



**COMMITTEE OF THE WHOLE MEETING
MAY 1, 2006**

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

Also Present: Mayor Joseph Kernan
Claude Collins
John Moss
Jeff Pritchard
Michael Lyons
Karla Richards

The Committee of the Whole convened for a meeting on Monday, May 1, 2006 at 7:01PM, 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 Union Contracts:

Mr. Zita turned this discussion over to Mr. Collins for more details. Mr. Collins indicated that the city has reached a tentative agreement with the Clerical and Service unions on April 20, 2006. Mr. Collins stated that on April 24, 2006 the members of the unions voted to accept the agreement. Mr. Collins stated that there were some changes in the Clerical & Office units; Account Clerks I & II have been eliminated-these employees are now all Account Clerks with various starting and experience rates. Mr. Collins stated that those individuals would be receiving 1%, 2% and 2% over the next three years. Mr. Collins stated that the Secretary I and the Clerks positions were eliminated, they are all Secretaries and divisions based on time and grade, and would also receive the 1%, 2% and 2% over the next three years. Mr. Collins stated that there is another position that removed two Secretary II positions in the Police & Fire departments and created a Safety Division Secretary position. Mr. Collins indicated that these two would receive a .50¢ an hour raise, and would also receive a 1%, 2% and 2% raise. Mr. Collins stated that the Service & Clerical units would receive a general wage of 1%, 2% and 3% in 2008, which is generally a 6% salary increase over the three year period. Mr. Collins indicated that all bargaining units are to receive a \$500.00 lump sum settlement cost in lieu of calculating out retroactivity costs from January 1, 2006 through May 19, 2006. Mr. Collins stated that if Council approves this contract, this would be paid out after May 20, 2006, after this date the raises would take effect. Mr. Collins stated the Service Dep., made a concession in one area regarding overtime. Mr. Collins stated that for a long time we have been paying a 3-hour call in for a Community Center Inspection.

AFSCME Union Contracts continued:

Mr. Collins stated that we increased this to a 4-hour call in across the board except for the Community Center. Mr. Collins indicated that Mr. Weinsheimer did some research on this and found that when an employee was called in they were there a minimum of 4 hours anyway. This was generally for plowing, salting or other purposes, and the shorter call ins were mostly for the Community Center inspections. Mr. Collins stated the city is getting some relief in that area by not paying out as much for these inspections. Mr. Collins stated one major change is in the sick leave; now an employee can donate a portion of their sick time banked to a fellow employee, provided it meets specific guidelines. Mr. Collins stated that longevity is paid out to all employees after 5 years service, this has been increased to 6% next year to reflect the general wage increase, however it does not go into effect until 2007. Mr. Collins indicated that the health care right now is based on what ever the Police Dept. accepts and it is added in as a "me too" clause. Mr. Collins indicated he expects to have the Conciliator's report by the end of this month. Mr. Collins discussed the cost outs that were prepared by Mr. Codrea listing all of the AFSCME employees. This spreadsheet lists the 2005 wages including overtime and everything. Mr. Codrea took these figures and configured a 20% roll up which is for those benefits that the employees are paid such as retirement, workers compensation, and other expenses. Mr. Collins discussed the total costs over the three years would be approximately \$150,000.00, which is basically 1%, 2% and 3% with the exception of the few employees that are 1%, 2% and 2%. Mr. Collins indicated that this year it would cost the city an additional \$25,596.00. Mr. McGlone inquired from Mr. Moss where if he has any ideas where we are getting this \$25,596.00 from? Mr. Moss replied that he would be looking at the possibility of an expense change that would cover this additional budget out of the unencumbered balance in the funds. Mr. Moss stated that we would be spending money within the balance, there is no new source available to go along with this. Mr. Moss stated that if we spend every dollar that is budgeted, we don't spend all of our money, there is a carryover which is different for each fund and changes from year to year based on revenue. Mr. Moss indicated that this could be calculated now to see those numbers to know whether they are sufficient. Mr. Moss stated we know what we started with, we know what we have certified for revenues, and what we have in the existing budget. Mr. Moss indicated that mathematically we could calculate what is left in this equation. Mr. McGlone was concerned that while we may find the funds for this \$25,596.00 we still have two more unions coming up, and Mr. Moss indicated that it's the collective number that would become challenging. Mr. Collins discussed the Police Dept. negotiations and that the city went into this with 2%, 2% and 2%, and the Police wanted 3%, 3% and 3%. Mr. Collins stated that he does not know whether the Conciliators will choose the city's portion or the Police Departments portion when they make their final ruling. Mr. Jones stated that we are looking at approximately 22 employees, and questioned if they all have health care benefits? Mr. Collins indicated that they all have benefits, plus the AFSCME Care is an additional health care, which is paid to them. Mr. Jones asked if Mayor Kernan sat in on any of these negotiations, and Mayor Kernan stated that he did not. Mr. Jones asked Mayor Kernan if he was comfortable with what has been presented? Mayor Kernan stated that he was, and felt that the employees are entitled to receive raises and they do a good job. Mayor Kernan stated that when we went into these negotiations we went with a level the city could fund. Mayor Kernan stated that we will have to find the money to move into those accounts, and he felt we could do this. Mayor Kernan reminded Council that when the Police negotiations are finalized that is a whole different question, and would need to be looked at when this comes up. Mr. Jones stated that Mayor Kernan already has his suggestion on this issue, which Mayor Kernan acknowledged.

