

February 10, 2014
Council Chambers
6:30 P.M.

COUNCIL MINUTES

Mr. Ellington- called the Newark City Special Council meeting to order at 6:31 P.M.

ROLL CALL- Mr. Bubb, Mr. Blake, Mr. Cost, Mrs. Floyd, Mr. Guthrie, Ms. Hall, Mr. Johnson, Mr. Marmie, Mr. Rath, Mr. Rolletta

INVOCATION-Mrs. Floyd

PLEDGE OF ALLEGIANCE

CALL FOR MEETING AND CERTIFICATE OF SERVICE

Mayor Jeff Hall has called a special meeting of Newark City Council to convene at 6:30 P.M. on Monday February 10, 2014 to consider Ordinances- **Notice was received by all 10 members of Council.**

Mr. Ellington- at the chairs discretion since we have made every effort to as a Council to encourage and listen to citizen's comments, if there is anyone who would like to make a comment specifically about this issues tonight you may make it now.

CITIZEN COMMENTS

Rhonda Loomis- Mrs. Loomis- 870 W Church St, I will try this again. This is the same message that I gave at committee hoping that my ward representative would show me that he was serious and now I am going to ask that Mr. Blake and Ms. Hall listen to it. This is not a criticism this is me counting on you to do the right thing, what I believe, you don't have to believe it that is fine. 41 days into your position on Council and Personnel Committee you are faced with proving the integrity that you ran on by abstaining from any debate and any vote on compensation for the Newark Firefighter Union. The Union screened everybody that was their wording not mine. What are they screening for. It is not illegal and I appreciate that. In fact the ORC says \$5,000.00 can come from a Union Pack to an individual. The fact is \$6,000.00 came out of that Union, the Firefighters; I am not talking ASCFME, to the Democrats. In fact it was reported in the Advocate that the donations represented 31% of the 4 Democrats total donations. It is the dollar amount, it is what it looks like 41 days after you won election and you received \$2,500.00 Mr. Rolletta, Mr. Blake you received \$2,000.00, Ms. Hall I think that you received \$1,000.00. I appreciate what Ms. Hall said in the Advocate when she was questioned, that she was uncomfortable with anything over \$1,000.00 because she would feel beholden to somebody and I appreciate that. It is not easy to run, I was out spent 8-1, I get that however it is where your money came from. 41 days later you are supposed to vote on

the very people that gave you the money on their salary. Let me say something to you Alex, maybe you don't get it because you don't have a job, these people here are seniors, you can smirk, I find it inappropriate for your position I really do. They are not going to have to worry about their jobs. I don't know what this is going to mean maybe it is a big zero and that is great and there is not money loss to the budget. But if it's not any layoffs are on your head not theirs because they are not going anywhere, it is on your heads because it is people like you brand new starting out that get cut Alex. It won't be the people in here. I don't understand Mr. Blake how you can be here with signs, which she pointed out to him in pictures, and it says legislators owe loyalty to Americans not any lobby. Do you not walk the walk or do you just talk the talk. Do you firmly believe what you said back on MLK day on January of 2012 or not? How can you say it when it's convenient and then when it's not convenient it doesn't mean anything to you? Is it different when you receive the money than when a corporate gives it to a Republican? How is that different? I don't like that either. I just don't understand how you can do this. I am just going to say again you are a mentor, the senior person on this Council and 12 days of the new majority threw accusations, because he is an ethical man. Well if you are truly ethical than talk to your people because this is not ethical. This smacks of the same thing that you accused our President of, the exact same thing. It is 1/3 of Alex's Council salary, 1/3 of Blake's. The total donation to the Democrats was almost the entire Council's salary, if you don't find anything wrong with that than I have never known you Mr. Guthrie. I ask you to not vote on this tonight and have integrity. You took the money that's fine I understand it.

Mr. Guthrie- I am assuming that there isn't going to be a miscellaneous comments tonight is that right?

Mr. Ellington- there's not

Mr. Guthrie- so Mrs. Loomis can come up there and level all of her accusations and those members of Council that those accusations were directed at don't have an opportunity after they cast their votes to respond

Mr. Ellington- I can give you an opportunity, do you want to take a minute now or do you want to take it during discussion?

Mr. Guthrie- let me say this...the members of this Council did not create this State's Campaign Finance Laws. I may have even voted for a few of them myself. Hopefully the members of this Council are compliant with those laws and the members I know are. The fact of the matter is and it is really a shame that it has turned into what it has here. The fact of the matter is that whether it is ASCFME, Firefighters or FOP those are individual contributions made by their members just like members contribute to the Chamber of Commerce Pack.

