

Mr. Zakany: Reason we are doing this is because of the money? Would we be saving by doing this early?

Mr. Sims: That was an ordinance passed just before the end of the year. There was a 10% price increase reflected in the new ordinance, but we did purchase considerable number at the older price. This will allow us to have replacement and repair parts. Also it will allow us to complete the retro fit of all meters this years. This is an on going yearly maintenance issue. This will help us final out the replacements and give us some repair parts.

Motion carried.

Ordinance No. 10-09 – Introduced by Council – An ordinance authorizing the proper City official to advertise for bids and enter into a professional contract for the purchase of fire hydrants, replacement parts, and main water valves for the water maintenance division.

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

Motion carried

Ordinance No. 10-10 – Introduced by Council – An ordinance reauthorizing entering into various contracts and declaring an emergency.

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

R.C. to waive

9 Ayes – 0 Nays

Motion carried

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

R.C. for passage

9 Ayes – 0 Nays

Motion carried

Ordinance No. 10-11 – Introduced by Council – Amending Ordinance No. 97-127, as amended, which authorized a maximum schedule of positions and declaring an emergency.

Mr. Tilton moved for first reading seconded Mr. Zakany.

Mr. Roberts: Mr. Brandford what is purpose doing away with cook's position and increasing the corrections officer.

Mr. Brandford: The cook's position has nothing to do with what we are trying to do here. Since we were looking at the maximum strength the budget & finance director thought this was a good time to take that off the books, so that is the reason it is in there.

Mr. Roberts: So we are adding one corrections officer and taken off one unsworn sergeant?

Mr. Brandford: We had three corrections sergeants and one corrections sergeant decided to resign and later another corrections sergeant resigned. There is no where to demote them to. There are 21 corrections officers employed, three sergeants, 18 corrections officers. When that sergeant submitted their resignation there was nowhere to go. One problem we have is one corrections officer has been off for approximately two years. That means there is no vacancy.

Mayor Zwelling: Mr. Brandford, if I may add – the resignation is to turn their stripes in and step down to be a corrections officer. There are not enough positions. We will have one less supervisor and one more corrections officer.

Mr. Roberts: As assume there were three because there were three shifts being run?

Mr. Brandford: What I want to do is make certain we have a complement of officers that can continue to run our jail the way it needs to be run. What the chief proposed to do was have the captain be the one that runs day shift and then put the two remaining sergeants on afternoon and midnights. After that point the other sergeant resigned.

Mr. Vincent: Sounds like an opportunity to save some money. Under the fourth whereas, it talks about increasing one position to 20 shouldn't it not be 19?

Mr. Raines: There are two changes; one trades a sergeant for a corrections officer's position. It goes from three to two for sergeants and goes from 18 to 19 for corrections officers. The second sergeant resigned, they were not going to eliminate that sergeant position, they still wanted to have two, so this temp increases corrections officer to 20. As soon as there is a promotion to sergeant it will drop back down to 19. That is why that 20 is in there.

Mr. Vincent: The back page under section 3 is correct?

Mr. Raines: That is the second resignation, that is the temporary position.

Mr. Vincent: So this will cover both resignations of both sergeants.

Mr. Brandford: Otherwise there is nowhere for them to be demoted to.

Mr. Vincent: This is right now at 1st reading, if this does not pass, as far as waiving the readings and pass as an emergency, what happens?

Mr. Brandford: What you have is we have two employees that are going to have to remain sergeants until Council gives its approval, because they have no where to go.

Mr. Vincent: Any questions from Council?

Mr. Zakany: I am sure that pass this as an emergency legislation to keep that department running.

Mr. Brandford: It will be still running, just need to get the numbers right. They are still employed there, but they don't have anywhere to go. They just won't be corrections officers.

Mr. Tarbert moved to waived, seconded by Mr. Baker.

R. C. to waive
8 Ayes – 1 Nay Motion carried.

Mr. Tarbert moved for passage, seconded Mr. Zakany.

