayes= place and taking a complaint from Mr. Bayes regarding his neighbor and I believe Sergeant Finkes made contact with Mr. Bayes and contacted him today. Did we or did we not, did he want to take a report? Do you know? I=m sure Chief you may not know right now.

Chief Suci: I believe Sergeant Finkes related to me that he left some complaint forms....

Mr. Bayes: He left the paperwork.

Chief Suci: With Mr. Bayes.

Mayor McPherson: So in response to, we don=t respond, that=s absurd. And this is just from Friday and today. He=s saying he had 17 more calls. I=m sure that I can locate those 17 too. We do record calls.

Mr. Baxter: Mayor, as expected, I expected that type of answer. And I do know our Police Department are very responsive and I=m surprised that you would even try to go the other direction and say they don=t care and they=re not responsive. Because I do know our Police Department is very responsive. And so coming to this Chair and asking them to buy that story, I don=t. I do feel for you where you live and that you have an issue you=re trying to resolve. And

I ask you to work with our Police Department, fill out the complaint, and go down the processes you have. And I'm sure you're going to find our Police Department more than willing to help you get through that process. If you don't find that, then get in contact with this Council. And I'm sure that we'll be able to work with our Mayor, to make sure whatever issue it is that causes this discussion to not be able to reach the Mayor or the Chief in the way you intended to. Because I'll be honest with you, when you came to me, obviously you and I weren't communicating. Because I had no idea what the hell you were talking about to be quite honest with you.

Mrs. Newman: Mr. Baxter.

Mr. Baxter: Hold on a second. Once we got to the end of it, we understood what your situation was. We now understand from the facts from the Chief what has happened. I encourage you to work through with the Chief and resolve this matter. Mrs. Newman, if I could, go right ahead.

Mrs. Newman: Yes. Thank you, Mr. Baxter. I'd just like to point out that Section 8 housing, people can get a Section 8 Certificate. And they can go rent a place to rent from any landlord who is willing to accept that Section 8 Certificate. So it isn't a matter that if one person lives next to you if they're a Section 8 that it's not the whole complex. Maybe it's that way, but if you're having problems with people making noise, you might want to start with your property manager too and file complaints with them. Because they really are in position to do something about it.

Mr. Baxter: Thank you Councilwoman Newman. And I see Mr. Clemens, Councilman Clemens would like to add something to that as well.

Mr. Clemens: And I agree with Brett. I think he should work with the Mayor, and the Police Chief, and Mr. Baxter on this issue. Section 8 is a federal law. We don't have anything to do with Section 8. That's something we can't stop. A lot of people think we do and we can't. That's another federal law that we can't uphold. The thing I didn't like about the whole issue was, your statement about we don't, you get up here and say, you don't fight for the people. You're looking at 6 out of 7 people that didn't even know what the hell you were talking about. You didn't call me. You didn't call Mr. Joseph. You didn't call Toni over here or anything. So how could we have helped you? Now you say you got two people that are really sticking up for you. Maybe they are and maybe they aren't. You haven't got any satisfaction back yet. Talk's cheap. Before you come up here and criticize all these people sitting here, let us know what you're talking about first. And then I'm willing to listen to you. I know you have problems and I hope you can work them out. But this living in Reynoldsburg 3 months and jumping right up here one night and saying, you people have got to fight for us, you're not doing anything, Council isn't doing this, doing that, we've worked our butts off all year long trying to help people out. And that's our job. They call us. When they call us then we try to respond. I didn't get a call from you. I didn't get a call from the other two people you talked to. So I didn't even know what you were talking about. So we're sitting here listening to you rattle on

wondering if it=s like Mr. Baxter said, what are you here for? So I don=t think you approached us right. I=m hoping that you can work this out. And Mr. Baxter, and the Mayor, and the Chief get things, and as far as no problems in German Village, my daughter=s lived there for 6 years, they have all kinds of crime. I don=t care what Coleman says. If you read the newspaper and see who was prosecuted, who was just in court, you=ll find out they have crime.

Mr. Baxter: Okay. I want to thank you for bringing it to our attention. I hope you also understand that one of the concerns that I have here is, you hear always an exaggeration from that side. It=s very difficult to be on that side of the podium. I know that because I have been there. And you get sometimes at a point where you want to expand upon it and prove your argument. You really don=t need to. We are listening to what you have to say and we will find out and get to the bottom of those type of situations. So I really do encourage you to follow the steps that we talked about. And if you don=t see satisfaction, come see me. I can help. If anything, I can help with the communications issues because it=s obviously, we had a problem communicating and maybe that=s continuing. I can help with that as well. With that said, I=m going to go ahead and close out the Safety Committee, oh I=m sorry, you did want something Mr. Stearns. I apologize. Go right ahead.

Mr. Stearns: Alright. Thank you Chairman Baxter. I just wanted to say, I did get a call from Mr. Bayes. And the first thing I told him was, I found out where he lived and I said, well you need to contact Mr. Clemens. And I said well, I didn=t want to bother him at that time because I knew that he was having some issues at home. And I said, well hopefully I=ll see him tonight. So I did mention it to him this evening of your concern. And maybe you could talk to him later. But what I wanted to say is, that there were some things in there that I didn=t quite understand either. And I was trying to direct you to the proper place for the Administration to give you a hand or whomever. I did notice some of your things that you did say that you were concerned about certain terminology that you use in there like the trash that was moving in around you and everything. And I, at that moment I began to become a little bit leery of that. So I just wanted to say that, all that=s been said here tonight is the right process to take. Check with the Administration and see what they can do to help you. But if you have anything in your Ward, or your area, first of all you should contact Mr. Clemens because he is your representative for that area. So that was one of the things that I wanted to relay to you. Thank you.

Mr. Baxter: You=re quite welcome. And with that, I will close the Safety Committee meeting at 8:49. Thank you all.

February 5, 2007

-- Susie Lyday, Assistant Clerk of Council

(Transcribed - Susie Lyday)

SERVICE COMMITTEE MEETING MINUTES

February 5, 2007

Members of Service Committee present: Mel Clemens, Doug Joseph, Antoinette Newman, Preston Stearns.

Other members of Council present: Brett Baxter, Ron Stake, Council President William L. Hills. Councilwoman Donna Shirey was absent.

Mr. Clemens: I'd like to call the Service Committee meeting to order at 8:50.

The first item on the agenda is approval of the agenda. Do I have any additions or deletions? (No response). If not, it'll stand approved.

The second item is approval of the minutes of the Service Committee meeting held January 2, 2007. Do I have any additions or deletions to the minutes? (No response). If not, they'll stand approved.

