

Finance & Judiciary Committee Meeting

MINUTES

October 11th, 2011

6:00 p.m.

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

Roll Call: All present.

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

Review of Minutes: September 27th, 2011- **Approved with Changes.**

Presentation and/or Special Guests: None

Ordinances & Resolutions –

Third Readings.

Ordinance 35-11 to appropriate \$12,375.00 from the Tax Increment Financing Fund (36-170-51320) for the purpose of paying for expenses related to right-of-way improvements in the Main Street TIF District to One Dawson Place, LLC, from TIF revenues received in 2009, introduced by Mr. Kessler, (Introduced on September 13, 2011).

Mr. Langner said this Ordinance was approved for 2010 for the TIF funds from 2009. We had requested an invoice from One Dawson and never received it. We were told by the Finance Director that we needed another appropriation since this is basically a "do over" from the previous approved Ordinance.

Mr. Masser said he had some safety issues and would like to ask if the TIF funds can be used for a flashing light and the painting of the crosswalk. Mr. Langner said he believes it could be possible but would need approved by the Commission. Mr. Masser asked what process takes place to get this approved. Mr. Langner said Ms. Quintenz would want to present it to the Committee.

Mr. Kessler said he believes these are two separate issues. City Council wants to act on this Ordinance now.

Mr. Langner said the painted strip is a street fund and would fall under maintenance. The signs are a permanent improvement. Mr. Masser said we have been discussing this issue for eight months, how do we move this along? Mr. Langner said the Committee would like to see the funds used for improvements on Main Street. Mr. Sharp said the Main Street group would be the one to propose the signage. Mr. Langner said hopefully we will be able to get

this settled. President McClelland asked if ODOT needs to approve before we do any painting on the street since it is a State route. Mr. Morison said we may have to ask for permission but Mr. Harvey should be the one to handle this. He would suggest it be assigned to Mr. Harvey in order for Council to proceed with the matter at hand. Mr. Masser said he wants to bring closure to this issue. Mr. Harvey said he could not make any promises, but will do whatever he can. He said there are several projects taking place in the City at the moment. Mr. Masser asked Mr. Harvey to please move this issue up on the priority list.

Mr. Kessler asked for a vote to approve a recommendation for passage to Council. **Vote was 3-0 Approved**

Ordinance 36-11 to transfer \$1,246.82 from the Tax Increment Financing Fund 36 to the Bexley Beautification Fund 20, introduced by Mr. Kessler, (Introduced on September 13, 2011).

Mr. Langner said Connell's made public improvements also and was responsible for the sidewalk in front of Cup of Joe's for four City owned trees that were damaged. They were fined \$4,500 and agreed to pay this amount from the first \$4,500 they were eligible for to go back to the City to pay for the trees.

Mr. Kessler asked for a vote to approve a recommendation for passage to Council. **Vote was 3-0 Approved**

Second Readings.

Ordinance 37-11 to revise the Codified Ordinances by adopting current replacement pages and declaring an emergency, introduced by Mr. Kessler, (Introduced on September 27, 2011) **No Action**

Ordinance 38-11 to approve modifications to the labor contract between the City and the American Federation of State County and Municipal Employees (AFSCME) effective, January 1, 2011, as contained in the Memorandum of Understanding attached hereto, introduced by Mr. Kessler, (Introduced on September 27, 2011)

Mr. Qualmann said he was requesting a suspension and adoption of this Ordinance due to the City currently paying employees at this rate. He said the Memorandum of Understanding was approved in May and there are currently two other foreman positions currently not listed. He said the Memorandum of Understanding shows the rates and we need ratification from City Council to present to the Civil Service Commission that is meeting tomorrow. Mr. Harvey said if it is not in place, we are unable to receive approval. Mr. Harvey said this is a formality only because people are being paid at this rate already. There were four positions added to the bottom of the Memorandum of Understanding. The trainee position allows us to bring someone in for a much longer time. Mr.

Kessler asked if this is a savings over the supervisor position. Mr. Harvey said yes. Mr. Qualmann said it would modify the contract so we are paying within the contract. Mr. Harvey said this is basically for "clean up" purposes. Mr. Weber asked if it was approved in May. Mr. Harvey said he did not realize City Council need to approve two people who are paid by this contract.

Mr. Kessler asked if the foreman position was a step raise between stage 2 and 4 that needs to be discussed. Mr. Harvey said technically, once the Memorandum of Understanding is approved, Mr. Hale pays by this document. Mr. Harvey said we currently have two foremen who are being paid by this document. He said he does not want a separate rate from the one specified because it is the rate he has agreed to with the employees. If we continue to pay at the same rate, he has no problem with it. Mr. Qualmann said this is a binding agreement with the union. He said it needs to be suspended and adopted tonight. Mr. Morison said we could approve it and then amend a new Memorandum of Understanding. Mr. Chodosh said we would have to ask the union to approve it as well. He said it would be too complex to write this evening. Mr. Harvey said we are already bound by this.

President McClelland asked if Council approved, what will they be paid. Mr. Harvey said the recommendation is to pay them the same amount they are being paid now, which is different from the contract. Mr. Weber asked why the employees are not at one level or the other. Mr. Harvey said he negotiated this price before the Memorandum of Understanding was approved by the union. Mr. Weber asked why we didn't catch this discrepancy. Mr. Hale said Mr. Chodosh created the Memorandum of Understanding and we currently have an on-going grievance. Mr. Kessler said if they were taken down to level three, it could be retro-active and they would have to reimburse the amount. If we take them up, we would have to reimburse the employees. Either way, you are either taking them up or down. Mr. Harvey said that would be a Gary Qualmann issue. He would let it wait another month himself. Mr. Weber said before we answer, he is not in favor of paying more and also realizes we can't take them down to a step 3.

