



**COMMITTEE OF THE WHOLE MEETING  
NOVEMBER 7, 2005**

Committee Members Present: John Conklin  
Dennis McGlone (Excused)  
Bill Mowery  
Scott Pelot  
James Price  
Brenda Hlas  
Mike Zita

Administration Members Present Mayor Joseph Kernan  
Claude Collins  
Jeanne Zerga  
Jeff Pritchard

The Committee of the Whole convened for a meeting on Monday, November 7, 2005 at 7:02 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Brenda Hlas, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE GENERAL DISCUSSION:**

**Presentation by Denise Woods-Reform Ohio Issues 2,3,4 & 5.**

Ms. Woods gave a brief discussion regarding these issues and supplied brochures for the audience.

**Codified Updates Ordinance**

Mr. Zita stated that we have updated our legislation through August 31, 2005 and this ordinance is required in order for it to take full effect, and this is something the Police department uses on a daily basis. There was discussion as to the cost of this, and the Clerk stated it was \$3100.00, and the remainder of this year would be completed in January 2006. Mr. Zita moved to place this on Councils next agenda, waiving the second and third readings as an emergency, seconded by Mr. Conklin.

Roll Call: Yeas: Zita, Conklin, Mowery, Pelot, Price, Hlas  
Nays: None

Motion passed 7-0.

**Health Care Contributions Ordinance**

Mr. Zita stated that the Administration has proposed that the non-bargaining employees (11) begin a co-pay for health care. Mr. Collins stated that the city sets aside an average of \$11,000.00 per employee for health care costs. We currently have 52 or 53 employees receiving this benefit.

**Health Care Contributions Ordinance Continued:**

Mr. Collins stated this breaks down to \$932.00 per month and we are proposing a contribution of \$25.00 per pay per employee for family plan or \$15.00 per pay for a single plan. Mr. Collins stated that the second part of this ordinance addresses spouses. Mr. Collins stated that it stated those spouses who work elsewhere or have health care available to them elsewhere, they would become the primary provider of their own healthcare. Mr. Collins stated that this section was designed to make other employers pay for their employees and not let the City of Norton shoulder the entire burden. Mr. Collins stated that he has asked Mr. Nick Codrea (Union Negotiator) to be present to help explain the health care plans. Mr. Codrea stated that Norton is unique in regards to health care because you are self-insured as opposed to being fully insured. Mr. Codrea stated that in the past Norton had an excessive amount of health care claims due to organ transplants, catastrophic illness, etc, and you cannot become fully insured until those are out of the way. Mr. Codrea stated that you need to keep the spousal coverage. An example would be if a spouse worked at Goodyear, and they required a contribution of \$147.00 per month. The spouse would just say why kick in the \$147.00 when I could ride along Norton's health care plan. It's not right for the public employer to subsidize the private industry; it should be the other way around. The health care plan that we are trying to put in place through the Union negotiations and partially through this legislation is three pronged. First would be to gradually increase the deductibles and co-pays over a three-year period. Second would be to gradually increase the employee contributions also over a three-year period. Third would be the spousal coverage. The thought was to hopefully go fully insured by the third year and you would get rid of the self-insured burden. Mr. Codrea stated that the savings from the spousal coverage would be difficult to calculate. An example of the three-year costs for the co-pays would be \$25/\$15 for 2006, \$35/\$20 for 2007 and \$45/\$30 in 2008. Mr. Collins indicated that we are only looking at the \$25/\$15 for 2006 and he would come back to Council in two years with new legislation. Mrs. Hlas questioned that 51% spousal coverage, and the fact that it is not stated in this legislation. Mr. Collins stated that it is listed in the health care plan currently in effect. Mr. Zita stated that if we have 53 employees, why are we targeting the 11 employees now? Mr. Zita also questioned why this must be done now, can't we wait until the Unions have negotiated their contract? Mr. Collins stated that this legislation is only for the non-bargaining, later on you will be presented with all four Unions and will have to either approve or deny their contract. Mr. Zita stated he felt we are using the 11 employees as pawns and wants to wait. Mr. Collins stated that they are not being used as pawns, he could have done this with his signature, however he chose to bring this to Council. Mrs. Hlas inquired if the city was ever fully insured, and Mr. Codrea stated that he did not think so. Mrs. Elaine Tompkins, a Norton resident spoke regarding the co-pays and suggested using a percentage of the employees salary, inquiring if this has ever been done before? Mr. Codrea stated that it has not. Mrs. Hlas discussed the Clerk of Council's salary and the breakdowns of 1% would cost her \$11.70 per pay, 2% would be \$23.40 per pay and 3% would be \$35.10. Mrs. Hlas stated that this percentage basis would complicate things when you get in to the family or single plans. Mr. Pelot expressed his concerns regarding the spousal plan, and felt that as a family they could have to pay out up to \$600.00 for insurance, and still would cost that individual more. Mr. Tim Mullins a Norton resident spoke in favor of Mr. Zita's comments and agreed with him, and that we should wait on this since there is no apparent emergency.

