

**URBANA CITY COUNCIL**  
**REGULAR SESSION MINUTES – DECEMBER 17, 2013**

The Urbana City Council Regular Session Meeting of Tuesday, December 17, 2013 was called to order at 7:00PM, in Court Chambers/ The Municipal Building, by **Council President Marty Hess.**

Council Present – All Council Members were present with the exception of Mr. Robert Thorpe.

City Staff Attending – Mayor Bill Bean; Mr. Kerry Brugger, Director of Administration; Ms. Rhonda Ward, Finance Director; Mr. Doug Crabill, Assistant to the Director of Administration; Mr. Brad Bodenmiller, Attorney Breanne Parcels (will be City Law Director/Municipal Court Prosecutor in Jan. 2014, in audience)

**Roll Call and Pledge of Allegiance**

**Swearing In Ceremony**

Municipal Court Judge - The Honorable Judge Susan J. Fornof-Lippencott performed the swearing in ceremony for returning Council Members : Mr. Eugene Fields, Mr. Doug Hoffman, and Mr. Dwight Paul, and for Newly Elected Members : Mr. Tony Pena and Mr. Pat Thackery. Judge Fornof-Lippencott began with brief facts about each person, prior to administration of the oath of office. The newly sworn in Council Members were ‘congratulated,’ and received audience applause.

**Approval of Minutes**

Mr. Hoffman moved to approve the UCC Regular Session Minutes of December 3, 2013, as corrected; Mr. Paul seconded. Motion carried without objection.

Discussion – Mr. Paul requested a correction of the word ‘power’ (under Board of Control, Item #1, Page 2, 7<sup>th</sup> paragraph - quote by Police Chief Matt Lingrell) to read ‘powder.’

“Minor details—that’s the only thing I’ve got,” said Mr. Paul.

So noted by the Clerk for correction.

**Executive Session (Administrative Request to Discuss “Personnel”)**

Mr. Fields moved to adjourn briefly to Executive Session at 7:09PM; Mr. Paul seconded. Roll call vote to approve: Mrs. Smith, yes; Mrs. White, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes (6-0)

At 7:24PM, Mr. Fields moved to reconvene to the UCC Regular Session; Mr. Paul seconded. Motion carried without objection.

**Communications**

Mr. Hoffman moved to place the following Communications on file: The City of Urbana Shade Tree Commission Minutes (Oct. 2013), The City of Urbana Board of Zoning Appeals Minutes (Oct. 14, 2013), and The City of Urbana Design Review Board Minutes (Sept. 23 & Oct. 28, 2013); Mr. Paul seconded. Motion carried without objection.

**Administrative Reports – Board of Control**

There were no Board of Control items at this Meeting.

**Citizen Comments**

There were no citizens who came forward at this Meeting.

**Ordinances and Resolutions**

**Third Reading –**

**RESOLUTION NO. 2404 –**

(Please see Minutes of Nov. 19, 2013 for complete copy)

Mr. Al Evans moved to place RESOLUTION NO. 2404 on the business floor for discussion and passage; Mr. Paul seconded.

Roll call vote to approve: Mrs. White, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes (6-0)

Discussion –

Mr. Doug Crabill explained the Resolution briefly again, with no follow up questions/remarks.

Mr. Crabill noted Council will see legislation ‘sometime after the first of the year (2014) that actually authorizes the Director to sign a contract with ODOT, and brings the money forward...and all of that.’

**RESOLUTION NO. 2405 –**

(Please see Minutes of Nov. 19, 2013 for complete copy)

Mr. Fields moved to place RESOLUTION NO. 2405 on the business floor for discussion and passage; Mr. Paul seconded.

Roll call vote to approve: Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes (6-0)

Discussion –

Mr. Crabill explained the Resolution again.

He stated, “Kerry, Tyler, and I went to the Township Meeting last night, and met with the Trustees again...basically, this Resolution was written so that the Director could contract with the Township, but what our intention is...we’re going to bring the contract to you, and have you formally approve it at a later date. We did get the Township Trustees support for the project, but they are working on figuring out the finer details of the contract...they would like some provisions around annexation (if annexation were to occur close to the time that this project is undertaken...how that would be dealt with)...and also some discussion about how their payments would be made back to the City.

Essentially—at a later date—we’ll bring the contract forward. This will basically give Kerry authorization to kind of negotiate those finer details and bring them back to you...and ultimately we’ll return the agreement to ODOT, so we can accept the funding...we’ll go ahead, and do that...you’ll see a contract sometime early next year with finer details.”

“You said something about payments back to the City?” asked Mr. Fields.

Mr. Crabill answered, “Yeah—the amount of money we’re talking about for the Township’s about \$26,000.”

