



**COMMITTEE OF THE WHOLE MEETING  
DECEMBER 5, 2005**

Committee Members Present:           John Conklin  
  Dennis McGlone  
  Bill Mowery  
  Scott Pelot  
  James Price (Excused)  
  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, December 5, 2005 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, Vice President of Council, followed by the Pledge of Allegiance and a moment of silent prayer. Mr. Zita announced that Mrs. Hlas and Mr. Mowery would be arriving shortly. Mr. Zita stated that Mr. Price was excused.

**COMMITTEE OF THE WHOLE GENERAL DISCUSSION:**

**Acceptance of Brookhaven Drive-Knollbrook Development**

Mr. Pelot discussed the acceptance of the streets and the approvals from the Municipal Engineer and from Mr. Pritchard, and Supt. of Public Service, Ted Weinsheimer. Mr. Pelot stated that previously there were a number of items needing to be addressed and that they have been addressed to the city's satisfaction. Mr. Cavanaugh was present in the audience for any specific questions, which there were none. Mr. Pelot moved to place this item on Councils next agenda, seconded by Mr. McGlone.

Roll Call:       Yeas: Pelot, McGlone, Conklin, Zita  
                      Nays: None

Motion passed 4-0.

**Employee Health Care Insurance Renewal**

Mr. Zita stated that the current contract expires on December 31, 2005. Mr. Collins stated that Mr. Bob Lamm of Associated Underwriters was present and gave a brief report. Mr. Lamm stated that he suggests the city go with Pan America as the carrier for 2006. Mr. Lamm stated that Pan American and Fidelity Security have the same underwriter so this is really a renewal. Mr. Lamm stated that from 2003 to 2005 the costs to the city has improved dramatically, our employees are healthier overall. Mr. Lamm stated that this plan has very little change in the costs.

Mr. McGlone discussed the fact that dental and vision for 2005 is not shown, and Mr. Lamm stated that it was not broken down for 2005 but it is for 2006. Mrs. Hlas inquired about the figures in last years memo being \$694,000 not it's shown as \$640,000 and wondered why there is a difference? Mr. Lamm answered that difference reflects the risk factor, which went down and is shown as a decrease. Mr. Lamm stated that he has recommended some change with the union negotiations due to the rising costs of prescriptions and medical programs in future markets. Mrs. Zerga clarified if the total actual cost for 2006 is \$968.09? Mr. Lamm stated that this is correct, this figure is based on a worse case scenario, adding that for budgeting purposes you should always fund for the maximum. Mrs. Hlas stated the 2006 Budget shows \$932.00, and asked Mrs. Zerga if we are ok with this? Mrs. Zerga replied that we would be all right with the difference. Mr. Lamm indicated that as of this date the city is at 69% of their expected amount of claims. Mr. Pelot questioned the renewal fee of \$1,000.00 and if this was the same as last year, Mr. Lamm answered yes. Mr. Lamm stated that there is an administration fee of \$27.45 or approximately \$250.00 annually. Mrs. Hlas asked Mrs. Zerga if we do not use all the money in 2005 does this get carried over, and Mrs. Zerga answered yes. There was discussion on the reason for carry forwards mostly due to IBNR (Incurred but not reported). There may be claims pending being processed at yearend and would roll over into the next year for various reasons. Mr. Zita moved to place this item on Council's next agenda, waiving the second and third readings as an emergency, seconded by Mr. Pelot.

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

Motion passed 6-0.

### **Increase/Decrease Ordinance**

Mr. Conklin turned the discussions over to Mrs. Zerga. Mrs. Zerga stated that this modifies the 2005 Budget by increasing or decreasing appropriations according to the expenditures for the current year. Mrs. Zerga stated that the year end balances for the General Fund and all other Funds will reflect either a zero balance or a positive balance. There was discussion on the fact that the Brentwood Fund still is not funding itself. There was also discussion on the Fire and EMS Levy Fund and whether or not it was still funding itself. Mrs. Zerga stated that at this point it is funding itself, however it is very tight. Mrs. Elaine Tompkins, a Norton resident spoke about the exhibit and would like to have seen totals showing the plus or minus. Mrs. Tompkins reminded everyone that this was only up to November 17, 2005 and that we will need to do another one by the end of 2005. Mrs. Tompkins inquired as to how does this show with the County figures? Mrs. Zerga answered that \$693,201,52 is a total for all of the funds. Mrs. Zerga pointed to the Gardner Blvd Fund showing that this was actually reduced by \$705,860.00 because its for next years project and not for 2005. Mr. Conklin moved to place this item on Councils next agenda, waiving the second and third reading, seconded by Mr. Pelot. Mrs. Zerga stated that this is the final increase/decrease, it is required to be sent to the County before December 31, 2005.

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

Motion passed 6-0.