AFSCME Union Contracts:

Mrs. Elaine Tompkins, a Norton resident, stated that in your total for 2006 you show \$25,596.00, does this include the \$500.00 lump sum pay out? Mr. Collins said no; he did not believe so. Mrs. Tompkins stated that actually you are really looking at \$36,000.00 not \$25,596.00 and Mr. Collins stated that was correct. Mrs. Tompkins asked how many of the 22 employees have less than 5 years of longevity? Mr. Collins stated he did not have the actual numbers, but estimated somewhere around less than one third of the employees have less than 5 years service. Mrs. Tompkins inquired if this also includes the proposed 6% longevity pay out for the end of this year? Mr. Collins answered no; this does not because it is paid out in December. Mrs. Tompkins stated that in addition to these increases, we also have all of these side benefits. Mrs. Tompkins stated that as an observation, how can you approve this generous contract without knowing exactly what is going to happen with the health care costs? Mrs. Tompkins indicated that this also would have another significant financial impact because there is one other thing to be considered, which is the fact everyone else in the country is paying something towards their health care, and it is time the city employee do the same. Mr. Collins indicated that the report from the conciliator mirrored exactly what Mrs. Tompkins just stated, plus a lot more. Mr. Collins agreed that there are more costs involved that are not included in the spreadsheet, however this was designed to show only the costs that are a direct result of this contract. Mr. Collins indicated that even with the \$500.00 lump sum payment, you would be paying this anyway if it were retroactive to January 1, 2006. Mr. John Carris, a Norton resident, asked if this contract includes our Council Clerk? Mr. Zita answered no it does not. Mr. Carris stated that he wanted Council to address this and urged Council not to let her wait so long to get a raise like last time. Mr. Carris stated that if these employees get a raise, he felt the Council Clerk should also receive a raise. Mr. McGlone stated that this is tough for Council to decide with the pending "me too" clause since we don't really know that kind of figures we are going to be looking at. Mayor Kernan stated that the worst that could happen is for the health care to stay the way it is now. The best that could happen is that the Conciliator says that the Police Dept. has to start contributing, and everyone else would have to contribute and those costs for the city would decrease. Mr. Jones inquired if and when this is approved where does the Department Heads come into play? Mayor Kernan stated that there is still a wage freeze in effect and that when all the dust settles he intends to come to Council with pay increases for the rest of the non-bargaining employees. Mr. Zita moved to add Ord. #47-2006 for the AFSCME Service employees onto Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. McGlone

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

Motion passed 6-0.

Mr. Zita moved to add Ord. #48-2006 for the AFSCME Office & Clerical employees onto Councils next agenda, seconded by Mr. McGlone.

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

Motion passed 6-0

Road TAC Discussions:

Mr. Braman indicated that Mr. Dowling was not present at this point and we could move on to the next issue, and come back to this later when he arrives.

Budget Modifications:

