



**Norwood City Council
Special Meeting
Council Chambers
April 14, 2011
7:30 PM**

A) CALL TO ORDER

The Council for the City of Norwood met in special session on the above date with Ms. Jane Grote presiding. The meeting opened with a prayer and the Pledge of Allegiance.

B) PRAYER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

On roll call, all members were present

E) AMEND AGENDA

On a motion by Mr. Sanker, seconded by Mr. Moore, it was moved to add the contract modifications ordinances for the Police and Fire departments to introductory readings of ordinances. Ms. Grote asked if they were the same ordinances presented Tuesday night. Mr. Sanker said that they were. Ms. Grote inquired about and suggested the order of consideration to be the Police Contract and then the Fire Contract. Mr. Sanker agreed that the order was appropriate. On the motion to amend the agenda, the motion passed on a 4-3 vote with Mr. Moore, Mr. Mumper, Mr. Gabbard and Mr. Sanker voting, "YES," and Mr. Thornbury, Mrs. Laake and Mr. Schneider, voting, "NO."

Ms. Grote stated that she assumed that Mr. Sanker wants the readings of these ordinances as the first matter of business.

F) INTRODUCTORY READINGS OF ORDINANCES

1. ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A RENEWAL AND AMENDMENT OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE BARGAINING COMMITTEE OF THE NORWOOD, OHIO POLICE DIVISION FOR THE YEARS 2011-2013, AND DECLARING AN EMERGENCY.

On a motion by Mr. Sanker, seconded by Mr. Mumper, it was moved to suspend the rules and have all three readings of the ordinance. Mr. Sanker asked the Mayor for his thoughts on the Police Contract. The Mayor stated that discussions were done with both bargaining units. Both units agreed to have the contract go through to the end of 2012, and also that there will be no reopener clause in the contracts and the bargaining units would like the ordinances to be passed tonight. Ms. Grote stated that to be clear she understood we added the previous ordinances submitted to council with the accompanying contracts. She inquired if there are changes to the contracts council is considering. The Mayor responded that yes there were. Ms. Grote noted then the ordinances we just put on are for contracts as given to council Tuesday night, which go through 2013. The Mayor said that these are the same contracts with no changes except they be modified to go from now through December 31, 2012, and no reopener clause be incorporated and they be passed tonight. He noted that both will have identical changes. The Mayor requested that Council amend both contracts and pass both tonight. It is \$1 million, and he knows it has been difficult, but this is their idea. Mr. Mumper asked the Mayor if the offer will still stand if the ordinances are not passed tonight. The Mayor said that he feels that everyone is at wits end and they have done everything possible. The units are offering these concessions in an effort to help the city. The Mayor stated that he thinks there will be a union meeting on Friday and one on Monday to withdraw the offers as they were only authorized by the membership to extend the contracts through to 2013. If Council passes these ordinances tonight, the mayor thinks

they will take the changes back to the membership and try to get them to ratify what is passed tonight. But he noted it is important that there is no reopener clause and passed tonight. Mrs. Laake asked the Mayor to expand upon what it means when he says that there is no reopener clause. She asked if it means that they will reopen for no other issues. The Mayor stated that the bargaining units don't want a reopener used against them. He said that they have come to the table and offered these concessions. He and Mr. Geers gave them an amount of \$450,000 each and they came back with over \$500,000 each. The Mayor said that he feels certain that the city will have a bad time if we don't take advantage of this. He believes that it means that no one wants to save \$1,000,000 in 2013. Mr. Sanker asked for a clarification that the ordinance will be amended to replace the year 2013 with the year 2012. Ms. Grote said that the contract says 2013 as well as the ordinance, and the ordinance refers to adopting a contract that has those same dates. Mr. Sanker stated that if Council amends the ordinance, we would have to change the motion and grant a recess to take the contract and make changes to both of them prior to making a motion to amend. He apologized as he did not know that was part of the amendment that would be requested. Ms. Grote said that the ordinance must be amended in writing. Mr. Sanker asked for clarification on the motion. Ms. Grote explained that the motion is to suspend the rules and have all 3 readings of the ordinances as they were written on Tuesday. She asked if Council wants to take a recess to provide written amendments, and amend the contracts. Mr. Sanker requested a 5 minute recess.

