

NEW PHILADELPHIA CITY COUNCIL MET IN A SPECIAL MEETING MEETING IN COUNCIL CHAMBERS ON DECEMBER 30TH, 2013 AT 6:15 PM WITH PRESIDENT OF COUNCIL SAM HITCHCOCK PRESIDING.

MR. HITCHCOCK OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

THIS SPECIAL MEETING OF COUNCIL WAS CALLED BY FOUR MEMBERS OF COUNCIL MR. JOHN ZUCAL, MS.COLLEEN ESPENSCHIED, MR. DARRIN LAUTENSCHLEGER, AND MR. ROB MAURER.

THE PURPOSE OF THE MEETING WAS PROPOSED ORDINANCE 28-2013.

COUNCIL MEMBERS IN ATTENDANCE: MS. COLLEEN ESPENSCHIED  
MR. DAN LANZER  
MR. DARRIN LAUTENSCHLEGER  
MR. ROB MAURER  
MR. JOHN ZUCAL

ABSENT FOR TONIGHT'S MEETING WERE MAYOR MICHAEL TAYLOR, AUDITOR BETH GUNDY, SAFETY DIRECTOR GREG POPHAM, SERVICE DIRECTOR JAMES ZUCAL, TREASURER LORI STATLER, COUNCIL MEMBER SANDY COX, AND COUNCIL MEMBER WINNIE WALKER.

MR. LAUTENSCHLEGER MADE A MOTION TO ADD ORDINANCE 28-2013 TO TONIGHT'S AGENDA MS. ESPENSCHIED SECONDED THE MOTION

ROLL CALL  
4 YEAS 1 NAY (MR. LANZER)  
MOTION PASSED

MR. LAUTENSCHLEGER MADE A MOTION TO ACCEPT TONIGHT'S AGENDA AS AMENDED MR. ZUCAL SECONDED THE MOTION

ROLL CALL  
4 YEAS 1 NAY (MR. LANZER)  
MOTION PASSED.

THE PRESIDENT OF COUNCIL MR. SAM HITCHCOCK ASKED FOR A MOTION TO FORGO THE SECTION MINUTES FROM THE PREVIOUS SESSION, CORRESPONDENCE, ADMINISTRATION REPORTS, BOARD OF COMMISSION REPORTS AND STANDING COMMITTEE REPORTS; THE MOTION WAS MADE BY MR. LANZER AND WAS SECONDED BY MS. ESPENSCHIED.

ROLL CALL

5 YEAS MOTION PASSED.

VISITOR'S COMMENT:  
NONE

### **READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCES:

28-2013 AN ORDINANCE BY THE COUNCIL FOR THE CITY OF NEW PHILADELPHIA, OHIO TO ENACT A PAY INCREASE FOR NON-BARGAINING GROUP TIER A,B,D AND E AS INDENTIFIED IN ORDINANCE 21-2013 PASSED DECEMBER 23, 2013 AND HEALTH DEPARTMENT PERSONNEL TO BE THE AMOUNT OF 5.25%

INCREASE EFFECTIVE JANUARY 1ST,2014 AND DECLARING AN EMERGENCY.  
(1<sup>ST</sup> READING)

Comment from Mr. Lauenschleger:

There were not enough members to suspend the rules this evening, the Law Director confirmed. There were only 5 members present and in order for council to suspend the rules you would need 6 members present.

When a special Council is called on a short notice it is hard to get everyone here.

It was Mr. Lautenschleger's intent to suspend the rules and pass on the first reading in order to treat all members of our staff the same.

Our bargaining units have received a total increase thru January 1, 2014. Hopefully we will be able to suspend the rules and pass on January 13th, 2014. (Our next session of Council).

Our bargaining units have received a total increase through January 1st, 2014 I'm sure everyone here feel it is important that staff members and employees receive the same.

Mr. Lautenschleger apologized that we had to get together this evening but it was incumbent to try to take care of this so it would be effective January 1, 2014.

Comments from Council Member Mr. John Zucal:

he echoed what Mr. Lautenschleger has said, what we have seen is the work of the majority when it came to passing the previous ordinance to be included in the temporary appropriations and it is his hope the will of the majority is reflected in that vote. It can be maintained as we move into January 2014 as we read the new ordinance to be provided to Council this evening.

Comments from the Law Director Mr. Fete:

I feel it is important as to how we arrived here tonight.

The Law Director informed Council that the last three sessions of Council he has reported having discussions with Council Members on legal issues and legal procedures for City Council.

At the crust of these requests was the heated discussions by Council Members.

Over the issues for pay raises for non union mostly supervisor positions.

