

March 04, 2019

Members present: Mr. Huddle, Mr. Daniels.

Members absent: Mr. Landon

With a quorum present, Mr. Huddle called the meeting to order at 6:30PM.

Mr. Daniels made a motion to approve minutes for 02/19/2019, Mr. Huddle 2nd; Ayes -- Mr. Huddle, Mr. Mr. Daniels.

Minutes for 02/19/2019 (3-0)

Old Business

None

New Business

Item 1. ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2019

Auditor Carr explained that this is appropriation for grant and to move funds for sanitary sewer project.

Motion made by Mr. Daniels, Mr. Huddle 2nd; Ayes -- Mr. Huddle, Mr. Daniels.

Ordinance recommended to council (2-0)

Item 2. ORDINANCE AMENDING ORDINANCE 2018-21 WHICH CHANGED SALARIES FOR AQUATICS CENTER, AND DECLARING AN EMERGENCY

Mr. Cheney, Parks Superintendent, explained that this ordinance for the aquatics center adjusts for minimum wages, a general 1% increase, and an incentive for employees to return seasonally. All applications will be open starting next week.

Motion made by Mr. Daniels, Mr. Huddle 2nd; Ayes -- Mr. Huddle, Mr. Daniels.

Ordinance recommended to council (2-0)

Items not on the Agenda

Item 1. ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE MUNICIPAL COURT EXPENSES FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2019.

Mr. Huddle has proposed an appropriations ordinance for an additional appropriation of \$100,000 to the Municipal Court. He stated that probation had asked to present at the previous finance committee meeting. They had agreed to do that with no question and answer period. The committee learned a lot from that presentation. They have received correspondence from Judge Ballinger's attorney that indicated that they were

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not happy with the way that the Finance Committee was handled. He understands that they are in a hurry to make something happy. They are currently going through a process of looking into this.

Law Director Russell stated that there has been an ongoing effort and communications have been exchanged between counsel for the court and counsel for the city. They are at a place to offer a sum certain to try to resolve conflict that exists with the court in a compromise fashion. He would urge the committee to send it on to council for consideration at the next meeting.

Mr. Daniels stated that he thought that the proposed \$80,000 did not seem to be a compromise amount.

Mayor Schertzer asked about how long discussions have been going on. Law Director Russell said that communications started with receipt of notification that the Judge had retained council. He has met with finance committee chair and majority leader a couple of times.

Mayor Schertzer asked why this could not have been placed on the agenda if it was being discussed last Thursday. He also asked where funds will be coming from and is this the best use of the general fund carryover. Safety forces are a huge need. The highest and best use of \$80,000 would be to hire a firefighter to help put third squad on as part of the SAFER grant. What is the highest and best use for this \$80,000?

Mr. Huddle said that this has taken some time because of the number of people who have been involved and because of the attorneys involved. He has discussed with Auditor Carr if the general fund would support if we would have to pay it back and she said that it could.

Auditor Carr clarified that there is about two million dollars that they try to keep on carry-over. They are always very cautious about use of those funds. Every year there are increases, contract negotiations, and unknown health care costs. She has a concern about the ability to meet ongoing increases. There are very few ways to increase revenue.

Mr. Daniels stated that he would not vote for \$80,000 and expressed his concern that no one mentioned this prior to the meeting. He has talked with Mr. Stotts (probation) and believes that \$80,000 is more than they need to get through the end of the year. He would like to have a conversation then before the next budgeting process and explore expected growth. They currently have enough funds to get through the first week of June. This was confirmed by Mr. Stotts. Auditor Carr indicated that they would need about an additional \$75,000 appropriated to finish out the rest of the year. He asked where else the court could obtain money rather than general fund to offset some of these costs. They have raised court fees to offenders last year. Probation fees (criminal \$200, nonreporting fee \$50, diversion fee is \$300) are included in court costs.

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Lonnie Daniels (608 Decatur Street) asked how fines were distributed among departments. Mr. Stotts commented that the clerk of courts could provide that information. He also clarified that probation is an arm or department of the court.

Law Director Russell suggested amount be changed to \$75,000 and send it on to council.

Mr. Daniels suggested \$50,000 to move it to council and then readdress in October. He does not want to appropriate money that will be used for counsel against council.

Mayor Schertzer explained that he had not been a part of the discussion and that he would need to sign off on any legislation. He thanked Mr. Daniels for the \$50,000 proposal as more of a compromise. He could not commit that he would or would not veto legislation.

Mr. Daniels requested that Mr. Stotts discuss issue with judge to try to “tamp down legalities until later in the year when it is not as fresh in everyone’s mind.” If there is going to be legal fight, he will not vote for the \$50,000.

Mr. Schaber addressed tone of email from Judge’s council. He said that the spirit of last email was that it was too late because legal counsel wasn’t assured that there was an appropriation that would be passed by council and not vetoed by Mayor. He does not think that this will appease court’s counsel. There is also a request by the court to add a new employee. At some point, they must stop. There are multiple issues and at some point, they need to draw a line in the sand that they must be more fiscally responsible.

Mayor Schertzer stated that he was unsure as to whether they could or should separate these issues. New position funded by ADAMH, but how long will that happen. All issues come into play sooner or later and intersect with each other. A Christmas bonus was approved, and some council members were told that there may be more coming. The \$50,000 is a compromise. When asked, he commented that there has never been this level of disagreement between the different branches of government. There are extraordinary carryovers in many of her accounts. She can draw from those accounts to help with this compromise.

Law Director Russell explained that ultimately the losing party will pay legal fees. There is no cost to council at this point because he represents them. The court is represented by a firm that they have retained.

Mr. Daniels stated that he will not vote for the \$50,000 with a contingent legal battle out there. He believes that this amount will get through council and will put the issue out through October or November and will be at an amount that is more agreeable. He would want that assurance before he goes to a vote on the \$50,000.

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Mr. Stotts stated that he was not aware that this would be on agenda this evening. He also stated that the judge was here at the previous meeting and no questions were allowed. She was not here for this meeting because they were not aware that there would be a discussion.

Law Director Russell stated that the last meeting was a little bit of a different setting and it may not have been a time that people could talk without counsel. This is a good discussion and a lot of information has been shared.

Mr. Pannet asked council to consider costs that might be incurred by retaining council, as well as how a protracted engagement could be costly.

Mr. Daniels made a motion to amend the amount in the ordinance to \$50,000, Mr. Huddle 2nd: Roll Call: Ayes: Mr. Huddle, Mr. Daniels

Mr. Daniels made a motion to amend the amount in the ordinance to \$50,000, Mr. Huddle 2nd: Roll Call: Ayes -- Mr. Huddle, Mr. Daniels

Ordinance recommended to council (2-0)

Items not on agenda:

Auditor Carr stated that environmental is still being done on fire station, but they will be bringing an ordinance to appropriate funds received via CDBG at a future meeting.

Safety Director Robbins stated that they have a bid for \$60,000 on the floor and they will use part of the grant to pay for the floor. A portion will be paid by the city and they hope to use that as their match. They are expecting it to take about 2 weeks to do the repair once environmental are completed.

Chief Deem stated that they have a list of priorities to be completed including roof, windows, HVAC, tuck-pointing, clean-up of attic, etc. He does not have list in front of him. Quality Masonry is who has bid on the floor.

With no further business to come before the Finance Committee, Mr. Huddle adjourned the meeting at 7:22 PM.

Chairman Huddle

Clerk of Council