Rhonda Loomis- from the audience said there is no such pack

Mr. Guthrie- there is a State pack mam

Mr. Ellington- no, no, no we aren't going to do this

Mr. Guthrie- this is no sense in going in further this is a State Campaign Finance issue that I have always been a strong advocate on and the accusations are uncalled for period.

Mr. Ellington- would you Mr. Blake or Mr. Rolletta like to have a minute to respond since I have given one to Mr. Guthrie

Mr. Rolletta- I would like to second Mr. Guthrie in that the money we received from the IAFF Local 109 was made up of individual contributions from local fire fighters. They have the right to support candidates of their choice. I would like to note that the same pack has donated to Republicans and Democrats in the past.

Motion by Mrs. Floyd to go into executive session, second by Mr. Cost

Mr. Ellington- the nature of the executive session is to discuss the Fact Finder's Report, Mrs. Floyd who will be in the executive session?

Mrs. Floyd- members of Council, the Law Director, Mayor, his cabinet and Johnathan Downes

Mr. Guthrie- maybe before we go into executive session could the Law Director explain for the people that have to leave explain what can transpire in executive session

Law Director- discussion. Council can't take any votes, Council can't take any action. They are free to discuss a topic that is permitted within the open meetings law, the Sunshine Law of the State of Ohio if they follow proper procedure. Motion with the basis stated, indicating what persons would be staying in the executive session then an affirmative vote of 6 or more members of Council at which point that limited subject can be discussed, information can be exchanged and shared then no further action can be taken at which point the executive session would adjourn

Mr. Ellington- thank you Mr. Sassen. There will be no vote taken, no action and it is to discuss the Fact Finder's Report.

Motion to go into executive session passed by a 10-0 vote.

Motion to come out of executive session by Mr. Bubb, second by Mr. Guthrie

Motion carried with acclamation. 7:53 PM

Ordinance No. 14-01 A

By: Mrs. Floyd

AN ORDINANCE APPROVING THE FACT FINDER'S REPORT RECEIVED IN CONNECTION WITH THE COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF NEWARK AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 109 AND RECOMMENDATIONS CONTAINED THEREIN AND DECLARING AN EMERGENCY.

Motion by Mrs. Floyd to accept, approve Ordinance 14-01 A, second by Mr. Cost

Mr. Marmie- just being the legislative body and the entity responsible for the fiscal security of the City, looking at the Fact Finder's Report and just some of the numbers, in the next two years this will increase the City budget anywhere from \$800,000.00 to a million dollars. There is a lot of uncertainty; you never know how much it is exactly going to be. So looking at our budget and where we stand in 2014, looking at the fact that we had a little over a \$1,000.00 in our unappropriated balance, we are using \$200,000.00 of our budget stabilization which was dwindling this year and I don't see where the money is going to come from other than reduction in forces with our City

employees. I think that our City services would suffer and therefore at this point I can't support anything that is going to impact our City services and reduce our level of service to the citizens of Newark.

Mrs. Floyd- the figure that Mr. Marmie just gave was not just for the fire, not just for this contract but if all unions went along with this. They are figuring it that there will be no change this year, probably \$360,000.00 next year and an additional \$360,000.00 the next year. I understand that is a great deal of money and I think that it is going to be very difficult. On the other hand we don't know what is going to happen if we reject this and it goes to binding arbitration the arbitrator could come back with this exact same thing or something very similar and once it is binding arbitration there is no call, it is whatever the arbitrator says is what is set. The fact finder who presented this is the person that did the binding arbitration with the fire contract last time.

Mr. Rath- this is a difficult decision and a difficult vote to cast. I have always said that I support our fire department, our police department and support our safety forces and I do. Right now we have 75 firefighters on our payroll, it might be 76, it might be 77, whatever the number is the fact of the matter is if we pass this it is going to be a \$360,000.00 increase minimally in 2015 and doubled in 2016. That can only mean one thing, it can only mean less firefighters and police officers and less ASFME employees and less is not what we need more is what we need. I just can't see voting to reduce our number in our safety forces so I am not going to support this and I guess we will roll the dice and see what binding arbitration brings us.

Mr. Bubb- I am not also going to be in support of this tonight. This is nothing personal against any of our labor force but this is merely financial, it is a financial impact and I haven't heard tonight of how this could be funded a year or two down the road. I remind everybody that this is general fund money, this isn't water money, and it isn't street and traffic. This general fund money, safety force money and I don't know where it is going to come from and that is my concern. When I took an oath of office there is a part in there about being good stewards of the public money here and I think we have to look at that tonight. To your point Carol if this does go to binding arbitration as it did a couple of years back, it came back more in the City's favor and there are some saving that could be realized if it does go to binding arbitration. This isn't personal against our work force it is merely a financial issue. I cannot support this tonight.