Ms. Grote called for a 5 minute recess.

Ms. Grote called the meeting back into session.

Mr. Sanker stated that he would like to amend his motion for the first contract on the agenda to have an ending date of 12/31/2012 from the original 2013 year. Ms. Grote stated that Mr. Sanker is making a motion to amend the ordinance to change the date of 2013 wherever it appears in the ordinance to the year 2012, and to amend the attachment, which is the contract, in the same manner. The motion was seconded by Mr. Mumper. Mr. Thornbury asked the Mayor about the no reopener clause portion. He wanted to know if these current discussions were held under the umbrella of an official reopener clause. The Mayor noted that he doesn't think they have a reopener clause now, but what they are looking for is protection thru 2012. Mr. Thornbury said that we have heard to have faith for the bargaining units to be cooperative in future. We have heard news through the Municipal League that revenues from the state will be reduced. He asked if putting a reopener clause aside precludes further negotiations later if things get worse. The Mayor answered that he believes that if we need to talk, they will talk. If we need their help, he believes they will do it. The Mayor stated further that the Police and Fire departments are doing everything they can to ensure the survival of the city. Ms. Grote repeated the motion to amend the ordinance. Mr. Gabbard thanked the bargaining units. He stated that this has been difficult, and it comes down to a decision of trust. Mr. Gabbard said that he asked for this kind of change last week and that everyone meet in the middle and we now have a 1 year extension. He expressed that he is pleased that is what was agreed to and they will be letting membership vote on it. On the record, Mr. Gabbard averred that he believes we do have a different mentality as to how things will operate now. It is all the bargaining units who see this, not just these two, and we know you can't always get what you want. Mr. Gabbard asserted that the concessions are no guarantee that the city will get through the rest of the year financially. Council can hope and we need to trust that they will be willing to talk later. For the sake of true negotiation and compromise, he will vote for these tonight, but talks are going to need to continue. He trusts the Mayor will stay in contact with the Auditor and keep everyone in the loop so we suddenly don't go to them with needs when things get bad. He appreciates the Mayor's and the bargaining units' efforts. Mrs. Laake thanked everyone for the give and take here. For the sake of being honest, she said she doesn't believe we can even honor these contracts this year with the cuts in local government funds and the Municipal League's report that tangible personal property tax is being phased out by the end of June. Mrs. Laake stated that she does not believe we will get through the end of this year even with these concessions. She said that she will vote no. She believes that these contracts are not fully funded in the budget. Mr. Schneider added that since we are discussing Police, he will comment. He