“Okay—did we look into the CDBG Grant money?” Mr. Fields asked.

“No—that’s an avenue we could look at (potentially), but have not done at this point,” replied Mr. Fields.

Mr. Paul said, “Okay—you said the ‘A’ word—the annexation word that scares everybody, so I just want to make sure that everybody understands that’s not under consideration at this time...correct?”

Mr. Crabill responded, “Right—as our Ordinances are written, if you take water or sewer service...you’re supposed to annex if you’re contiguous to the city...so if someone decided they wanted water or sewer in that area, that would be a condition...there’s no active movement to annex someone into the city in that area...and no one’s come forward and asked to be annexed at this point...it’s just...the Township’s concern was if they put

money into improvements, and a year later somebody annexed...you know, have they really gotten their money's worth out of the project...that's kind of a concern...so...we're going to try to figure out how to address that..."

**ORDINANCE NO. 4409 –**

(Please see Minutes of Nov. 19, 2013 for complete copy)

Mr. Evans moved to place ORDINANCE NO. 4409 on the business floor for discussion and passage; Mr. Hoffman seconded.

Roll call vote to approve: Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes; Mr. Hoffman, yes (6-0)

Discussion –

(Prior to the vote) Mr. Evans said, "Welcome aboard."

"Thank you!" said Attorney Breanne Parcels.

"Welcome!" Mr. Paul said.

"Congratulations!" said Mrs. Amy White.

"Congratulations!" Mr. Hoffman also said.

**ORDINANCE NO. 4410 –**

(Please see Minutes of Nov. 19, 2013 for complete copy)

Mr. Paul moved to place ORDINANCE NO. 4410 on the business floor for discussion, and potential passage; Mr. Hoffman seconded.

Following discussion, a Roll Call Vote was taken : Mr. Evans, no; Mr. Paul, no; Mrs. Smith, yes; Mrs. White, no; Mr. Hoffman, no; Mr. Fields, no (5 no votes to 1 yes)

ORDINANCE NO. 4410 fails passage.

Discussion –

Mr. Kerry Brugger explained the Ordinance with changes in thresholds, that require Council approval to move forward. He referred to data (figures) summary provided to Council in November, and asked to 'eliminate the variation in the steps, and vault us to a flat \$10,000...'

Mr. Brugger referred to a streamlining of the process, and noted that the Administration has shown a 'transparency' in sharing everything that Council has asked for (in being forthright regarding financial responsibilities).

Mr. Paul asked, "So if this is approved, Kerry—what do you expect to save as far as time?"

Mr. Brugger replied, "It's hard to put a time or a number on that..."

He pointed again to streamlining and efficiency in the day-to-day process (in the back office work).

Mrs. Virginia Smith asked, "How did you come up with the figure--\$10,000?"

Mr. Brugger explained:

"It's kind of an arbitrary number—I know we had talked back in 2011 (when we moved it to where we are now)...there was talk of going to \$25,000—I think Lee had mentioned \$15,000 back then, and it just felt like \$10,000 is a comfortable level to be at...to start off, and take that next step forward...and maybe time will tell if we even (you know) want to cut back at a later date...but the ORC allows for a \$50,000 threshold without having anything different...so we opted not to even go near the ORC allowance. We're trying to allow the major things to come to Council...things that are in budget, you're going to see it in the budget...so you're going to see the big hitters!"

Mr. Hoffman stated, “You guys have been very transparent with us, and I do appreciate that.”

He reminded that Council is elected to ‘legislate and appropriate,’ adding, “I have no problem (in my opinion) to continue on looking at each item.”

Mr. Hoffman expressed concern regarding whether those following the current Administration representatives would be ‘as transparent.’

Mr. Brugger followed with remarks about the credit rating upgrades in the past 2 years.

“That tells us one thing—is that we do have our financial house in order, and are following protocol...we’re being audited on a regular basis...we do pass all the financial requirements...” Mr. Brugger stated, also noting the cooperation between the Administration and Council in making certain that ‘things are in line.’

He assured Council that there is no manipulation, or pushing through the system.

Council President Hess repeated Mr. Hoffman’s statement about Council’s responsibilities, and said, “Your job is to watch the money, so I advise you to keep watching the money even though it’s in a little bit higher amounts.”

**Second Reading –**

**ORDINANCE NO. 4412 –**

(Please see Minutes of Dec. 3, 2013 for complete copy)

\*Read and declared a Second Reading

Discussion –

Mr. Evans asked, “Is this a yearly...?”

“It’s an annual,” replied Mr. Brugger, indicating passage was not necessary at this Meeting.

“Someone at the last Meeting had a question about the hourly rate—did we get an answer on that?” asked Mr. Paul.