Item 4, Discussion, Drainage Problem at Mr. Rusk's Residence. This is something that's been going on for a year or two and we thought we had it solved through our Storm Water and Street Department and it kind of fell apart. I was contacted again. And since this, I have not been as active as I could be in these last 5 or 6 weeks, I called Mr. Stake and our Service Director and they are working on the issue with the cemetery and the people that's involved that live next to it. And the only reason I had it on this evening is I promised the homeowner that I would. And I spoke to Steve and if he wanted to give a report on it, fine. If he didn't, I do know they're working on it. And so I do want to delve into. But that's why it's here. I just wanted to notify that this has been a problem and that we had thought it was worked out and it kind of collapsed. And so I want to thank Mr. Stake and Mr. DeBolt for their opportunity, they're helping me on it. And so if you're still, I know they're still working on it so why don't we just let this, we'll put this in committee and hold it for a month. Come back maybe in 3 or 4 weeks and tell us how it is and if there's been any improvement. Yes, Mr. Stake.

Mr. Stake: Thank you Chairman Clemens. Yes. When you called me, I went out. It was that weekend we had quite a bit of rain. And there is, there was a lot of water on the cemetery that drains over the edge onto Mr. Rusk's land. It looks like there's a French drain there that is plugged up or something. And then at the back of Mr. Rusk's yard, it looks like there's a storm water drain. And I think there's really a fairly simple solution, and that's running a pipe from the French drain to the storm water drain. It'll drain right on out. So I would hope that the cemetery would be agreeable to that. I do note that, would like to note that in the Property Maintenance Code that we passed, Section 302.2, Grading and Drainage, All premises shall be

graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. So there's a little teeth there if you want to enforce that with the cemetery if they're not interested in alleviating that problem. But it is, to me it didn't seem fair that the water would cascade from the cemetery into the back of Mr. Rusk's lawn.

Mr. Clemens: And just to bring to Council and not further discussion, we're not talking about a little dripping of water either. We're talking about a flood.

Mr. Stake: There is a big lake there.

Mr. Clemens: It's a lake that covers the road in the cemetery. So I do know that, and I do want to thank you for helping on this so maybe we can look for a report in a couple of three weeks or whenever you are able to solve it. Because if you're not able to solve it, I'm going to ask the old man and I'll bring it up and we'll raise the dead out there in the cemetery. We'll get busy on it.

Mr. DeBolt: We'll make every effort to make sure we don't have to do that. I've talked to Mr. Patrick and we're going set up a meeting and pick up where it was left off before and hopefully it'll be better progress.

Mr. Clemens: Fine. Thank you.

If there's no other discussion, I'd like to call the end of the Service Committee meeting at 8:48.

Service Committee
February 5, 2007
- - -Susie Lyday, Assistant Clerk of Council
(Transcribed - Susie Lyday)
FINANCE COMMITTEE MEETING MINUTES
February 5, 2007

Members of Finance Committee present: Ron Stake, Mel Clemens, Brett Baxter, Preston Stearns.

Other members of Council present: Doug Joseph, Antoinette Newman, Council President William L. Hills. Councilwoman Donna Shirey was absent.

Mr. Stake: And I=ll call to order, the Finance Committee at 8:49.

Item number 2 on the agenda is approval of the agenda. Are there any changes to the agenda? (No response). None being heard, it=ll stand as submitted.

Item number 3 is approval of the minutes of Finance Committee meeting held January 16, 2007. Are there any changes to those minutes? (No response). None being heard, the minutes will stand as submitted.

Item number 4 is Discussion, Appointment to the Charter Review Commission. President Hills made an announcement of this a couple of weeks ago. I=m hoping the press can get some information out that we are looking for folks to submit a letter of interest to serve on the Charter Review Commission. This is something we do every 5 years. It=s something we have to do every 5 years. It=s in the Charter. And we need 5 people to serve. No more than 2 from the same political party. So if you could please get that out and ask for people to submit letters of interest to the Clerk of Council Nancy Frazier that would greatly be appreciated. Other than that, I really don=t have anything else to say on Charter Review Commission. Councilman Baxter.

Mr. Baxter: I just would have one thing I think that would be to our help and for the citizens is to understand what their role would be in this commission. What are we asking them to do specifically? I think that would be helpful for those members who may want to sit on that to understand what that means.

Mr. Stake: President Hills, looks like you might want to answer that question.

Mr. Hills: I=d be happy to. It=s the review of our existing Charter as to where there may be improvements or other suggested methods. What happens is, they meet, they discuss, they hear recommendations from Administration, the public, Council people. They determine whether they among themselves, are going to vote to bring that forward to Council. Once it comes to Council, then Council=s vote is what determines whether it will go on the ballot to be voted on

by the citizens. So it's a review of our ongoing Charter documents which govern how we do business. And basically, every 5 years we ought to be looking at and see if they need updated, established that it will be done by the Charter Review Commission and that's why we certainly are seeking names. But it is a, for those that haven't served on it, it can be quite a challenge. You may hear two people from the Administration come in with different sides of an argument as to whether you're going to bring it forward. But it is a necessary thing to be done every 5 years. It can be very challenging as to, it gives you a very objective look at what is the best way to handle some situations. And then it goes through the process as to whether it will go to the ballot or not.

Mr. Baxter: Okay. And could you tell us a typical time frame that this lasts? So if somebody who decides to be part of this commission would know how long the city would use their services?

Mr. Hills: Now maybe you're making me go back and remember what happened 5 years ago.

Mrs. Newman: Isn't it just until August?

Mr. Stake: Yeah. I believe it's....

Mr. Hills: It has to be, the ballot language has to be in by August. So you will have completed your report. You will have some meetings, you will set up among yourselves when you're going to hear people who have concerns. You're going to make your preparation, vote on those. Then it must come to Council and Council will then vote if it's going to go to the ballot or not. So you're going to be, assuming we can start this in early March, I feel sure by May it's going to be coming to Council to lay it out so it can be to the Board of Elections by the August deadline. Now I'm talking in generalities. I could ask Mrs. Frazier to come up and give us the exact dates and the schedule from 5 years ago.

Mr. Baxter: She would know them too.

Mr. Hills: I didn't know I was going to have that question tonight or I can find that out for you.

Mr. Baxter: Okay. I was just trying to get a feeling so if somebody wanted to sit on this panel, they knew how long of service that they would be on it.

Mr. Hills: They're going to tie up a couple of months.

Mrs. Lyday: Five years ago it lasted 4 or 5 weeks.

Mr. Baxter: Okay. Just a short term engagement. I think it's a great opportunity for our citizens to get involved.

Mr. Hills: Four or five weeks that they=re going to be actively involved, then it will be going to the Councilmatic process for another 2 or 3.

Mr. Baxter: Thank you President Hills.

Mr. Stake: Councilman Joseph.

Mr. Joseph: Mr. Chairman, what is the deadline for interested parties to submit their name if they want to be considered?

Mr. Stake: Well, my intention tonight is to hold this for two weeks and see how many letters of interest we get at this time. So we=ll see how we=re doing two weeks from now.

Mr. Hills: I don=t think we=ll put a deadline on it. I think our deadline was the 5th and we have one letter, and then another one just delivered tonight. So of 5 people of interest, we have 2 people submitted letters. Maybe deadlines aren=t the best. I=d just ask the press to say, to get it out and those people who want to be involved, and it gets, let you see how government works. And it lets you be involved in the process. I have, I sat on Charter Review Commission a number of years ago. And it=s bring your Roloids and bring your patience.

