

MINUTES COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
January 27, 2014

President of Council Doug Joseph called the meeting to order at 7:34 p.m.

Members of Council present: Scott A. Barrett, Leslie Kelly, Cornelius McGrady, III., Mel Clemens, Barth R. Cotner, Chris Long.

Approval of minutes from January 13, 2013.

Correction made to minutes, all voted "Aye"

Approval of Agenda

Community Comments and Requests:

Eugene Nusekable 187 Royal Farm East, Reynoldsburg: I'm here are a resident and a committee member for the Furniture Bank of Central Ohio. What I wanted to do is just introduce you to them, Mr. Bob Kelly's here who represents them. We want to get involved with the community clean-up day that is planned for the future here, June I assume. We'd also like to work with the City appropriate people so we could get involved more deeply to provide a service. It's a non-profit group, we basically like to take the furniture from the homes and put it where people could use it. So that's fundamentally it. I would say to you that what are the real pluses- I will say the challenges we know is that we have Rumpke.. I sent a note to Mr. Burd a couple of weeks ago to see what I could with furniture that I had and he said well, just give me a call and we'll make arrangements to dispose of it and obviously that's not what I really wanted to do, so I thought it's an opportunity, so therefore, that's why I'm here this evening. It's my hope that whoever I need to work with at the Furniture Bank we could follow up. Mr. Kelly has lots of information we could share with the Council, I know we don't have time to do that this evening, so for me, who do I need to work with or Mr. Kelly and I could visit with, either a particular committee or whomever the person designated for that purpose would be. The other thing I'd like to say in terms of what the furniture bank has done for Reynoldsburg, back in this past year, in 2013, 227 residential pick-ups were done in the area for 1476 pieces of furniture or approximately 10 semi-trailers full of furniture have been picked up and in terms of delivering services to families, 39 families were served in the Reynoldsburg zip code distributing approximately 550 furniture items. So the point simply is we'd like to serve the community, obviously keeping the products out of the land fill is something we really would like to do and the last piece of course would be of course to give it to families in need. Primarily, the Furniture Bank recycles furniture. I personally have given quite a few pieces of furniture that I've watched it literally go in the building and go out when someone has selected it for a family in need, so , with that I will close and if anyone has any questions..

Mr. McGrady: First of all, I'm excited to hear what you bring forth to the community, second, I would like your card, third, someone that is already engaged with your point of contact there, Norm Brusk, it appears he's putting some info in his ear, and the final question is, I would like to pass that on to some of my colleagues in the advocates in the human trafficking and see if they can benefit from some of that in their safe-houses for the women that have been victims of human trafficking so I'll be dialoguing with you on that.

Mr. Nusekabel: Mr. Kelly would be glad to share information. Anyone else? How do I need to follow

up with someone?

Mrs. Long: I've taken part the last 4 years in the community clean-up. You've spoken to the perfect gentleman, the Service Department will probably organize and form a committee and then they elect a chair. When do they normally start that Nathan, is it here in the next couple of months?

Mr. Burd: It will actually be in February, we start planning for that event in June and I thought you were asking how to dispose of a bulk item, if I misunderstood I apologize, so that will be next month, so we'll certainly work with him.

Mr. Joseph: you're free to come to council and make a presentation before the Community Development Committee if you wish. In fact you would contact Councilwoman Kelly direct.

Mr. Nusekable: Thank you very much and look forward to working with you.

Communications:

Mr. McGrady: February 6, we will be holding our 3rd Annual African American Awareness program and the Summit Campus, theme is to celebrate civil rights act. Speakers are 3rd generation granddaughter of Thomas Jefferson and Sally Hennings, we have a 17 year old soprano, a 14 year old oracle speaker that just won another event this week and then we have a youth civil rights in America presentation by Noelle Boykin who is from the East** Academy. This event is free of charge we just as for a donation of a can item for the Reynoldsburg food bank. Thank you.

Reports:

None

Motion (s)

10a. Council appointment of Audrey Owens to Housing Council for a three year term beginning January 27, 2014 and ending January 27, 2016.

Amend for the ending date of January 27, 2017.

Motion to amend to read to expire January 27, 2017 by Mr. Cotner, Second by Mrs. Kelly.

Roll as follows: Scott Barrett "Aye", Leslie Kelly "Aye", Cornelius McGrady, III. "Aye", and Mel Clemens "Aye", Barth R. Cotner "Aye", Chris Long "Aye". Motion carries.

Move for adoption of amended Motion by Mr. Cotner, Second by Mr. Clemens.

Roll as follows: Scott Barrett "Aye", Leslie Kelly "Aye", Cornelius McGrady, III. "Aye", and Mel Clemens "Aye", Barth R. Cotner "Aye", Chris Long "Aye". Motion carries.

LEGISLATION REQUIRING ONE READING

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CENTRAL OHIO CLIPPERS ORGANIZATION AND DECLARE AN EMERGENCY.---
Cotner. Finance.