### **Health Care Contributions Ordinance**

Ms. Amber Johnson, a Norton resident and employee spoke on behalf of the Union Representative for the Clerical and Service employees, came forward stating that this should not even be discussed, its not relevant. Ms. Johnson stated that the numbers don't lie, last year the health care costs decreased by 4.7%. Ms. Johnson stated that union employees are concerned about the city's finances, however we also feel this legislation is not necessary. Mr. Louis Maholic from AFSCME 8 and he represents the Clerical and Service employees. Mr. Maholic found it interesting that Mr. Collins even brought this up concerning the 11 employees, and felt this was a back door way of applying pressure to the unions. Mr. Maholic stated that he felt it would be best to hold off on this until the negotiations are completed sometime in January 2006. Mr. Collins commented on Ms. Johnson's statement regarding the reduction of 4.7%, this was for one year, and it was situational for a particularly good year. Mr. Collins stated that next year, who knows. Mr. Collins stated that this would affect him as well, and with no pay raises for 2006 he considers this a pay cut. Mr. Collins stated that he could do this with the stroke of the pen without coming to Council, but chose not to. Mr. Pelot stated that while he agrees with the co-pay idea, he does not agree with the spousal portion and cannot support this. Mrs. Hlas stated she understands the reasons why we need to do this but she has asked the Law Director to add a "me too" clause into the legislation, which he has not done. Mrs. Tompkins inquired if this affects the retirees, and Mr. Collins answered it does not affect them, they would receive benefits through OPERS if they fall under the requirements. Mr. Zita moved to table this until the negotiations are completed, seconded by Mr. Mowery. Mr. Mowery commented on his situation at Acme where there have been no raises, and the health care remains free. Mr. Mowery stated that he considers this a perk of the job. Mr. Mowery stated that he did not like to see the insurance messed with for these 11 employees.

Roll call: Yeas: Zita, Mowery, Conklin, Pelot, Hlas  
Nays: Price

Motion passed 5-1.

### **Ohio Fire Code changes:**

Mr. Pelot discussed the need to adopt this Ohio Fire Code, which would be updating it to the 2005 standards. Mr. Pelot stated that they are still using the 1995 code. Mrs. Hlas inquired as to how often the code is updated, and Mr. Collins replied that he was no sure. Mr. Pelot moved to place this on Councils next agenda, seconded by Mr. Zita.

Roll Call: Yeas: Pelot, Zita, Conklin, Mowery, Price, Hlas  
Nays: None

Motion passed 6-0.

**Income Tax Refund Ordinance**

Mr. Conklin stated that the Finance Dept. currently will process any refund or credit of \$1.00 and this legislation raises the amount to \$5.00. Mr. Pelot inquired as to what it costs to process a refund or credit. Mrs. Zerga stated that it's several dollars for paperwork, employee time spent, etc. Mrs. Zerga stated that the industry standard is currently set at \$5.00, adding that this is also in the rules and regulations from CCA and most other communities. Mr. Conklin moved to place this on Councils next agenda, waiving the second and third readings, seconded by Mr. Price. There was further discussion on this issue and it was decided to have the legislation prepared with the effective date of January 1, 2006.