Mr. Stake: Councilman Stearns, did you have a question?

Mr. Stearns: My questions were asked a couple of times ago.

Mr. Stake: Okay. Are there any other questions from members of the Finance Committee or members of Council? (No response). Okay then. As I said earlier, I=d like to hold this item for two weeks. Do I have a second? Second by Councilman Baxter. All in favor, please state aye. (All voted AAYe@). Opposed? (No response). Motion passes.

Item number 5 is Discussion, Council Appointment to the Income Tax Board of Review. And I believe that=s one person that City Council appoints to the Income Tax Board of Review. Mayor, I=m sure you know quite a bit about this. Do you want to give us a little bit of information on this?

Mayor McPherson: Well this is a board that if people have a problem, it=s an appeal board that will review it. And I=m not sure we=ve never had a meeting, have we? To the best of my knowledge, we=ve never had a meeting. But we still are responsible for filling the positions.

Mr. Harris: There=s never been anybody who has actually taken something to the Income Tax Board of Review. But we are required to have one. And I think they serve about 3 years on that?

Mayor McPherson: Serve 3 years.

Mr. Harris: He has one, I have one, and Council has one. In case there would be somebody who

would want to appeal something to the board they could.

Mrs. Frazier: There was one meeting.

Mr. Harris: There was one meeting. But I don't think there was an appeal there.

Mr. Stake: Okay. We'd like to fill this position as soon as possible as well seeing as how we just need one person to fill this position. If the press could please help us get this information out as well. Send letters of interest to Mrs. Frazier, Clerk of Council. And we can revisit this again in two weeks. Are there any questions or comments from members of the Finance Committee? (No response). Members of Council? (No response). Then I'll make a motion that we hold this item for two weeks. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted Aye). Opposed? (No response). Motion passes.

Item number 6 is Discussion, Amend Personnel Policy & Procedure Manual, Section 3.08 ATransfer. And I see secretary of the Civil Service Commission back there. Ms. Reidel, would you like to come up here or stand back there and just give us a little brief synopsis on why you'd like to see us make this change.

Ms. Reidel: Yes. Thank you. Currently, the Personnel Policy mirrors the Ohio Revised Code Section 124. And dealing with transfers of employees from one classified position into another. The current law states that they have to have similar duties and the same grade to transfer into another position. So they have to be pretty alike. We're hoping to make this change and that would enable, with the approval of the appointing authority and the Civil Service Commission, make it easier for a qualified candidate to transfer from one position into another position regardless of the similarity of the duties that they perform or the current grade that they're in. I gave some examples with the information in your packet if you have any questions on that I would be glad to go over that.

Mr. Stake: Well, you did put a lot of thought and a lot of writing into this and a lot of time here this evening sitting through the other committee meetings, we appreciate that. Are there any questions or comments for Ms. Reidel from members of the Finance Committee? Councilman Baxter.

Mr. Baxter: I just have one. How many other cities allow for their employees to transfer, regardless of those two situations you discussed?

Ms. Reidel: Well, to vary for the Ohio Revised Code, they would have to be a Charter city as well. And I really don't know the answer to that question. When we make decisions we think are beneficial, we don't worry too much about what other cities might be doing.

Mr. Baxter: Okay. I don't know. We usually do up here, look at what other cities have done to

make sure that it just makes logical sense.

Ms. Reidel: We have had these scenarios that I gave you come up quite a few times. Where you always want to benefit the employee if you can. And the best example I think would be, let's say take the, in the past, an employee that was serving as a Meter Reader at the time, there was an opening in the Street Department for a Maintenance Equipment Operator. He had those skills, but he couldn't just transfer in when we hung an internal posting because it was nowhere similar to that position being a Meter Reader. So we had to advertise to the outside. He applied and he ended up in the top 10 which is what we hire from. So he placed in the top 10. They are more than happy to promote him into that position. So then we had to advertise for the Meter Reader position and then test for that position as well. Bottom line, if we had had the capability, you're not locked into doing that. It has to have the approval of the Administration. So had he been placed into that position if we had the ability to do that at the time, there would have been one advertisement and one test for the actual job that was left open.

Mr. Stake: So this streamlines the process and cuts down on some red tape.

Ms. Reidel: It certainly can.

Mr. Stake: President Hills.

Mr. Hills: The question that I would have, and I guess it's a couple of different questions. When you first say that this mirrors the O.R.C. 124-32 and then you say now we're not going to mirror them any more, that kind of sets up a little antenna saying, look wait a minute. But I'm not saying that's wrong because as a Charter city you are able to do that. However, I would just note,

_____ today, there are 4 cases of home rule that are being argued in the Supreme Court. So I'm not real sure how good that's going to be for how long. But whenever, when we did this Policy Manual, it was how long ago?

Ms. Reidel: Three or four years ago.

Mr. Hills: Three or four years ago? Was it okay then and just has not become workable since that time when we okayed it in the Policy Manual three or four years ago?

Ms. Reidel: We've noticed this happening more and more as time is passing. So we felt it was a good time to request the change.

Mr. Hills: And rest assured, I am one that believes in cross training. Therefore, Building Inspectors doing nuisance work doesn't bother me because I like cross training but I'm not sure that our standards are set up for that. And that may be why it needs to be modified. My next key questions, has Mr. Hood, have you all discussed as Civil Service Commission, with Mr. Hood, any of this to get his opinions and suggestions, and his ability? I realize Bob Sanders sits on

your, but that=s why two lawyers sit on either side of the table. You put two lawyers together, they won=t agree.

Ms. Reidel: It=s been mentioned.

Mr. Hills: That=s why I look to Mr. Hood for mine. He has been involved? He signed off on this?

Mrs. Reidel: I wouldn=t say he signed off but we have discussed this.

Mr. Hood: It wasn=t submitted for my approval like under contract documents and such. But Ms. Reidel did make me aware of it. I don=t know that it would not be improper to get a written opinion from Mr. Fischel who is our labor counsel.

Mrs. Bauchmoyer: We have done that.

Mr. Hood: And I think that Billie and I talked about that before and he seemed comfortable with it which raised my comfort level.

Mr. Hills: Well, we certainly haven=t seen that. But when you get that and distribute them, it would have been nice to have it with it, please, as you can give me the answer, give me the question. Give me the question you asked Mr. Fischel so I can see what the answer is. Sometimes when you only see the answer, you=re not sure what the question was. I guess completeness is nice. I like what you=ve said here. Conceptually, I think this may be beneficial. But I do see there=s some, any time that we stand here and come to Council and say, we=re going to change the Revised Code as we implement it through our city and our hiring and employment practices, I kind of look at that and say, I=m not sure where we=re going. But I just want you to understand, I appreciate the efforts. I just want to be sure we=ve crossed the t=s and dotted all the i=s for a comfort level. I may be speaking out of line for the other Council persons but these are significant type things we=re changing. Especially what we=re changing is only 3 or 4 years old now. And I=m not sure what=s changed.

