

ORDINANCE COMMITTEE MEETING
MAY 1, 2018

Committee Co-Chair Mr. Kasunick opened the meeting at approximately 6:00 p.m. Members of the Committee in attendance were Co-Chair Mr. Kasunick and Mr. Spotton. Present from Council were, Mr. Zuren, Mr. Hoefle, Mr. Evers, and Council President Mr. Meyers. Co-Chair Mr. Overstreet was absent and excused.

In attendance from the Administration were Mayor Morley, CBO Menn, Finance Director Schindel, and Law Director Klammer.

There were no members of the public in attendance.

PROPOSED

1. Zoning Board of Appeals Variance.

Mr. Kasunick: Mr. Menn did you want to address this?

Mr. Menn: Mr. Klammer and I have been talking and in the BZA rules there has been a thing in there for quit a few years about a 20% rule and with a lot of the new developments and even old developments getting some of our smaller housing lots built upon. This is hampering and the Board of Zoning feels that they have to kind of stick with this 20% rule and I don't know of any other city that has a certain percentage. Usually a board of zoning is a case by case. Just because one case may get more than 20% or get 30% doesn't mean that the next guys is going to get it. He may only get 10%, because it is case by case. So what we kind of do is and I will let Mr. Klammer talk...but eliminate the 20% and pretty much make it case by case, which I believe that it should be.

At this time Finance Director Schindel has entered the meeting.

Mr. Kasunick: Mr. Klammer did you want to address that?

Mr. Klammer: I circulated but unfortunately I sent it to Mr. Meyers and not to you guys. I made a mistake, but I circulated some proposals. Willoughby is the easiest one in my mind. They just say if you have a practical difficulty we will consider your variance, which is essential what ours says and then we go on to say "but it shall not exceed 20% of x, y, or z." We routinely have one and we are violating that rule, because I have to say if we go sued we would have to accommodate them anyways, so let's just cut to the chase. So we are rottenly trying to find an accommodation anyways so it's time to just change that provision. So there are a few proposals in here. I recommend just letting us do the easy one that replicates Willoughby and then I will draft something up if that's okay with you guys.

Mr. Kasunick: Okay. Are there any further discussions on this issue? Seeing none Councilman Spotton do you vote to move this forward?

Mr. Spotton: Move it forward.

Mr. Kasunick: I also vote to move it forward. This matter will be move forward to next Council Meeting agenda.

Mr. Zuren: Could I just ask one thing?

Mr. Kasunick: Sure.

Mr. Zuren: Could we...my suggestion that we hold it until we see the draft and then we move it forward.

Mr. Klammer: Whatever you want to do. You see it in Council as a Whole.

Mr. Zuren: Alright that would be great.

Mr. Klammer: It doesn't matter to me one way or the other we've waited this long.

Mr. Zuren: I just like to...that would be great.

Mr. Menn: It's been something that Mr. Klammer and I have been talking about since I've been here the last few years and we just felt again that it needs to get cleaned up.

Mr. Zuren: I understand it and I support it. I would just like to see which one we are going with if there are three or four of them.

Mr. Menn: We probably should have done it earlier.

Mr. Klammer: Do you want to hold it and then I will...do you want to hold it in Committee or do you want to put in on Council as a Whole? And you can keep it in Council as a Whole.

Mr. Zuren: I think if we left it there and we all reviewed it and that would be fine.

Mr. Klammer: Mr. Meyers can put it on Council as a Whole and I will have a draft for you then. If you want to move it forward, move it forward and I will let you hold it in Council as a Whole.

Mr. Kasunick: Would it be ready for next Tuesday?

Mr. Klammer: I think so and I will give it to Mrs. Simons.

Mr. Kasunick: Okay Mr. Spotton you vote to move it to Council as a Whole?

Mr. Spotton: Correct.

Mr. Kasunick: Councilman Spotton and I both vote to move this to Council as a Whole agenda.

Mr. Menn: Thank you.

2. 155 Employee, specifically for the Mayor to receive the same benefits as the other 155 employee's.

Mr. Kasunick: Is there a discussion on this matter?