“Yes, I believe Breanne sent out an email that the rate was \$50. an hour for out of court, \$60. an hour for in court...minimum \$100. payment per case,” Mr. Brugger stated.

**First Reading –**

**RESOLUTION NO. 2408 –**

A RESOLUTION AMENDING RESOLUTION 2376 TO MODIFY OR INCREASE APPROPRIATIONS WITHIN VARIOUS FUNDS OF THE CITY OF URBANA, OHIO

Mr. Evans moved to suspend the rules on three readings; Mr. Fields seconded.

Roll call vote to approve suspension: Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes (6-0)

Mr. Evans moved to place Resolution No. 2408 on the business floor for discussion and passage; Mr. Paul seconded.

Roll call vote to approve: Mrs. Smith, yes; Mrs. White, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes (6-0)

Discussion –

Ms. Rhonda Ward explained:

“We’re requesting an increase to the original FY13 Appropriations Budget, and to give you just a brief summary from the General Fund perspective we’re asking for an increase of \$32,000 broken down by the 4 areas that you see listed.

To just cover some of the highlights as far as General Fund-Public Works, the \$17,000...that is designed for HVOC Maintenance...it’s a catch up program plan...”

Mr. Brugger interjected, “As you see, the HVAC Maintenance, we’ve had some issues here throughout the year (basically the last half)...a lot of deferred maintenance...some of our controls are not quite up to snuff...they’ve been kind of deferred...keeping up with those so...we opted through the course of the last maybe 6 months to go through our controls, and beef up the pumps in some of the heat exchangers...”

Mr. Brugger indicated ‘this is money that’s been allocated, and just put back in the right bucket.’

Ms. Ward added:

“A couple other pieces—there were some legal matters from November and December that are being reappropriated...the portion that’s not General Fund related...the total appropriation request is a hundred and fifteen nine...a portion of it is for the Police and Fire Tax Levy Fund, and that is made up of the Safer Grant (went away in August of 2013), so the General Fund just picked up a portion of that expense. Another portion (falling into that category) is there was a switch from quarterly billing on the Fire Pension Fund to a monthly billing...so there’s some catch up there on the expense side.

A couple of other large pieces—one of the Capital Improvements we talked at prior meetings about the Fingerprint Web Check approval...that is included here...also there have been a few upgrades to the Fire facility equipment, and some of the Fire equipment. The last piece in the Police Trust Fund would’ve been the Fingerprint Web Check, and (again) that was an item that had been brought before Council.”

Mr. Evans sought clarification, “So this is a Resolution to...for the 2013 Budget?”

“Right—just finished it up—Lee put together one...we did one last month,” said Mr. Brugger. “This just wraps up what we’ve got for the balance of the year...we’re just trying to wrap everything up for the final appropriations (reappropriations). A lot of these items have been approved through Council...now it’s being put in the right line item in the budget.”

Mr. Paul asked if this is has been designated ‘as an emergency,’ and Mr. Brugger pointed to verbage in Section Three.

Mr. Evans referred to this Resolution as ‘financial housekeeping.’

Mr. Hoffman stated, “As we come down to the end of the year—we may have some things that go over, and some things that may go under (budget)—and this is basically us approving the Administration to pay the bills with what we had in excess from other funds...we’re not spending any extra money here tonight, so don’t freak out if you’re watching this on t.v.”

#### **RESOLUTION NO. 2409 –**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PARTICIPATE IN THE OHIO DEPT. OF TRANSPORTATION CONTRACTS UNDER THE COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF MACHINERY, MATERIALS, SUPPLIES OR OTHER ARTICLES PURSUANT TO OHIO REVISED CODE SECTION 5513.01 (B)**

(\*Read and declared a First Reading)

Mr. Doug Crabill explained:

“Well over 2 years ago, Council passed this Resolution initially—this is basically for the City to be able to use the Ohio Dept. of Transportation’s purchasing contracts. The one that--the reason that we passed it 2 years ago—was to begin the replacement of the dump trucks that the Street Dept. uses.

This is required to be...but it's not permanently on the books of the City, and it has to be a new Resolution every 2 years...so we passed that...but there is (if I remember correctly) a truck in the 2014 Budget...and so this would allow us to use that contract again. Of course the purchase itself would come to Council for formal approval. The other thing we're looking at next year (in 2014) in using ODOT contracts for...we're looking at doing work on Children's Home Rd., E. Lawn – Clark Rd., and there's a...we're looking at doing micro-surfacing, chip and seal...and micro-surfacing (that was what was put on 68 last Summer by the State going out of town)...the life expectancy of (the chip and seal with micro-surfacing on top) that is about equal...in about 10 years...and it's about a third of the cost of laying new asphalt...so we've talked with the Township about Children's Home Rd., and they think the process would work well, as well...so anyway, to take advantage of that ODOT contract we also have to pass this..." He noted that 'spending will ultimately come back before purchase is made.'