Mr. Johnson- I am not happy about binding arbitration either because we don't know where it comes from but I am also in accord with everyone that we have to think about where the money is coming from and if the money isn't there it won't happen and if we have to start closing and doing things like that then we are in a deeper bind so I am not going to support this.

Mr. Guthrie- first let me say that I think that the contract that we are voting on tonight is a result of a process that works. I know Mr. Rhodes doesn't allow me to talk about my past but I was one of the authors of the collective bargaining law on the House side and I do think that we have in front of us a fair bargaining agreement and I am supportive of it. I think that there is risk in rejecting it and I hope that it's not rejected. I hope this piece of legislation is approved. Going ahead I think number one we need to keep advocating for our community the folks in Columbus aren't as quite as maybe concerned

about our local budget as we would like for them to be. I think that we have to turn every stone within our community and our city government to find opportunities to save money. I think that we have to ask our employees because they don't want to see their brothers and sisters laid off or not replaced through attrition so as I said before we made some adjustments just in the last year. Some could argue that they didn't amount to that much but we upgraded some people, we re-classed some people, we have to be very careful about those things as we go forward. I guess the last thing that I would say is that I know everyone here has seen our public employees in this city first hand whether it be police fire or street workers, park employees, these people are all working hard. They are producing a good product for our citizens and I am proud to support them. I am proud to say that we need to go forward in a positive manner and look for ways to add more controls to our budget and get to a point in 2015 and 2016 we can figure a way out to absorb any additional costs.

Mr. Marmie- no one knows better than the Mayor that I definitely scrutinize the budget tremendously this last year. I look for every dime that we could possibly save and even removed some of those what ifs and the Mayor agreed to it. It could come back to haunt us but we kind of took a roll of the dice in order to not use as much of the budget stabilization. 91.62% that is the percentage of the fire fighters budget that goes towards salaries, towards personnel costs so that leaves a little over 8% to go to the rest of the budget. I hope that those who are supporting this this evening that you are also going to be a part of the process of the layoff procedures because they will happen. There is no way around it looking at the budget and if this does pass the first thing that we are going to have to do is call a Budget Review Committee meeting. There is definitely going to be huge changes in 2014 if this goes forward so as long as those of you who are voting in support of this are in support of those issues because it is imminent. I am looking at what is the best for the City and is there any way of reducing layoffs or any other types of action that are going to reduce personnel because the one thing that we have been able to do through all of the things we have done as far as efficiencies we have not really reduced city services as far as the safety of our citizens. We had to reduce some services that were nice things to do but those things that are needed to do we have not reduced those services. Our response times are still right up there where they have been both Police and Fire. Our safety as far as the streets, paving and things like that we have been able to do a lot with a lot less and we have done a good job at that. I hope that isn't what this comes to and that is why I think that we should go one step further in that process that Mr. Guthrie indicated that he kind of assisted in putting forth. There is one more step and I just want to make that next step to make sure we are doing what we can and that it is the most prudent thing for the citizens of Newark.

Mr. Bubb-if I may, I just had one more comment. I just want to remind my fellow Council members here this evening that the budget we are currently in we dipped into the budget stabilization \$200,000.00, \$200,000.00 ok, if this goes into effect with Police and ASCFME down the road then you are looking at another \$360,000.00 next year. We are already into it 2 then you are adding an additional 360. Before this vote I would like to if anybody has any good solutions or answers I would love to hear them tonight before you make that vote I am all ears.

Mr. Guthrie- I fear that people are being lead believe here we have no options if we approve this Fact Finder's Report but to lay off employees and that is why I am talking about every alternative and asking employees to come up with ideas to help us save dollars to help save jobs. I don't think that we can understate that there is significant risk to rejecting this Fact Finder's Report. To simply sort of lay this on those of us who support this that you better find a plan because we are going to lay off people I think that is a little bit unfair, it is a little bit reckless and quite honestly it comes across as a bit of a scare tactic. The only other thing that I want to tell everyone here, there may be folks in the audience that are not aware of this. We have approximately 100 less bargaining unit employees than we had not too many years ago. Just in 2001 our citizens approved a safety levy that brings in about 5 million bucks a year and we have fewer fire fighters today than we had then even though that new money was put into the mix. This Council approved EMS billing which is producing I think somewhere near a million and a half dollars. I do think that we have our work cut out for us, I am willing to certainly be a part of that and I think every member of this Council is. I think that we should get this thing accepted and move on.

