

ORDINANCE COMMITTEE MEETING
DECEMBER 20, 2011

Committee Chair Ms. Vaughn opened the meeting at approximately 6:02 p.m. Members of the Committee in attendance were Ms. Vaughn, Mr. D'Ambrosio and Mr. Hoefle. Present from Council were Mr. Knuchel, Ms. DePledge, Mr. Matheke and Council President Morley.

In attendance from the Administration were Finance Director Slocum, Service Director Semik, CBO Stigalt, Battalion Chief Richter and representing the Fire Department Union Mr. Saperstein. Mayor Andrzejewski and Law Director Klammer were absent and excused.

Also in attendance were members of the public.

Ms. Vaughn: Under discussion tonight are several amendments to Section 155 which is our personnel code for non-union employees. I did receive a request from the Administration to place two of these items on pending - 155.06 "Sick Leave to be Cumulative: Retirement Provision" and "155.31 "Personal Days" until they can be here to speak on their behalf.

Mr. Slocum: Who was that?

Ms. Vaughn: Two people want to address Council on these issues before we move forward with them. They have no problems with the other items on the agenda. Therefore, we will continue the discussion.

PROPOSED AMENDMENTS: CHAPTER 155 "EMPLOYMENT PROVISIONS AND COMPENSATION

AMENDMENT: 155.01 "GENERAL ADMINISTRATION"

Ms. Vaughn: This legislation was proposed by the Administration with the major change dealing with (d)(2) which reads "at the commencement of each new Mayoral term, the Mayor's salary shall be adjusted by the percentage increase/decrease in pay that is awarded to other Ordinance 155 full-time employees from December 1, 2011 forward." Committee and Council – comments?

Mr. Slocum: There is something else backed into this – in conjunction with the pickup we had built in a .008% increase on the maximum of these positions to make up for the take away. However, if you don't enact the pickup – or do away with the pickup – then even if these rates are increased we are not going to give anyone a raise until that other goes away. The thing that is similar in all the Union contracts recently approved – we increased the salaries by .008% with the exception of AFSCME and we are doing away with the 1% pickup. The reason it is not 1% of 1% is that when you pay the 0.8% you have to pay the pension, medical, workers comp and the .008% approximates the City's cost. This was actually done at the request of most Unions due to SB 5 last year that was threatening doing away with this provision.

Mr. D'Ambrosio: We should omit subsection (2).

Mr. Morley: That is what I am going to say.

Mr. Knuchel: Just for the record #2 is?

Mr. Morley: It is “at the commencement of each new Mayoral term, the Mayor’s salary shall be adjusted by the percentage increase/decrease in pay that is awarded to other Ordinance 155 full-time employees from December 1, 2011 forward.” Per Charter right now we set the salary before the election of the Mayor and if we are going to look at anything it will be done then. I don’t agree that we should put in an increase. I know it would not affect this term for Mayor but we can look at it down the line.

Ms. Vaughn: Does the Committee wish to have this item removed?

Upon review the Committee agreed to remove this item from the legislation and review it at a later time.

Mr. Slocum: What about the salaries and the .008% increase for all the various positions?

Ms. Vaughn: They are not underlined – the only one to show an increase is the Mayor’s salary.

Mr. Knuchel: It is already figured into these?

Mr. Slocum: Yes – the maximums in subsection (b) have been increased. If we are already paying the people at the maximum I cannot increase their salary by the .008% if we do away with the other. And I am telling you I am not going to increase anyone salaries until we do away with the other. If you want to table this...

Mr. Morley: Are you saying if we take out (2) it ruins everything?

Ms. Vaughn: No, he wants us to vote on it as a whole. Where I am confused is there are no underlines. Is the minimum changed or the maximum?

Mr. Slocum: The maximum is changed.

Ms. Vaughn: They should have all been underlined so we would have known there is a change.

Mr. Slocum: Why not pull this and I will get you the underlined changes. If you are not taking action on the pickup it becomes mute.

