



**COMMITTEE OF THE WHOLE MEETING
MARCH 6, 2006**

Committee Members Present: Ken Braman
 Tom Jones
 Dennis McGlone
 Bill Mowery
 Scott Pelot
 James Price
 Mike Zita

Also Present: Mayor Joseph Kernan
 Claude Collins
 Jeanne Zerga (Excused)
 Jeff Pritchard
 Karla Richards

The Committee of the Whole convened for a meeting on Monday, March 6, 2006 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Michael Zita.

Committee of the Whole General Discussion:

AFSCME Contract Mediation Report:

Mr. Zita turned the discussions over to Mr. Collins for the details. Mr. Collins gave a brief overview of the mediation report and the summary of employee wages. Mr. Collins suggested that Council turn this report down, sending the city and AFSCME back to the bargaining table. Mr. Collins stated that the unions wanted 2%, 2.5%, and 3% along with other items. Mr. Pelot reminded Council that there is nothing set aside in the 2006 Budget for raises for anyone. Mr. Nick Codrea (city's representative) stated that there was an issue with the Clerk and Secretary-I positions. Mr. Codrea stated that he calculated that it would cost \$160,000.00 to implement this contract with the raises the AFSCME unions suggested. Mr. Codrea stated that this has absolutely nothing to do with job performance, there have been no complaints regarding the employees, it is simply a financial standpoint. Mr. Codrea questioned how the two can be so far off from where we were January 31, 2006 to today, we thought there was a tentative agreement. Mr. Jones questioned the differences in the two positions and if this included overtime? Mr. Codrea stated that it is everything. Mr. Zita questioned the term "roll up? Mr. Codrea replied that for every dollar earned, you pay percentages into PERS, Medicare, and compensated absences, which equal 20%. Mr. Pelot asked how the city differs from other cities with respect to the contract? Mr. Codrea stated that this is hard to compare, it is not apples to apples. Mr. Codrea stated that the last time this union negotiated we adjusted the salaries of seven positions. Mr. Codrea stated that this is the first time since 1993 the city has stated that they cannot afford this. Mr. Jones asked Mayor Kernan where the city really is financially? Mayor Kernan stated that it is very tight. We have managed to set aside over \$200,000.00 for a road program.

