

## **CITY COUNCIL MEETING – MONDAY, DECEMBER 12, 2011**

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, December 12, 2011 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Mr. Zakany, Mr. Baker, Mrs. Gentry, Mrs. Norman, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, and Mr. Vincent.

Mr. Tilton moved to excuse Mr. Tarbert, seconded by Mr. Roberts.  
Motion carried.

### **APPROVAL OF MINUTES**

Mr. Zakany moved to accept the minutes as printed, seconded by Mr. Tilton.  
Motion carried.

### **COMMUNICATIONS, REPORTS, AND RESOLUTIONS**

Communication From Howard S. Zwelling, Mayor – RE: Board Appointment.

South Eastern Area Transit Board – I am hereby recommending the reappointment of Mr. Dave Lasure to the South Eastern Area Transit Board. Mr. Lasure's term will expire December 31, 2012.

Mr. Kilpatrick moved to receive and concur, seconded by Mr. Zakany.  
Motion carried.

Communication From Howard S. Zwelling, Mayor – RE: Board Appointment.

Muskingum County Convention Facilities Authority Board - I am hereby recommending the appointment of Mr. Dan Sylvester to fill the unexpired term of Mr. Mick Amicone on the Muskingum County Convention Facilities Authority Board. Mr. Sylvester's term will expire December 31, 2012.

Mr. Roberts moved to receive and concur, seconded by Mr. Zakany.  
Motion carried.

### **PROPOSED ORDINANCES**

Mr. Tilton moved to add Ordinance No. 11-86 to the agenda as item 4A, seconded by Mr. Baker.  
Motion carried.

Ordinance No. 11-84 – Introduced by Council – Amending Ordinance No. 09-37, which established pay, benefit, and employment policies and procedures for the unaffiliated employees in the municipal service, and declaring an emergency.

Mr. Roberts moved for first reading, seconded by Mr. Hutcheson.

Mr. Roberts: I looked over the Fire Fighters Contract and it says here you were dealing with several unions, is this something we feel strongly that this will be in line with all the union negotiations? Or where are we?

Mr. Raines: With the Fire Fighters we have a wage freeze of sorts, but the thing about the unaffiliated force is if we want to change it later we can at any time.

Mr. Roberts: Where does this leave the unaffiliated with their cost of living raise? Are they getting a cost of living raise this year?

Mr. Raines: Again, that will be determined later, but right now there is nothing in the ordinance that would give them a cost of living raise. We would need to introduce a new pay scale.

Petition from Randy Case, 916 Vine Street

Mr. Case: I looked at the Fire Fighters Contract and I believe the contract is getting a wage freeze for one year. It looks like this one is permanent unless Council passes another ordinance saying they will get it back. Wouldn't it be more fair to make this one for just one year just like what is being negotiated with the unions? The step increases is one of the things that was involved with SB5. I would like to know what our mayor elect's position is on eliminating employee's step increase. This seems like indefinitely or unless it is changed, for just one year.

Mr. Vincent: We need to stick with the legislation at hand.

Mr. Case: What I am asking is for the Mayor elect's opinion on eliminating the unaffiliated step increase?

Mr. Vincent: I think this measure is one that we remove it now and it is easier to put back in place after the first of the year. We cannot really wait until the first of the year; it is easier to do it this way, but if Mr. Tilton would like to speak on this please go ahead.

Mr. Tilton: I read the ordinance and it says for the payroll year of 2012. That is all it says. It does not say indefinite.

Mr. Case: It also says, where it is being amended, that step increases in subsequent years will occur if authorized by separate ordinance brought before Council.

Mr. Hillis: We will come back with an ordinance because what has happened in the past is once we are done with the unions we look at what percentage of raise and we come back with an ordinance for the unaffiliated doing the same thing. This is simply to help our position for asking the unions to have a wage freeze or step freeze when you are sitting bargaining with them, you cannot have all the unaffiliated getting the automatic raise. They know we are coming back as soon as we are done with the unions.

Mr. Case: I understand that. I just wanted to know that something like that was going to happen and these people were not going to lose their step increase. Thank you.

Mr. Vincent: Council tries to keep things fair for the unaffiliated and it is difficult. We have had this discussion many times over the years.

Motion carried.

Ordinance No. 11-85 - Introduced by Council – Amending appropriation Ordinance No. 11-10 and declaring an emergency.

Mr. Hutcheson moved to waive the three readings, seconded by Mr. Tilton.

8 Ayes – 0 Nays  
Motion carried.

Mr. Hutcheson moved for passage, seconded by Mrs. Norman.

8 Ayes – 0 Nays  
Motion carried.

Ordinance No. 11-86 - Introduced by Council – Approving a labor agreement with Local #88, International Association of Fire Fighters, and declaring an emergency.

Mr. Roberts moved for first reading, seconded by Mr. Hutcheson.

Mr. Roberts: Mr. Raines, I was looking at the last bullet in your memorandum that states minimum staffing: revises minimum staffing language. In the contract it was talking about a definition of a firefighter, what exactly changed there?

Mr. Raines: We were at a standstill on that issue and the law director wrote some different language. The current language states that the city will use its best effort to maintain 12 men per shift. The Law Director drew up the language discussing so many fire fighting personnel, not

fire fighters, per vehicle, but with a normal contingent of 11 men or fire fighting personnel per shift.

Mr. Roberts: What I did see earlier in the contract that it did define a fire fighter as being someone holding, or a man as being a fire fighter position.

Mr. Raines: This language didn't used the term fire fighter or man; it just simply says fire fighting personnel. The agreement was that would include fire fighters and lieutenants.