Mr. Fields asked whether this Resolution has to be passed at this meeting, and Mr. Crabill said it did not.

Mr. Paul asked, "What's the advantage of doing this every 2 years, as opposed to making it permanent?"

"I think if I had to do it again—I'd look into figuring out how to make it permanent—my guess is it gets written into the Ordinances somehow," replied Mr. Crabill.

"Right—right—because we're going to see the purchases anyway, basically—right?" asked Mr. Paul.

"Yeah—right to buy off the contract," said Mr. Crabill.

Mr. Paul suggested looking into how to make the Resolution permanent.

**RESOLUTION NO. 2410 –**

A RESOLUTION CONFIRMING THE APPOINTMENTS OF RHONDA WARD AND EUGENE FIELDS, JR. TO THE TAX INCENTIVE REVIEW COUNCIL (TIRC) FOR THE EXECUTIVE

Mr. Fields moved to suspend the rules on three readings; Mr. Evans seconded.

Roll call vote to approve suspension: Mrs. White, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes (6-0)

Mr. Fields moved to place Resolution No. 2410 on the business floor for discussion and passage; Mr. Evans seconded.

Roll call vote to approve: Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes (6-0)

Discussion –

Mr. Brad Bodenmiller briefly explained the Resolution, and the need for the appointments.

Following passage, Council President Hess congratulated Mr. Fields and Ms. Ward on their appointments to the TIRC.

**ORDINANCE NO. 4413 –**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, REZONING 10 ACRES (+ / -) FROM THE B-2 SUBAREA E OF THE CORRIDOR OVERLAY AND R-3 TO M-1 SUBAREA C OF THE CORRIDOR OVERLAY

(\*Read and declared a First Reading)

Discussion –

Mr. Bodenmiller explained:

“This is a recommendation from Planning Commission—if you look at Exhibit A that shows you 3 parcels—the 3 parcels are shown to you...it’s basically the shape of a ‘T’...that’s what the applications are for, and that’s what Planning Commission has recommended...”

He referred to Exhibit B, and explained briefly.

Mr. Bodenmiller projected Council will receive a memo regarding, prior to the Public Hearing that will be conducted.

“Have we had any negative feedback for this?” asked Mr. Hoffman.

“I’ve not been contacted with any negative feedback,” answered Mr. Bodenmiller, also noting a mailing will be made to adjacent property owners prior to the Public Hearing.

“Why do we need to change it now—it’s been...how long has it been B-2?” asked Mr. Evans.

Mr. Bodenmiller said, “It’s not actually been B-2 very long, because it was recently annexed in the past 10 years...when it was brought in (in the annex) it was not zoned right away...it was zoned I think about 6-7 years ago (the way that it is today).”

“Now is...is that where the...?” Mr. Evans began.

“Tower Hydraulic had been there, and some other manufacturing style business had been there...” said Mr. Crabill.

Several other businesses were mentioned by others (speaking at once), in an attempt to further define the area.

“Marcia also did some history of the site,” said Mr. Bodenmiller.

“I guess we have time to go out and look at it, if we wanted,” Mr. Evans said.

Mr. Bodenmiller said he would include photos with the memo.

“So basically the zoning will match what goes on there?” asked Mr. Evans.

“Precisely—now when it’s zoned B-2, they can always...every time you change use (as long as it’s not vacant for more than a year) you can always petition the BZA to have it changed, but it seems like a hardship to me,” stated Mr. Bodenmiller.

#### **ORDINANCE NO. 4414 –**

ORDINANCE OF COUNCIL OF THE CITY OF URBANA APPROVING AN ADDENDUM TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF URBANA, OHIO AND THE CITY OF URBANA FIREFIGHTERS AND THE URBANA FIREFIGHTERS ASSOCIATION, I.A.F.F., LOCAL 1823, PASSED MARCH 12, 2013 (ORDINANCE NO. 4390)

(\*This Ordinance was added to the Agenda just prior to the Meeting)

Mr. Paul moved to suspend the rules on three readings; Mr. Fields seconded.

Roll call vote to approve suspension of the rules:

Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes; Mr. Hoffman, yes (6-0)

Mr. Paul moved to place Ordinance No. 4414 on the business floor for discussion and passage; Mr. Fields seconded.

Roll call vote to approve: Mr. Evans, no; Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes; Mr. Hoffman, yes; Mr. Fields, yes (5 yes to 1 no)

Discussion –

Mr. Evans asked, “First of all...what, what...I understand the reopening thing...what happened between the time this contract was negotiated until today...or until when we started renegotiating? What has changed in our finances that we can reopen this and...?”