Mr. Rath- Mr. Marmie said something about doing a lot more with a lot less; I just wanted to put a number to that. In 2011 the last time that this contract was negotiated our revenues were 2.2 million dollars higher than they are projected to be for 2014. In 2007 the last year before the great recession our revenues were 5.9 million dollars higher than they are projected to be in 2014. We are not doing a lot with a lot less we are doing a lot with a whole lot less.

Mr. Ellington recognized Mr. Marmie to speak and Mr. Guthrie pointed out that he had already spoken twice and that is what Council Rules state.

Mr. Ellington- this is the third time Mr. Marmie so make it quick.

Mr. Rath- and Mr. Guthrie has spoken three times as well.

Mr. Ellington- no he hasn't, twice

Mr. Marmie- it was indicated the scare tactic, our legal counsel told us as far as the risk with binding arbitration that it is really presented exactly what the arbitrator and the Fact Finder Report is what is presented and that is what will be asked for so I don't understand where the big risk is to going into binding arbitration. The percentage of the General Fund that was allocated to the Police and the Fire back when the levy was past that same percentage if not higher actually is still being forwarded to the Police and Fire, I am sure of that every single year. That is one thing and if Steve Johnson and his folks were here they know that I ensure that that happens because I never want that percentage to go below that. The amount of money that came from the levy has reduced too just as all of our tax revenue has decreased. In addition to that when Mayor Stare was here what he did was, in order to make sure that the General Fund was going to be better he didn't allow any capital improvements to go to Police and Fire. When Mayor Bain came in he put the capital improvements back into, allowed the Police and Fire to do that. It is not mandated that capital improvements has to go into Police and Fire but the administration since Mayor Stare has always said that we believe in our safety forces and we want to make sure that capital improvements is still separated out and that Police and Fire have that. I have seen different things occur over my tenner

here as far as Police and Fire and Mr. McElfresh knows that I do everything to make sure the Fire Department gets their money and that is the first thing that I always look at when the budget comes out, has the Police and Fire been reduced in any way shape or form. EMS billing has increased as far as it helps the budget. I was the one that wanted 100% of EMS to go back to the Fire Department because I believe that it is a fee for service and if the Fire Department is providing the service the Fire Department should receive those but I was out voted on that, that part of it had to go to other things. I do support that. I want to make sure our Fire and Police services remain the same. If we had the money would we want to do this, yes we want to provide a cost of living adjustment at minimum across the board but the money is just not there. I think that we have asked the employees as far as what efficiencies can we make and we are talking about the General Fund here. We can't ask the Street Department to help us out because they are paid under a different fund; Water is paid under a different fund so we are limited in the number of people that can actually help us. If there are any ideas I would have thought that they would have come to the table by now. I know we are always looking for them. We have made some changes this year even to reduce as far as not replacing people, merging a couple of department heads and things like that. I think that we are going to try to continue to do that. I don't know that it is going to make up \$800,000.00 even if we go with the conservative number of \$720,000.00 it is going to be hard to make up that kind of money.

Mr. Guthrie- just two quick points, one I think people need to understand the arbitrator can change the agreement. Secondly it is important to keep in mind that this Fact Finder is also an arbitrator by the way, that took minimum staffing away from the Union to start with so he is not exactly a pro union arbitrator. So I guess my point is that he hasn't in any way showed a bias on this recommendation.

Mr. Blake- I would just like to say thank you to our Human Resource Director and to the President of the Fire Fighter's Union Mr. McElfresh because I do think that we did see a fair process occur. It was my understanding that both sides said that negotiations would occur not in the newspaper or anything like that and I think that both sides have done that so I think that the process has worked. As others have commented and I agree with that the arbitrator could come back and say the same thing so why take that point, why take that risk so I would encourage support of it.

Motion to accept Ordinance 14-01 A passed by a 6-4 vote. (Nays: Mr. Bubb, Mr. Johnson, Mr. Marmie, Mr. Rath) Yeas: Mr. Cost, Mrs. Floyd, Mr. Guthrie, Ms. Hall, Mr. Rolletta, Mr. Blake)

Ordinance No. 14-01 B- NO ACTION TAKEN

AN ORDINANCE REJECTING THE FACT FINDER'S REPORT RECEIVED IN CONNECTION WITH THE COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF NEWARK AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 109 AND RECOMMENDATIONS CONTAINED THEREIN AND DECLARING AN EMERGENCY.

ADJOURNMENT: Motion by Mr. Rath, second by Mr. Blake to adjourn. 8:16PM