Ms. Vaughn: Why not hold this in Committee with the removal of #2 and let Mr. Slocum provide us the revised edition and then we can review it briefly next time?

Mr. Matheke: There is another change here that concerns me. It is the Tax Administrator – that title used to be Tax/Economic Development Administrator. I would think if you are going to lower this person’s duties that you would lower the pay also. If they are no longer going to do economic development then there should be a reduction in pay for that position.

Mr. Slocum: We can lower the maximum – we are paying the person \$45,000 today.

Mr. Matheke: Whatever you would consider the economic development duties to be worth. Someone could determine that.

Mr. Slocum: I will propose a reduction in that salary.

Mr. Matheke: A second thing – it seems like it has been years since these minimums have been changed. I don't think we will find an Assistant Law Director for \$17,532. Should we look at raising those to some realistic levels?

Mr. Slocum: It sets a floor. I can take the maximum and take a percentage of it and say that is the floor.

Mr. Matheke: I think some of these numbers should be a little bit more realistic. I don't think we will pay a Fire Chief \$44,000 when he has people in the Department making more money than he did – if we were going to pay someone the minimum at those positions.

Mr. Slocum: Then you are going to put it at \$70,000.

Mr. Matheke: I am not saying to bump it all the way up.

Mr. Slocum: If you are using that logic – if you are going to pay them the minimum of what everyone else...

Mr. Matheke: That is not what I said. I said at \$44,000 he would be the lowest paid person in the Department. I am not saying to make him the highest paid person because he is not as of right now – and I think we all know that.

Mr. Slocum: I am looking at some guidance as to what you are looking for.

Ms. DePledge: This is just a working document – it is not that you have to pay anyone high or low – it is just a range. And I don't know if at this point we should be raising any minimum amount on anything. If someone wants to come in here and take the Fire Chief's job for \$44,000 – God Bless them. I don't think we need to put \$60,000 or \$70,000 in there. I don't know if there is anything we need to do.

Mr. Matheke: I think that this is sorely out of date and it looks bush league to me - that you have these numbers that are so out of relation.

Mr. Slocum: In my mind you can do away with the maximum or minimum.

Mr. Matheke: We could do that. That would probably be a good way to do it - if you wanted to.

Mr. Slocum: That does not bother me in the least. There were some minimums changed to match the minimum wage.

Ms. DePledge: Typically you would have a range so people can see where they are in the class and you also want to use the range for incentive purposes. If someone knows there is a Fire Training Coordinator

at \$60,000 this is the end of the road for them for a couple of years. It is just a range and I am sure there are a lot of different reasons why it is in here. Whether raising the minimum is realistic or not – it is just a minimum. An Assistant Law Director is not going to take the job for \$17,500 but it is a minimum – are we going to pay them \$42,000? I don't know. But the fact of the matter if you set it at \$42,000 and he plans on being here for a few years he knows he will not get an increase.

Ms. Vaughn: Page #2 under Part-Time Employees – you have Planning Commission Clerk noted but there is nothing that says what it means.

Mr. Slocum: The note is for hourly rates unless otherwise specified – we are indicating it is monthly. We should have done it with the Sergeant-at-Arms. I will do that.

Ms. Vaughn: What is the reason that clerk is paid more than the other clerks?

Mr. Slocum: This has been carried forward from what was in here.

Ms. Vaughn: The other clerks get \$7.70 an hour and this person gets \$240 per month – this may be something we want to look at in the future. It seems a little strange.

Mr. Slocum: I have not investigated or tried to validate the hourly rates or rates of pay here. There have been so few raises I have not heard of anyone being overpaid.

Ms. DePledge: For your information, the \$240 per month equates to about 32 hours a month.

Ms. Vaughn: 32 hours a month – that is a lot of hours for a two hour meeting.

Ms. DePledge: It comes to 8 hours per week. And, that is minimum wage.

There were no further questions or comments.

Ms. Vaughn: We will keep this in Committee for discussion with the next Ordinance Chairman.