**Authorization for Waterline Replacement Engineering**

Mr. Conklin stated that this is for the engineering for the replacement of waterlines along Berry, McGowan, and Wadsworth Roads. Mr. Conklin turned the discussion over to Mr. Collins for the details. Mr. Collins stated that this is another project in the hopper to be addressed. We can get Ohio Public Works Commission (OPWC) funding for a grant to help pay 50% of the costs. Mr. Collins stated he would like to submit this preliminary engineering in June of 2006 at the OPWC hearings for grant proposals. We may or may not pass because we may not have enough points for the grant approval. If we are successful we can go ahead with the engineering, if we are not successful, we can re-submit in 2007. Mr. Collins discussed the proposals that were sent to the four engineering firms, and that they were designed to do this over a 2-year period of 2006 and 2007. Mr. Collins stated that initially he was just going to do the preliminary engineering, but the proposals came back with such favorable numbers for committing to do the entire project. Mr. Collins stated that one firm did not respond to the proposals. Mr. Collins discussed the various costs and breakdowns for services from each firm. Mr. Collins suggested going with Osborn Engineering. Mr. Collins stated that in addition to this legislation, we also need a Resolution of Necessity as requested by Osborn. Mr. Conklin moved to place an ordinance authorizing a contract for engineering with Osborn on Councils next agenda, seconded by Mr. Pelot.

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

Motion passed 6-0

Mr. Conklin moved to place a Resolution of Necessity for this project on Councils next agenda, seconded by Mr. Pelot.

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

Motion passed 6-0.

**Hike & Bike trails-ordinance**

Mrs. Hlas discussed this item stating that since the city has acquired the former railroad property, this needs to be accepted as official park property. Mrs. Hlas stated that this has been named the Wolf Creek/Pigeon Creek Greenway. Mrs. Hlas moved to place this on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

**Traffic Control Ordinance changes**

Mr. Mowery discussed the original ordinance issued in 1968 never included the Director of Public Service as a member of that committee. Mr. Collins stated that under the Ohio Revised Code (ORC) the Director of Public Safety usually makes the decisions. Mr. Mowery moved to place this item on Councils next agenda for a first reading only, seconded by Mr. Zita.

**Traffic Control Ordinance changes continued:**

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

Motion passed 6-0.

**Chief's Ordinances changes**

Mr. Zita discussed the changes for any newly hired chiefs, adding that any changes we make now will have no effect on the Civil Service testing currently underway for the Fire Chief. Mr. Zita expressed his concerns as to why this was not addressed before the process for the Civil Service testing began. Mr. Collins stated that this is yet another item he knew he needed to address and he should have had this to Council midyear. Mr. Collins indicated that this would keep both Chief's in line with each other and more consistent. Mr. Zita questioned why we need to do this now if it does not apply to the current testing? Mr. Collins stated that if the Civil Service Commission comes back with no valid candidates, we would have to repeat the testing and these new requirements would then be implemented if adopted. Mr. Zita moved to have legislation for the Fire Chief Ordinance changes placed on Councils next agenda for three full readings, seconded by Mr. McGlone.

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

Motion passed 6-0.

Mr. Zita moved to have legislation for the Police Chief Ordinance changes placed on Councils next agenda also for three full readings:

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

Motion passed 6-0.

**Firefighters Dependent's Fund-Council Appointments**

Mr. Zita discussed Council's need to appoint two members for the Firefighters Dependents Fund for 2006. Mr. Zita nominated Mr. Mr. Pelot and Mr. McGlone to the Board. There were no further nominations, and Mr. Pelot and Mr. McGlone accepted the appointment. Mr. Zita stated that there is no requirement for legislation.

**Reappointment to Norton Health Advisory Board**

Mr. Zita discussed the need to approve the Mayor's reappointment of Ms. Delnay to the Norton Health Advisory Board. Mr. Zita stated that Ms. Delay would be serving her first full four-year term, she was previously appointed to fulfill an unexpired term. Mr. Zita moved to place this item on Council's next agenda, waiving the second and third readings as an emergency, seconded by Mr. Conklin.

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

Motion passed 6-0.

**Update & Changes to Chapter NCO 258**

Mr. Zita turned this discussion over to Mr. Collins. Mr. Collins stated that he has been working on rewriting this chapter for several years, and it is very comprehensive. Mr. Collins stated the 2000 Ordinances are already out of date and this is basically to bring everything up to date and in line with the unions and updated laws. Mr. Collins stated that it is mostly language changes. There was discussion on the changes in longevity pay and how much extra would this cost. Mr. Collins stated he was not sure on the total figure, adding that he would have this to Council before the next meeting. There was discussion on section 258.095-Military Leave and the 31 days really needs more clarification than what was presented. Mr. Collins stated that section 258.17 Pick-up of Public Employees Retirement System needs amended because the correct term is Ohio Public Employee Retirement System or OPERS. Mr. Pritchard asked if these changes are adopted, does the Employee Manual need to be updated as well? Mr. Collins stated that it would need to be updated, and he is working on this next. Mr. Zita moved to place this item on Councils next agenda, seconded by Mr. McGlone.