Mr. Vincent: Mr. Hillis, it is clear as far as the lieutenants being counted in those numbers? Did you set it up that way?

Mr. Hillis: In this contract, we have not received a request from the lieutenants to negotiate a contract, so we do not have a contract with the lieutenants currently.

Mr. Vincent: The lieutenants' contract, then that also has to be included there to be effective

Mr. Hillis: I do not know if the Lieutenants are going to request a contract. I do not know what they are going to propose as to manning, number of lieutenants or whatever. It would be speculation for me to talk about that. I do not know what they are going to do or even if they are going to propose a contract.

Mr. Vincent: The lieutenants are working lieutenants and I think it is important for that to continue.

Mr. Tilton: Mr. Hillis, we have 30 days to act on this or it will go into effect? Correct?

Mr. Hillis: Correct.

Mr. Vincent: Does it have to pass the next meeting or do we have enough time for the first meeting in January?

Mr. Hillis: If you do not defeat it in 30 days, it automatically becomes an ordinance.

Mr. Raines: I believe the 30<sup>th</sup> day is a day or two after the first council meeting in January.

Mr. Vincent: We could go to January?

Mrs. Gentry: Who will get the \$2700 raise?

Mr. Raines: The \$2700 stipend for those, I think there were 8 employees who are yet at the top step, in fact those are the ones when we talk about a step increase the only ones who are affected by a step increase. The city's proposal was to have the step freeze, the union decided that they would rather have that payment across the board and they proposed the longevity reduction to offset some of that so those people are just the ones who are affected by the step freeze because they actually have another step to go to.

Mrs. Gentry: I have one other question about the health insurance. I do not understand if you have a spouse and they chose to take the insurance where they work instead of this, but you give money to do that, how does that work?

Mr. Hillis: I would urge Council if they have any questions at all about any of these provisions and you probably do, that someone would move to go into an executive session. We are still in the middle of negotiations with other unions. I do not think it would be beneficial to sit here and talk about what we should or should not be offering. If you want to discuss that or concepts of the insurance, I would urge you to go into an executive session to do so.

Mr. Vincent: You feel it is more than just explaining what is there?

Mr. Hillis: Yes, you have A.S.F.C.M.E. here.

Mr. Vincent: My thoughts are we are just explaining what is there.

Mr. Roberts moved to go into an executive session, seconded by Mr. Hutcheson.

R.C. to go into an executive session

8 Ayes – 0 Nays

Motion carried.

Executive session began 7:15 pm.

Executive session ended 7:43 pm.

Mr. Hutcheson moved to end executive session, seconded by Mr. Roberts.

R. C. to end executive session

8 Ayes – 0 Nays

Motion carried.

Mr. Vincent: With that we are at first reading, all in favor of first reading signify by say Aye.

Motion carried.

### **ORDINANCES FOR ACTION**

Ordinance No. 11-73 – Introduced by Council – Providing appropriations for use during the fiscal year 2012, and declaring an emergency.

Mr. Hutcheson moved for third reading and passage, seconded by Mr. Tilton.

R. C. for third reading and passage

8 Ayes – 0 Nays

Motion carried.

Ordinance No. 11-77 – Introduced by Council – An ordinance to revise Section 181.10 of the Codified Ordinances of Zanesville.

Mr. Tilton moved for third reading and passage, seconded by Mr. Roberts.

R.C. for third reading and passage

8 Ayes – 0 Nays

Motion carried.

Ordinance No. 11-78 – Introduced by Council – An ordinance to revise Section 181.03 of the Codified Ordinances of Zanesville.

Mr. Zakany moved for third reading and passage, seconded by Mr. Roberts.

R. C. for third reading and passage

6 Ayes – 2 Nays      Mr. Kilpatrick and Mr. Hutcheson voted nay.

Motion carried

Ordinance No. 11-79 – Introduced by Council – An ordinance to revise Section 181.11(h) of the Codified Ordinances of Zanesville.

Mr. Tilton moved for third reading and passage, seconded by Mr. Zakany.

R. C. for third reading and passage

8 Ayes – 0 Nays

Motion carried.

Ordinance No. 11-80 – Introduced by Council – An ordinance establishing sanitary sewer rates.

Mr. Tilton moved for third reading and passage, seconded by Mr. Zakany.

R. C. for third reading and passage

7 Ayes – 1 Nay      Mr. Hutcheson voted nay.

Motion carried.

### **PRIVATE PETITIONS AND COMMUNICATIONS:**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS:**

Mayor Zwelling: I think I speak for all of us when I say our thoughts and prayers are with David Tarbert and his family during this time with the loss of his mother.

Secrest events in the past two weeks:

Southeast Ohio Symphony attracted 1400 people, collected 42 large boxes of food for Christ's Table.

The County Wide Coral Festival attracted 1300 people.

The Collingsworth Family Concert, over 900 people in attendance and 30 boxes of food for Christ's Table.

Friday of this week is the annual Starlight Program, Annual Christmas Party in the lower level.

Saturday, Ticketcrush Concerts presents Pam Tillis and Lori Morgan. Tickets are going very well.

Next Monday is Bishop Fenwick's Christmas Program

The Red Cross will have a blood drive in the lower level on December 30<sup>th</sup>.

I did not bring an ordinance to Council tonight on the Secrest improvements that I would like to see done. I am getting close to enough votes, but I do not have enough yet. If any Council person wants to discuss anything about the proposed improvements you may talk to John Kunkel or me.

Mr. Tilton moved to adjourn, seconded by Mr. Hutcheson.  
Motion carried.

Meeting adjourned at 7:50 p.m.