AMENDMENT: 155.06 “SICK LEAVE TO BE CUMULATIVE; RETIREMENT PROVISION”

This item remained in Committee at the Administration's request for future discussion.

REPEAL: 155.20 “EMPLOYER PICKUP OF EMPLOYEE CONTRIBUTIONS TO OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS); POLICE AND FIRE PENSION INCLUDED”

Ms. Vaughn: Do you want to hold this for more discussion or move it forward?

Mr. Slocum: If we are going to do the pickup then I would like to see the wage increases approved because I do not want to cut someone's pay because we are not doing the pickup and not increase their wage to offset. It is not a complete offset to the person. It does end up costing them a little bit.

Ms. Vaughn: .02% - for the most part.

Mr. Slocum: It will cost them in their take home pay. As it relates to 155.01 I would like the wage section and we can still address some of the other issues Mr. Matheke raised on the minimums – or do away with the minimums.

Mr. D'Ambrosio: I don't care about leaving the minimum and maximum in. It does not matter to me what the minimum is because someone always has the opportunity to take the position or not. And, even with the Tax Administrator - Mr. Matheke made a good point about the economic development. The minimum was \$40,000 and we started the person at \$45,000. I am okay with keeping that the way it is. Mr. Slocum, you are saying this coincides with the other one we are talking about – Section 155.20?

Ms. Vaughn: I thought when we got the information from Mr. Klammer that it had to do with this.

Mr. Slocum: That has nothing to do with the 155 employees.

Mr. D'Ambrosio: I have no problem with this and if we eventually looked at taking out the minimums that does not matter. To me it doesn't because there is a range. My salary has a range in it. I am okay with it.

Mr. Hoefle: I am okay with the range – we can leave it alone for now.

Ms. Vaughn: Then on Section 155.01 – we will move it forward as long as we remove the section on the Mayor's salary. You understand the section above it looks like it gives the Mayor a raise. Can we do that with the way the law is written – that you cannot increase the Mayor's salary?

Mr. Slocum: No. You cannot increase the Mayor's salary.

Ms. Vaughn: When you look at the legislation it looks like we are increasing his salary because his biweekly rate has gone up. That is the point I am making.

Mr. Slocum: We are always governed by State law that says we cannot change a salary midterm. As far as I am concerned as long as you approve the changes to (b) and (c) I am happy.

Ms. Vaughn: Then let's approve the changes to (b) and (c) and eliminate (2) and leave one the same and not increasing the Mayor's salary.

Mr. Morley: It is the same for Council too because we already took the cut but ours shows an increase also and we are not taking it. We need to keep (d) out.

Mr. Slocum: If you only adopt (b) and (c) in this proposal it covers what we need - with the Tax Administration that we reduce the maximum salary down to \$52,000.

Ms. Vaughn: So, we will take out the section regarding the next Mayor's salary and Section (d)(1) where the salary goes up now and make the necessary changes to (b) and (c).

Mr. Matheke: Weren't the part-time firefighters supposed to be contractors and paying social security instead of PERS?

Mr. Slocum: Yes.

Mr. Matheke: So, theirs should not go up at all because we are not picking up part of their PERS – should that stay at \$14?

Mr. Slocum: You are right – that should stay at \$14.

Mr. Matheke: Is there anyone else?

Mr. Slocum: No.

There were no further questions or objections.

Ms. Vaughn: In regards to repealing 155.20 the City was picking up 1% of the employees contribution to the PERS retirement system and the Police and Fire pensions. How does the Committee feel about that?

There were no objections.

The Committee agreed to move these matters forward to the next regular Council meeting.

AMENDMENT: 155.31 "PERSONAL DAYS"

This item remained in Committee at the Administration's request for future discussion.

AMENDMENT: 155.38 "INSURANCES"

Ms. Vaughn: This is an increase to the employees' insurance participation to 10%. I did check every contract on all these items to make sure the language is consistent and they have all gone up to 10%. How does the Committee feel about this?

There were no questions or objections.

The Committee agreed to move this item forward to the next regular Council meeting.