Mr. Brugger explained:

“To kind of bring you up to speed again...clarification, to see if there’s any other questions...the Ordinance 4390 which we did approve earlier in the year, was the main agreement (labor agreement) for the Firefighters...and part of that agreement that was in that agreement, was that there would be a wage reopener in the 2<sup>nd</sup> and 3<sup>rd</sup> year of this contract...which is 2014 / 2015, and for 2014 the wage reopener negotiations are able to begin Nov. 15<sup>th</sup>...so during the course of...from the Nov. 15<sup>th</sup>, the meetings we had (we had 2 meetings internally, and were not able to reach an agreement)...so then it turns over to...let’s see if I get the a...I want to make sure I follow with the right word...the State Employment Relations Board (SERB)...it goes to them to appoint a fact finder mediator, and we had that meeting...”

He referred to a time limit requirement.

“The wage reopener that was negotiated in the main agreement (back last year) is now...in...taking in effect...assuming Council approves it,” said Mr. Brugger. “In that we are unlocking the longevity steps...there’s a lump sum payable in 2013, the last pay of the year (which happens to be this coming Friday)...also there will be a 1% pay increase retroactive to Nov. 15<sup>th</sup>, which is standard in most of the agreements whenever there’s an expiration...things usually go back to the date of the...when the contract takes effect, so we’re at a point (because the ratification was completed Sunday)...that’s when I made the call to Marty and said, ‘Marty, here’s our timeline...here’s what I need to do in order to get this done, and meet our obligation to the State Employment Board’...so we are at a point now where we...in order to get it...our part of the bargain (if you will), live up to that, we’ve got to pay the retroactive pay, and the lump sum payment by the end of this business year...the end of 2013, which is Friday’s pay day for that...”

Mr. Brugger referred to Attorney Breanne Parcels to share some specifics in regard to labor law.

“Well, I’m not ready for that—I’m still trying to get a grasp on this—this was just presented to us about 15 minutes before the meeting started,” said Mr. Evans. “So what you’re saying is—this is not a fiscal year type agreement...the second year of the contract kicked in...the second year after it went into effect, which it went into effect 11-15 of...?”

“Okay—2013—11/15/2013 through 11/15/2014 is the second year of the contract...so there’s always an overlap in this contract,” stated Mr. Brugger, referring to a 2 month overlap.

“So for that reason—we have to do it in an hour versus waiting until after the first of the year (where we might have some more time to kind of crunch the numbers, and think about what we want to do here)?” asked Mr. Evans.

Attorney Parcels made reference to the statute, and the Ohio Administrative Code governing the Labor Law.

She outlined the necessary process, and said, “Council has to meet within 7 days—we can’t do three readings, or table it.”

“I understand that, but we budget year-to-year, not contract to contract...and the previous financial officer (when we did our 2013 Budget)...he had a flat no increase, correct?” asked Mr. Evans.

“...and that’s the way every budget is put together with no increase unless it’s budgeted in terms of...unless there’s an agreement already in place,” said Mr. Brugger. “When we

plan for 2015—you will see the implication of the 2014 impact, as well as the anticipated 2015 impact.”

“But you didn’t...the, the...what I’m getting at is you must not have anticipated having to give a raise in 2013, if you didn’t budget for it,” stated Mr. Evans.

“You’re absolutely correct!” Mr. Brugger responded.

“Okay--am I correct there?” Mr. Evans sought verification.

“Yes,” said Mr. Brugger.

“So it’s not been budgeted for?” asked Mr. Evans.

“It has not been budgeted,” Mr. Brugger replied.

“Okay—where does this money for this catch up come from?” asked Mr. Evans.

Mr. Brugger answered:

“Like I mentioned before—in the budget, we didn’t plan for an increase—we planned for (like Lee always did—the Budget is based on run rate)...so the run rate was flat/zero...but if you looked/remember as we went through the Budget review, the bottom line (if you will) there was about a \$72,000 (and some odd dollars) that were not budgeted...as available for something if we saw a need for it...so while we didn’t budget a raise, we knew in our minds we had to at least be prudent...and be ready to react if we needed to...so (in fact) that’s kind of where we are at this point. We tried to leave some cushion in there to absorb something that we don’t anticipate, because we don’t know at the time we did the Budget...I mean, I don’t think it would be prudent to budget uh...an increase, and then not give one...so I mean I think you’ve got kind of a double edged sword there...that you’ve got to be careful how you lay that out.”

“So—right now we’re dealing with the Firefighters?” asked Mr. Evans.

“Right,” said Mr. Brugger.

“So then we’ll be dealing with the other contracts that...that...can be...?” asked Mr. Evans.