stated that residents call him and suggest that we run the city like you run a business. You can't do it because of existing contracts. There are certain limitations that prohibit decisions being made that are needed. If we pass this for the Police and Fire only and we do it without a no reopener clause, we are saying, "Let's let the Police and Fire Unions drive where the city will go". As tough decisions need to be made, we will need to go to the unions to make those tough decisions. Unions don't usually say "Go ahead and lay off", that is not their function. Mr. Schneider thinks that by passing this, we are saying that there will be no changes in Police and Fire until the end of 2012, but there will be a lot of changes elsewhere in the city. Mr. Schneider believes that this is not good for the city. He agrees that the Police and Fire departments will continue to work with us, but they shouldn't be in the driver's seat. We need to be able to go to them in a position of strength and asks them to work with us for the benefit of the community. We are putting ourselves in a position to go to them on bended knee and ask for them to give up something before others lose more personnel. Mr. Schneider thinks that it is a mistake to give that away. He thinks we should pass the budget and continue to work with all the unions to find concessions. The Finance Committee will continue to meet every month to work on things. By giving up our position, we do a disservice to the taxpayers of Norwood. Mr. Mumper stated that currently they have contracts that are \$1,000,000 more expensive than this. He thinks we should accept these concessions. On the motion to amend the ordinance, the motion passed on a 5-2 vote with Mr. Moore, Mr. Thornbury, Mr. Mumper, Mr. Gabbard and Mr. Sanker voting, "Yes," and Mrs. Laake and Mr. Schneider voting, "No." On a motion by Mr. Sanker, seconded by Mr. Mumper, it was moved to suspend the rules and have all three readings of the ordinances as amended. The motion failed on a 5-2 vote with Mr. Moore, Mr. Thornbury, Mr. Mumper, Mr. Gabbard and Mr. Sanker voting, "Yes," and Mrs. Laake and Mr. Schneider voting, "No." On a motion by Mr. Sanker, seconded by Mr. Mumper, it was moved to suspend the rules and have the 1st and 2nd readings of the ordinance. The motion failed on a 5-2 vote with Mr. Moore, Mr. Thornbury, Mr. Mumper, Mr. Gabbard and Mr. Sanker voting, "Yes," and Mrs. Laake and Mr. Schneider voting, "No." On a motion by Mr. Sanker, seconded by Mr. Mumper, it was moved to have the 1st reading of the ordinance. Mr. Moore asked the Mayor if there was any point in having a 1st reading. The Mayor answered that it was not as it was told to him. He explained that this is why it was hard for everyone to give in. He said that he feels that when something is offered it is never good enough. He stated that he was authorized by the bargaining units to detail the amendment to council and they asked it be passed tonight. Ms. Grote said that meetings are scheduled for the rest of the week through Tuesday that include contract modifications. She noted that council will continue to meet to consider these ordinances. On the motion to have the 1st reading of the ordinance, the motion passed on a 5-2 vote with Mr. Moore, Mr. Thornbury, Mr. Mumper, Mr. Gabbard and Mr. Sanker voting, "Yes," and Mrs. Laake and Mr. Schneider voting, "No." The ordinance was read.

2. ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A RENEWAL AND AMENDMENT OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL #445 FOR THE YEARS 2011-2013, AND DECLARING AN EMERGENCY.

On a motion by Mr. Sanker, seconded by Mr. Mumper, it was moved to amend the ordinance to change the year 2013 wherever it appears in the ordinance to the year 2012, and to amend the attachment, which is the contract, in the same manner. Mr. Schneider announced that he will be abstaining from the vote. The motion passed on a 5-1 vote with Mr. Moore, Mr. Thornbury, Mr. Mumper, Mr. Gabbard, and Mr. Sanker voting, "Yes," Mrs. Laake voting, "No," and Mr. Schneider abstaining. On a motion by Mr. Sanker, seconded by Mr. Mumper, it was moved to suspend the rules and have all three readings of the ordinance. Mr. Schneider again announced that he will abstain from voting on this ordinance. The motion failed on a 5-1 vote with Mr. Moore, Mr. Thornbury, Mr. Mumper, Mr. Gabbard, and Mr. Sanker voting, "Yes," Mrs. Laake voting, "No," and Mr. Schneider abstaining. On a motion by Mr. Sanker, seconded by Mr. Mumper, it was moved to have the 1st reading of the ordinance. The motion passed with a 5-1 vote with Mr. Moore, Mr. Thornbury, Mr. Mumper, Mr. Gabbard, and Mr. Sanker voting, "Yes," Mrs. Laake voting, "No," and Mr. Schneider abstaining. The ordinance was read.

G) THIRD READING OF ORDINANCES

1. ORDINANCE MAKING PERMANENT APPROPRIATIONS FOR THE EXPENDITURES OF THE CITY OF NORWOOD, OHIO, FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2011, AND DECLARING AN EMERGENCY.