Ms. Reidel: And it actually has been, it=s read that way in the Ohio Revised Code for quite a long time.

Mr. Hills: That=s why they haven=t changed it. I=m talking about our Procedure Manuals which incorporated that code. There was a reason we put that code in and everybody signed off on it that long ago. It=s nice to have the history as why we think we need to vary from that now.

Mr. Stake: Councilman Clemens.

Mr. Clemens: This is something I=d have to think about too in some ways. Because I can see this becoming a personal thing as far as appointment=s concerned. I can see this, it changes

everything. If you have 150 people come in and do the test and the person we're thinking about comes in 15th, you do have the top 10 to interview. And I've never seen anything wrong with that. Because you know, if you don't qualify within the top 10 then probably there's 10 other people that you should consider. But I'm willing to look at it, and as Bill said, if we come up with the proper information, that it's a correct policy, it would hold up, I'll think about it. I can see where what if we have two people that want that job?

Ms. Reidel: That would be the discretion of the appointing authority.

Mr. Clemens: That's true. Then we get back in to that's the appointing authority. That's like appointing an unclassified person then.

Ms. Reidel: But making the Civil Service Commission would be charged with making certain that they do meet the minimum qualifications for that position. Or they could decide, let's go ahead and advertise. We'll have a list of employees over here and then we'll have a list of the tested people.

Mr. Clemens: To me, there's a lot of this and that in there. I'd have to think a little bit about it. But I'm willing to look and see what you come up with the other answers.

Mr. Stake: The Civil Service Commission would be involved in the decision making process, correct?

Ms. Reidel: Yes.

Mr. Stake: While we're waiting for additional information, is there any objection to sending this on for its first reading?

Mr. Clemens: No.

Mr. Stake: Okay. Are there any other questions or comments from members of Council? President Hills.

Mr. Hills: One other question. The Civil Service Commission is involved currently, and here they become a role in this. I'm only seeing the words you put down. But it becomes, where the Civil Service Commission will approve, your role now is just a slack from somebody who came out on some methodology in a testing procedure, correct?

Ms. Reidel: Correct. And so instead of them having to actually take that test since they would be chosen by the Administration.

Mr. Hills: With no testing, if there's 3 people or 2 people want it, you as a Civil Service Commission, you being the employee and 2 other people serving on it, can say yeah, Joe's going

to get it.

Ms. Reidel: No. No. It may read that way but our role mainly would be to make certain that they have the minimum qualifications for the position that they want to transfer into.

Mr. Hills: Then you're not doing the approval as it says in here.

Ms. Reidel: That's correct. In fact, it goes on to state that the Commission, I'm sorry, hang on, that the Commission shall approve it. If the Administration wants it and the Commission ascertains that they have the minimum qualifications, then the Commission shall approve it. It's just given the stamp of approval.

Mr. Hills: What are you approving? The Mayor's appointment, or the appointing authority?

Ms. Reidel: The appointing authority is agreeing to transferring the employee requesting the transfer. They could say thank you very much but we want to test and see all of our options.

Mr. Hills: Thank you, Mr. Stake. I think it will clear up as it moves forward.

Ms. Reidel: I think so.

Mr. Stake: There's no hurry for this. So this will go through the three reading process. Any other questions or comments from members of Council? (No response). Then I'll make a motion that we send this forward for its first reading. Do I have a second? Second by Councilman Stearns. Any further discussion? (No response). All in favor, please state aye. (All voted Aye). Opposed? (No response). Motion passes. Thank you, Billie.

Item number 7 is Discussion, Authorize Personal Service Contract for Human Resources Consulting Service. And Mayor, I believe this one is yours.

Mayor McPherson: Thank you, Chairman Stake. This is a result of the audit that we had done. And you'll see in the back of the proposal that I put forward to Council, page 7 and 8 really in the audit is what brought us to this particular juncture. We knew we needed the assistance of an HR consultant. We are requesting that we keep Dublin Management Group Limited who did our original audit and made the recommendations. Not to exceed \$25,000. We did in fact, put the money into the budget this year. And briefly discussed it prior to this. But this is the actual working document that we'd like to propose to Council and move forward with getting an HR consultant on board to help us out with a lot of the HR problems we have. And specifically, some of the FMLA and some of the training that we haven't been doing.

Mr. Stake: Mayor, how long have we been without an HR Director? A couple of years now?

Mayor McPherson: Almost 4 years I believe. I'd have to look. It's at least two minimum but

I'm thinking it's closer to 4 years now.

Mr. Stake: I know there have been some concerns with waiving the competitive bidding process. And I had a conversation with the City Attorney in regards to that last week. And I believe he's okay with us waiving the competitive bidding process. Maybe he'd like to explain to us why he's okay with that, I'd greatly appreciate it.

Mr. Hood: 8.04 of the Charter gives the Council authority to expend the city funds for any purpose allowed by Ohio law. Common law or statutory. As I wrote, I drafted the ordinance that you see behind the legislative request form. I wrote that myself. And I purposely put that language from our Charter into the ordinance. That way if Council's questioned at some later point, we could point to that, or we could look to that to show them some guidance of why you chose to give the Mayor the authorization to enter into this contract. This is a little bit different from the Mayor's power under our Charter to enter into contracts unilaterally up to the statutory limit that was set in 1992 in the Revised Code, into that, that he cannot do this unilaterally. He does need Council's support to enter into this contract under the Charter provision. I do believe that this is a just purpose for our personal service contract which is the exception to the competitive bidding rule. Because of the Human Resources contractors acute knowledge of means that the city has reason be, their audit they conducted last year. The way it was explained to me in the documents that you have before you shows the audit that was done and they would like to implement the changes that they suggest to the Mayor. And I believe the Mayor requesting this contract, he would like to see that done as well. So they do have an acute knowledge of our needs I think, that allows us to go hire these people without competitively bidding this project. And I'll answer any questions.

Mr. Stake: Any questions for the City Attorney from members of the Finance Committee? (No response). Members of Council? President Hills.

Mr. Hills: I know you've had some weather related problems. Did you see the e-mail from Mrs. Frazier yet?

Mr. Hood: Right before the Council meeting.

Mr. Hills: But you haven't had a chance to read it?

Mr. Hood: We spoke and we're going to have a meeting tomorrow to address the concerns that she may have relayed through Council.

Mr. Hills: I know she has expressed some of these same concerns to me. Because it's not just this one. It's other. And you've got to understand that we came off, for those people who have been on Council for a while, the legal advice we've been getting for a number of years is, bid, bid, bid.

Mr. Hood: I understand that.

Mr. Hills: Now I'm not saying which is right or wrong because Bill Underwood and I didn't always agree. I agree with, I think we, basically here, do you waive on a professional service or personal service, something that where the work has already been started? And yeah, the audit started the work. So I don't have as much concern here as I do something else. But when I hear a reference, and this is where the Charter Review Commission comes up by the way, of where you may find things in the Charter, our Charter says that any work provided from the city in excess of a number of the state on a given year....