“We’re doing the Firefighters now...the next Ordinance will be the Fire Captains...they bargain together, but they’re separate contracts,” stated Mr. Brugger. “We also have the F.O.P. will be coming up (and we’ll be finalizing that say...after the 1st of the year)...”

“Then what about the ‘Me Toos’?” asked Mr. Evans.

“The Teamsters have a ‘Me Too’ Clause, which says that the Teamsters will get whatever contract is better (either the Firefighters or the Patrol Officers)...so they don’t get a combination, pick and choose...whichever one of those 2 groups gets the better package (if you will) they’ll get that rate/that wage increase,” Mr. Brugger answered.

“So will we have to make those retroactive back to 11/15/13?” asked Mr. Evans.

“If that’s—I don’t recall how that language reads, but I think it does...because theirs also lines up in sometime in November...so I have to go back and fix that/adjust for it,” said Mr. Brugger. “We can’t even talk about the Teamsters until we get the F.O.P. finished...we’ll bring those back to you as well. I understand the frustration.”

“Well, it kind of is what it is...so we’re giving up a little bit this year, and based on the notes that you have in here it says that for 2014 and 2015 we don’t have a wage reopener?” asked Mr. Paul.

Mr. Brugger replied, “We’re not...yeah, rather than going back next year again...we both agreed/both sides agreed that’s let’s just go together one time and be done for the duration of the contract...so...”

Mr. Hoffman indicated that perhaps the extra money, or surplus in the budget, was looked at 'to get after it.'

"We can all surmise whatever we want to surmise—all I know is, everything we have is public record...so (you know) if they got information to help them...that's part of the way we operate...we're in a big fishbowl," stated Mr. Brugger.

"You don't have to spend every dollar you earn right? You can keep a little back..." Mr. Hoffman said, also questioning the last time pay increases were made.

Mr. Brugger answered, "I don't recall. I don't know when the last one was. It was before my time. I believe I was on Council when they had the increases budgeted, then they went through the downturn in the economy...went through the cutbacks, and the 10%...some departments had layoffs, and others didn't so...I can't get into the detail around that...I just...I don't know that offhand."

"...and then also (for clarification) if we were to...let's say don't act on this, or we do not pass this...then we would go back to negotiations, and we could potentially come out a lot worse than we are now," said Mr. Hoffman.

Attorney Parcels said outlined scenarios if Council accepts, it is rejected, or Council does not act on the Ordinance.

"How does this increase fall in line with other municipalities?" asked Mr. Hoffman.

"Well, you see a range of...we've got a document that's provided through...I think it's from the SERB website...you see anywhere from zero up to 3%," stated Mr. Brugger, also referring to a recent *Springfield News-Sun* article regarding police raises. "It runs the gamut...it's just one of those things...and again, like we talked before...the way to negotiate...the way the contracts fall (we've got 2 of them in November / we've got 1 in early January) then we don't have our budget completed usually until December...and we don't know what our health insurances costs are going to be until March...so (you know) this whole process is a little convoluted, but I don't know that we have any control over the way it's been over the last several contracts. I imagine if you want to line things up...in a perfect world...there may be an opportunity to do something different, but in the world we live in now you take your best shot...you move forward, and you adjust as you go forward just like anything else."

Mr. Brugger made reference to either budgeting real low, or real high regarding the health insurance aspect.

"We're always kind of shooting in the dark...you just try to take your best shot, and go forward the best you can!" Mr. Brugger commented.

Mr. Evans asked, "In the original contract—what was the percentage of increase for the Fire Department?"

Mr. Brugger replied, "There was a zero wage increase...there was a step freeze...there was a 1% paramedic (so the firefighters that maintained their paramedic certificate, and got a 1% increase for the paramedics)."

"...and that was for the duration of the contract?" asked Mr. Evans.

"Right," said Mr. Brugger.

"So for the first year this will be an additional 1%, which will be 2%," said Mr. Evans.

"Well, the first year it's gone...we're not going back into the first year...we're starting with year 2, which is Nov. 15<sup>th</sup> of 2013," answered Mr. Brugger.

"So that will be 1%," said Mr. Evans.

"Right," Mr. Brugger said.

“...and if they were a paramedic they had...”Mr. Evans said.

“They had 1% the first year,” said Mr. Brugger.

“That would be two—correct?” asked Mr. Evans.

“Right,” said Mr. Brugger.

“...and then in the next year it’s?” asked Mr. Evans.

“One and a quarter—the 3<sup>rd</sup> year,” replied Mr. Brugger.

“So if you’re a paramedic over this contract, you’ll essentially have a three and a half percent pay?” asked Mr. Evans.

“Yeah—you roll it out that way—correct,” said Mr. Brugger.