Roll Call: Yeas: Conklin, Price, Mowery, Pelot, Zita, Hlas  
Nays: None

Motion passed 6-0.

**Permissive Tax Fund-Establish account**

Mr. Conklin discussed the need to set up a separate account to receive the revenue coming in for the \$5.00 license plate tax fee we are collecting. Mrs. Zerga stated that this is a special fund and requested Council waive the second and third readings. Mrs. Zerga stated that residents may apply up to 90 days in advance for their plates, and she has already received some revenue. Mrs. Zerga stated that right now all moneys from this fund have been deposited into the Service & Highway Fund and will need a Journal Entry to account for the transfer of the funds in to this new account, also creating a paper trail. Mr. Lino, a Norton resident, stated that he thought this revenue was to be used strictly for filling potholes, and wondered if this was correct. Mrs. Hlas stated that this revenue was designated to go for a road program, it would not be used to fill potholes. Mrs. Hlas inquired about the letter the Clerk sent to Mayor Kernan regarding situation with the few Norton residents who technically reside in Wayne County. Mayor Kernan stated that it was not necessary to redo the legislation because this would be difficult for the county to process. Mr. Conklin moved to place this on Councils next agenda, waiving the second and third readings as an emergency, seconded by Mr. Price.

Roll Call: Yeas: Conklin, Price, Mowery, Pelot, Zita, Hlas  
Nays: None

Motion passed 6-0.

**800 MHz Radio Ordinance**

Mr. Conklin stated that Council has already processed two pieces of legislation for the radios, and this last one is to authorize the purchase. Mr. Collins stated that we have been talking and working towards this for the past few years. They have finally agreed to go with Summit County's radio network, which involves the City of Akron and Summit County. Mr. Collins stated we applied for a \$125,000.00 grant and were awarded \$124,800.00 to help with the purchase. Mr. Collins stated the projected total cost of these radios and improvements to be \$436,000.00. Mr. Collins stated that Mr. Lyons is still working on this legislation and will have it to Council by Monday.

**800 MHz Radio Ordinance continued:**

Mr. Collins stated that he is just asking for Councils approval for him to move forward on this, either by going out for bid or awarding a contract. Mrs. Hlas questioned the exact amount available, if we borrowed \$400,000.00 for this, doesn't encumbered mean that it is earmarked for something. Mrs. Zerga explained that last year she encumbered the funds to a purchase order called 800 MHz because you know those are expenses that you have. Mrs. Zerga stated that by doing this you put a purchase order on the books and carry it forward, the money (\$372,417.39) is sitting in that fund for this radio purchase. Mrs. Zerga stated that with the current balance in this fund and the grant money added to it, we would have a balance of \$497,217.39. Mrs. Hlas inquired about the unencumbered balance of approximately \$47,000.00 and if this would be used for the monthly fee for the radios. Mrs. Zerga stated that it would not be used for this, it would either be used for anything else required for that system or to pay back the bond. Mrs. Hlas inquired as to the total number of radios and the monthly fees for all of them. Mr. Collins stated they intend to purchase 100 radios and he believed the monthly fee is \$12.00 per radio per month. Mrs. Zerga stated that we currently pay a maintenance fee now, however she was unsure as to that figure but thought was not much more than what we currently paying. Mr. Pelot asked of other cities that are on this radio system are paying the \$12.00 monthly fee? Mr. Collins stated that anyone using this system would also be required to pay the \$12.00 monthly fee. Mrs. Hlas stated that these new radios would be digital and not analog, and Mr. Conklin stated that we are the last city to go onto this system. Mr. George Tomko questioned if these are all for vehicles or personal use, and Mr. Conklin stated this would be both. Mrs. Zerga reminded everyone that we need to take into consideration that if we do not use all of the money in this fund for the equipment it can be used to pay down the bond. Currently we use General Fund money to transfer to the Debt Service Fund to pay down the bond. Mr. Pelot questioned then need of 100 and asked Mr. Collins how we came to this figure. Mr. Collins stated this figure was derived from both Chiefs and Service Dept. Supt. and they felt 100 was to replace what we currently used. Mr. Pelot felt we need to go back and revisit the numbers and make sure that we really need 100 radios. Mr. Collins stated that he would have these numbers to Council in writing before Monday's meeting. Mr. Pelot discussed paying back the bond as soon as possible. Mrs. Zerga stated that there are no savings if we pay it all at once, we pay the interest no matter when and how you pay it off. Mr. Conklin moved to place this on Councils next agenda waiving the second and third readings as an emergency if necessary, seconded by Mr. Zita.