Mr. Harvey said the rate was decided and agreed upon prior to the Memorandum of Understanding. The only issue is the current negotiations and the union would need to agree. President McClelland said it goes back to the Auditor who requested that this Ordinance be suspended and adopted. The pay rates will be changed with the second Memorandum of Understanding if Council approves this tonight. Mr. Masser said we are currently paying this amount now. Mr. Harvey said the issue is Mr. Hale is paying them something he doesn't have approval for from Council. Mr. Sharp said perhaps we could negotiate a "mini" form of the Memorandum of Understanding or pass this as soon as possible and unfortunately if they feel they should be lowered to a step 3, make those changes. Mr. Qualmann said he does not think that would be necessary. We need to get this approved and go to the union as soon as possible with the rates

and then ratify the Memorandum of Understanding. Mr. Harvey reiterated that he did not want the rates to be changed. Mr. Chodosh said he could discuss the situation with the union and hope they are reasonable. Mr. Sharp said this is certainly a lesson that we need to do the "due diligence process" because of interpretations in order to prevent this from being repeated.

Vote was 3-0 to Suspend and Adopt -Approved

Ordinance 39-11 to appropriate \$20,000.00 from the Tax Increment Financing Fund (36-170-51320) for the purpose of paying for MSI Design to develop the Main Street Guidelines, Part II, which includes a plan for spending TIF funds in the Main Street District, introduced by Mr. Kessler, (Introduced on September 27, 2011) **No Action**

First Readings.

Resolution 19-11 to adopt the Mayor's Proposal for Expense Reductions, introduced by Mr. Kessler (Introduced on September 27, 2011) **No Action**

New Business: None

Old Business: Mr. Hale presented an Executive Summary of the general fund. Mr. Qualmann said the budget forms for the administration have been distributed for feedback from the departments. Some of the figures will be different based on the amount to be budgeted for benefits. Several line items may change as a result of negotiations, etc. This is an estimate only. He discussed the revenue and the expenditure sheet summary. Mr. Qualmann said the proposal would balance the budget. Mr. Morison asked about the expenditures and how much concern was voiced by the department heads. Mr. Qualmann said some of the expenditures may be impacted by the agreement with the unions. Mr. Masser asked if there was a plan "b". Mr. Qualmann said there is not a specific plan "b". Mr. Chodosh suggested this matter be continued in Executive Session after City Council this evening.

Mr. Sharp said it reflects a reduction of \$60,000. Mr. Hale said the Recreation Department will incur a one time draw down \$60,000 in 2012. Mr. Harvey said the numbers are softer because some assumptions take effect January 1st and we can't do it sooner based on the way we pay employees. We will not know what to "phase" in because some employees are paid on their anniversary dates which will be spread throughout a 12 month period.

Mr. Sharp said the forecast for 2012 is reflected as a savings of \$690,000 and reflects the Mayor's proposed cuts. Mr. Kessler said it is helpful and he would like to see the capital expenditures and idea of inventory in each department and what is expected. Mr. Qualmann said he would need more detail. He is using the \$50,000 capital as a place holder. Mr. Kessler said by "inventory", he is referring to what assets the City owns.

Mr. Morison said a month from now; we will know who will be elected for City Council for 2012. He thinks it would be a good idea for those new candidates to be included in November's budget meetings. Mr. Masser said it is almost mandatory for new members to attend. Mr. Kessler said we need a full budget with less vagueness. We need to know more about the cuts in the administration and be able to discuss it and finalize it before the next meeting. President McClelland agreed that they do not want to wait until after November 8th to put their nose to the grind stone. Mr. Kessler said he wants Council members to continue to own this budget.

Additional New Business: Ms. Rose said Resolution 20-11 will be introduced at Council this evening. This Resolution will appoint new members to various Commissions. She met with the individuals who submitted their resumes along with the Chairman of the Commission to interview all candidates. She would like to increase the number of alternates as well within the rules and regulations for both the BZA and Planning Commissions. She needs alternates who could assist with requests that are not "major" enough to go before the Boards, but may be "major" enough that she would not be comfortable with handling on her own.

Mr. Weber said he had a few individuals who have asked to provide them with a head's up when there is an opening on these Commissions. For this reason, he would not be comfortable with suspending and adopting this evening.

Mr. Masser asked if the applicants were mainly attorneys and architects. Ms. Rose said there were some but it was a wide variety of individuals. Mr. Masser encouraged appointing a variety of individuals for a Commission in order to receive different view points. President McClelland asked how she arrived at the group of people to interview. Ms. Rose said in addition to resumes received, she did contact some individuals as well. Mr. Morison asked Ms. Rose if she felt comfortable waiting two more weeks before an appointment in order to allow more people an opportunity to apply. Mr. Weber said he did have specific individuals ask for a heads up. Mr. Masser said he didn't mean to be rude but it seems like we always assume the applicant needs to be an attorney and adding someone a little bit different gives you a different perspective. Ms. Rose said she has to ensure the members are not taken advantage of either. Mr. Masser said he will use her judgment but liked the idea of a variety of occupations. Mr. Chodosh said the BZA needs to have a lawyer as a Chairperson. It is very important because there a lot of legal issues they are dealing with at each meeting. Mr. Masser said the City Attorney is at the meeting. Mr. Chodosh said he can't say "A,B,C", because as a non-member, he is not allowed to do that. Mr. Masser said he would like to have all the new appointees meet with the Council prior to being appointed. Mr. Kessler said these appointments need three readings. They always tend to be rushed. Ms. Rose said both her and the Chairman were actively involved in the process. Mr. Kessler said he agrees it is a benefit to have a good diverse group of people, not just "yes" people. It was agreed to wait for three readings prior to taking any action.

Adjourned 7:00 p.m.