Mayor Morley: We will send it to Councilman Meyers I didn't address it.

Mr. Meyers: We discussed this earlier and we specifically amended the...some of the items had to do with vacation and carry over vacation time with the other 155. We discussed that being Mayor being a 155 that we give him the same benefits and options as the other 155 employee's.

Mr. Kasunick: How are the current benefits and options different?

Mayor Morley: Right now I'm the only one that can't carry vacation or cash in vacation. In 155 under 155.02 "if an employee has a minimum of three weeks from their previous years vacation or they may with two weeks' notice receive payment of the regular rate of unused hours...Ordinance that was passed in 2015. Because what happens here and not only for me but for every Director here they can't go on vacation, because...Ms. Schindel has a ton from last year and Mr. Menn has the same thing. Because we are so short handed we can't take any vacation. So the last few years I've been eating the two weeks or two and a half weeks.

Mr. Zuren: Excuse me?

Mr. Kasunick: Yes? Mr. Zuren?

Mr. Zuren: 155 f is not even on here...on what we were given.

Mayor Morley: I know well what was asked and I'm just explaining what Mr. Meyers asked to talk to me about and that is what I'm bringing up. What you were given with the increase of...

Mr. Meyers: The salaries and compensation.

Mayor Morley: The salary increase...we haven't put it in the budget to extent from the \$12,000.00 to the \$14,440.00. You guys know that I've never been in it for me about the money so I've been talking to Ms. Schindel. You can change this but for me this year I probably wouldn't take it and next year we can take a look at it again for the budget. Because if you do this at least it's in and for the next cycle next for another raise we can look at it. But at this point I mean you can put it in I'm just not going to take it...the increase.

Ms. Schindel: The range.

Mayor Morley: I'm not going to take the raise this year, because we didn't put it in the budget. I know that it's only a couple thousand dollars, but we don't need to move money around for that...for this year in my opinion. I appreciate what everyone wants to do at this point I think...we will put it in there and next year when we go back to give increases for the 155 for 2019 we will take a look at it. That's my opinion.

Mr. Klammer: What were you trying to do on the vacation?

Mayor Morley: Well...

Mr. Menn: So like for me...all of the Directors we can carry over some of our vacation time or cash out? It's getting harder for us to take vacation, but he wants to...

Ms. Schindel: We changed it around the beginning of the year.

Mr. Meyers: Around January or February.

Ms. Schindel: Yes exactly.

Mr. Meyers: The 155's currently they are not allowed too...you're not allowed to carry vacation over indefinitely correct?

Ms. Schindel: It states with the Mayor's permission we can carry it over we didn't put a time frame on there.

Mayor Morley: Right.

Mr. Meyers: So perhaps we need to have a time frame on it or a time frame on carrying it over then be forced to cash it out or something like that. I don't think that we want to be in the situation where you're cashing out...

Mayor Morley: And that's what happened before.

Mr. Meyers: Exactly.

Ms. Schindel: I didn't cash mine out I was hoping to be able to use it.

Mr. Menn: I didn't cash mine out yet.

Ms. Schindel: We didn't have phones and I'm sitting here trying to argue with the insurance company and do I take a day off. That's where I was.

Mayor Morley: In the ordinance right now under 155.02 (g) it says:

"The Mayor, is an elected official as defined in Section 155.0, shall receive six weeks' vacation per year, which vacation period should accrue immediately up to the first day of each year. Said six weeks' vacation shall not be carried over from one year to the next. There shall be no pay for any unused vacation period upon conclusion of status of Mayor."

So even if it was...even if I got the carry over or cash it in...if I would run or lose or I wouldn't run then it just goes away. I am going to try harder to use some vacation, but we are already in May I believe today.

Mr. Klammer: So you just want to replicate in the...

Mayor Morley: Well I have requested and Mr. Meyers looked at it.

Mr. Klammer: Theoretically we could just add in *“The Mayor shall be permitted to carry over one year to the next immediate year, up to two years earned of unused vacation.”* In subsection (a) you could just have...

Mr. Kasunick: Is there any further discussion on this issue? Mr. Zuren?