Roll Call: Yeas: Conklin, Zita, Mowery, Pelot, Price, Hlas  
Nays: None

Motion passed 6-0.

Mrs. Hlas called for a 5-minute recess before starting into the 2006 Budget. Mr. Mowery was excused at this time.

## **2006 Budget**

Mr. Conklin asked Mayor Kernan to comment on the 2006 Budget. Mayor Kernan stated that they are trying to hold hiring and wages to the levels to what they have been at for 2005. Mayor Kernan stated that he has issued a wage and hiring freeze for 2006 by memo. Mayor Kernan stated that freeze only covers the non-bargaining employees. Mayor stated the bargaining unions are currently in negotiations and this is reflected into the Budget. Mayor Kernan stated that he discussed with Mrs. Zerga placing money into the 2006 Budget for a road program by moving money from other areas. We also sent the proposed Budgets back to various departments and told them to cut further and this is what we have attempted to do. Mr. Zita had questions regarding the revenue sheets, specifically the reduced amount under Waste Hauler Fee. Mrs. Zerga explained that with the citywide trash haulers, this was reduced because we may have less revenue with only one hauler, and she estimated on the conservative side. Mr. Conklin questioned the License Tax Fund, and whether or not that revenue is shown, and Mrs. Zerga replied that it is shown in the 2006 Budget. Mr. Conklin stated that as he understands it now, there is \$167,000.00 for the road program for 2006. Mayor Kernan stated this is correct unless we receive some other grant funding. Mrs. Hlas stated that we anticipate receiving almost \$4,000,000.00 in income tax collections, and anything over the \$3,400,000.00 goes into a road program. Mrs. Hlas stated that this would be almost \$200,000.00 from the income tax collection that we could put into the road program to start it off for 2006. Mrs. Zerga stated that we are not there yet, taking into account that we are right on track with the collections. Mrs. Zerga stated that as of the end of September we were at 75% in collections of the 100%. Mrs. Zerga suggested that with the Resolution of Intent, whatever money comes in January, we could take that whole as for Resolution of Intent, and any extra coming in goes into the road program. Mrs. Zerga stated that she was very conservative on the estimates for the revenue and appropriations because of the requirement to certify these numbers to the County. Mrs. Hlas stated that because of what has been set in place we may actually have \$350,000.00 to \$400,000.00 set aside for a road program on 2006, depending on how the collections go. Mrs. Hlas questioned why the property tax revenue was not increased since the new property valuations were done this year. Mrs. Zerga stated that you can only use what the county has certified, and when the County has the new numbers next year they will issue a new certification. Once we receive this it would have to go to Council for approval. Mrs. Zerga discussed the revenue comparisons from 2004-2005-2006, including the actual cash balances. Mrs. Zerga reviewed the spreadsheets department by department starting with Council. Mrs. Zerga stated the only new program is \$1800.00 for a new computer for the Council office. Mrs. Zerga stated that last year we spent a considerable amount on repairs and it is no longer cost effective to continue doing so. Mrs. Zerga stated that by building this into the 2006 Budget the money would be there the next time the computer crashes. Mr. Pelot inquired on how old the system was, and the Clerk stated it was purchased in 2000. There was discussion on the overtime for the Clerk of Court. Mrs. Hlas questioned if the Clerk or Courts still gets paid overtime for working on Mondays? Mrs. Zerga stated that he does receive overtime, it is listed under Court Computer Fund #125. Mrs. Hlas stated that if we have a wage and hiring freeze overtime should not be permitted, unless he is an exempt employee. Mrs. Zerga stated that the reason for the overtime is that Mr. Mitchell comes in on the weekends to make phone calls to collect unpaid fines. Mrs. Hlas stated that past policy was that Council received a report showing what was collected to prove time spent, and offset the costs. Mrs. Hlas stated that if we are freezing wages and salaries, salaried employees should not be receiving overtime. Mr. Collins stated that Mr. Mitchell is a non-exempt employee. Mrs. Hlas inquired if he could not be given comp time instead of overtime. Mrs. Hlas asked how do you know we are benefiting from him working on the weekends?

