

Council Chambers
Regular Meeting
April 13, 2015
7:30 p.m.

Council met in regular session with the following eight members present: Ames, Corcoran, Fleurima, Neal, Patrick, Proehl, Tatman and Trutschel. (Ms. Gray absent.) There were 2 media representatives and 16 other visitors present, in addition to Mayor Everson, City Law Director Rutherford, and City Auditor Feeney.

Pres. Eallonardo led in the Pledge of Allegiance to the Flag.

Mrs. Ames moved and Mrs. Neal seconded that the Minutes of the regular meeting of March 23, 2015; and the Minutes of the Special Meeting of April 1, 2015; be accepted and approved, as submitted by the Clerk. All members present voted "yea" and Pres. Eallonardo declared the motion adopted.

COMMMITTEE REPORTS

Utilities/Transit Committee:

Mrs. Patrick reported on Item #6 to appropriate \$18,500.00 for Sewer Department postage of 2015, on tonight's Agenda for its first reading. Mrs. Patrick reported on Item #7 to appropriate \$27,133.84 to reimburse the Utilities Department for services provided to the Transit Department, on tonight's Agenda for its first reading. Mrs. Patrick reported on Item #8 to appropriate \$100,000.00 to cover the cost of new water/sewer meters, on tonight's Agenda for its first reading. She said that she will seek to pass this item tonight. Mrs. Patrick reported on Item #9 to appropriate \$50,000.00 to purchase and install Variable Frequency Drives for the #2 and #3 high service pumps at the Water Treatment Plant, on tonight's Agenda for its first reading. Mrs. Patrick reported on Item #10 to appropriate \$14,000.00 to cover the cost of repairing the leaking hypochlorite bulk tank at the Water Treatment Plant, on tonight's Agenda for its first reading. She said that she will seek to pass this item tonight. Mrs. Patrick reported on the status of Committee Assignment #15-08, a request that the Advertisers and similar circulars list a working telephone number for persons to contact them about being removed from their delivery routes. She said that she contacted the people in charge, and that they have assured her that they have taken care of this problem themselves. She said that she is therefore reporting this assignment out of committee with no further action to be taken by Council.

Finance Committee:

Mr. Trutschel reported on Item #1 to appropriate \$1,100.00 to cover fuel expenses for the City Electrician for calendar year 2015, on tonight's Agenda for its third reading. Mr. Trutschel reported on Item #4 to accept and appropriate an insurance claim payment of \$1,415.00 received for repair of damage to a sign at the High Street Bike Path, on tonight's Agenda for its first reading. Mr. Trutschel reported on Item #11 to appropriate \$9,500.00 for the purpose of file storage solutions within the Chillicothe Municipal Court, on tonight's Agenda for its first reading. Mr. Trutschel reported on Item #12 to appropriate \$2,000.00 from unclaimed monies, on tonight's Agenda for its first reading. Mr. Trutschel reported on Item #13 to appropriate \$3,400.00 for expenses related to emergency medical treatment for Chillicothe Police Department K-9 Unit Ciko, on tonight's Agenda for its first reading. He said that this canine officer suffered a torn ACL injury in the line of duty. Mr. Trutschel reported on Item #14 to appropriate \$1,000.00 for the purchase of 12-panel drug screen test kits for use by the Probation Department in the Chillicothe Municipal Court, on tonight's Agenda for its first reading. Mr. Trutschel

reported on Item #15 to accept and appropriate a Victim's of Crime Act Grant of \$428.66, on tonight's Agenda for its first reading. He urged passage of Item #1 tonight on its third reading, and stated that he intends to seek to pass each of these other items tonight.

Parks & Recreation Committee:

Mr. Trutschel reported on Item #2 to grant use of the City Park and surrounding streets for preparation and operation of the Annual Feast of the Flowering Moon from May 20, 2015 to May 25, 2015, on tonight's Agenda for its third reading. Mr. Trutschel also stated that he neglected to report on Item #19 on behalf of the Finance Committee, which is an ordinance to authorize the City Auditor to enter into a three year purchase agreement and professional services contract with Software Solutions, Inc., for the purchase of new software at a cost of \$123,573.00, on tonight's Agenda for its first reading.