AFSCME Contract Mediation Report continued

Mr. Collins stated that there was nothing set aside for raises in the 2006 budget, and even if the unions accepted the city's offer of 1%, 2% and 2%, the money would still have to come from somewhere. Mr. Collins stated that there would have to be cuts to make up for it. Mr. Jones discussed the Police Department spending over \$49,000.00 in overtime in the last two months of 2005. Mayor Kernan stated that yes, they may have spent that amount but keep in mind there is grant money involved for traffic blitz's at the end of the year. Mr. Pelot asked Mayor Kernan to provide Council with the figures on the grant money used. Mr. Jones stated that he felt the city is between a rock and a hard place with this issue. Mayor Kernan agreed, adding that it's tight and he also recommended they go back to the bargaining table. Mr. Lou Maholic, the AFSCME Union Representative stated that both units did approve the fact finders report by a vote earlier today, and wanted to see that incorporated into the contract. Mr. Maholic stated that we are not the same as the Police Unions. Mr. Maholic had an answer as to why the change since January-it's because the tentative agreement was soundly rejected, then it went to fact finders. To reject this fact finders report, defeats the whole meaning of having a third party involved. Mr. Maholic stated that the salaries requested are in line statewide and are lower than most cities. Mr. Maholic stated that we need to look again to the end of year figures from 2005, citing many carryover figures. Mr. Maholic stated that if we go back and cannot come to an agreement, then a strike vote is next. Mr. Eddie Lawson, Union President for Norton and Barberton AFSCME unions stated the situations are the same for both cities. The employees realized that they would need to start contributing to health care and agreed to this. Mr. Lawson stated that this is the first time ever this union went to a fact finders report. Mr. Lawson stated that the city is getting sold out here. You need go back and look at the numbers yourselves and make a decision based on those figures. Mrs. Elaine Tompkins, a Norton resident stated that you need to look at the 2006 Budget again, especially with the new Finance Director coming on board. Mrs. Tompkins stated that in 2005 the Police Dept. estimate started at \$1,950,000.00 and at year end the actual was \$1,828,000.00, which left a difference of \$126,380.00 for 2005. In 2006 the Police Dept. estimate was approved for \$1,978,000.00 which implied an addition of about \$23,000.00 per year. But if you really look at what the actual numbers were verses the approved figures for 2006 it was \$149,976.00 variance. The point is this; you have to use the actual so that you get better figures. Mrs. Tompkins stated that with the re-review of the 2006 Budget there might be some tightening here that could provide some room for both sides. Mr. Jones stated that he felt Mrs. Tompkins was on the right page here. Mr. Jones stated that with all comments tonight, we should ask the Administration to take another look at this and see if we cannot come to some conclusion here. Mr. Jones stated that he personally knows some of the employees in the Service and Clerical units and they all do a grand job for us and he is not about to say no to them at this time. Mr. Jones asked Mayor Kernan if he felt Mrs. Tompkins was on the right page with comments? Mayor Kernan stated that if you really want us to look at the 2006 Budget again and re-negotiate, Council will have to say no tonight. Mayor Kernan stated that if Council votes yes tonight, it's a done deal. Mayor Kernan stated that he has no problem going back to the 2006 Budget. Mr. Pelot agreed with Mr. Jones' concerns and would like to go back to the 2006 Budget. Mayor Kernan stated that the figures in the 2006 Budget were set very conservatively and we don't want to be caught short and unable to pay bills. Mayor Kernan stated that there is a certain amount of wiggle room built into the 2006 Budget with carryovers. Mr. Codrea discussed the reasons for the differences in some funds, such as CCA collections are now monthly when it used to be quarterly. Mr. Codrea stated that the term "carryover" does not mean left over or extra, a carryover is an encumbered amount earmarked for a pending invoice, it just has not been paid out yet.

AFSCME Contract Mediation Report continued:

Mr. Codrea reminded Council that this city is still 4-million dollars in debt, and all funds are encumbered for something specific. Mr. Codrea stated that funding with the tax increase revenue will catch up eventually, and that Mrs. Zerga has already put the city on the right track to get ahead instead of being behind, it just takes time to get there. Mr. Jones stated that running a city is a business and you have to run it like one. Mr. Jim Lino, a Norton resident spoke about the benefits of unions and he felt there should be more of them. Mr. Lino stated that we are in a different world now. Mr. Lino reminded everyone that the city employees making \$10-\$15 per hour already received a pay cut when the city raised the income tax by ½ of a percent. Mr. Zita moved to reject this report and go back to negotiations, this would also allow us time to review the 2006 Budget, seconded by Mr. Pelot. Mr. Zita clarified that a yes vote now rejects the contract and it goes back to negotiations. Mr. Price stated that he does not want to see any jobs lost. Mr. Price stated that he wants to see the true numbers and he would be supporting this. Mr. Mowery discussed this going back to the bargaining table with the employees, and the fact that they would be the ones with their pockets lessened. Mr. Mowery indicated that with the sloppy finances in the past years, someone should have seen this coming. Mr. Mowery stated that he supports the fact finder report and the employees.

Roll Call: Yeas: Zita, Pelot, Braman, Jones, McGlone, Price
Nays: Mowery

Motion passed 6-1.