Mr. Joseph: Councilman Cotner, I believe there has been a request by Councilman Skinner to possibly have some additional Committee discussion on this, what would you like to do with this item?

Mr. Cotner: He had some concerns that he did bring up to me, he tried to talk to the City Attorney, Mr. Roth called him back and as I understand was unsuccessful speaking to him. I spoke to the City Attorney about his concerns, I spoke to the Mayor about his concerns, there doesn't seem to be any apprehensions by anyone else who's involved in this contract outside of Mr. Skinner's opinion. Not to discredit that in any way, some of it was certainly from legal standpoint of legal language, but as it stood I didn't hear anyone that had any major concerns about sending it forward, but if we want to hold it we can send it back to committee, but we just want to get moving forward on this unless others have issues or concerns with this.

Mr. McGrady: I'm glad you brought that up, because that was my question, I thought it was going to be held in committee until final address. So that's my question was, how did it get this far?

Mr. Cotner: what was it you were concerned about?

Mr. McGrady: The questions, the legal questions regarding liability that was raised by council.

Mr. Cotner, Long, Kelly: Their in there.

Mr. McGrady: And then, Mr. Skinner, I thought it was going to stay in committee until resolved.

Mr. Cotner: Last week in committee we discussed having that legal language put in there, which they did and approved that, so there was no reason for it to go back to committee, we said we'd bring it to council with that addition in it.

Mr. Joseph: Mr. Roth, just to bring forward, 2 of the concerns that Mr. Skinner had, maybe you can address these, he said that the Clippers Organization indicated on the agreement, that it isn't registered as a company in the state of Ohio, is that an issue in your opinion?

Mr. Roth: I don't believe so.

Mr. Joseph: He also said there was some issue with the indemnity language, he said those were the 2 major ones.

Mr. Roth: We have Chapter 2744 of the Revised Code gives cities immunity for governmental functions. Parks and Recreation functions are considered governmental functions, we have absolute immunity. By delegating these tasks to the Clippers organization, we still have that immunity. There's no concern, Mr. Hood and I have talked about this, we're requiring them to maintain a million dollars liability coverage, unless they are willful and wanton on how they treat kids, there is no liability for the city and even if they do treat kids in some kind of wilful and wanton manner, they have a million dollars in insurance before our insurance kicks in. So we have no concerns whatsoever about any liability out of this agreement.

Mr. Joseph: What is the need for this to be done tonight? What is the timing issue here.

Mr. Roth: Mr. Brown may be able to answer that better, I know there are certain terms that require them to pay for certain improvements to our ball fields, I know they want to get started in the spring and there's work to be done so we wanted to get this done as soon as possible and some of the delay in getting this was my fault, I drafted the contract and Joe's a much more of a go getter guy than I am and it took me longer than anticipated to get it done.

Mr. Joseph: Mr. Brown if you could make any comment to your view on whether holding it is going to pose a problem.

Mr. Brown: yeah, I've spoke with the Mayor about it, spoke with Barth about it, we'd obviously like to get this thing done this evening as we're trying to finalize the agreement so we could move forward with fall baseball, we need to get fall baseball drafted before we start spring baseball, we need to start working on the fence process of Huber Park, all of that's going to take time and I'd rather do it sooner than later so we're not trying to do things last minute.

Mrs. Kelly: What would be the result if it went back to committee on the 3rd and went to council on the 10th. What kind of issue would that create for you or delay in the project?

Mr. Brown: yeah, I just spoke on that..

Mrs. Kelly: I know we want to get this done..

Mr. Brown: it just delays.. Delays the contract, delays us moving forward another 2 weeks.

Mrs. Kelly: when is the plan...

Mr. Brown: I hate to put out anything, I hate to start advertising for fall baseball on their end, on our end, prior to this thing being done.

Mrs. Kelly: when is your timeline when you typically start advertising for fall baseball?

Mr. Brown: well, we wanted to start doing that the first week of February.

Mrs. Kelly: Advertising for fall baseball first week of February?

Mr. Brown: Right, I want to start putting that information out, start working on the fencing process at Huber Park as well.

Mrs. Kelly: So, in February, you talk about advertising fall baseball, what do you, can you tell me about what you mean by that?

Mr. Brown: Again, fall baseball..

Mrs. Kelly: Do you mean like in the circular that would go out for parks and rec?

Mr. Brown: Uh, no, I need to reach out to the parents, to our user groups, reaching out to their user groups, reaching out to COBOL, Central Ohio Youth Baseball and COBOL overseas the travel baseball piece which then dictates, that's where we'll get a lot of this fall baseball participation from so...

Mrs. Kelly: so if it got approved on the 10th, the 17th is when you would be able to do that. So if it got approved on the 10th, how quick of a turn-around would it be with the organization, to get it signed on their part?