Development Committee:

Mrs. Ames reported on Item #16 to appropriate \$22,000.00 to cover the cost of a new water line to loop the system from Central Center to Woodbridge Avenue, on tonight's Agenda for its first reading. She said that currently there is a 6 inch line on Fairway that dead ends at Worthington Manor. She said that this does not have enough water pressure to satisfy current code, and that there is another 8 inch line on the east side of Arch to Woodbridge. She said that the proposal is to replace the 6 inch line with an 8 inch line, and then the two lines will be looped so that this would create constant flow with no dead end. Mrs. Ames said that the city will use its own crews to do the work, and that the \$22,000.00 is for the boring contractor and materials. She stated that the project will involve closing down a water line when making the connection, and that area residents will be notified ahead of time and that the total project should be completed within two weeks. She stated that the Utilities Department wishes to begin work on this project this month, and that she will therefore seek to pass this item tonight. Mrs. Ames reported on Item #17 to consent to a proposal submitted by the Ohio Department of Transportation to resurface a portion of St. Rt. 159. She said that this involves a standard agreement between ODOT and the city whenever road work is done within the city limits, and that this project will include work on North Bridge Street from Marietta Road to the northern city limits. Mrs. Ames said that the city is responsible for the cost of installation and/or repair of curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act. Also, she said that because of severe road deterioration, and because it is an opportune time, there will be work on intersecting street pavements which include turn lanes on such side streets as Pawnee and Winona. She said that this will involve repaving, restriping, and rewiring of traffic loops. She stated that because ODOT needs to get the city's agreement on this project as soon as possible, she will seek to pass this item tonight.

Safety Services Committee:

Mr. Proehl reported on Item #5 to accept and appropriate \$1,000.00 in grant funds from the Junior Civic League for smoke detectors to be installed by the Chillicothe Fire Department in residents' homes, on tonight's Agenda for its first reading. He said that he will seek to pass this item tonight.

City Services Committee:

Mrs. Neal stated that the City Services Committee has nothing on tonight's Agenda. However, she stated that the committee met on the 1st of April at the tin shop on the southeast edge of Yoctangee Park, and that they found this structure to be unstable. She said that it was clearly evident that there is no hope to salvage this tin shed. Mrs. Neal stated that they were given a list of items stored in there, and that they noted the

indication of “picked up” on several of these items. The problem, however, is that Ohio Revised Code states that if an item is worth over \$1,000.00, the city must put it out to bid, according to Mrs. Neal. She stated that there were only 3 items under a heading of “appraisal” that were listed as being worth over \$1,000.00, but that she conducted a perfunctory internet search and that this showed that other items on the list also were going for more than \$1,000.00. Mrs. Neal stated that “we have reason to question” this procedure that is being followed by the city of disposing of these items without going through a bidding process. She requested that Mayor Everson and City Auditor Feeney both weigh in on this. Mayor Everson responded, stating that he will comment on this matter during his report, as he planned to do. Mrs. Neal said that the tin shed will need to be demolished in the near future, but she stated that in her opinion the items on this list can stay there at this time. Mrs. Neal concluded her remarks by asking Mrs. Ames to assure that with respect to the water project along Woodbridge Avenue and Arch Street, the merchants in Central Center get notice prior to their water being shut off by the city for this project. She stated that the last time that this was done, no notice was given to these merchants.

Engineering Committee:

Mr. Tatman stated that the Engineering Committee also has nothing on tonight’s Agenda. However, he stated that the committee met on the 26th of March to discuss several committee assignments. With respect to Assignment #14-173, pertaining to an easement for the property located at 82 S. Walnut Street, he said that the property owner is making an investment of about \$400,000.00 worth of improvements to this property. He said that the feeling is that the city should do whatever it can to help them out. Mr. Tatman discussed another assignment requesting a “no truck” sign for Courtland Avenue, off of Western Avenue. He stated that the problem is that if such a sign is put up, it will prevent Marco’s Pizza from getting any deliveries. He stated that this is a problem, and that Marco’s is looking into ways to sort this out, perhaps by scheduling deliveries at a time when it would not affect traffic so much. Mr. Tatman commented on Assignments #T15-05 and #T15-15, stating that the committee will meet tomorrow to discuss these.