Finance Director Position:

Mr. Zita introduced Mr. Moss who was present in the audience. Mr. Jones discussed page #6 of the packet of information submitted to Council and the fact that this job description does not state that Council is involved other than the confirmation. Mr. Jones stated he would like the language he submitted at the beginning of the meeting to be used which includes the relations with the Finance Director and Council. Mr. Collins stated that this job description was written to encompass the Director of Finance. It is not a direct quotation from the Charter, the Charter still stands. This is just an administrative job description that briefly describes the position of Director of Finance. Mr. Collins stated that he takes the blame on this and it was in no way intended to offend Council. Mr. Collins stated that the Charter controls this position. Mr. Zita stated that he felt the description should depict the actual responsibilities. Mayor Kernan stated that Mr. Moss is well aware that the Charter dictates his position and he is to serve both Council and the Mayor. Mr. Moss gave a brief background of his qualifications and experiences with the City of Wadsworth for the past 10 years. Mr. Jones raised the issue of full time hours and evenings and was concerned about Mr. Moss dedicating the time required for this position, and his law practice. Mr. Jones discussed the differences with the two city's budgets, population, and number of employees. Mr. Moss stated that the City of Wadsworth has 200 full-time employees with 400 employees in the summer months. Mr. Moss stated that the 2006 Budget for Wadsworth is 74 million, and their population is approximately 20,000 residents. Mr. Jones discussed CCA and wondered if Mr. Moss was familiar with this? Mr. Moss stated that the City of Wadsworth has been using CCA for more than the 10 years he was employed there. Mr. Pelot inquired if Mr. Moss would be working both jobs. Mr. Moss stated that he would need a little bit of overlap in the first few weeks. Mr. Moss stated that in regards to his law practice he has closed all files and has nothing active.

Finance Director Position continued:

Mr. Moss stated that he will still keep his license to practice active, and would only do small things like a will for someone he knows. Mr. Price stated that there was no requirement for a CPA license. Mr. Moss stated that he is not a CPA and his license to practice law does give him the license to do most things that a CPA does. Mr. Price asked Mr. Moss why he chose to come to the City of Norton. Mr. Moss stated that the package is better than Wadsworth's. Mr. Moss stated that he even considered other municipalities however, it would require moving to those communities. Mr. Moss stated that if confirmed, he would not have to move because of the proximity being so close. Mr. McGlone raised the issue of a CPA being preferred for this position. Mayor Kernan stated that having a CPA degree was not the most important thing. Mayor Kernan stated that it would have been a nice extra but not essential. Mrs. Elaine Tompkins stated that she was very impressed with Mr. Moss's credentials, and felt his hiring would be cost effective. Mrs. Tompkins stated that based on his training he should be able to take care of issues that our past Finance Directors have not been able to such as bonding. Mrs. Tompkins stated that Mr. Lyons had certain reservations on this. Mrs. Tompkins stated that we may not need to farm out such services with Mr. Moss's hiring. Mr. Moss stated that the city cannot dispense with Bond Counsel. This is an expense, and when you go out for debt you need to have this. Mr. Moss stated that he does not have this expertise and is not able to do this. He cannot be on the inside as Finance Director or Lawyer and still serve in that independent role. Mr. Moss stated that when you go to a Bond Counsel Attorney and you don't know what you are doing, you will spend a lot of time and money than if you can walk in the door and know what's going on. Mr. Braman inquired if Mr. Moss was looking for long term employment with the City of Norton? Mr. Moss replied yes, he has kids to get through college. Mr. Moss stated that he likes to get comfortable and involved with his employment, and his last employment was for 10 years. Mr. Jones commented on Mr. Moss's reference from Judge McIlvaine stating that Mr. Moss never complains. Mr. Moss stated that this was correct, he does not complain, it does not accomplish anything and benefits no one. Mr. Moss stated that his objective is to best serve the citizens. Mr. Jones inquired as to what attracted Mr. Moss to this city—was it the money or the benefit package? Mr. Moss replied it really was not either one, but the total package and the fact that he would not have to move. Mr. Moss stated that his wife is employed at Akron University and has a benefit package there. Mr. Pelot stated that he was glad to see the credentials and experience on paper rather than having a CPA degree. Mr. Zita moved to place this on Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Price.

Roll Call: Yeas: Zita, Price, Braman, Jones, McGlone, Mowery, Pelot
Nays: None

Motion passed 7-0.