One faction of Council believes salary structure should be corrected to overcome the imbalance between managers and the employees they manage. Through the benefit of having collective bargaining available to them now have the ability to earn more than their bosses. It is the voice of this faction that correction is necessary to maintain the best person possible in order to provide quality government, and services. The other faction of Council believes because of the recent loss of City Revenue from the State Level and due to the Low Economical Recovery the City is nearing a financial crisis where it can no longer afford raises it would be prudent use of the limited taxpayers funds available.

This faction has been strengthened by the fact that voters overwhelmingly rejected an increase in City Income Tax and thereby sent a message that Council needs to get its fiscal house in order.

Both factions have equal merit and it is not the Law Director's position to say that one side is more correct than the other. The Law Director stated he is always going to enforce the law the way it has to be done. I'm not going to take a position that favors one side over the other side to spite what his personal believes may be that is not what he is elected to do.

The question lies how do we get here Sandy Cox last year (2012) made a request as chair person of the Finance Committee that raises for non bargaining employees would not be included in the temporary appropriations because she felt there was a wide spread believe among Council Members if it is in the temporary appropriations you have to give it them and that belief was strengthened because four Council Members who believed if you changed the appropriations that meant you had to give those raises. .

The Law Director Commended Darrin Lautenschleger that after that was done approached the Law Director for a legal opinion on December 24th, 2013 where indicated the Auditor Beth Gundy was not going to fund the raises because by virtue of putting them in the temporary appropriations that is not the same as ordering that they be paid out. The Law Director researched that and then told Mr. Lautenschleger that was correct. The Ordinance was amended to include the appropriation from Beth Gundy this action itself does not grant a raise to those in the report.

The money was set aside in a fund for temporary appropriations it would take another piece of legislation to actually enact the pay increases and suggested he see past legislation as to how it was handled. There has been a lot of hurt feeling on the issue. A number of people feel they are not being treated fairly that they have been singled out, finger pointing, and the blame game. Mr. Fete stated frankly he thinks there is enough to go around for everyone.

First when Sandy Cox made the recommendation it was up to the Mayor to decide whether or not to follow that recommendation. Some people say Ms. Cox is out of place She was not out of place any more than any one who wanted the raises to be included.

The memo sent out by the Mayor blaming Ms. Cox for it; He comes out mid way through the year stating he supports the raises. When you are setting in the top seat you have take responsibility.

Ms. Cox position she does not feel the raises are necessary her position is no more valid than the other side. Both have great merit.

In addition to that for over a year there has been a 4-3 majority in favor of granting those raises to the non bargaining employees who don't have a benefit of a union contract.

Everyone waited until the last minute to do everything. Mr. Fete pointed out any committee can introduce any legislation in other words this could have been introduced at any time throughout the year that is why the importance of you Council President plays a significant role in this because the Council President has the authority to remove something from a Committee that is not going anywhere he also has the authority if he wants to see something come to the floor even though he does not have a position of whether it should pass or not.

He has the authority to put that in a Committee who will bring it to the floor rather than in a Committee who doesn't. The Council President is a very important position to be in.

Where do we go from here?

As an attorney Mr. Fete spends a lot of time on the phone to try to negotiate a settlement or compromise he does that day in and day out for 11 years. We can't look at other people as an enemy because they have different opinion than ours these are your colleagues and it is incumbent upon legislature to take the liberties given to us and exercise your free speech it is not any violation of a sunshine law to pick up the phone and call another member of Council and ask what is your position on this here is what I think is there someplace we can meet in the middle.

William Shakespeare and Julius Caesar "The Fault Dear Brutus is not in the Stars but in ourselves."

I hope when we go to the new year people have different opinions and I appreciate that everyone is passionate in support of those positions.

Comment for Council Member John Zucal:

Clarify In order for a Committee to sponsor legislation the issue first has to be assigned to that Committee by the President of Council and any two members of that Committee has the right to bring it up.

We have to work together we have to communicate with the other Council Members because we have a new person coming in it is going to force everyone to work harder concluded there is enough blame to go around as to how this was handled or mishandled not saying in favor of raises or not both sides have merit. President of Council said it is obvious that we had two very strong views. Mr. Fete is in hopes of getting a spirited reconciliation going and to get people to work together and to remember all of us our imperfect human beings.

President of Council role is to conduct an orderly meeting to encourage dialogue and in the near future to have a Committee review and update the Bylaws Rules of Procedures of Council for the betterment of the community they represent.

No action can be taken tonight because there were only 5 members present in order to suspend the rules there needed to be 6 members present.

RESOLUTIONS:

NONE

**UNFINISHED OR OLD BUSINESS:**

NONE

**NEW BUSINESS:**

NONE

President of Council Mr. Sam Hitchcock wished all a Safe and Happy New Year!

MOTION BY MS. ESPENSCHIED TO ADJOURN AT 6:39 PM

CLERK OF COUNCIL \_\_\_\_\_

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_