Human Resources Committee:

Mrs. Patrick reported, in the absence of Ms. Gray, on Item #3 to establish rates of pay and other economic benefits for non-classified employees and the classified but management level employees of the city, on tonight’s Agenda for its second reading. She stated that Ms. Gray is under the weather tonight, and unable to attend tonight’s meeting. However, she said that Ms. Gray has requested that time be set aside at a review session to discuss this matter next Monday evening, the 20th of April, here in Council Chambers, beginning at 6:30 p.m. Pres. Eallonardo indicated that a review session will be scheduled for that time.

REPORTS OF OFFICIALS

Report of Mayor Everson:

Mayor Everson commented on the second annual City Run event held this past Saturday, sponsored by the Open Door Church. He said that this was very successful, and that it brought in \$12,500.00 which will go toward repairs to the City Park’s bridge. He stated that also in the City Park this past Saturday, there was a “child abuse awareness” event put on by Children’s Services. Then, on Sunday, he stated that the Adena Health Foundation presented its annual report, demonstrating substantial progress since 2005 including great progress in the area of education. He said that they conducted a remarkable tour of the facility where the event was held. Mayor Everson then provided an update on the fixed asset management program of the City of Chillicothe, indicating that he has distributed copies of a memo directed to City Law Director Rutherford along with a copy of the city’s current policy manual. He said that he and Mrs. Rutherford, and

City Auditor Feeney, are now moving forward with getting this situation clarified. To review, he stated that 35 items owned by the city were moved out to Houser's on St. Rt. 159. The city was given "trade-in" values for these items by Mr. Houser, and not appraisals, according to Mayor Everson. Instead, Mayor Everson said that this was a mis-labeling on the pre-printed form, and that any appraisal must be done by an independent expert for a professional fee. Mayor Everson then discussed the city's existing and old fixed asset disposal policy which dates back over twenty years. He said that the real question is what is an "estimated value" under the applicable state statute. With respect to the city's assets, he said that the net value on the city's books are depreciated for each asset down to a zero value within five years, but these assets often are still functioning and have a higher actual value than \$1,000.00 mentioned in the statute. He referred to the materials that he passed out, stating that he has requested City Law Director Rutherford to provide her written opinion on the subject. He said that most of the city's assets have depreciated out, and that the city needs to revise its policy. In the meantime, he said that the 35 items will remain out at Houser's for possible trade-in. He said that this has been done in good faith, but that everything is on hold right now. Again, he said that the items will remain at Houser's for the time being. Mrs. Neal responded, expressing her continuing concerns about the situation. She stated that depreciated value is just a bookkeeping number, and that she is asking why these items have not been put up for public auction. Mayor Everson responded, asking "where do we start?" Mrs. Neal said that she thinks that we start with following the Ohio Revised Code. Mayor Everson said that he wants to do that, but that we must first find out how to get a legal "estimated value" because he has authority under the law to dispose of an asset valued under \$1,000.00 without having a public auction or going through Council. Mrs. Neal said that she looked for prices of 3 different items on the World Wide Web that were similar to ones listed, and that she suggested that the city have somebody do the same for each item. Or, she said that a John Deere dealer should be contacted. Mayor Everson said that this takes manpower. Mrs. Neal said that we have department heads who should be able to do this. A lengthy discussion back and forth ensued between Mrs. Neal and Mayor Everson concerning the matter, with no agreement or resolution.