Mr. Hood: 1992.

Mr. Hills: Which happens to equal \$10,000.

Mr. Hood: Yes, sir.

Mr. Hills: And when the state went from \$10,000 to \$25,000, the City of Reynoldsburg did not go there. They used the date of the \$10,000. So anything, in general, anything over \$10,000 needs to be bid.

Mr. Hood: I agree.

Mr. Hills: Now there are some exceptions to that. But those of us who have filled out page, after page, after page of the engineering surveys as to who's going to become our City Engineers, would have loved to have been able to waive competitive bidding on some of the professional services.

Mr. Hood: I realize that. And we've had that discussion before about revamping that particular system. If this does leave a bad taste in any of your mouths and you want to speak to me more about this, I'd be happy to. The Mayor and I did have a discussion that this is not the general course of business. But this is an exception to the bidding process. And normally, these projects will be bid. But after reading the audit that was prepared, and the course of work that will be compiled by this company, I do believe this is a worthy exception to the bid process with a personal service contract.

Mr. Hills: And if I could follow up, I do appreciate your comments. And I think your discussions with Nancy Frazier tomorrow is, probably some sections of the code are going to be brought out that may make it more evident. Conceptionally, I'm sure there are ways to waive. I've always thought that. I just couldn't always get it done.

Mr. Hood: And once again Mr. Hills, this is not unilateral power by the Mayor. This has to have Council's support to expend the funds. This is not the Mayor spending this money. It's the Council spending the money. So this is not the same thing as the Mayor being allowed to enter

into contract for up to \$10,000 the amount.

Mr. Hills: The Mayor got the audit by having it under \$10,000. That=s what got us here.

Mr. Hood: I understand that. I understand that. But this contract cannot go forward without Council=s support.

Mr. Stake: That=s a good point Mr. Hood. Councilman Stearns.

Mr. Stearns: Yes thank you Chairman Stake. I do have a problem with the waiving the competitive bidding. As Mr. Hills has stated, this is something very unusual. I guess I really need to be really convinced of the need to do this. Right now I=m not convinced of it.

Mr. Hood: Okay.

Mr. Stearns: And another thing too, the emergency language on it. Why is the emergency such importance at this time? I mean, since you have been without that service for some time, why do we need emergency on it right now?

Mayor McPherson: Well, we waited until we got the budget passed before we brought this forward. There are many, many issues that are on the table right now that probably need to be addressed by HR people. We either contract with somebody like this to address them, or we=re going to probably have to forward some of the stuff over to our labor legal counsel. And I think it=s probably going to be a lot more economical to use these people. But just to give you an example of some of the things, you probably read about the Pilots Association and they=re arguing about all the security forms that had to be filled out for the pilots and all? Well, Mr. Hood was good enough to give me this packet, reference those items that we now have to do for employees that are hired here into the City of Reynoldsburg. I=m not qualified to do this. And if we pay labor counsel to go through this and tell us which forms we have to have filled out, you know, Jed=s done, he=s got 6 things here that affect the City of Reynoldsburg Safety/Service Director. These are things that you know, we need help on. And we=re at the point we need help. We have done without our HR Director for as long as we can without, in my opinion, incurring significant expenses. Not only from the standpoint of not getting some of these things done that we should be doing for employees, but I=m very concerned that down the road, we=re going to not do something that we=re supposed to do and be penalized for it. We need help. And we haven=t had the HR Department now for several years. I don=t know how many exactly. But we need help in that area. We need to have training. You know, and we=re going to have to pay for that training. There=s nobody in our city that knows how to train people. We=re going to have to pay to have that done. And that=s why I=d like you to get it moving just as quickly as we can.

Mr. Stake: I think it=s very dangerous with the amount of employees that we have, not to have some kind of HR help. Dangerous financially. We could make some mistakes that could cost

the city and the tax payers some big money. Councilman Clemens.

Mr. Clemens: I understand the need for the help as far as that. Of course, we=ve had it for 7 years. We could have financially been sued any time then too. So it=s not that (Tape Change).

Mayor McPherson: What=s on the document that they=re doing now? And I believe it=s \$110 an hour.

Mr. Clemens: That=s correct. But I mean, is this all they=re....

Mayor McPherson: And those are the items they=re going to do, period.

Mr. Clemens: Period.

Mayor McPherson: Yeah.

Mr. Clemens: Okay. And I look at, and I=m going to give you my opinion on one thing as I looked over the whole thing. And it=s because I read it in the newspaper and what you said or you didn=t say, I don=t know. Because I read a lot of newspapers.

Mayor McPherson: I don=t read newspapers.

Mr. Clemens: Page 6, item 6. And I read in the newspaper where you were going to come forward and you were going to hire somebody because we need, to go over the merit increase again. That was in the newspaper that said that you know, and I read this, this brings it in right here too. Item number 6 on 6. As far as pouring money into the merit program, if that=s what these people plan on doing, that=s what you plan on doing, that=s like....

Mayor McPherson: Let me clarify that.

Mr. Clemens: That=s like dropping a bucket down a dry well as far as I=m concerned.

Mayor McPherson: No. When we were talking about the merit, if you=ll recall, we have talked on many occasions that a simple change of 1 or 2 sentences in that merit will clarify how it=s to be worked. That=s just to clarify that 1 or 2 sentences. And that=s just part of an overall plan that will be submitted.

Mr. Clemens: I understand Bob. Do you know how long ago that=s been? And every year, you don=t want to here, next year=s going to be the merit increase because we=re working on it, we=re studying it, we=re giving programs on it, we=re teaching this, we=re having meetings.

Mayor McPherson: We have. And we=re going to turn all that information that we=ve done internally over to this group to review and tell us whether or not it should or should not be done

from an HR standpoint. We=ve done all this. We=ve done the best we can given the fact that we=ve not had anyone in HR to help us.

Mr. Clemens: I understand that.

Mayor McPherson: And yeah, those will all go to them and they will review them. And then they=ll make a determination when we submit the proposal for changes for 160.

Mr. Clemens: Okay. As long as they do that and then we don=t turn around and make all these changes ourselves like we did before on our last one we did when we hired....

Mayor McPherson: Well, we actually didn=t. We paid somebody to do that one too.

Mr. Clemens: We paid somebody to do it but then it came back and we said, okay, let=s go to all the employees and let=s do this and do that. And before long, everything was changed from what we got. And I=m not saying what we=ve got is right or wrong. Don=t get me wrong. Because I=ve never been for the merit increase to start with. And I don=t want to go through it again. I don=t want to put a lot of money into it. These other things look good. I know we need it. And if like what you=re talking about, it=s very few items, that=s fine. But that=s how I feel about it. And as far as what Mr. Stearns said, as far as it being an emergency, I don=t see it as an emergency.

Mr. Stake: Councilman Baxter.

