

Finance & Judiciary Committee Meeting

MINUTES

July 26th, 2011

6:00 p.m.

Members: Ben Kessler, Chair, Richard Sharp, Rick Weber

Roll Call: All Present.

Others Present: Mayor Brennan, Lou Chodosh, Barb Greiner, Beecher Hale, Bill Harvey, Bruce Langner, Mark Masser, President McClelland, Jed Morison, Chief Rinehart and Gary Qualmann.

Review of Minutes: July 12, 2011- **Approved**

Presentation and/or Special Guests: Mr. Gene Hollins and Jennifer Grogan regarding Resolutions and Ordinances for the ballot.

Discussion regarding Charter Review issues: The final versions of "Amended Ordinances 21, 22, 23 and 24 for the ballot language were included in the Council packet. Mr. Hollins discussed the minor changes that were made and thanked Council and Mr. Harvey for their corrections.

Mr. Sharp asked what the result would be if the residents voted to recommend the elimination of the Auditor position? Are there other references to the Auditor position in the Charter? Mr. Hollins said after thorough review, he thinks all references are included.

Ordinance 22-1 – President McClelland said the wording, "operate to vacate seat of Council" is also listed under the "Forfeiture of Office" section. He said this is repetitive language. Mr. Kessler said he thinks it had been previously stricken. Mr. Hollins said it differentiates the difference between an excused absence and an unexcused absence. President McClelland said it is already in the Charter. Mr. Hollins said we need a motion to strike #2 under Section 39. Mr. Kessler asked if it reduces the ability to vacate the seat. Mr. Hollins answered that it does not.

Mr. Qualmann said after reviewing the language for the Auditor Charter suggestions, the words "consent" and "confirm" should be consistent. Mr. Hollins recommends staying with the "consent" language for the ballot. Mr. Kessler asked if this would require a super majority vote which would consist of 6 out of 7 votes. Mr. Hollins said no, it would be the majority only. Two-thirds of the present members vote would be a majority.

Mr. Kessler made a motion to pass Ordinances 21, 22, 23 and 24 as amended. Recommendation seconded by Mr. Weber. Voice vote – passed unanimously.

Resolution 30-11 needs to be introduced and then tabled until after the ballot. It does not need Amended because it has not been introduced yet.

Mr. Hollins said **Resolution 14-11** is the evidentiary intent and preference of ballot language. It also makes reference to the decrease in the credit language. An Ordinance asking voters to pass does do both A & B. This Resolution is attempting to state your preference to the Board of Elections with more accurate language. The "Whereas" in Section 1, puts meat on the bones, so to speak. It provides background as to why we would pass this legislation. This will need to be suspended and passed.

Mr. Kessler said there was one typographical error on Resolution 30-11 but thinks it was referring to 12-11.

Mr. Hollins said 12-11 needs to come off the table. Mr. Chodosh summarized by explaining to Council both 12-11 and 30-11 will be presented to see which one the Board of Elections will accept. Mr. Hollins said once the clerical correction is made, we will need a motion to approve as amended.

Mr. Kessler moved to recommend the changes to 12-11, 30-11 and the further amendment of 14-11. Mr. Weber seconded the motion. **Voice vote – to amend 3-0.**

Mr. Hollins said the second one is the statement of preference only and shows the intent. Mr. Kessler moved for the approval of 12-11, 30-11 and 14-11. Motion seconded by Mr. Weber. **Voice vote – 3-0 recommendation.**

Mr. Sharp said for the record, his vote for these amendments and recommendations to Council are not an endorsement in anyway, but to allow the voters to decide.

Ordinances & Resolutions – Third Readings.

Ordinance 26-11 to authorize a transfer of \$20,000 from the unencumbered General Fund to the State Highway Fund, introduced by Mr. Kessler, (Introduced on June 28, 2011)

Ordinance 27-11 to appropriate \$5,000 from the unencumbered General Fund to pay tuition reimbursement for 2011, introduced by Mr. Kessler, (Introduced on June 28, 2011)

Second Readings.

Ordinance 28-11 to certify special assessments for the various sites where the work was not done by the owner after being ordered by the City in accordance with Bexley Code Section 1490.15(b)(4)a or Bexley Code Section 1492.04(b)(1),

and it was necessary for the City to do the work and assess the owner, introduced by Mr. Kessler (Introduced on July 12, 2011)

First Readings.