Report of Auditor Feeney:

City Auditor Feeney also commented on the subject of the disposition of city owned assets, stating that we do need to have transparency. He said that we failed in the first step, due to a pre-printed form that is supposed to be filled out. He talked at considerable length about the method of reaching evaluations, and concluded by stating that the listing needs to show that there is a reasoning behind where an asset is valued below the \$1,000.00 threshold, so that the public will trust our action. He said that he has full faith that the situation will get resolved with the help of City Law Director Rutherford, and that going forward the city will be in full compliance with the requirements of the Ohio Revised Code. Mr. Feeney then discussed Item #8 and Item #9, saying that these expenditures were discussed during the budget review in 2014, when the Utilities Department's budget was reviewed. He said that it was discussed that with debt being paid off, such as on the city water plant, other projects could go forward. He indicated that both of these projects will save the city money in the long run. Mr. Feeney also commented on Item #19, stating that during the past couple of years there have been several discussions about the need to upgrade the computer software for the City Auditor's office. In fact, he stated that in 2009, City Council approved an expenditure of over \$300,000.00 for new software, but that Mayor Sulzer vetoed this. Recently, Mr. Feeney said that the Auditor's Office conducted a RFP, and that they eventually chose to go with the lowest proposal and what they considered to be the best proposal.

Report of Law Director Rutherford:

City Law Director Rutherford stated that she has distributed to the members of Council copies of the latest 2015 version of Ohio's Sunshine Law, put together by the Ohio Attorney General. She noted that local training, required under Ohio law for Council members, is available on June 4, 2015, at OU-C. She said that the material she passed out contains the information on how to register for this training. With respect to the

matter of disposition of assets, she indicated that she will look into the definition of “values” as used in the Ohio Revised Code with reference to disposition of assets. She said that she will be working with Mayor Everson and City Auditor Feeney in order to develop an updated policy and procedure manual.

AUDIENCE PARTICIPATION

Tamara Lowe, of 602 Garden Drive, the City’s Fair Housing Authority Coordinator, stated that she has two students from Chillicothe High School who are juniors this year who are here tonight to help her with a presentation. She indicated that April is “Fair Housing Month”. She proceeded to discuss aspects of federal law in this area, and with the help of the two students, gave a visual presentation. She said that the key is to provide safe and affordable homes to everyone. She concluded by indicating that her office is always available to help.

Connie Riley of 66 Church Street spoke to Council about her perception of violations of Chapter 721 of the Ohio Revised Code “again by this administration”. She said that in her opinion, all of the items owned by the city that are to be disposed of should be put up for public auction. Ms. Riley then complained about the bench signs throughout the city, stating that some of these are obstructing the right-of-way, and that many are also in violation of zoning ordinances or otherwise in conflict with city code. She said that she cannot personally recall this issue ever coming before City Council for a resolution. Lastly, Ms. Riley complained about the “Seeds of Hope” issue on Church Street at the intersection of Arch Street, where she said that the homeless shelter is causing parking problems. She complained about this group being located there, stating that it is in violation of many housing codes and zoning codes. She discussed the situation, as she perceived it, involving the property located at 322 Church Street, detailing the many problems and concerns that she has with the situation.

Terry Williams of 371 Plyley’s Lane spoke about the situation that occurred on the 1st of April with the meeting of the City Services Committee, stating that he received an agenda from Councilwoman Beth Neal. He also referred to Parks & Recreation Director Dave Tenor, stating that these items belonging to the City of Chillicothe are now located miles outside of the city. He contended that there were no “appraised” values, and he said that he asked whether he could call Mr. Tenor when Mr. Tenor returned to the city in order to question him about bringing this property back to the city where it belongs. Mr. Williams stated that he was told “yes” that he could call Mr. Tenor. He stated, however, that when he talked to Mr. Tenor on two different occasions, Mr. Tenor said that he was never directed by anybody to return the items. Mr. Williams asserted that the “ethics stink”, and he said that one local business has been “given a sweet deal”. He said that he did not, himself, get a copy of the city’s policy and procedure manual until today, and that this is obsolete. He contended that state law has been changed about three times since this policy and procedure manual was put together. He directly asked Mayor Everson to get this property belonging to the city back in the city now. Mr. Williams contended that he is a taxpayer and that, as a result, this is his property.