#### **ORDINANCE NO. 4415 –**

ORDINANCE OF COUNCIL OF THE CITY OF URBANA APPROVING AN ADDENDUM TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF URBANA, OHIO AND THE CITY OF URBANA FIRE CAPTAINS AND THE URBANA FIREFIGHTERS ASSOCIATION, I.A.F.F., LOCAL 1823, PASSED MARCH 12, 2013 (ORDINANCE NO. 4392).

(\*This Ordinance was added to the Agenda just prior to the Meeting)

Mr. Evans moved to suspend the rules on three readings; Mr. Hoffman seconded.

Roll call vote to approve suspension: Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes (6-0)

Mr. Evans moved to place Ordinance No. 4415 on the business floor for discussion and passage; Mr. Paul seconded.

Roll call vote to approve: Mrs. Smith, yes; Mrs. White, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, no; Mr. Paul, yes (5 yes to 1 no)

Discussion –

Mr. Fields noted that ‘in all fairness’ the first year this was negotiated, there was a pay cut throughout the City.

“Right—the first year the firefighters and fire captains had a zero increase, the paramedics got the 1%,” said Mr. Brugger.

“Until times got better,” Mr. Fields added.

Mr. Brugger said (following passage), “Mr. Hess (if I could)—maybe just...again, I understand the frustration...we try hard not to bring things in the last minute unless it’s absolutely necessary. I appreciate Council’s cooperation in getting this on the floor tonight, and in moving it forward.”

#### **Miscellaneous Business**

Mr. Fields moved to excuse Councilman Robert Thorpe from this Meeting; Mr. Paul seconded. All were in favor of excusing Mr. Thorpe.

Council President Hess reported that Mr. Thorpe is doing well following recent surgery.

Mr. Fields - Noted questions about Time Warner cable boxes losing channels  
Mr. Brugger said customers (residential/business) were to receive a mailing back in September from Time Warner explaining what was going to happen; He referred to the website to get the box and install  
“When you get your bill—the best thing to do would be to call them,” said Mr. Fields.

Mr. Evans - Explained his position on the (2) final Ordinances, “I don’t want it perceived by anybody that I’d begrudge anybody a raise. My problem with the whole process is...that...and I understand about you guys were up against a deadline, but when

I was elected for a first term...and when I campaigned for this position, I made a commitment to the people that I represent that I would never vote on an item if I felt uncomfortable...and that I didn't know all the facts...and I did not feel like I had ample information to make a qualified vote. Now maybe I'm not as quick as the rest of us about picking stuff up...I would've liked to have had a little bit of time to talk to some firefighters, and talk to some other people about this...so that I could understand it better."

"I understand..." Mr. Brugger interjected.

Mr. Evans stated:

"Like I said—I'm not opposed to giving anybody an increase (when we have budgets, and we have money)...and I understand that things are getting better, but we're also starting down the...we were in a valley, then we came to a peak, now we're going back down into a valley...so I just want to ask that in the future we get this...and this is important...this is important to the City...it's important to the firefighters, it's important to the all the people that work for us...but it's also important to the citizens, that they know what's going on...and, I would've liked to have had a little more time...and that's what I based my vote on. I don't begrudge them a raise—anybody a raise! I just feel it's my responsibility to do what's best for the citizens!"

Mr. Paul - (To Mr. Crabill) referred to Shade Tree notes regarding a tree coming down; Questioned, "Who is footing the bill for that?"

Mr. Crabill referred to the contradiction of an administrative regulation and Ordinance; Noted reference back to the Ordinance, and said the City is paying to remove trees in the right-of-way

"So those trees are identified by the City?" asked Mr. Paul.

"Yeah, there's an inventory that's taken every year...and we're working through that inventory to determine where the poor trees are..." said Mr. Crabill.

Mr. Paul noted the trees are on the website, and asked, "Are the trees possibly targeted for take down, noted in that information?"

Mr. Crabill responded, "The inventory that's on the website has trees listed in 3 categories (good, fair, poor)...anything that's a poor is on the list to be removed."

Mr. Paul welcomed Ms. Ward, and new Councilmen Tony Pena and Pat Thackery; Expressed appreciation to Councilman Robert Thorpe for 'his many years of service'; Thanked Mrs. White for her Council service

Mr. Paul wished everyone a 'Merry Christmas, and a very safe New Year'

Mrs. Smith - (To Mr. Bodenmiller) questioned the schedule for demolition of houses  
Mr. Bodenmiller reported Heater Excavating will start the 2<sup>nd</sup> week of Dec. and will go from north to south

Wished everyone a 'Merry Christmas, and a safe New Year'

Became emotional with a request for residents to assist neighbors, especially in the area of feeding others; Noted 'a lot of people out there don't have jobs, so if you have extra...think of your neighbors'

Mrs. White - Said it was a privilege to be on Council, said she enjoyed her time, on Council; "I'll see you again, and Merry Christmas everyone!" she added.