Mr. Kilpatrick: The corrections sergeants that are taking voluntary demotions are they incurring any sort of pay decrease?

Mr. Brandford: At this point either they don't have a job or they remain sergeants until some action is taken here, because there is no where for them to go.

Mr. Kilpatrick: Do I understand correctly that you do have one sergeant that is taking a voluntarily demotion?

Mr. Brandford: Both have resigned voluntarily.

Mr. Kilpatrick: And will you see a reduction in pay or

Mr. Brandford: They go back to corrections officers pay.

Mr. Vincent: Anything else from Council? The figures I have here, we went from 50 to 40 beds as far as the jail reduction budget issues, what does that do to staff? Does it help relieve any overtime; do we cut back in staffing at some point? Are you talking about going to 20 beds?

Mr. Brandford: One of the things about staffing is they have a contract that dictates the staffing.

Mr. Hillis: I served on a committee. I sat here and heard corrections officers before this panel and offer statistics as to why we need sergeant positions and how it was important for safety. I went down to the jail and met with them it was a lot of work to create these three positions, supposedly for safety, and I don't understand no fanfare, we are just to cut them. I guess that is the police chief's job. I don't understand why we did all this work a couple years and spent so much time on trying to add the position of sergeant if now without any answers to any questions we are going to get rid of them.

Mr. Vincent: I guess I see this as a temporary to patch something until.....

Mr. Hillis: I understand its temporary as to number of officers. But just going down to two corrections sergeants. We have three now – we only have one now because two have resigned, but is the plan for the future to only have two sergeants? And if the chief is fine with that, fine, but I don't understand why we had all the countless meeting and time spent on how many sergeants were needed for safety and we listened to them talk and decided that three was what we needed and now we are just going to have two.

Mr. Tilton: What happens if the 3rd sergeant resigns because of the other 2?

Mr. Brandford: I am trying to keep a complement and keep the operation going obviously there is work to be done. I was a part of that work too and right now I am trying to keep it staffed.

Michelle Duke – 844 Lenox Avenue: I am the second sergeant that resigned. I also was on every single committee that helped establish the position. When Sergeant Johnson and I resigned we were unaware that there was no position to go to. I sent a letter addressing several members of the administration asking them to sit down and discuss it. That was on Tuesday morning, as of Friday I have not heard from anybody yet. After I turned in my resignation I was advised that I had no position to go to. I was completely unaware. I have 16 years of service with almost four years as a sergeant and if anyone on Council thinks that I would resign my position. This is a very emotional topic for me because.....

Mr. Tarbert: Tell me again why you resigned were you promised something and that did not come true?

Ms. Duke: When this process began I was on every single committee, I'm very passionate about my job, very passionate about establishing a supervisory rank for the jail because it was needed. The jail administrator now was removed from the jail and the new administrator was not involved in this meeting.

Mr. Tarbert: You may have a chance to tell this whole story, but tell us why you resigned.

Ms. Duke: The reason I resigned because after four years we were promised after three months of taking this position that it looked into and evaluated to see if would be functional. The intention was to hire another sergeant so we would have someone cover on our days off. It is now four years later and the process has not been looked into and the sergeant program to this day is not established.

Mr. Tarbert: Did you resign to prove a point? Or did you resign because you were promised other position in the jail?

Ms. Duke: I resigned because I felt that I was forced out, I had no other choice due to the options of it. Our contract states on certain choicesrank by seniority and after 4 years of doing it this way all of a sudden they came in and decided we were going to be this way. Everyday that I came in something changed on a whim. I can't risk my seniority for something that is not established after four years.

Mr. Tarbert: So instead of risking your seniority you resigned?

Ms. Duke: Yes, sir.

Mr. Tilton: But you did risk your seniority because there is a maximum manning and there are so many corrections officer and that is already filled so if you step down or resign as a sergeant, you have no place to go?

Ms. Duke: Our contract says if you resign within a 4 year period, which I have not reached yet, that you accrued dual seniority and you will be placed exactly back where you left off in seniority rank. That was my understanding that the contract covered us.