Cingular Cell Tower Reconsideration

Mr. McGlone stated that this has been a give and take process back and forth for some time now. Mr. Collins concurred, stating that basically Cingular has taken the same amount of money, they just moved it around. Mr. Pelot asked Mr. Collins if the revenue from the cell tower is earmarked for anything specific? Mr. Collins replied-no. Mr. Price stated that he would like to have a fresh perspective with Mr. Moss's opinion about this. Mr. Collins explained the background and history on this issue to Mr. Moss. Mr. Moss stated that in his opinion there is no clear advantage either way. There was further discussion on this issue and Mr. McGlone felt that we should turn it

down at this point, and to let the Administration handle it from here. All Council members were in agreement with turning this down.

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Old Business:

Mr. McGlone stated that since Mrs. Hlas was not permitted to speak at the last Council Meeting, she decided to place letters in resident's mailboxes regarding the park property. Mr. McGlone asked Mayor Kernan for a little background on this issue. Mayor Kernan stated that in the past, Mrs. Hlas had spoken with the property owner, Mr. Wrobel regarding their intention to sell the city some of their property for parkland. Mayor Kernan stated that the money we have in the park fund should be used to maintain the parks that we already have. We have playground equipment at Columbia Woods that keeps getting taken out because it's dangerous. We have work that needs to be done at Oak Leaf regarding the fencing. Mayor Kernan mentioned the ball fields and lights for Columbia Woods Park. Mayor Kernan stated that there are a lot of other things to spend the tax payers money on other than parkland. Mayor Kernan discussed the issue of green space, and that with new allotments this is addressed as a requirement. Mayor Kernan suggested that if anyone wanted to make a donation of parkland to the City of Norton, the city would be more than willing to accept it. Mr. McGlone next inquired about the asking price for this property. Mr. Collins stated that the owner wanted to sell this at fair market value, no actual price was given. Mr. Pelot stated that this parcel is about 10 acres, and Mrs. Hlas' letter eluded to the fact that there was \$105,000.00 available in the park fund. Mr. Pelot stated that \$105,000.00 would not be enough to purchase the 10 acres. Mr. McGlone inquired if the Police Dept. employees have to fill out a form in order to get overtime approved? Mr. Collins stated that most of the overtime comes from grant money or being held over for overtime, such as being call in for emergencies, or being held over on their shift. Mr. McGlone stated that if a form were used we would be able to see why the overtime was necessary and how much is used. Mr. Collins stated that Chief Carris is one of the best to keep an eye on the overtime in his department. Mr. Collins stated that he could assure Council that every hour of overtime worked was either necessary or contractual and could provide paperwork for this. Mr. McGlone stated that Summit County does this to see where the money goes. Mayor Kernan stated it is not offered overtime. Suppose there is an accident at 4:30 PM and an officer's shift ends at 5:00 PM. That officer is not going to get in his car and drive off just because his shift ended, he would remain on duty until the accident is cleared and a report is completed. Mayor Kernan stated that when we mentioned contractual overtime, this refers to the grant money received for traffic stops and DUI checkpoints. Mr. Easterling, a Norton resident inquired as to where the money goes from fines and court costs? Mr. Collins stated that if the ticket is written under the city code section, the city gets most of it, if it is written under state code, the state gets the majority of it.

Mrs. Tompkins stated that she spoke to Mrs. Hlas today and she could not attend this evening because of Girl Scouts. Mrs. Hlas wanted Mrs. Tompkins to address a few items for her. Mrs. Tompkins stated that for the record the city purchased three cruisers for the Police Dept. in 2005. One was totaled and there was a replacement. Mrs. Tompkins corrected the effective date of the tipping fees, which was May-2005 and the first checks came in June or July of 2005.

New Business:

Mr. Jones stated that a resident from Reimer Road/Hametown Road area called him with his concerns of people running the stop signs there, as well as the speeding. Mr. Jones stated that we need to step up the patrol in this area. Mr. Jones discussed the fact that the last Council meeting was not taped, and questioned if we have a back up intern? Mr. Jones stated that this was upsetting to him and this has happened more than once in the past.