AMENDMENT: 1153.01 “NONCONFORMING BUILDINGS”

Ms. Vaughn: I know nothing about this. Mr. Stigalt, would you please explain this bearing in mind that we just changed this section and now we will have to pay more money to recodify it again. Is this for just one case – did you want it changed because one resident called?

Mr. Stigalt: It is for the Planning Commission.

Ms. Vaughn: That does not explain anything to me. What does that mean – for the Planning Commission?

Mr. Stigalt: This section with the Planning Commission states that non-conforming structures have to go in front of the Planning Commission to be approved. I think it is a waste of the applicant's money and time when they are not changing the footprint on a nonconforming structure and they are putting on a second floor addition – why they would have to have it okayed when I would have that same authority in other cases on the standard conforming structure. I think it is a waste of time and delay of about a month and an aggravation. I don't think we need to put the applicant through that for nonconforming. If they are enlarging it to the point where they are changing their set back and making it more nonconforming I could fully understand going in front of the Planning Commission. We have had several cases where they wanted a second floor addition on nonconforming structures and I felt going to the Planning Commission was unfair when I could have just as easily approve it as I would a conforming structure. This does not come up all the time but when they do they seem to come up in several runs – three or four in a month's time and I did not think it was fair. I am trying to help the applicant go through the process and cut down on government red tape for something that is not making it more nonconforming – it already is – they are just adding or changing something. I think it would be helpful.

Mr. D'Ambrosio: Makes the process easier for the applicant and saves time.

Mr. Stigalt: Absolutely – they can move the project forward and not have delays. Unfortunately these came in October and November and with the weather by the time they got started it made more pressure on the contractor to make provisions to protect from weather. It changes the whole dynamics of the construction.

Mr. Knuchel: Under what instances would you not allow this to happen?

Mr. Stigalt: For example, if the setback on the house is 4 ½ feet and the minimum is 5 feet. If they wanted to go to 3 or 3 ½ feet to put on an addition then the Planning Commission would have to look at it because it is a site change and made more nonconforming and affects more of the setbacks and the configuration of how the house looks on the property – being closer to the neighbor – you are looking at more dynamics then keeping the same footprint and moving up vertically. Or, we had another example where they had an L-shape in the back and they wanted to continue the L-shape to the end so it is a box – they would not be going past the edge or the rear of the home but just filling in an L-shape that was blank for years. If they are not changing the form or setbacks I should be able to say that is fine – go do it – rather than they go to

Planning Commission to get approved for two walls. If the setbacks would be going to the side or front then I think that is when the Planning Commission would want to look into it to see how it will look for the whole community rather than keeping it same within the same setbacks. I don't see why we should do that. They are going to enhance their home – beautify it – invest in the City and stay here and build a family. I see that as all positive.

Mr. Knuchel: This is just in a residential area?

Mr. Stigalt: Absolutely – commercial is a whole different animal.

Mr. Hoefle: I understand completely what he is talking about – I have been there – and I agree 100%.

Mr. D'Ambrosio: I am good with it.

Mr. Semik: As a member of the Planning Commission I don't recall the last time something like this came before us. I am all in favor of expediting and streamlining wherever we possibly can. But, when you get into enlarging a footprint there could be technical problems. I don't really believe

Ms. Vaughn: The Committee obviously wants this to move forward. My only concern is from now on Mr. Stigalt when you bring a change in an ordinance to us please try to make sure you review the whole ordinance. We just changed part of this 1153 and every time we change we have Walter Drane codify and re-codify. We are trying to watch our pennies very carefully. So, I would appreciate it if there are several steps that you could do it all at one time and be a little more cost effective and timely. We will recommend this be moved forward and placed on the agenda.

MISCELLANEOUS

Mr. Morley: Mr. Slocum can explain them both and if Mr. Saperstein has anything to add then I would ask that you let him because of the negotiations between the Fire Department and the City.