Alan Davis of 370 Braewood spoke to Council about the city’s streets and alleys again, noting that in an article appearing in the *Chillicothe Gazette* over the Easter Sunday weekend, it was discussed how badly the city needs to pass the proposed street income tax levy. He criticized statements that were reportedly made by city officials in this article as being “laughable”. He said that he has passed out tonight to the members of Council the same information that he previously passed out before. He said that he is focusing on the fact that most of the city’s streets have not been crack sealed since some time during the early 1990’s. He spoke about University Drive, stating that everywhere that there is now a pothole it is in a crack that was never sealed. He asked Council to do two things. First, he said they should have a plan for annual crack sealing of city streets. Secondly, he said that Council should have a comprehensive plan, and not just on how to spend the \$1,400,000.00 annually from the levy, if it passes. He said that it often appears that the city’s definition for streets is just streets, but he said that the alleys need attention

too, as well as the curbs and sidewalks. He said that to do the job, the city is going to need much more money than the proposed levy will bring in.

William Barnhart of 373 McKeller Street once again complained about the city using this building just for City Council meetings. Also, he said to Mayor Everson that the drivers in this city are going around running red traffic lights, stop signs, and violating other traffic laws. However, he said that a lot of them are city employees.

OLD BUSINESS

Mrs. Patrick once again announced that the large item drop-off will be on the 25th of April and the 2nd of May, from 9:00 a.m. to 4:00 p.m.

Mrs. Ames said that in October, the city will also have an electronics recycling event.

PETITIONS AND CORRESPONDENCE

The Clerk reminded the members of Council and city officials of their obligation to file their annual financial disclosure forms with the Ohio Ethics Commission by the 15th of April.

NEW BUSINESS

Mrs. Ames said that she echoes the comments of Mayor Everson about this weekend's City Run. She said that it was awesome, and she thanked the Open Door Church for sponsoring this. She also announced that the City Pool will open on the 1st of June, and provided details on this. She said that we still need more sponsors, and she listed those who have so far agreed to be sponsors. She discussed the activities that are scheduled, and said that more information is available on the city's website.

Mr. Trutschel moved and Mrs. Ames seconded that Council excuse the absence of Ms. Gray. All members present voted "yea" and Pres. Eallonardo declared the motion adopted.

READING AND PASSAGE OF LEGISLATION

Ord. No. 29-15 appropriating \$1,100.00 to cover fuel expenses for the City Electrician for calendar year 2015, and declaring an emergency was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Eallonardo declared Ord. No. 29-15 adopted.

Res. No. 3-15 granting use of the City Park and surrounding streets from Wednesday, May 20, 2015 at 5:30 p.m. through Monday, May 25, 2015 at 12:00 P.M. for preparation and operation of the Annual Feast of the Flowering Moon and providing for coordination of its events with the City Parks & Recreation Department, and declaring an emergency was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Eallonardo declared Res. No. 3-15 adopted.

An Ordinance establishing rates of pay and other economics benefits for non-classified employees and the classified but management level employees of the City of Chillicothe, Ohio, and declaring an emergency was read for the second time by title only.

Ord. No. 31-15 accepting and appropriating an insurance claim payment in the amount of \$1,415.00, which was received for repair of damage to a sign at the High Street Bike

Path, and declaring an emergency was read for the first time by title only. Mr. Trutschel moved and Mrs. Ames seconded that the three reading rule be suspended placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 31-15 adopted.

Ord. No. 32-15 accepting and appropriating \$1,000.00 in grant funds received from the Junior Civic League for the purchase of smoke detectors which will be installed by the Chillicothe Fire Department in city residents’ homes, and declaring an emergency was read for the first time by title only. Mr. Proehl moved and Mr. Fleurima seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 32-15 adopted.

An Ordinance appropriating \$18,500.00 for Sewer Department postage for the remainder of 2015, and declaring an emergency was read for the first time by title only.

An Ordinance appropriating \$27,133.84 to reimburse the Utilities Department for services provided to the Transit Department, and declaring an emergency was read for the first time by title only.