New Business continued:

Mr. Jones stated that this video setup is in the Council Chambers and is operated by the Administration. Mayor Kernan concurred with this fact. Mr. Jones stated that someone in Administration has to run the tapes to Time Warner in Canton, and asked if this was paid overtime. Mayor Kernan stated this is not paid overtime. Mr. Jones stated that this video room has been a concern of his since the first of January, and would like to see another intern brought in for backup. Mayor Kernan stated that he has no problem with this, however additional personnel would need to be paid. Mayor Kernan stated that this is not a huge amount of money, as long as Council has no problem paying this. Mr. Jones stated that we are currently paying \$6.56 per hour for the intern, maybe we could pay this additional person minimum wage? Mr. Pelot stated that he believed this is what Mrs. Campbell is here for. Mrs. Campbell stated that she is already working on getting someone else trained to go through the summer. Once our intern graduates, she will have to be replaced. Mrs. Campbell stated that in the past we did have two interns, however they were competing over who is making the money. Ms. Campbell explained that last week the reason the meeting did not tape was because she hit the wrong button and recorded a monitor with a blue screen, it was not intentional. Mr. Jones stated that if we have a problem with these students working back and forth, maybe we should give them two weeks on and two weeks off and rotate them. Mayor Kernan stated that in the more than two years since this equipment was installed, we have missed maybe two meetings. Mrs. Campbell added that this is not the most professional equipment here, and that we have done the best we could with the money that was available. Mr. Jones discussed the situation with the Barberton Health Dept. wanting to use our facilities, and inquired if anything was discussed. Mr. Zita stated that it was discussed and that Mr. Harrison stated it would cost \$80.00 per meeting, and they decided to decline. Mr. Zita stated that every other meeting is held here and they were looking to tape that meeting. They were given the correct price of \$20.00 per meeting for a total of \$80.00 per month. Mr. Harrison did not provide the Health Board with the correct figure, which is why they declined. Mr. Zita explained that the Board now understands the correct price and when their meetings are held here in Norton they will be recorded for \$20.00 per meeting. Mr. Collins stated that it's up to the Board to see that the tapes get delivered to Time Warner. Mrs. Campbell stated that it's not a problem delivering their tape if she is already going to deliver our own. Mr. Carris Sr., stated that he understood the schools were contributing money to buy cameras to tape sporting events. Mr. Carris stated that maybe we could combine our equipment with the schools and have a better system. Mayor Kernan stated the School Board has decided to begin taping their meetings, however it would not be here in Council Chambers. Mayor Kernan stated that the School and the city are two separate entities. Mayor Kernan stated that the School Board would be broadcasting their meetings on Channel #15. Mr. Zita stated that the School Board and Council have their meetings on the same night at about the same time.

Topics for next Work Session:

Nothing pending at this time.

Public Service Announcements:

Mayor Kernan discussed a mock election fundraiser for Stewart's Caring Place and urged everyone to vote and vote often, (see flyer attached). Mayor Kernan stated that he is competing with the Mayors from other cities and if he wins he would perform a one-man comedy show at the Cider Festival. Mayor Kernan stated that if he comes in second, he would do a stunt at one of

the football games. Mayor stated that the ballots are on the city's website or you can visit www.stuartscaringplace.org.

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Public Service Announcements continued:

Mr. Pelot discussed the residents concerns regarding Shellhart & Durham with the road edges breaking away and asked Mr. Pritchard if he could provide a ballpark figure for the repairs? Mr. Pritchard stated this would be difficult due to the type of repairs required and would need to have an engineer come in and look at the roads. Mr. Pritchard stated that each road is different and unique and with limited funds do we want to dedicate money to this area when we have other roads in much worse condition? Mr. Pelot asked Mr. Pritchard to please look into this, and he realized this area may not be one of the worst roads, and did not want to incur any additional costs to the city. Mr. Pritchard stated that the Road TAC is currently circulating questionnaires to the residents and would be getting feedback soon. Mr. Pritchard stated that at this time he is unable to come to a firm price on the repairs.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:53 PM.

Michael Zita, President of Council

Date approved: March 13, 2006

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