**2006 Budget continued:**

Mr. Collins answered by looking into it. In the past there was a benefit in doing this, and he did not believe it's changed. Mrs. Hlas asked Mayor Kernan to look into putting a policy back in place to prove that it is beneficial to the city. Mayor Kernan stated that he would look into and felt the revenue has not changed. Mr. Pelot questioned where the city distinguishes the difference between exempt and non-exempt employees? Mr. Collins stated that it's set by law and each job description designates if an employee is an exempt or non-exempt employee. Mr. Collins stated that a non-exempt employee is entitled to overtime for work over 40 hours, and exempt employee is not. Mr. Pelot questioned what is the determination to make someone non-exempt. Mr. Collins stated the terminology is close to if you work for someone who makes policy decisions. Mr. Zita inquired if Mr. Mitchell works an 8-hour day, and Mr. Collins stated that yes Mr. Mitchell works 8 hours a day, five days a week. Mr. Zita stated that he felt Mr. Mitchell should adjust his hours on the weekends, and leave early using comp time, like the Clerk of Council. Mr. Zita stated that when she works late on Mondays, she does not get paid for it, she adjusts her hours and leaves early on Wednesdays. Mayor Kernan stated that we could look into this, however, his understanding was that non-exempt employees are not eligible for comp time, they are paid overtime. Mayor Kernan stated his secretary is non-exempt and if she works over 40 hours a week he pays her overtime. Mrs. Hlas stated with that being said Mr. Mitchell does not have to work overtime on the weekends. Mr. Zita inquired if he attempts to reach defendants during the day to collect money? Mr. Collins stated that yes he does this during the day as well, however it's easier to reach people in the evenings and weekends. Mr. Pelot asked if it was possible to change the requirements for this position to work Sunday through Thursday, having Friday and Saturdays off, and Mr. Collins stated that it's possible. Mr. Collins stated as a one-person office, like the Clerk of Council there are some things that are expected to be addressed during normal business hours at city hall.

Mr. Conklin stopped the 2006 Budget review with the Community Development Department, which will be addressed during the next Committee of the Whole on November 21, 2005.

**Old Business:**

None

**New Business:**

Mrs. Hlas stated that Mr. Zita needs to select three members to appoint to the Equalization Board for the Gardner Blvd. Phase II project. The Clerk informed Council that after concurring with Ms. Gordon legal counsel for the project Council could appoint the same members as the last time.

Mrs. Hlas stated that we have received a memo from the Barberton Health District stating they have cut our contract for 2006 by \$12,000.00. The price for the 2006 contract is \$75,000.00

Mrs. Hlas announced that Mulch Makers, at 3307 Clark Mill Road, will be taking yard debris Monday through Friday from 7:30 AM to 5:00 PM. All bagged material will be inspected on site to check for any unauthorized debris.

Mr. Carris Sr., commented on the Road Dept, employees, and that they did a great job on the road repairs and striping with such little funding this year.

**Public Service Announcements:**

None

**Adjourn:**

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 9:35 PM.

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Brenda K. Hlas-President of Council

*Date approved: November 14, 2005*

***THESE MINUTES ARE NOT VERBATIM. THE AUDIOTAPE WILL BE  
ARCHIVED IN THE CLERK OF COUNCILS OFFICE***