Mr. Hoffman –

Said, “Virginia—it’s okay to be emotional...passion’s a good thing.”  
Mentioned Mr. Thorpe; Said it was a pleasure working with him, and  
“I got to sit next to him, so I got to hear a lot of things you guys didn’t  
get to hear...and I will not divulge...some maybe I’ll write a book, and  
we’ll sell it...but it was a pleasure serving with Bob...Amy it was a  
pleasure...I know it was a short ride, but you came close...and you worked  
hard, and I appreciate it...and I’d like to welcome the new Council Mem-  
bers...new members to the Administration...” Mr. Hoffman said, also  
wishing everyone a ‘Merry Christmas, and Happy New Year’

Mr. Crabill - Noted Dellinger Rd. is open to traffic for the Winter; Provided schedule of  
progress to be completed by April/May

Noted work since Aug. on getting the covenant not to sue for The Paper  
Mill property; The SW District Office is preparing the final covenant not  
to sue, for the Director’s signature; Noted right after the first of the year  
‘we will be facilitating the transfer of The Paper Mill from the City to  
Weidmann, and complete a project that’s been ongoing since 2009’

Mr. Bodenmiller –

Nothing at this time

Ms. Ward - Nothing at this time

Mr. Brugger - Stated, “2013 has been a busy year...we’ve had a lot of things  
happening...and I think (at least from my experience) this is my first full year here...and  
you don’t really understand until you’re in the middle of it...to understand what goes on  
behind the scenes. There’s a lot of activity going on in this little town, and a lot of good  
people doing a lot of good things...and I think the cooperation going on between the  
Administration and the staff...all the employees...and back and forth with the  
Council...we have a good relationship. We’ve been able to get through the high roads,  
and fight through the low roads...at the end of the day, we can still talk. We can still have  
a cup of coffee, if we get a chance...so a good year, and we look forward to 2014 being  
another busy year...with a lot of activity as well.”

He clarified—in 2014 we will go back to our regular meeting schedule for Council, the  
2<sup>nd</sup> and 4<sup>th</sup> Tuesdays. Emphasized the newspaper article that was brought to his attention  
about meetings on Sundays, was incorrect.

Mayor Bill Bean –

Expressed appreciation to Mrs. White for serving on Council, and noted  
he has appointed her to the LUC

Thanked Council; Noted this was his 2<sup>nd</sup> year; Noted the changes in losing  
Mr. Williams/in losing Law Director Gil Weithman; Noted the addition of  
the new Law Director, and Finance Director...and is looking forward to  
working with them

Thanked Council President Hess; Said the Administration is looking  
forward to 2014, and finishing up the Robert Rothschild project, the Airport, Cemetary,  
Weidmann (finishing up)

Wished everyone a ‘Merry Christmas, and a very, very safe New Year’

Council President Hess –

Announced the MacCauley Parade will not be televised, because the

camera was stolen; Requested anyone who knows where the camera is to please return it

Noted new Ohio Municipal League training session for all new Council Members (more info to come)

Noted tags are still available on the 'Police Christmas Giving Tree'

Announced again the UCC Meetings in 2014 as the 2<sup>nd</sup> & 4<sup>th</sup> Tuesdays;

Noted the first meeting of 2014, there is 'a lot of business to take care of'

Said the Clerk brought him 'a list of things she would like to know about'

Reminded Council of the Bio sheet distributed to Council by the Clerk to be returned as soon as possible

Briefly discussed communications to Council

Asked Mr. Brugger, "Who is responsible for sending the Ordinances to Walter Drane electronically?"

"If you let me have the communication, we'll sort through what the request is," Mr. Brugger replied.

Council President Hess told Council that Ordinances and Resolutions (full copy) will only be sent out in packet on a First Reading; Noted Council is responsible for bringing their First Reading copy with them if they need to refer to it at future meetings

Discussed citizens who are trying to contact their Council Member, and said, "Make sure that people know how to get a hold of you!"

Mr. Hoffman gave out his number (937) 508-8739, and said his info is on the City of Urbana website

Council President Hess suggested telephone numbers should next year be attached to name plates

Said, "We've got an emergency contact information that needs to be updated already—mine is wrong."

Wished everyone a 'Merry Christmas, and Happy New Year'

### **Adjournment**

Mr. Evans moved to adjourn the UCC Regular Session Meeting at 8:37PM; Mr. Fields seconded. All were in favor of adjournment.

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Council Clerk

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Council President