Mr. Zuren: I am 100% for it and I think that the Mayor works extremely hard and he should get all of the benefits of everyone else. I just think that this needs to be updated. This doesn't cover specifically what we're talking about it's not even in here...in the ordinance.

Mayor Morley: I didn't bring it up.

Mr. Zuren: I'm just saying while we're talking about I 100% support and it needs to be done. Just what we were given it's not even part of what we were....

Mayor Morley: I guess from my perspective or is that you do what you have the legislation for...again you can pass it and I'm not going to take the raise and whatever else the Council President or thinks that should be changed just put it in and give it to the Committee and then we will look at it...from my perspective.

Mr. Klammer: That would be two separate ordinances anyway. Two separate pieces of legislation for the Safety Director pay increase vacation pay in 155.02. So it would be two separate pieces of legislation, unless there is something else that you want to add too.

Mr. Kasunick: I don't think that there is a rush on this do we just want to hold this in committee until we get draft legislation?

Mayor Morley: I'm fine.

Mr. Klammer: Yeah I'll do...we already have the first one and I will do a draft of 155.02 adding that carry over for the Mayor.

Mr. Kasunick: Okay.

Mr. Klammer: Sound fair?

Mr. Kasunick: Councilman Spotton do you agree?

Mr. Spotton: Yes I agree.

Mr. Kasunick: Okay then this will be held in Committee until we see draft legislation on this.

3. Board and Commissions Compensation per Meeting or Monthly.

Mr. Kasunick: Are there any comments on this?

Mr. Meyers: It's been brought up from time to time about compensation for Boards and Commissions and I thought that it was something that we could take a look at. Whether we

would like to continue compensating them on a monthly basis or compensating them per meeting. Some of the Boards and Commissions don't meet very frequently and maybe it makes more sense to compensate them per meeting instead of on a monthly basis.

Mr. Kasunick: What boards are currently receiving compensation?

Mr. Menn: Planning.

Mayor Morely: Planning Commission, Civil Service Commission, Zoning Board of Appeals, and the Architectural Board of Review.

Mr. Kasunick: Would this apply to current members of the boards? Or would they be grandfathered? Councilman Evers?

Mr. Evers: Just a quick question let's say there's a BZA Meeting and we go per meeting...

Mr. Meyers: Good question.

Mr. Evers: So then he's not going to get his...I think that it is \$50.00.

Mayor Morley: It's \$50.00 a month.

Mr. Menn: They get \$50.00 a month.

Mr. Evers: They also take out PERS out of that do they not?

Mr. Klammer: Now don't we set what we pay as a wage?

Ms. Schindel: It's a W2.

Mr. Evers: We are taking PERS out of that.

Mr. Menn: Like the BZA they meet...if I don't have anything on the agenda...they always meet the second Wednesday of the month. Whether there's an agenda or not they just clean up old business or whatever they have to do. If I have an agenda item obviously they hear that and then the next meeting, which would be the fourth Wednesday of the month, is when they would hear the case. They always meet on the second Wednesday of the month and possibly the fourth. The Planning Commission has set dates, but if there is nothing on the agenda at all then they don't meet. Their dates are the second and fourth Thursday. If I don't have anything for them then they don't meet at all until I request a meeting. The Archducal Board of Review meets very little, right now if they meet more than five times a year.

Mr. Evers: What about the Civil Service Commission?

Mayor Morley: They don't meet all year.

Mr. Evers: They don't meet unless they are scheduling a meeting.

Mayor Morley: They are going to be meeting here shortly, because we have promotions coming and hiring's actually.

Mr. Evers: Promotions.

Mr. Kasunick: Councilman Zuren?

Mr. Zuren: I want to ask Finance Director Schindel what is this going to do to your department if they start paying per meeting? Is this going to be a nightmare?

Ms. Schindel: It's more work sure it is, because then we have to know who isn't in attendance and we will have to...

Mr. Zuren: Because we're talking \$14,000.00 total from what I estimate and we are creating this monstrosity.

Mr. Evers: It comes up to like \$48,000.00 in six or eight years. It's not a lot.

Mr. Zuren: I estimate \$14,000.00 a year.

Mr. Evers: It's not a lot.