RESOLUTION: PENSION PICKUP: POLICE DEPARTMENT

Mr. Slocum: This one actually represents housekeeping for us. Whenever we change the pickup and notify the Ohio Police and Fire Pension Fund Council has to approve a resolution. It is in the contract so we are going from a pickup of 1% to a pickup of zero. This reflects this and I would ask that this be moved forward.

Ms. Vaughn: This is standard operating procedure for the pension board and is the proper action that we should be taking.

RESOLUTION: PENSION PICK UP: FIRE DEPARTMENT

Mr. Slocum: As part of our budget problems we have had and in an effort to try to save the one Fire Department layoff the Fire Union approached the Administration last week. We met and what we have reached a tentative agreement on is that we would shift the expenses with the

City paying the Union members less and on the flip side picking up all the pension contributions. The bottom line to the City is that it generates sufficient savings along with a couple of the other items we have indicated that we will pay as comp time versus pensionable time – that they will save enough funds to be able to save the one Fire Department job. In the event that you approve this and our moving forward with this we will not have to lay off that fireman.

Ms. Vaughn: I personally think that is a wonderful thing that the Fire Department worked out with the Administration. You are to be complimented gentlemen. It is nice to see people working together in order to save a young man's career. I am definitely in favor of moving this forward. How does the rest of Council feel?

Mr. Slocum: The other thing I want to point out is this has a sunset at the end of 2012. You will notice within the body of this we say as of 1/1/13 we are going down to zero. If this agreement we have with the Fire Union is to go over a year we will have to come back for another resolution. We will revert back to the wages and the zero as they exist in the contract.

Mr. Morley: That was put in so everyone knows this is not a concession from the Fire Department that will be forever. Mr. Saperstein, do you have anything you wish to add? I have talked to you and I think this is a great thing you guys are doing to save one of your people. I know Mr. Slocum and Mr. Klammer have worked on this. Mr. Klammer needs to look at this and make sure it is alright for Tuesday.

Ms. Vaughn: Is everyone in favor of moving this forward?

There were no objections.

These matters were moved forward to the next regular Council meeting.

CCA AGREEMENT

Mr. Slocum: We are looking to release this to the press tomorrow and I wanted to give you a heads up copy. We approved the CCA contract earlier this year. We are now going forward and things are going to start happening. We had originally hoped to match up the 2010 filing with the 2010 file from the IRS but they are having some issues with the IRS on the 2010 filing. But they already have the 2009 filing and have it for the entire zip code. If we can recapture other income and I am really hoping this will generate maybe \$100,000 or \$200,000 in additional tax collections this year. We are trying to put the people on notice and will post this on the web site and release it to the paper. I wanted to put it before you and if you have any questions?

Ms. Vaughn: Committee, questions or concerns?

Mr. Slocum: I am really not looking for approval but am trying to give you a heads up. If you have comments I am always interested.

Mr. Morley: What exactly is the income earned on a 1099?

Mr. Slocum: You are supposedly paying City income tax on a 1099. If someone does not file a 1099 with us we would never know until this. Now, they will match up to the 1099 they report to the Federal. Now we will have the ability to see what 1099's they reported to the Federal that they did not report to the City and we are going after those people – it is taxable income. The one thing I want to look at deals with 1099's relating to gambling winnings. Right now our ordinance mandates that gambling winnings are taxable income and there is nothing allowing for any type of deduction and losses. I will be proposing to expand to allow people to deduct any gambling losses that they deducted on their 1040 with the Federal government. If they met that burden we would allow it. We will have the ability to check what they did report. If they did not report anything to them and pay taxes on it then we will go after the whole thing. I want to be fair to the taxpayers. If they deduct it on the Federal they should have the ability to deduct it for the City. I think that is fair. I am not trying to gouge.

Ms. DePledge: What if their losses exceed their winnings – then they are actually getting a tax break?

Mr. Slocum: No. For Federal tax purposes you can only deduct the losses to the extent of your winnings. You can never go below that.

There were no further questions or comments.

RECOGNITION OF PUBLIC

There was no one who wished to speak.

The meeting was adjourned at 6:40 p.m.

dac

APPROVED: _____

DATE: _____