Mr. Baxter: Chairman Stake, I don=t see it as an issue as being competitive bidding. We=ve already had the Mayor do the audit and I think the company is telling us what they want to do for us. The statement of work is pretty clear. My concern is that, that statement of work has an ability to be increased. I heard the Mayor here saying, we need help. You see it here, on this thing here, in that statement of work. I want to make certain that if we bring a company in, that they=re going to follow that statement of work and that=s all they=re going to do and not have that scope increase throughout the year. Because next year it=s going to come back to us. We=re going to need this another year, and another year. And these are things I want to make sure we get what we=re paying for. It=s not the first time we=ve hired an HR consultant and asked to get something and not get what we paid for. And I want to make sure we get what it states in the contract. And that there=s no chance for a change in scope.

Mr. Hood: Well, if you look at the contract under number 2, >Consulting Services Provided=, Ashall provide the city general management consulting services as required to assist the city in administration of it=s Human Resources@. So I will not say that this will be as narrowly tailored to the audit than the copy of the audit that you have with the legislative request. It does give leeway. It does give the Mayor options to call these people and say, we have a Human Resource problem, what do we need to do to address it? But the cap of the appropriation is \$25,000. So obviously, you could not spend more than that. At \$110 an hour, I don=t know how he could any

way. But as to be so narrow as to say they will do nothing but implement the changes that they've suggested in the audit, that's not correct.

Mr. Baxter: Right. My concern is that we don't have any controls in this contract that states, you will at least, at a minimum, produce this amount of work as well as those things as deemed by the Mayor. At this point, as deemed as the Mayor could be 100% of the services rendered and I'm uncomfortable with approving a contract company on that type of attitude.

Mr. Hood: As part of the contract, the audit will be implemented. But they also can go over and above, the Mayor could ask for other advice for other Human Resources matters. But the audit will be the, the questions that they raise, and the audit will be....

Mr. Baxter: At minimum, those are going to be addressed.

Mr. Hood: Yes. Yes. (Inaudible. Two speaking at once).

Mr. Baxter: That's what I wanted to make sure. So we have a minimum in the deliverables that are going to be met. Thank you sir. Thank you Chairman.

Mr. Stake: And no more than 25,000 could be spend with this company, correct?

Mr. Hood: Yes. And it's my understanding, the money was budgeted in the budget this year. So there only _____ additional appropriation.

Mrs. Newman: I thought it was deleted.

Mr. Stake: No. Because I remember talking about it. And I made the statement that I was concerned about us not having an HR Director and some of the dangers with that. Any other questions or comments from members of the Finance Committee or members of Council? (No response). I'm having a little trouble gauging the excitement of this piece of legislation here from members of the Finance Committee. Councilwoman Newman.

Mrs. Newman: Yes. I'd like to know a little bit about the qualifications of these people and the principles of this company or group or whatever they are.

Mr. Hood: Mrs. Newman, I believe that's included in your packet.

Mrs. Newman: I didn't see it.

Mr. Stake: Mayor, would you like to....

Mr. Hood: An engagement letter and the copy of the audit. At least it was in my packet that I got. There was a copy of the audit that was done.

Mrs. Newman: I don't see anything in here that tells me....

Mr. Hills: Mrs. Newman, I understand that they've had a number of municipal clients but it is not shown in here. We didn't get that.

Mrs. Newman: I don't see the educational level or anything else.

Mayor McPherson: I'll look that up. That should have been a part of the package. Their most recent and the closest, if you wanted to talk to anybody about their work, they are also the consultants for the City of Bexley being the closest. And I'm sure you could give them a call and they would give you anything you wanted to ask about their credentials. But when I called, they came very highly rated. And I will find in the packet and send you a copy of the information about their clients. I'm sorry. I thought that was in the packet but I see it's not.

Mr. Hood: So did I.

Mrs. Newman: No. It's not and I'd like to know a little bit about their background.

Mayor McPherson: It'll be there.

Mr. Stake: Okay. Councilman Clemens.

Mr. Clemens: Like I said, I'm not opposed to having, hiring a consultant to do the work that we know needs to be done. But I think there have been questions brought up tonight by how, when it's going to be done, and how soon we have to pass it, and questions by Mrs. Newman. My thought would be that we send it on for first reading. We can always pass it as an emergency at the next Council meeting.

Mr. Stake: That's my thought as well.

Mr. Clemens: Okay. If there's any other questions like.....

Mr. Stake: Mayor, are you okay with that?

Mayor McPherson: Oh yeah. We're okay with it. We're just trying to minimize the risk of doing something wrong.

Mr. Stake: We do need to get going on this. We've neglected this for 2 or 3 years now. We've really just tried to keep things together without doing the things that you need to do with the amount of employees that we have.

Mrs. Newman: I thought this audit said we were doing a pretty good job.

Mayor McPherson: It did.

Mr. Stake: Well we are. But there are some recommendations. There are questions. There are quite a few things that we do need to be doing.

Mayor McPherson: There=s just some things we can=t do.

Mr. Hood: Mrs. Newman, taken as a whole, it does. We=ve been on the right path. But it does alert us to some deficiencies.

Mr. Stake: Yeah. We=re not in dire straights but we do have some things that we need to take care of. Otherwise, there=s going to be some problems down the road.

Mayor McPherson: I knew I should have brought the HR Director position forward. Then Mel would have said, well let=s go with a consultant and give them some money.

Mr. Clemens: I don=t think so. My consultant days are just about finished.

Mayor McPherson: You mean I would have got a director?

Mr. Stake: Okay. Are there any other questions or comments from members of Council? (No response). Then I=ll make a motion that we send this forward for its first reading. Do I have a second? Second by Councilman Clemens. Any further discussion? (No response). All in favor, please state aye. (All voted AAYe@). Opposed? (No response). Motion passes.

And item number 8 is Discussion, Acceptance of the 2007 - 2011 Capital Improvements Program. Mayor, I believe this is yours as well.

Mayor McPherson: Well again, this is our annual CIP Program that we=re bringing forward. It=s for the period 2007 to 2011. It gives a list of projects that we are aware of that we want Council to be aware of. It gives us some heads up. And Council needs to understand that this does not mean that we=re getting those projects. It merely means that that=s what we=re anticipating. It gives some of the funding that we feel the projects are going to get, or going to need. And every project in here prior to going forward with it does come to City Council as a separate package. So this is just our estimate of projects for the next 5 years.

Mr. Stake: Okay. And I know some of us on Council attended the CIP meetings that you held and we discussed some of these things. Although some people were not there. So there=s no urgency for this as well, right?

Mayor McPherson: No.

Mr. Stake: We can do three readings, and in the meantime, people can (Inaudible. Two people

speaking at once).

Mayor McPherson: Any questions, just holler.

Mr. Stake: Any questions, get with the Mayor. I believe though, minutes of those meetings were distributed to Council members....

Mayor McPherson: That=s correct.

Mr. Stake: So you can kind of see some of the things that were discussed there. Any questions from members of the Finance Committee? Councilman Stearns.

Mr. Stearns: Yes, Chairman Stake. My question is, what are the priorities on these projects that are here? How do you determine which is going to be on first or if there=s some that you see that, well something that I see that I feel may have a high priority? But then Council may look at it and see it a little different. So how do you determine which is the highest priority?