Mr. Brandford: I don't know if the contract really says that.

Ms. Duke: Yes it does sir, I have it with me.

Mr. Brandford: That is why I asked the chief. They should have explained it to her (Rochelle Johnson).

Ms. Duke: I took my union representative with me to see Capt. Miller, and he admittedly said that this whole situation had not been thought through. There are a lot more circumstance that has not been told. But after 4 years I couldn't risk it. With the economy being as bad as it is I would never resign a position. I did not resigned from the police department, I simply resigned my stripes to get back to a corrections officer as our contract states "as long as you resign before your 4 year is up, sergeant hire date" that is what I did. I found out, until after my resignation, that there is no position to go to. I ask members of the administration to sit down and discuss this issue, and no one discussed it with me.

Mr. Vincent: Council cannot address the administrative part of this and I am not sure what else you could have done as far as putting things in place.

Ms. Duke: By going back to a corrections officer we are taking a 13% pay cut. The two positions we left vacant will be filled by two other corrections officers. It is just the matter that we go back and we shift two more up to take our place, so your are saving 13% salary wise by going back to a lower rank.

Mr. Vincent: Anything else from Council?

Mr. Tarbert: You resigned your stripes because you thought that you were going to fall into a roll of a corrections officer?

Ms. Duke: There are many factors. I don't think it is appropriate to discuss it, maybe in executive session ...

Mr. Tarbert: I am not asking to point fingers, but was that your understanding – I am going to resign as a sergeant and now I am going to be corrections officer – is that what you truly believed?

Ms. Duke: Yes, sir. Yes, our contract states, sir.

Mr. Tarbert: So you are here to get your job back or some job back. How can she get her job back? Is it possible for through civil service to get her job back, can she revoke her resignation?

Mr. Brandford: The personnel actions have not come through yet. So it is not done until the personnel action is comes through.

Mr. Tarbert: I move to table this for two weeks.

Mr. Brandford: (Addressing Ms. Duke) Is that something you want to reconsider?

Ms. Duke: We wish to change the number of corrections officers. You have a total 21 corrections officers, three are sergeants and 18 corrections officers when we go back, there are going to promote two of the 18 to sergeants. The numbers don't change. For a short period of time until they are promoted you will save some money. The number of corrections officers will not change; we are just going to swap spots.

Mr. Vincent: Thank you.

Mr. Tilton: You resigned what time, what day?

Ms. Duke: I resigned Thursday morning at 8:15.

Mr. Tilton: Since Thursday you have not been working.

Ms. Duke: No, I have been a corrections officer as of 8:15 Thursday.

Mr. Tilton: So you have been a corrections officer – what space did they put her in?

Mr. Brandford: She will have to remain in that position until there is some action taken.

Mr. Raines: No one has lost their job, these two employees want to resign from being a sergeant to become corrections officer. Right now there is no place for them to go because we have all the corrections officers allowed by the maximum strength ordinance. This ordinance adds two positions, corrections officer, so they can resign and become corrections officers. Nobody has lost their jobs or are going to lose their jobs. This just opens up two corrections officer slots so they can do what they want to do.

Mr. Vincent: If this does not pass tonight they will still be working in sergeants positions. They would remain in that position, at that scale, and things go on. If it passes tonight it will create positions to step down to corrections officers and nothing changes.

Ms. Duke: Sergeant Johnson since she resigned has been getting corrections officer pay. I would ask Council tonight to please pass this as an emergency.

Mr. Brandford: How did she get corrections officer pay?

Ms. Duke: Because she resigned her sergeant.....

Mr. Brandford: Who told her that she would receive corrections officer's pay?

Mr. Raines: She has not been paid anything since then. One of the changes here will be retroactive to the 15th as that is her day of resignation when she became a corrections officer. So if you pass this it is retroactive to that date.

Mr. Tarbert: I withdraw my motion to table.

R.C. for passage
9 Ayes – 0 Nays

Motion carried.