Mr. McGlone turned this discussion over to Mr. Moss for the details. Mr. Moss stated that the Ord.#49-2006 accomplishes two things. It increases appropriations from the un-appropriated balance to cover the Gardner Blvd. Phase III engineering costs, increasing this from \$20,000.00 to \$39,800.00. Mr. Moss stated that Section II is not an increase in budget, is a movement from four or five different accounts into new accounts. Specifically it isolates the costs to pay the monthly fees related to the 800 MHz radios, which is \$12.00 per radio per month. This would make it much easier to track and to budget properly. Mr. McGlone inquired in Section I as to the difference in what Council approved and what was paid out? Mr. Moss stated that there are dollars within the fund that were not appropriated and it was not intended to spend any more than this one contract, however the estimate came in low so it's necessary to make this adjustment to cover this difference. Mr. Moss stated that in Section II this would help the departments know the true costs and they would be better able to budget for this. Mr. Moss stated that some departments are inconsistent with this expense; this would eliminate the confusion and we would be able to see exactly what a particular department is really paying for that access fee for the number of radios they use. Mr. McGlone inquired if there was a need for emergency language and Mr. Moss indicated it would take effect upon the Mayors signature, and it's not needed. Mr. McGlone moved to add Ord. #49-2006 to Councils next agenda for a first reading, seconded by Mr. Price. Mr. Tomko, a Norton resident, inquired as to exactly how much have we paid so far for these radios? Mr. Tomko stated that he would like to have an answer, but didn't expect to have it this evening. Mrs. Tompkins inquired if this fee was a rental fee for the radios? Mr. Moss stated that it is not, it is an access fee. The city owns the actual radios so we are not renting anything, however there is a monthly fee per radio to use this system. Mrs. Tompkins inquired about the \$9360 and if this was annually or per month? Mr. Moss stated that this amount reflects the balance for the remainder of this year, which represents nine months. Mr. Moss stated that we have 100 radios at 12.00 per month per radio. Mrs. Tompkins stated that this is in addition to the actual purchase costs which was approximately \$476,000.00, and part of this was bonded back in 2003 and purchased in 2006. Mrs. Tompkins stated that this is something that does add up the costs, and she wished to have this pointed out and on the record. Mr. McGlone discussed the tax budget and thought Council should have had something on this by now. Mr. Moss stated that legislation is not required in Summit County and that it is more of a report out of the Finance Directors office to the County. The County uses this report to review the effective rates of our bonds. Mr. Moss stated that if we are accumulating a lot of money from our levies that are not necessary for the costs of the levy, then the County would roll back the rates. It's the County's job to review that report and decide if there is a roll back or not.

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

Motion passed 6-0.

Mayor Kernan indicated the Road TAC has not finalized their discussions, and they have asked that this issue be placed on the next Committee of the Whole agenda for May 15, 2005.

Council Rules:

Mr. Zita opened the discussions and stated that we would go through the rules from the beginning and ask if there were any suggestions. Mr. Jones stated that under the purpose section he felt that each year a complete review and vote on Council Rules should be done. Mr. Jones stated that he mentioned this on January 9, 2006 that he and Mr. Braman did not have the opportunity to vote on the rules at that time. Mr. Jones suggested that any amendments should be highlighted no matter where or what is changed. Mr. Jones stated that when the rules were amended back in November of 2004, you could not tell what was changed or added. Mr. Zita indicated that Council had multiple versions of the changes that were done and we held several meetings on this. Mr. Jones stated that he did not feel we would be able to put the rules together and he would like more time to review them. The Clerk of Council indicated that the last time we did the revisions, we looked at a few sections at a time, made the amendments with new language in bold, anything removed was stricken out. The next meeting these changes were reviewed and if it met with Councils approval we would then move on and address a few more sections until we got through all of the rules. The Clerk of Council also indicated that this takes several meetings to do this properly and not rush through it. Mr. Jones stated that he was fine with this process, however there may be some things in here that each Council member may feel uncomfortable with. Mr. Zita stated that if we go page by page and section by section and any time a Council member has suggestions it would be addressed. The following sections were reviewed:

Section 1-Organization and setup

Rule 101: Pledge of Allegiance: Mr. Zita stated there was some discussion that a moment of silent prayer is not necessary at the opening of a meeting because it's not a Regular Council Meeting. Mr. Jones stated that he agreed with that. There was some discussion on this and Mr. McGlone stated that he thought it was more as a habit since we started the Committee of the Whole format. The Clerk of Council indicated she could review how this was done in the past just as a reference. Mr. Price indicated that he would like to keep it the way it is now. Mr. Zita asked for a vote to leave this the way it is.

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

Motion passed 5-1.

Rules of Council

Rule #102: Nominations & Elections: Mr. McGlone discussed the problems and confusion last year with the date of the Organizational Meeting being on a day the city observed New Years Holiday. Mr. Moss indicated that Charter Section 3:04 mandates this. Mr. Lyons stated that it should be held on the second day of the New Year regardless if this is a holiday for the city.

Rule #103: Organization: Mr. Lyons suggested adding the new item of reviewing and voting on the rules each year in this section, or possibly insert it into Rule #104.

Rule #104: Meeting times: Mr. Zita suggested making a separate paragraph for Special Council Meetings, and adding a reference (See Rule #107).

Rule #105: Meeting Dates: No change

Rule #106: Meeting Vacation: No Change

Council Rules Continued:

Rule#107: Meetings-Regular, Committee of the Whole & Special Meetings: There was a suggestion from a member of the audience that if there is a power failure how are you supposed to email or make a phone call? It was stated that in the past a police officer used to hand deliver these notices. Mr. Lyons stated that this should be specific to Charter Section 3:13. It was decided to strike out the entire reference of members being notified by email and go back to having a Norton Police officer hand deliver to the residence. Mr. Zita suggested separating the paragraphs for Regular Council meetings, Committee of the Whole and Special Council meetings to make it clear. Mr. Moss inquired if there is a reason Council cannot have more than two meetings as outlined in Rule #105? Mr. Moss felt that with the requirement of three readings it can be up to 13 weeks before some ordinances to take effect, and maybe having more than two meetings would speed things up. There was no indication that Council wished to change this.