Ord. No. 33-15 appropriating \$100,000.00 to cover the cost of new water/sewer meters, and declaring an emergency was read for the first time by title only. Mrs. Patrick moved and Mr. Proehl seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 33-15 adopted.

Ord. No. 34-15 appropriating \$50,000.00 to purchase and install Variable Frequency Drives (VFDs) for the #2 and #3 high service pumps at the Water Treatment Plant, and declaring an emergency was read for the first time by title only. Mrs. Patrick moved and Mr. Trutschel seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 34-15 adopted.

Ord. No. 35-15 appropriating \$14,000.00 to cover the cost of repairing the leaking hypochlorite bulk tank at the Water Treatment Plant, and declaring an emergency was read for the first time by title only. Mrs. Patrick moved and Mr. Proehl seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 35-15 adopted.

Ord. No. 36-15 appropriating \$9,500.00 for the purpose of file storage solutions within the Municipal Court, and declaring an emergency was read for the first time by title only. Mr. Trutschel moved and Mrs. Ames seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 36-15 adopted.

Ord. No. 37-15 appropriating \$2,000.00 from unclaimed monies, and declaring an emergency was read for the first time by title only. Mr. Trutschel moved and Mr. Proehl seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself and Pres. Eallonardo declared Ord. No. 37-15 adopted.

Ord. No. 38-15 appropriating \$3,400.00 for expenses related to emergency medical treatment for Chillicothe Police Department K-9 unit Ciko, and declaring an emergency was read for the first time by title only. Mr. Trutschel moved and Mr. Proehl seconded that the three reading rule be suspended, placing this item on final passage. All members

present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 38-15 adopted.

Ord. No. 39-15 appropriating \$1,000.00 for the purchase of 12-panel drug screen test kits for use by the Probation Department in the Chillicothe Municipal Court, and declaring an emergency was read for the first time by title only. Mr. Trutschel moved and Mr. Fleurima seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 39-15 adopted.

Ord. No. 40-15 accepting and appropriating a Victim’s of Crime Act (VOCA) grant in the amount of \$428.66, and declaring an emergency was read for the first time by title only. Mr. Trutschel moved and Mrs. Ames seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 40-15 adopted.

Ord. No. 41-15 appropriating \$22,000.00 to cover the cost of a new water line to loop the system from Central Center to Woodbridge Avenue, and declaring an emergency was read for the first time by title only. Mrs. Ames moved and Mrs. Patrick seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 41-15 adopted.

Ord. No. 42-15 consenting to the proposal submitted by the Ohio Department of Transportation to resurface a portion of St. Rt. 159, and declaring an emergency was read for the first time by title only. Mrs. Ames moved and Mr. Trutschel seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ord. No. 42-15 adopted.

An Ordinance to approve current replacement pages to the Chillicothe Codified Ordinances, and declaring an emergency was read for the first time by title only.

An Ordinance authorizing the City Auditor to enter into a three year purchase agreement and professional services contract with Software Solutions Inc. for the purchase of new software at a cost of \$123,5723.00, and declaring an emergency was read for the first time by title only.

Mr. Fleurima moved and Mrs. Neal seconded that the meeting be adjourned. All members present voted “yea” and Pres. Eallonardo declared the meeting adjourned. Adjourned at 8:52 p.m.

Clerk of Council

President of Council

Council Chambers
Legislative Review Session
April 20, 2015
6:30 p.m.

Council met in Legislative Review Session as a quasi committee of the whole, chaired by Pres. Eallonardo, with all nine members present: Ames, Corcoran, Fleurima, Gray, Neal, Patrick, Proehl, Tatman and Trutschel. There were 2 media representatives and 3 other visitors present, in addition to Mayor Everson and City Auditor Feeney.

Pres. Eallonardo called upon Ms. Gray to lead tonight's discussion on the sole topic on the Agenda, the proposed ordinance to establish rates of pay and other economic benefits for non-classified employees and the classified but management level employees of the city.

Ms. Gray stated that she requested the scheduling of this review session in order to go over the proposed ordinance because she stated that she has been inundated with emails, telephone calls, and other contacts with questions or comments or concerns expressed about this ordinance. She asked if any members of Council wished to address the subject.