ORDINANCES FOR ACTION

Ordinance No. 09-121 – Authorizing the proper City official to provide funds to South East Area Transit for the year 2010.

Mr. Tarbert moved to for third reading and passage, seconded by Mrs. Gentry.

Mr. Kilpatrick: I passed out some information from the transit authorities' 2008 audit, it shows the authority cost to service \$16 and \$17 per passenger, their revenues \$4 and \$5 per passenger. Two thirds of the total cost to operate are from government taxes. I do not see where we need an entity like this. I cannot in good conscience support this as a good use of taxpayer money.

Mr. Zakany: With as much support we getting from state and federal it would be a shame not to be able to have these services.

Mr. Tarbert: I agree with Mr. Zakany. We tend to put on the glasses that say, "If I don't use it, it's not necessary or if it is not making money it's not necessary". I do not have the occasion to ride the bus very often, but I do not know that I want to live in a community that does not have an auditorium, parks, bus service. I think it was extremely important to the 126,000 people that rode that bus. How many of these county people rode the bus to get in, eat, and shop inside the city? I am not in favor of cutting out their funding just because they do not ride the bus.

Mayor: Fifteen days before the strike deadline I was deluged with phone calls wondering how they were going to get to work or a senior citizen and I don't have a car. In wooing the Avon's, EMCO's, BILCO's they were overwhelmed with the fact that we have a transit company.

Mr. Roberts: Does anyone from Guernsey County put any money into the system?

Mayor: I talked to Mayor Orr and we are going to continue to subsidize so that Cambridge can have a transit company. They have put \$10,000 in and promised more next year.

Mr. Roberts: Their entire funding is coming from federal, state, local, and grant assistance, it is like a triple tax for the taxpayer.

Mr. Connell: Services we provide: door to door curb service that is used by ADA eligible individuals. The way we are funded we get 50% State and Federal money and 50% local sources (fair box, contract maintenance from other non profits, contract with Guernsey County Jobs and Family Services, Muskingum County Jobs and Family Services, the Carr Center, Starlight program, city schools and a vary of other entities.

What you get out of public transportation is called "economic multiplier, so when someone rides the bus to go to work they spend money in the community. We buy almost all our supplies from the community. Our budget is right at 2.5 million dollars and based on the study you look at the economic multiplier, how the money flows through the economy, our benefit is a little over 5 million dollars.

Our biggest challenge is that all our state and federal funding is controlled through the Ohio Department of Transportation, Office of Transit. The thing that challenges us most is cash flow management.

Mr. Kilpatrick: SEAT purchases its fuel through the City of Zanesville. Are the accounts current?

Mr. Connell: No and I can tell you why there not, we are a few months behind, we have sort of a "Catch 22". We have to turn in a quarterly expense report to the state. We have not received any funding for December. We will receive funding for December between now and mid month next month. Cash flow issues are common with all rural transit systems because of the way the state manages the money.

Mr. Kilpatrick: Approximately how much would SEAT owe the city?

Mr. Connell: We owe about \$25,000 to \$35,000. We are looking to receive about \$135,000, so we will have more than adequate funds available to pay the bill.

Mr. Roberts: What type of persons are taken door to door? Are the large buses being used for door to door service?

Mr. Connell: No, we have smaller buses.

Mr. Roberts: You mentioned right sized, I assume you were trying to match the need to...

Mr. Connell: We were given ARRA moneys or stimulus money and we are in the process of getting four modified minivans, wheel chair accessible vans. We will use them to introduce a new service which will be open to the general public. We are going to modify our existing curb-to-curb service, we will be beginning this new service in March and it will be on demand and will not need a prior reservation.

Mr. Roberts: On demand service, like a cab system, I only express that because I have a problem with government competing with private entities. I want to make sure that is ...

Mr. Connell: We are only one of two entities in the state that offers a fixed route. Expanding the service to better service all the members of the community rather than a restricted category. We will only operate the service during our normal service hours.

Mr. Zakany: Cambridge has the most senior citizens per capita and Zanesville is second.