Mr. Klammer: Probably not worth the effort.

Mr. Zuren: I was worried about the cost right now.

Mr. Kasunick: CBO Menn?

Mr. Menn: The only other thing and I see what Mr. Meyers was bringing up and I don't know if it would affect volunteers too.

Mr. Kasunick: Councilman Evers?

Mr. Evers: Does Civil Service say they wave?

Mayor Morley: Civil Service does wave it.

Mr. Evers: Okay if they wave theirs then the other people are meeting regularly I say that we leave it alone. That would be my suggestion.

Mr. Kasunick: Finance Director Schindel?

Ms. Schindel: For budget purposes I know what to budget, because it's flat. Should they meet more often I will have to adjust the budget. So there will be extra consideration on that as well, because right now it's a flat fee.

Mr. Evers: It is pretty hard I think from the Administrations point to find people to fill these positions. So we're draping a little carrot out there for them. In my opinion when we met years ago on this we voted to cut it. I think that we should just leave it the way that it is.

Mr. Zuren: I'm just concerned that if somebody was here and they weren't paid...all the extra work that the Finance Department's going to do to document it and pay I just think it's more trouble than it's worth.

Mr. Klammer: The bigger issue is what do we pay Ms. Garry.

Mr. Evers: Does she get extra?

Mayor Morley: She gets like two something.

Mr. Evers: She's the secretary I think she get extra.

Ms. Schindel: She does get extra.

Mr. Menn: Last year or two years ago we actually corrected her wrong because there was a problem with the billing of the secretary for the boards. And we corrected that two years ago. Two years ago we corrected that and now she turns in a pay stub to me or a time sheet to me and I have to sign off on it and then it goes to the Finance Department. That got cleaned up a lot better.

Mayor Morley: Yeah because if you change it to per meeting or whatever we are going to have to do...yesterday we handed in our payroll sheets for everybody. We would have to make sure that since they don't work here we would have to try and retrieve the payroll sheets.

Mr. Evers: Plus PERS I think would be a mess.

Mr. Klammer: Sounds like there is a consensus to leave it.

Mr. Kasunick: Are there any further discussions on this issue? My personal preference would be to leave this as it is and remove this from the committee agenda Councilman Spotton do you agree?

Mr. Spotton: I agree.

Mr. Kasunick: Okay then that is what we will do.

PENDING

There was nothing under Proposed.

MISCELLANEOUS

1. Ordinance: To amend Section 107.10 "Collateral For City Funds", specifically Subsection (a).

Ms. Schindel: Thank you. The state of Ohio...we used to have 110% so the bank had to collateralize 110% of our public monies. The state on April 1st the effective date changed it to 50% and we don't have enough money with the bank to have 110%, when the state says they only have to do 50%. So I'm kind of in a box here where our ordinance says oh you have to have 110% and bank is standing there going no I don't I only have to have 50%, because the state says so. And I don't have enough clout to make them do this, so I would like to be in compliance with the state to change it to 50%. And it's plain and simple and it went into effect April 1st.

Mr. Kasunick: So this is just to be in compliance with the state law?

Ms. Schindel: Um hm.

Mr. Kasunick: Okay. Are there any further discussions on this issue? Can we go ahead and move this forward at this time?

Mr. Spotton: Move it forward.

Mr. Kasunick: Councilman Spotton and I both voted to move this forward.

2. Ordinance: To establish Fund 800 "General Fund Cash Reserve."

Ms. Schindel: This is something that is really for the future of the city. Yes it is something that we can look at in a Finance Committee this, but it's really to protect the future of the city. It's establishing a rainy day fund. You can talk about how much you want to set aside and you can talk about what your goals are. But right now you have no rainy day fund as you are very much aware of. This is really whether you like the 20% and you want to change that, that's all for discussion but just to set up a rainy day fund for the future that Council can decide that they need to use or that they don't need to use in those emergencies. And not just leave it up to the people doing the daily operations. So I am really trying to do what's right long term...you guys decide when it's an emergency and you guys decide that the money should be used, and to kind of protect the city for those emergencies and unexpected events.