Mr. Tatman said that his biggest problem is in giving all of the department heads a raise in pay at this time. He said that he understands that the total cost of this is about \$33,000.00, and he asked City Auditor Feeney to confirm this. He said that in his opinion, this is bad timing with the proposed income tax levies on the May ballot. Mr. Feeney responded, stating that the sum of about \$33,000.00 estimated by him includes the signing bonuses for these employees. He said that all of this was budgeted for these employees in order to be consistent with the raises granted in the AFSCME contract.

Ms. Gray asked if any other options had been suggested to the various department heads. Specifically, she asked whether they were asked to forego any raises this year. Mayor Everson responded, stating that the past practice of following the AFSCME contract was followed. He said that nobody was asked to forego any pay increase, and he noted that all of the department heads have worked very hard in order to get the city's business conducted under difficult circumstances and staff shortages.

Mrs. Neal said that if the city was acting the same as a private company in a struggle financially, there would be no pay raises. She said that she thinks that it is therefore appropriate to just tell the department heads that we have no money for raises for them. She said that she would like to see this ordinance broken out into three different parts, with one part being just for the employees and not the department heads; another part for the department heads; and the third part for the seasonal employees. Ms. Gray responded, asking "to what end?" Mrs. Neal replied, stating that this would permit the members of Council to vote each part up or down. She said that she thinks that only the employees should get the raise.

City Fire Chief Jeff Creed joined the discussion, concerning department heads and management level employees who must also pay the increased percentage of insurance premiums for their health insurance. Chief Creed asked if these percentages will still go up for the department heads even where they receive no increase in pay. He said that this would result in a reduction of their take home pay. A general discussion ensued among Chief Creed, City Auditor Feeney, Mrs. Neal, Mrs. Patrick, and Ms. Gray concerning the impact of having no pay increase on department heads. Mrs. Neal concluded by saying that it is hard to ask the taxpayers to vote to give more money to the city for operational costs at the same time that the city grants pay raises.

City Auditor Feeney stated that it will vary from one employee to another employee as to how this affects his or her take home pay. He said that different factors include the type of health insurance, whether single or family, and other considerations.

Mayor Everson said that we all knew that this was going to be a tough conversation all along, given the timing. He said that he does think that this ordinance should be a one year deal.

Mrs. Patrick said that she has a question about the signing bonus of \$500.00. She said that some employees are saying that they received both the \$500.00 bonus and back pay.

Mr. Feeney responded, stating that this is not correct. However, he stated that under the AFSCME contract, employees received a signing bonus and their new pay began as of a set effective date. Mrs. Patrick said that this whole thing will be a can of worms, but she said that she does not think that it is fair to not give a raise to the department heads. She said that there are some people who will vote against the income tax levies if the city grants any pay increase.

Mr. Fleurima said that this will happen even though what the employees are getting is basically a wash, considering the fact that they are paying increased percentages of health insurance premiums. He said that it is hard enough that we on Council cannot wrap our minds around this.

Ms. Gray asked if anybody is proposing that the matter be delayed until after the election. Mayor Everson responded, stating that he does not agree with doing that. Ms. Gray said that she does not think that is a good idea either, but she said that others have suggested that there be a delay.

Mr. Feeney said that if the department heads do not get a raise then their health insurance premiums percentage should remain at 10%. He said that if they are dealt with by a separate ordinance, the City Law Director can specify this. He said that he thinks that this could actually be handled either way, and that the Law Director could redraft the existing ordinance to change the treatment of the department heads.

Mrs. Ames said that she thinks that a separate ordinance would be best. Mr. Feeney said that the same could be accomplished by just deleting the department heads from the existing ordinance.

Ms. Gray stated that the committee will be in touch with the Law Director's office to get the final legislation before Council at Monday's meeting.

No formal action was taken on any matter discussed during the legislative review session, and no roll call votes were taken. The legislative review session adjourned, by consensus, at 7:03 p.m.

Clerk of Council

President of Council