R. C. for passage
7 Ayes – 2 Nays

Motion carried

Ordinance No. 09-123 – An ordinance authorizing the proper City employee to take all actions necessary to implement a furlough system and declaring an emergency.

Mr. Tarbert moved for third reading, seconded by Mr. Zakany.

Mr. Hillis: I do not presume to know what Council is going to do with this, but I guess I would be surprised, since you haven't decided what your budget is going to be, that you would table this. If you vote it down you will not be able to bring it back. My recommendation is to table it.

Mr. Roberts moved to table for two weeks, seconded by Mr. Hutcheson.

Motion carried.

Ordinance No. 09-115 - Amending Ordinance No. 00-16, which adopted a Classification Plan for City employees; amending Ordinance No. 97-127, which authorized a maximum schedule of positions; amending Ordinance No. 09-37, which established pay, benefit and employment policies for unaffiliated employees and declaring an emergency.

Mr. Zakany moved for third reading, seconded by Mr. Kilpatrick.

Mr. Tarbert: This was tabled because I had some questions as to whether we could make this position salaried. Did anyone ever determine whether or not we could make this a salary position?

Mr. Sims: The civil service attorney said we could make an unaffiliated employee salaried.

Mr. Tarbert: So that is a question for Council, whether we want to start a precedence where we start making supervisors salaried employees. It would be up to them to take the job and put in the hours necessary to complete the job properly. Will this be the only salaried supervisor?

Mr. Sims: Yes

Mr. Tarbert: Has this position been filled?

Mr. Sims: No

Mr. Tarbert: If we made this salaried and the people that are interested in applying for this position, they would know that it was a salaried position and they could choose to withdraw their application.

Mr. Sims: It has not been posted yet because I cannot post it until we have an approved classification plan and job description.

Mr. Tarbert: This need to go before Council as to what the feelings are for this. Maybe we table again and it goes before to a personnel committee or Ways and Means to see if Council is interested in starting to make our supervisory positions salaried. I am sure there are arguments pro and con. It is not fair for this person if he or she is the only salaried supervisor, but if they took the job knowing that and if they don't perform and they would be replaced with someone who will do it like a normal supervisor in any business setting.

Mr. Sims: We have multiple levels of supervision beginning with the S scale which would be an S1 supervision which is your front line – goes out on all water breaks and sewer repairs on up to the wastewater and water superintendents which are S6's. Each level above that S1 only given a percentage above their highest paid subordinate employee. You could very easily end up with lower level supervisors making more money than the superintendents, depending on where you drew the line on salary versus hourly.

Mr. Tarbert: Some of the fire department and police department numbers I've looked at I wouldn't be surprised if this is already happening. That probably happens in regular business.

Mr. Sims: You may be right – I know with the superintendents duties are and what they do to make the city fly and I do not agree with making them salaried. I guess at this point you can pass the ordinance or not pass the ordinance or I could remove it from the agenda.

Mr. Tarbert: How permanent is this? Could we institute this in regards with this position look at it again in six months or a year and see whether this person performing adequate and if they're not, why. Mr. Hillis can we revisit this pay structure in six months or a year?

Mr. Hillis: I believe you can if you follow the right steps.

Mr. Tarbert: I do not know that we have heard all the arguments for or against or does it need to go to committee? I would like to hear some of the arguments.

Mr. Roberts: We have essential supervisors that go out on water breaks and such. Park superintendent, I don't really see that as an essential duty. It doesn't seem like this is a position that would necessitate collecting overtime.

Mr. Sims: Most of the overtime would be relevant to weekend softball games, weekend funerals, and the general time when the crew leader may not be available, which I don't know if we will have the funding to fill that position, then the superintendent will have to go out and direct the workforce in the field.

Mr. Roberts: These people can collect comp time instead of overtime which I am not sure that the parks superintendent needs to work 40 hours a week every week that would give them some time if they work a Saturday and come back in.

Mr. Sims: I don't believe that civil service rule will allow us to request them to take comp time, is the problem.