Mr. Kasunick: Any further discussion on this issue? Councilman Zuren?

Mr. Zuren: I like the concept and I think making the budget safer and preparing for unexpected events is a great idea...20% you know \$2 Million is for the first year I think it is way too high of a percentage. Maybe we should build up to it. I love the concept but I think it's jumping five steps forward. I think that we should lower the percentage and build on it each year.

Ms. Schindel: That 20% might not be stated as such but really is the goal and it's not so much what I would ask you to do right now. It's just to have a goal of trying to get to 20%.

Mr. Zuren: It says of at least 20% of each year's respective General Fund appropriations.

Ms. Schindel: We can fix that.

Mr. Zuren: I like the mandated part of it...I think that we need to start smaller and build up to it and maybe address it each year. I think that it's a great idea and I think that it's needed. It's a whopping part of our budget, when we've just finally over the last couple of years got into a good position.

Mr. Kasunick: Is there any further discussion on this issue? Do we want to clarify that issue before we move it forward?

Mr. Spotton: Until we clarify that.

Mr. Kasunick: Councilman Spotton and I both elect to keep this in committee until that's clarified.

3. Ordinance: To establish Fund 801 "Payroll Reserve Fund."

Ms. Schindel: Right now you have twenty-six pays in a year and I'm just going to use an example. Let's say payroll is in one of those twenty-six pays one payroll is about \$300,000.00. Every so often you get a year where there is going to be a twenty-seven, so that means that year with the twenty-seven you have to find \$300,000.00 magically to pay the payroll. Because the timing on how this flows. This isn't going to affect me I'm going to be gone. This is ten years from now, but what I would like to do is to have this fund set up, so that you put in that one tenth or fifteenth or whatever that number is to get to that number for that twenty-seventh year. I can tell you right now it would be one tenth, so it's only \$30,000.00 out of this year's budget or something...\$27,000.00. But it's in that ballpark out of this year's budget. Again it has to go to the Finance Committee so that you can decide to do that, but you really need to have this fund set up, so that you're not hurting your operations in that year ten from now you are going to have to find that money, whatever the dollar amount is for payroll to make that extra pay. This is just to establish this fund and then I will come to the Finance Committee and ask that we can put aside one tenth, because that is where we are ten years from now.

Mr. Kasunick: Mayor Morley?

Mayor Morley: Because two years ago we had to find money to put in. Again this is not going to affect...I'm going to be long gone and she is going to be long gone in ten years. But instead of the usual how politics works and leave it away, we will have money in there for whoever is in the seat next time.

Mr. Kasunick: Councilman Evers?

Mr. Evers: We just went through this two years ago it was a very pain staking thing for these two to find \$300,000.00 at the end of December for the end of the year to make payroll for employees. I fully support this 10% per year...it's going to take the burden off of somebody somewhere down the road.

Mr. Kasunick: We do have a draft of this ordinance? Are there any objections to any of the details or wording of ordinance?

Ms. Schindel: Point of clarification there is no percentage marked in here and there is no dollar amount to tell me to set aside. I think that it is prudent to say if its ten years from now let's set aside 10%. It's just saying we need to think about this.

Mr. Kasunick: Councilman Spotton?

Mr. Spotton: This is only establishing the fund...it will go to the Finance Committee to nail down the numbers.

Ms. Schindel: Exactly.

Mr. Kasunick: Do you want to move this forward?

Mr. Spotton: I'm fine with it.

Mr. Kasunick: Councilman Spotton and I both elect to move this ordinance forward.

RECOGNITION OF PUBLIC

There was no one who wished to speak.

MAYOR'S COMMENTS

Mayor Morley had nothing to report.

There were no further questions or comments for the Mayor.

BUILDING DEPARTMENT

CBO Menn had nothing to report.

There were no questions or comments for the Chief Building Official.

FINANCE DEPARTMENT

Ms. Schindel had nothing to report.

There were no questions or comments for the Finance Director.

LAW DIRECTOR

Mr. Klammer had nothing to report.

There were no further questions or comments for the Law Director.

The meeting was adjourned at 6:45 p.m.

tms

APPROVED: John Kautz

DATE: 10/9/19