On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to have the 3rd reading of the ordinance. The motion passed on a 5-2 vote with Mr. Moore, Mr. Thornbury, Mrs. Laake, Mr. Gabbard and Mr. Schneider voting, "Yes," and Mr. Mumper, and Mr. Sanker voting, "No." The ordinance was read by caption. On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to pass the ordinance. Mr. Mumper stated that he will vote no again only because he has no faith in the budget. He asked how Council can vote for a budget when they won't support the union concessions. Mrs. Laake stated that she will vote yes so that employees can get paid for the rest of the pay period. She said that is the main reason. She acknowledged that there is still work to be done on the budget. She added that nothing is fully funded, but the employees need to get paid in full for time worked and this will get it done. Mr. Mumper acknowledged that it will pass. On the motion to pass the ordinance, the motion passed on a 5-2 vote with Mr. Moore, Mr. Thornbury, Mrs. Laake, Mr. Gabbard and Mr. Schneider voting, "Yes," and Mr. Mumper and Mr. Sanker voting, "No."

2. ORDINANCE AUTHORIZING THE CITY AUDITOR OF THE CITY OF NORWOOD, OHIO TO PAY BILLS AND EXPENSES AS DETAILED IN THE 2011 PERMANENT APPROPRIATIONS FROM FUND 28-DEVELOPMENTAL IMPACT FUND, AND DECLARING AN EMERGENCY.

On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to have the third reading of the ordinance. Mr. Sanker stated that there has been talk about this \$750,000 fund being used for general operating expenses. Mr. Sanker mentioned that early on, the Mayor was adamant about having this money in reserve, but if it came down to needing it, he would agree to use it. Mr. Sanker stated that those things didn't come to pass so this is part of the package. Mrs. Laake stated that it was painfully obvious that there was a majority in favor of passing those contracts. If we can't use this, we won't be able to pay Duke Energy and there is a \$600,000 hole that will be added to the issues. She stated that she hopes it passes so we can pay Duke Energy as she is aware that the city has received one shut off notice. It is imperative to pass this and pay the bill. Mr. Sanker stated that the March 31st appropriations had already appropriated funds for Duke Energy bills. He thinks that this was appropriated for in the temporary budget so someone chose not to pay them and use this fund. Mr. Sanker said he would like to see the notices from Duke. In the past, they have always worked with us on payment of bills. He stated that he doubts that if we don't pass this, that they will cut us off. Mr. Mumper asked the Mayor if he knows what buildings are included in the notice. The Mayor stated that he does not know. That information comes from a government representative who handles that. In the past, that person would contact Mr. Geers. The Mayor thinks that we have a good relationship with Duke Energy and the government representative. He noted he is somewhat concerned about the bills. Mrs. Laake stated that Mr. Stith was not present, but on the cash numbers we have been getting, it is a wrong implication to say that someone didn't *want* to pay a Duke bill because they didn't want to use temporary appropriations. The bill was not paid out of the general fund because we couldn't have met payroll if it was taken out of that fund. When the auditor's report tells us there is \$30,000 in cash after payroll, it is impossible to pay 6 Duke bills out of that amount. On the motion to have the third reading, the motion passed on a 4-3 vote with Mr. Thornbury, Mrs. Laake, Mr. Gabbard and Mr. Schneider voting, "Yes," and with Mr. Moore, Mr. Mumper and Mr. Sanker voting, "No." On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to pass the ordinance. Due to an emergency clause, the motion failed on a 4-3 vote with Mr. Thornbury, Mrs. Laake, Mr. Gabbard and Mr. Schneider voting, "Yes," and with Mr. Moore, Mr. Mumper and Mr. Sanker voting, "No."

G) ADJOURNMENT

Ms. Grote announced that there will be another Special Meeting of Council tomorrow. Mr. Laake asked if Council can reconsider the ordinance for the usage of Fund 28 without an emergency clause. Ms. Grote answered that it will be back on the agenda that way. Mr. Mumper requested a change in the time for tomorrow's meeting and

Saturday's. Ms. Grote stated that 24 hours notice must be given. She stated that we could cancel tomorrow's meeting and change the time for the meetings on Saturday and Sunday. Mr. Mumper stated that he could come in Saturday morning, but he has other things to do, and noted that he has a life. Ms. Grote stated that she had a previous engagement for tonight that she postponed, but we are all making sacrifices.

On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to adjourn. All members present voted, "YES."

Casey Brown
Clerk of Council

Jane M. Grote
President of Council