Mayor McPherson: One of the biggest criteria is money available. There are some projects in there that come from our Water Funds, our Sewer Funds, our Street Funds. And if those are projects that have been recommended, those will be brought forward to Council as a project. There will be projects that we=ve talked about. The Graham Road issue, in order to completely redo Graham Road is going to be well over 2 million dollars. We=ve decided to hold that back, I=m sorry, was it five?

Mr. Hills: All of a sudden the \$300,000 milling and paving became 5 million dollars.

Mayor McPherson: Oh, okay.

Mr. Hills: My preference is, let=s give Graham Road what Graham Road needs. Let=s mill it and pave it. We don=t need curb, sidewalks, and stripes, stop lights, and sidewalks.

Mayor McPherson: Well, what we=re looking at is whether or not we can get a grant to fund the difference in the amount that we would have normally paid.

Mr. Hills: But Bob, if you get the grant it won=t be done this year.

Mayor McPherson: It will not. If we go for the grant we would not know until December.

Mr. Hills: If you did what you had indicated when you talked to us, Graham Road was an >07 project.

Mayor McPherson: A mill and fill is what we originally proposed. A mill and fill, it=s just a matter of whether or not we want to band aid the road, or whether we want to try to get funding

to fix it totally.

Mr. Hills: A 20 year band aid isn't a bad deal.

Mayor McPherson: Pardon me?

Mr. Hills: A 20 year band aid isn't a bad deal.

Mayor McPherson: With the number of cars that are using that, I'm not really sure that that.....

Mr. Hills: Whoever dreamt up, let's go get our PWC money and let's go apply, and let's go do these fancy things. We need a road. There's a road that needs repaved. And I thought everybody on Council had talked about that. It needed done. And we apologize to the Graham Road people because we tore them up because of Taylor Road. And we're going to take care of you. We've got to take care of it. Let's get it done.

Mayor McPherson: And what we're looking at as we speak, is whether or not to go ahead and do the mill and fill, and then get the grant money and redo the entire project, including whatever we would put into the mill and fill in 2008 or 2009, whenever we would get the grant.

Mr. Hills: Do you want to vote on starting the mill and fill as soon as the ice is gone?

Mr. Stake: Well I will take some....

Mayor McPherson: But everyone needs to understand that if we mill and fill it, and then get the grant, then that money that we've used for milling and filling it has you know, been wasted. And that's also, you need to understand, that's one of the 5 roads that we can use Permissive Tax on. So you know, that's also an issue that enters into it.

Mr. Stake: Well, I will take some responsibility for that. I did bring it up after meeting with the Street Department and EMH&T folks in regards to grant money being available for roads like this that I thought it might not be a bad idea to look into that and do Graham Road the right way. We do need some sidewalks all the way down Graham Road. I didn't see any way to do it if mill and fill, we're not going to have any sidewalk by the bridge or anything like that. And so I am, I'll say, partly responsible for that. And we'll see what happens. We will know in December whether that would be available or not. If it's not available, we can do what, Plan A I guess would be the mill and fill. This is Plan B. We could do that early next year. Councilman Clemens.

Mr. Clemens: Yes. That would be fine to do that road as long as you don't spend any more than that 300,000. Because I know those grants. You're talking about us coming up with a million something. I'm not putting all the money we have in one road like Graham Road. If you want to put sidewalks in, you assess the people like you did on the other side. That gets sidewalks in. I've never seen anybody....

Mayor McPherson: Did we assess them?

Mr. Clemens: Yes. They paid for them. And I=ve never seen anybody....

Mayor McPherson: Wow. I didn=t realize that. I need to look that up.

Mr. Clemens: I=ve never seen anybody walk across that bridge any way. So I=m not really worried about that. Part of that=s in the county. So any how....

Mayor McPherson: Let me just take off on what Mel=s saying right now. If there=s a consensus of City Council that you don=t want to go for that project as a bid project with sidewalks, curbs, gutters and everything, please let me know. Because we can mill and fill that road in a heartbeat. We more than have adequate funds to mill and fill it.

Mr. Hills: Mayor, the only....

Mayor McPherson: But I don=t want to be the only one hanging out there 3 years from now if we get a 5 million dollar grant, somebody saying, well Mayor, you did.

Mr. Hills: The meetings I attended....

Mayor McPherson: You know, they can say we all did.

Mr. Hills: The meetings that I attended with you, Graham Road, you stood in here in front of the Graham Road people and said it will be done this year.

Mayor McPherson: It=s in terrible condition.

Mr. Hills: And you said it will be done this year.

Mayor McPherson: Terrible.

Mr. Hills: I don=t think there=s disagreement in Council that it needs to be done. Now how and where the funds come from is still debatable. But all of a sudden, approximately \$300,000 project went to a half million when we come in. And EMH&T and everybody else=s costs are involved.

Mayor McPherson: I know it went to more than that.

Mr. Hills: It=s 3 or 400, depends on which estimate you heard of at that time. But I guess the issue was, we don=t have, we did not get a tax increase. We don=t have that much money to put in the streets. Therefore, we need to take the money we have available and put it to its best use.

The best use for discussions, I thought that everybody heard, was an overall patch and seal slurry type thing, or....

Mayor McPherson: Well no. It was a mill and fill. It wasn't a slurry.

Mr. Hills: No. No. On other streets. On other parts. The crack fills and things. And....

Mayor McPherson: Oh yeah. The other streets are still considered slurry seal.

Mr. Hills: And Graham Road was the road to be given a new surface this year.

Mayor McPherson: Right.

Mr. Hills: And folks, it is now February 5. If you don't have these things out in early March, you're not going to get good bids on them to start with. Now if we talk about improving above a mill and fill, we're talking about not doing anything in that road on >07. It would be >08 at the earliest.

Mayor McPherson: It would be patch work.

Mr. Hills: And we're talking about 5 million dollars. To me, I guess I missed something. I must have, and I (Inaudible. Two people speaking at once).

Mayor McPherson: You ought to come to more meetings.

Mr. Hills: Yeah. If you want to schedule them at my time. Seven in the morning or five in the evening.

Mayor McPherson: See, that's the problem.

Mr. Hills: But the problem is, I think we've got, all of a sudden Graham Road grew. And I don't think that coming off the 5 corners up to Main Street, knowing what we have north on Waggoner Road, I don't think we need a Taylor Road revisited on that section of Graham Road. I think we need the road, if people could drive on smooth blacktop, have white line in the center, or yellow line in the center, and two boarder lines, they're going to be pleased as punch. (Inaudible. Two people speaking at once).

Mayor McPherson: So you're saying that if I mill and fill that, you're going to stand up next to me and say that's the best way to do it.

Mr. Hills: I'm going to say the Mayor did this and we're proud of him for it.

Mayor McPherson: That's what everybody will say. Alright. I'm still considering that. And as

this process goes through, I'm definitely still considering the mill and fill.

Mr. Hills: The mill and fill gets it done in >07.