Resolution 14-11 stating the intent of the Bexley City Council with regard to ballot language for the one-half percent income tax levy, introduced by Mr. Kessler (Introduced on July 28, 2011)

This for the original 12-11 and references 30-11 and 14-11.

Ordinance 30-11 to enact Section 880.021 of the Codified Ordinances of the City of Bexley to increase the City income tax rate from the current rate of two percent (2.0%) to a rate of two and one-half percent (2.5%) to become effective on January 1, 2012, for the purposes of general municipal operations and services, street maintenance, and capital improvements and related costs and to amend Section 880.14 of the Codified Ordinances of the City of Bexley to adjust the credit for tax paid to another municipality from eighty percent (80%) to sixty-five percent (65%), introduced by Mr. Kessler (Introduced on July 26, 2011)

Ordinance 31-11 to create a special project fund designated College Avenue and South Cassady Avenue Project Fund and to appropriate \$4,036,428 from this fund for the purpose of recording expenses related to the College Avenue and South Cassady Avenue project, introduced by Mr. Kessler (Introduced on July 26, 2011)

Mr. Harvey said this is the special project fund that has been applied and approved for Cassady and College Avenues. We need to accept the loan from the State by August 15th, 2011, or we lose all the money. Mr. Kessler said he wanted to discuss this matter in further detail. He asked if Council would be available to meet early in August for a Special Meeting on August 3rd at 5:30 p.m. Mr. Harvey said this is a 3.1 million loan; 2 million will be spent on the streets and the remainder being applied to the water and sewer repairs. He said this loan would be for 28 years at 0% interest.

Mr. Qualmann said last July, we passed the Ordinance to pursue this matter. We didn't have the exact amount in front of us but we went ahead and thought we could sign the paperwork while doing the three (3) reading requirements. He said he wants to make sure this is the intent of the City Council.

Mr. Harvey said he realizes that this is short notice, however, the OPWC decision was not reached till July 1st and they notified us in the middle of July.

Mr. Harvey said there are water line leaks beneath the base on College Avenue. This is a way to get four (4) million dollars we wouldn't otherwise have. The

water line should handle this erosion but it is not going to be bigger unless Capital University is willing to help pay for the expense.

Mr. Kessler held discussion regarding the August 3rd, Wednesday date. It was decided to hold the Special Council meeting on this date at 5:30 p.m.

Mayor Brennan asked that they consider this tonight. He would prefer action be taken tonight versus holding a "Special Meeting". Mr. Kessler said he would prefer to discuss this matter in more depth.

Ordinance 32-11 is to amend Ordinance 117-08 to revise the method of payment for unused vacation pay for the Service Director, introduced by Mr. Kessler (Introduced on July 26, 2011)

Ordinance 33-11 to appropriate \$40,000.00 from the unencumbered General Fund to pay for computer hardware/software for the remainder of 2011, introduced by Mr. Kessler, (Introduced on July 26, 2011)

Resolution 15-11 authorizing the Mayor of the City of Bexley to seek financial assistance from the OPWC for funding of various capital infrastructure improvement projects, introduced by Mr. Kessler, (Introduced on July 26, 2011)

Mr. Harvey said this is an opportunity for grant money for work on Main Street beginning 2013. It allows the use of Federal grant money as the City matching funds to apply for a grant. He needs this Resolution approved by September 5, 2011. He said it would be used to purchase bus pads, repairs, etc. Mr. Kessler asked what the dollar amount would be. Mr. Harvey said they have received \$240,000 in grant funds so approximately a total of 1.2 million. The current grant is for the stop lights. Mr. Weber said he did not see a dollar amount listed. Mr. Harvey said since the plan has not been developed, he does not have an exact number. We are allowed to use our current grant funds to get additional grant funds. If the grant funds fall through, we will just use the initial grant funds. Mr. Harvey said he needs this approved tonight. It is free Federal dollars to get free State dollars.

Mr. Kessler made a motion to recommend for approval. Motion seconded by Mr. Weber. **Voice vote 3-0.**

New Business: None.

Old Business: None

Adjourned: 6:55 p.m.