Mr. Raines: The Fair Labor Standards Act ...

Mr. Sims: It is there choice, we can ask them to consider comp time, which we have in light of this budget crunch. Some have offered to utilize comp time instead of the pay,

but superintendent is a 40 hour week and then some. It truly is, especially with parks, cemeteries, and adding the recreation component to it. You are taking a completely separate position that paid in excess of \$40,000 a year adding it to this superintendent with no net pay increase. So we are actually saving \$40,000, were putting a lot more work on this individual or new individual.

Mr. Zakany: Would this position whether it is salaried or be covered under civil service? If it is covered under civil service you just don't get up and fire him.

Mr. Sims: No, there has to be specific procedures...

Mr. Zakany: Now salaried versus ...

Mr. Sims: Now salaried you would have to change the structure of the position and make those appointed positions which now you are taking them out of civil service and then changing the entire classification and that is not something I think you would want to do here.

Mr. Tarbert: The statement you just made in support of your argument is the statement that scares me the most. You have now added a 40 hour job to this position and I would anticipate that this person would say "you have added another 40 hour job I would deserve some overtime" and they are going to go crazy with overtime now. If this were business we would offer a salary. Take the job or leave it at this salary. I understand there are emergency road conditions, breaks, and things that have to be called out for. I don't know what the solution is, but that it is included in their job description. If giving them a choice of taking a comp day or not taking a comp day, my guess would be they would take a comp day. They would work a Saturday and not come in until Tuesday.

Mr. Sims: This particular supervisor earns \$8,700 in actual overtime wages and \$12,000 in comp.

Mr. Tarbert: And if we added recreation on to her wouldn't she have more overtime than that?

Mr. Sims: I spoke with the superintendent that felt that the job duties of the recreation director could be affectedly picked up by the superintendent without a tremendous amount of overtime.

Mr. Vincent: Of course Council is very concerned about the budget. This poses an opportunity, if we leave it on the table we could send it to committee, I am not sure which one, Ways and Means would be more appropriate...

Mr. Sims: Just keep in mind that right now the crew leader that would be the supervisor down from the superintendent is effectively being upgraded to the superintendent position in the interim. Civil Service rule only allows us to upgrade those people for 120 days. At that point we would be function without a superintendent.

Mr. _____: Where are we?

Mr. Sims: Three weeks into it.

Mr. Tarbert moved to table for two weeks, seconded by Mr. Roberts.

Motion carried

PRIVATE PETITIONS AND COMMUNICATIONS:

Mayor: Nothing from the administration.

Mr. Vincent: I want to thank Mr. Tarbert and the Budget Committee for their first meeting tonight and the time they put into this. We do appreciate that.

Mr. Tarbert: The Budget Committee met tonight for the first time. We were not a given specific charge or vision I think this is a new and unconformable situation we find ourselves in so the Budget Committee is going to work through some of these issues. I wanted to remind everybody that I do not think the Budget Committee was put in place to magically fix the budget in the next month and one-half, I think that is going to take work from the Budget Committee, but the administration and Council, other elected officials and those plans are in the works. The mayor has formulated some plans to get to Council and the Budget Committee, but one thing I do want to stress is that like all of us up here, the Budget Committee is open, transparent, and public and if anyone has a comment, question, or concerns should, at any time, contact a member of the Budget Committee as you are always welcome to do with Council. Contact us if you have good ideas, we are looking for good ideas.

Mr. Vincent: Anything else from Council?

Mr. Roberts: Are we doing to hold a work session on the budget anytime soon?

Mr. Tarbert: We schedule a work session now, I think the Mayor was going to get a proposal to the Budget Committee sometime this week. Maybe I will set another Budget Committee meeting for next Monday and if we want to do a work session ...

Mr. Vincent: Take a look at the budget and proposal, then go to a work session; work out some more details then bring it to Council.

Mr. Tarbert: The Budget Committee will meet Monday, February 1, 2010 at 5:30 pm.

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

Meeting adjourned at 8:15 p.m.