Roll call: Yeas: Zita, McGlone, Conklin, Mowery, Pelot, Hlas  
Nays: None

Motion passed 6-0.

**Old Business:**

Mrs. Hlas asked if anyone had asked Mr. Cavanaugh about the water issues in the Knollbrook Subdivision when the acceptance for Brookhaven Drive was discussed. Mr. Pelot stated no. Mr. Collins stated that Council had already accepted that portion of Knollbrook. Mr. Collins stated that this issue before Council now has nothing to do with the water issues. Mrs. Hlas stated that she understood we are talking about two different roads, however tonight would have been a perfect opportunity for Mr. Cavanaugh explain how the water issue problems would be addressed. Mrs. Hlas discussed the green space in this allotment, and that part of this is pretty wet. Mr. Pritchard stated this was correct, part of that is already a wetland and is an unbuildable lot.

**New Business:**

Mr. McGlone stated that Mayor Kernan has asked Council to prepare Resolutions of Appreciation for John Conklin and Brenda Hlas for their service on Council. Mr. McGlone moved to place these resolutions on Councils next agenda, seconded by Mr. Zita.

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

Motion passed 6-0-1.

Mr. Pelot discussed the previous consideration on the employee health care contributions, which we decided not to act on a few weeks ago. Mr. Pelot stated that he was not sure this was the best solution, it may have placed Mr. Collins in a pretty tough position with the negotiations with the union contracts. Mr. Pelot stated that without this Mr. Collins has no bargaining power.

Mr. Pelot stated that in order to give Mr. Collins the bargaining power needed with the unions, we need to address this and have the non-bargaining employees pay for their insurance. Mr. Pelot stated that the individuals that he has spoken to that would actually be paying it at this point in time agree with it. They have no issues with it whatsoever. Mr. Pelot stated that without it the unions would probably tell Mr. Collins to go pound salt, and Mr. Collins stated the unions already have. Mr. Pelot moved to place this on Councils next agenda, and to pass it the way Mr. Collins had it worded, seconded by Mr. McGlone. Mr. Mowery stated the he agreed with Mr. Pelot, and that times are changing rapidly. Mr. Mowery commented on the possible strike of grocery store workers throughout northeastern Ohio, and that health care has been a major point. Mayor Kernan made it clear that this is not just a bargaining tool, this is something the city needs to do in order to get some of the costs back for health care benefits. Mayor Kernan stated it's important to know we are not trying to do this to hold a gun to the union's head. This is something that all industries and the public sectors are doing, and trying to get employees contributions for benefits. This is something that needs to be done for the financial health of the city. Mr. Pritchard stated that he is all for this, and agreed with Mr. Pelot's comments adding that we are not blazing a new trail with this, Summit County does this, as do other communities. At some point we really should be contributing. Mr. Zita stated that even though it is a small amount for now, however once it starts it would just snowball from there. Mr. Zita stated that he is a firm believer and he will not support this. Mrs. Hlas stated that her family insurance is going up to \$96.00 every other week, and she felt this was a bargain. Mayor Kernan stated that he is paying \$516.00 per month and has to pay out the first \$6,000.00 before drawing anything from the insurance company. Mr. Pritchard stated in essence this is a considered a cut in pay. There was discussion on not having the "me too" clause in this legislation. Mrs. Hlas stated that it would be up to Council to keep an eye on this to see if they want to change this, they do not have to wait for the Administration to bring it up.

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

Motion passed 5-1.

Mr. Zita stated that he has selected the members for the Equalization Board, they are James Bennett, Sandy Chrisant, and Mike Wronkovich. Mr. Zita moved to have legislation placed on Councils next agenda, seconded by Mr. Pelot. Mrs. Hlas stated that Ms. Chrisant would be moving this week, and that the Clerk would need her new address.

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

Motion passed 6-0.

Mrs. Hlas stated she would like to place a new allocation of funds legislation on Councils next agenda, designating anything over the \$3,398,000.00 and the percentages Mrs. Zerga needs to fund those programs go into the Road Program Fund #170. Mrs. Hlas stated she wanted to have the wording state "not to exceed the certain amounts" and once we hit those certain amounts, everything else would go into the Road Program Fund, seconded by Mr. Pelot.

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

Motion passed 6-0.

**Topics for next Work Session:**

The Clerk of Council indicated that the next work session would be on January 17, 2006, and Mrs. Hlas added the next Council meeting would be on January 9, 2006.

**Public Service Announcements:**

None

**Adjourn:**

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 9:41PM.

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Brenda K. Hlas-President of Council

*Date approved: December 12, 2005*

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