Mayor McPherson: Absolutely.

Mr. Clemens: That=s the money we have.

Mayor McPherson: The mill and fill will get it done in >07. The grant, getting the whole thing completed the way that it=s going to have to be completed sooner or later, next year at the earliest, we wouldn=t even know if we got the grant until December.

Mr. Clemens: There=s a few of us working on another project that=s not over yet that=s going to take some money too. Because we all have priorities.

Mayor McPherson: Yeah. But you know, you got to go with safety.

Mr. Clemens: That=s what we=re going to do.

Mayor McPherson: Right now you know, the Graham Road probably is a faster safety issue than the other.

Mr. Clemens: I agree with Graham Road, don=t get me wrong.

Mayor McPherson: I=d like to do both of them but there=s just no way in the world we have that kind of money.

Mr. Clemens: I=d like to do Graham Road. We have no problem with that. The 300,000.

Mayor McPherson: Well and I think everybody knows, I have no problem with doing all the roads. But you know, with the finances being they have the past few years, you know, we just you know, we=re going out now and we are putting band aid approaches on a lot of stuff.

Mr. Stake: Councilman Stearns, did you have a question? I saw your hand up earlier.

Mr. Stearns: Yes. Thank you for recognizing me there, Chairman Stake. My question=s concerning, and I guess, is the Storm Sewer improvements and some of the issues there. Now we have approximately \$800,000 available for that. Are we going to start prioritizing those and trying to get some of those issues solved this year? Because those are some things that I don=t think needs to go into >08.

Mayor McPherson: Well, I=d have to look into the CIP. I don=t know right off hand, but I think there was some proposed for Storm Water.

Mr. Stearns: Okay. Yes. There is.

Mayor McPherson: And then those, the ones for the Storm Water that we have the money on, we're going to move forward.

Mr. Stearns: You're going to move forward. Okay.

Mayor McPherson: Yeah. We'll be moving forward on those. It's the ones that have to come out of General Fund money that you know, even though they're in there, they may not be brought to you.

Mr. Stearns: Okay. That was....

Mayor McPherson: Yeah. The other ones that are in >07, and you look, if you've got a Storm Water project and it says >07, that one's going to be brought to you.

Mr. Stearns: That's what I wanted to hear. Thank you.

Mr. Stake: Councilman Baxter.

Mr. Baxter: Councilman, Chairman Stake, thank you for this opportunity. Mayor, I've gone through that also with a fine tooth comb. And I have noticed that there's several projects we're never going to get to. And though they may say Storm Water, I can tell you, we don't have the money to hit all the ones that say Storm Water on it. (Inaudible. Two people speaking at once).

Mayor McPherson: Well if you look, there's a date assigned to those.

Mr. Baxter: But that's never going to happen with those dates. We don't have the money.

Mayor McPherson: If that date is on there, we have the money for that time period.

Mr. Baxter: That's my question. Do we have the money in the budget now to handle those ones that have....

Mayor McPherson: Yes. If they say >07 on them, we have the money in the budget to do those this year.

Mr. Baxter: And so you've also counted for the ones that we've identified as needing funding for through bonding and other things and also (Inaudible. Two people speaking at once).

Mayor McPherson: We're not bonding any of those projects.

Mr. Baxter: So those ones that require outside....

Mayor McPherson: That=s cash on hand.

Mr. Baxter: Of the sources, are out of the scope then?

Mayor McPherson: Pardon me?

Mr. Baxter: Those ones that have outside funding such as bonding, and reaching into other types of funds, are out of scope. We=re not going to be doing those.

Mayor McPherson: I don=t think we presented any of those even.

Mr. Baxter: Streetscape=s in there.

Mayor McPherson: Pardon me?

Mr. Baxter: Streetscape down Brice Road is part of the CIP.

Mayor McPherson: But look at the date. I think that=s 2011.

Mr. Baxter: It=s way out there. I=m just saying we parts (Inaudible. Two people speaking at once).

Mayor McPherson: No. I=m talking about immediate finances. If it says >07, the money=s there. If it goes out to >010 or >011 or something like that, that means we don=t have the money. But that doesn=t mean the project doesn=t need to be done.

Mr. Baxter: I don=t disagree. I just wanted to make sure the point was, if it says >07, we=ve got the money for it.

Mayor McPherson: We=ve got the money for it.

Mr. Baxter: It=s budgeted either through here or through (Inaudible. Two people speaking at once).

Mayor McPherson: Well, it won=t be budgeted but it will come through as a separate legislation to do the project.

Mr. Stake: We have the funding available to the....

Mayor McPherson: We have the funding available.

Mr. Baxter: Okay. I just wanted to make sure.

Mr. Stake: Mr. Clemens, did you have another question?

Mr. Clemens: We're going to carry this on aren't we?

Mr. Stake: Yeah. We're going to just send this on for its first reading.

Mr. Clemens: We've got a project in there that we aren't ever going to do and I'm going to find out why we even bother with it. You know, that's what gets me.

Mr. Stake: Well, I would encourage every Council member to get with the Mayor on any questions you have, any concerns, or any recommendations that you might have and we can go from there. Are there any other questions or comments? Councilman Stearns.

Mr. Stearns: One other question that I'd to address. When will there be another CIP meeting?

Mayor McPherson: Well, this is the result of all of our CIP meetings. The ones that you all attended. This is the result. And this is the one that's brought to City Council for passage.

Mr. Stearns: Okay.

Mr. Baxter: Just one other comment. Thank you for doing the work that you did on this. It did give me more information than I've had since I've been here on Council. Because I don't think I've heard of the CIP, I know it's been out there, we've had supple summaries. This was the most detailed information about the projects that this city wants to do that I've seen since I've been on Council. It gives me something to work with. So at least that much, thank you for that type of effort.

Mr. Stake: Councilman Baxter, this is the same thing we've done every year you've been on Council.

Mr. Baxter: Well then, I have been remiss because I haven't seen it Councilman Stake because in my mind, I have never seen that document.

Mr. Stake: Okay. I just wanted to point out, you're making it sound like we haven't passed one of these each year. We passed one every year you've been on Council.

Mr. Baxter: So you prepared this document we have right now before last year? Did we have that document?

Mr. Stake: Yeah. Every year I've been on Council, every year you've been on Council we've had the same type of....

Mr. Baxter: That's the first time I've seen that document.

Mr. Hills: I think last year we moved everything to 2011.

Mr. Baxter: Is that what it was? Because I don't remember having it....

Mr. Stake: Last year it said 2006 through 2010. This year it says 2007 through 2011. Next year it'll say 2008 through 2012. Are there any other questions or comments? (No response). Okay.

Well first, I want to send this on for its first reading. Do I have a second? Second by Councilman Stearns. Any further discussion? (No response). All in favor, please state aye. (All voted Aye). Opposed? (No response). Motion passes.

I'll adjourn the Finance Committee meeting at 9:45.

Finance Committee

February 5, 2007

- - -Susie Lyday, Assistant Clerk of Council
(Transcribed - Susie Lyday)