Rule #108: Appoint Committees/Define Committees: Mayor Kernan suggested Council remove #8-Special Committees and replace this with Mine Committee, and Council agreed.

Rule #109: No change

Rule #110 No change

Order In Council

Rule #201: No change

Rule #202: Mrs. Tompkins suggested we separate Council & Committee meetings and be more specific as to when the public may speak. Mrs. Tompkins mentioned the confusion in the past and the forms required in order to be able to speak at a Council Meeting. Mr. Zita stated that when we have someone providing a specific presentation they should be listed on the agenda and not part of the Communications from the Public. They also should not be limited to the five-minute rule. Mr. Jones stated that if we know someone has requested to give a presentation they should appear on the agenda. Mr. Lyons stated that it could also be added to the agenda during Committee of the Whole by a vote. Mr. Lino, a Norton resident, inquired about when exactly can a resident speak on an agenda item, and when can they speak if it's not on the agenda? Mayor Kernan mentioned the form the residents fill out to speak, questioning the purpose of knowing 5 minutes in advance what their topic would be. The Clerk of Council suggested doing away with the current form and using a simple sign in sheet providing full name and address. There was a suggestion to place a permanent notice on the podium to fill out the form and speak directly into the microphone so everyone can hear his or her comment. Mayor Kernan stated that the current Council Rule #202 does not require that an individual provide their name and address. Mr. Lino stated that if the public is only allowed to speak on what is listed on the agenda, then how do we bring a problem to council? Mr. Zita stated that at a Council Meeting Communications from the Public does not have to be limited to agenda items only. Mr. Zita stated that during a Committee of the Whole meeting public comment should be restricted to what is on the agenda. Mr. Lyons indicated that this section is a bit confusing and needs reworked entirely. Mayor Kernan stated that Council has a specific purpose for holding two types of meetings.

Council Rules Continued:

Rule #202: A Regular Council meeting is the legislative formal business meeting to pass the laws they have before them A Committee of the Whole meeting is the work session where items and issues are worked out and geared towards placing them on the Regular Council meeting agenda for action. There was further discussion and Mr. Lyons indicated that he would work with the Clerk of Council to rewrite this to clarify public comment. Mr. Jones stated that anyone who comes to a Regular Council meeting should be allowed to speak on anything.

Rule #203: Mr. Zita asked Mr. Lyons to simplify and explain the meaning of this section because he does not think it makes any sense. Mr. Lyons agreed and suggested we should delete the last sentence on page #6 and the first two sentences on page #7. Mr. Lyons stated that the rest of the language is not necessary.

It was decided that Council would stop at this point and begin with Rule #204 at the next Committee of the Whole meeting on May 15, 2006. The Clerk of Council stated that Council would receive a copy of the amendments discussed tonight for review at the next meeting. Mr. Damut of the Charter Review Commission, stated that some of the issues they are struggling with is to bring the Charter up to date, making it consistent with the legal issues. Mr. Damut stated that there is a section part of the Charter that states the Solicitor has the authority to reorganize the Charter without changing the intent. Mr. Damut stated that the average person would have a hard time reading it and understanding it. Mr. Damut stated that he appreciates what Council is doing with the rules and there was a lot of good discussion here tonight. Mr. Damut stated that the commission is targeting to place two specific items for the voters to decide. Mr. Damut indicated that there is a Charter Review Commission meeting this Wednesday here in Council Chambers at 6:00 PM.

Old business:

Mr. Jones discussed an issue he brought up at the last Council Meeting regarding the residents wanting to vacate a street on Wooddale. Mr. Jones stated he spoke to one of the residents contiguous to this property and this has been taken care of so we can just forget this issue.

New Business:

Mayor Kernan reminded everyone about the Prayer Breakfast is this Thursday at the Johnson United Methodist Church at 7:00 AM. Mayor Kernan stated that the Norton Clean Up day was a big success. We had about 100 volunteers that showed up, collected 107 bags of trash, 17 bags of recyclable items. Mayor Kernan stated that the city would like to thank the following volunteers: Mayors office, Norton Pride Initiative, Kiwanis Club, Girl Scouts, Boy Scouts, Cub Scouts, Lions Club, Norton Baseball, Norton Baptist Church, The Father's House, Welch's Ice Cream, Fat Boys Pizza, Bridgeway Group Home, and other various concerned residents.

Mr. Pritchard stated that in addition to the Norton Clean Up Day, there were 10 people from Troop #132 that worked on the Wolf Creek/Pigeon Creek Greenway corridor. They spent 6 hours working in that area.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:46 PM.

Michael Zita, President of Council

Date approved: May 8, 2006

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