Mr. Brown: I mean as soon as we get this thing approved in the Council chambers, and signed by the Mayor, we're off and running. And we're back to what attorney Roth was saying, again, nothing against Councilman Skinner, but again, our City Attorneys have drafted this, created it, they've been doing City Attorney work for quite some time. If they put their stamp on it my faith in them that it's correct and accurate and covers us completely.

Mrs. Kelly: I personally understand that Joe wants to and I understand why, wants to kind of get it moving, but if what is going to just delay is kind of starting the process with the outside organization, we have a Councilman who really has some questions I'd like they be addressed. His absence today is not something he could have avoided. It's not going to create a big dilemma, I'd like to hold it.

Mr. Joseph: are you making a motion to refer it to committee?

Mrs. Kelly: Yeah.

Mr. McGrady: so moved.

Mr. Joseph: Ok, motion by Councilwoman Kelly, Second by Councilman McGrady, any questions or comments on the motion to re-refer this item to committee for future review.

Clerk called the roll: Scott Barrett "Aye", Leslie Kelly "Aye", Cornelius McGrady, III. "Aye", and Mel

Clemens “Aye”, Barth R. Cotner “Nay”, Chris Long “Aye”. Motion to re-refer, 5 affirmative votes 1 negative vote. Item is re-referred to the Finance Committee next week.

Mr. McCloud: If everyone who has a concern with this would communicate those specifically, timely, so that we could address these, it’s been around for a while. Thank you.

Mr. Clemens: it hasn’t been to us for a while. I have no questions on it really, but it really hasn’t been to us for a while, we ***** and emergency on it so I can understand why he wants to hold it.

Mr. McCloud: I can’t.

Mr. Barrett: Fankly, Councilman Skinner’s not here by any of his own doing and I’m really just giving him the respect as part of the team, so personally I have full trust in our City Attorneys and everything else.

Mr. Joseph: Moving on.

RESOLUTION ACCEPTING, APPROVING, AND RATIFYING THE SUBMITTED RECOMMENDATIONS OF SEVERAL CITY OF REYNOLDSBURG TAX INCENTIVE REVIEW COUNCILS AND DECLARE AN EMERGENCY.---Cotner. Finance.

Mr. Cotner: This comes from Finance Committee with recommendation for adoption as an emergency, I so move.

Mr. Joseph: Councilman Cotner moves adoption as an emergency, Second by Mr. Barrett. Questions or comments?

Clerk called the roll: Scott Barrett “Aye”, Leslie Kelly “Aye”, Cornelius McGrady, III. “Aye”, and Mel Clemens “Aye”, Barth R. Cotner “Aye”, Chris Long “Aye”. 6 affirmative votes, no negative votes, ordinance 02-14.

ORDINANCE TO APPROVE PAYMENT OF SERVICES PERFORMED PRIOR TO THE AUDITOR’S CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY.---Cotner. Finance.

Mr. Cotner: This comes from Finance Committee with recommendation for adoption as an emergency, I so move.

Mr. Joseph: Councilman Cotner moves adoption as an emergency, Second by Mr. Long. Questions or comments?

Clerk called the roll: Scott Barrett “Aye”, Leslie Kelly “Aye”, Cornelius McGrady, III. “Aye”, and Mel Clemens “Aye”, Barth R. Cotner “Aye”, Chris Long “Aye”. 6 affirmative votes, no negative votes, ordinance 03-14.

ORDINANCE TO APPROVE PAYMENT OF SERVICES PERFORMED PRIOR TO THE AUDITOR'S CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY.---Cotner. Finance.

Mr. Cotner: This comes from Finance Committee with recommendation for adoption as an emergency, I so move.

Mr. Joseph: Councilman Cotner moves adoption as an emergency, Second by Mr. Clemens. Questions or comments?

Clerk called the roll: Scott Barrett "Aye", Leslie Kelly "Aye", Cornelius McGrady, III. "Aye", and Mel Clemens "Aye", Barth R. Cotner "Aye", Chris Long "Aye". 6 affirmative votes, no negative votes, ordinance 04-14.

Mr. Joseph: Executive Session requested by City Attorney to discuss imminent and pending litigation. Motion to go into executive session? Motion my Mr. Long. Second by Mrs. Kelly. Questions or comments?

Clerk called the roll: Scott Barrett "Aye", Leslie Kelly "Aye", Cornelius McGrady, III. "Aye", and Mel Clemens "Aye", Barth R. Cotner "Aye", Chris Long "Aye". 6 affirm votes no negative votes, item approved, all elected officials and the Assistant City Attorney Matt Roth in attendance.

President of Council Doug Joseph reconvened the meeting to order at 8:09 p.m.

Members of Council present: Scott A. Barrett, Leslie Kelly, Cornelius McGrady, III., Mel Clemens, Barth R. Cotner, Chris Long.

Mr. Joseph: With no further business before City Council, I will close this session of Council at 8:10 p.m.

Meeting adjourned at 8:10 p.m.

Doug Joseph, President of Council

April L. Beggerow, Clerk of Council