



COMMITTEE WORK SESSION APRIL 16, 2007

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

Also Present: Mayor James A. Price
John Moss
Mike Lyons (Arrived at 6:35 PM)
Jeff Pritchard
Karla Richards

The Committee Work Session convened on Monday, April 16, 2007 at 6:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Dennis McGlone. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee Work Session General Discussion:

Mayors Appointment of Administrative Officer:

Mr. McGlone turned this discussion over to Mayor Price. Mayor Price stated that his selection is Mr. Ryland who was present tonight if any Council members have questions for him. Mr. Jones stated that on March 7, 2007 Mr. Price had sent a letter to former Mayor Kernan requesting three (3) candidates for this position and a ninety (90) day probationary period for Mr. Ryland. Mr. Jones discussed the first whereas clause which states "*confirmation by a majority of the members elected and appointed to Council,*" Mr. Jones also discussed Section 3 where it states "*the approval of two-thirds of the members of Council*". Mr. Jones stated that he wished Mr. Lyons were present now to explain this. Mr. Jones suggested that perhaps Mr. Lyons cuts and pastes information and that could explain the mix up. Mr. Jones discussed the emergency clause in here and that if Council were to pass this it would take away the citizens right to a referendum. Mayor Price stated that it is Councils decision if they want to have the emergency clause there. Mr. Pelot stated that the Charter Section 4.01 does require a majority vote and this is reflected at the beginning of the legislation. Mr. Jones discussed the Charter Section 4.02 Requirement for the qualifications of the Administrative Officer and the fact that this is not in the legislation. Mr. Jones asked Mr. Ryland to come forward for further questions. Mr. Jones stated that he has a lot of qualifications and discussed his history with Albrecht Inc. Mr. Jones stated that he did not see where Mr. Ryland has engineering experience, however he has a lot of other experience.

Mayor's Appointment of Administrative Officer continued:

Mr. Ryland concurred that he does not have any engineering experience. Mr. Jones stated that he had a problem with that. Mayor Price stated that the previous Administrative Officer was a former Police Chief and he did not have engineering experience either. Mayor Price indicated that he based his decision on executive and administrative qualifications. Mr. Jones stated that if Council moved forward on this as written without Section 4.02 in the legislation, this would be a violation of our Charter. Mayor Price stated that we do have an engineer department and engineer here, and that as Mayor he felt Mr. Ryland's qualifications are enough. Mr. Pelot stated that according to the Charter, it states "experience in, or knowledge of" and asked Mr. Ryland to elaborate on his background. Mr. Ryland explained that as the Executive Vice-President he was responsible for the oversight of all constructions and facilities. Mr. Ryland stated that he worked with a qualified engineer and watching that the specs were fulfilled and making sure that the buildings are built under code. Mr. Jones indicated that he has nothing against Mr. Ryland, however he was employed with F. W. Albrecht for thirty (30) some years, and he sees a conflict with this appointment because we have two (2) members on Council who are employed by F. W. Albrecht. Mr. Ryland stated that he no longer works for Albrecht. Mr. Jones agreed with that and he asked that the two (2) Council members employed by Albrecht abstain from the vote on Mr. Ryland's appointment. Mr. Pelot stated that Mr. Ryland is no longer employed with Albrecht. Mr. Zita stated that what Mr. Jones is saying is that if an applicant from Summit County applies then the two members or member of Council could not vote either, and he disagreed. Mr. McGlone suggested we push this issue to the end of the evening when Mr. Lyons would be present.

Property & Casualty Insurance Renewal:

Mr. Jones stated that this is through Wichert Insurance Company, and indicated that Mr. Rich Studenic of Wichert Insurance was present for the discussions. Mr. Jones stated that he reviewed the information and this is more or less a mirror image of what we had in the past, in addition to some savings on this. Mr. Studenic agreed adding that there is a saving of approximately \$10,000.00, and this is an annual premium. Mr. Jones clarified that this policy runs from the end of this month through May 1, 2008 at a cost of \$117,867.00. Mr. Jones moved to add this to Councils next agenda, waiving second and third readings, with emergency language, seconded by Mr. Pelot. Mayor Price asked Mr. Studenic to explain the savings for this policy. Mr. Studenic stated that in 2006 the city saved approximately \$14,000.00, and in 2007 the city would save approximately \$10,000.00. Mr. Studenic stated that as the city's loss history improves, so would the premiums continue to improve. Mr. Jones stated that he wanted to remove all references to Administrative Officer, and in Section 2, insert Mayor and Finance Director.

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

Motion passed 6-0.

Fire Fighters Fact Finder Report:

Mr. Jones asked Mr. Nick Codrea, to come forward and explain the report. Mr. Codrea discussed the various details of the report and stated that Council must vote on this report within seven days of being issued or by April 19, 2007. Mr. Codrea stated that in order to reject this report, a vote of 5-2 is required. Mr. Codrea stated that report as prepared by Mr. Brundige is a professional and this would have a very slim chance of being overturned by error. Mr. Codrea stated that the current Fire and EMS Levy could no longer support these departments.

Fire Fighters Fact Finder Report continued:

Mr. Codrea indicated that our proposal was for a small increase in 2007 and re-opens in 2008/2009 in the hopes that Council might find it in the city's best interest to try and get a levy passed. Mr. Codrea indicated that we asked for time because the 2007 Budget had not been adopted. Mr. Codrea indicated it would be in bad faith if we were to deny retroactivity with the salaries. Mr. Pelot asked Mr. Moss about the 2007 Budget details. Mr. Moss replied that we have 30-35 employees and what the 2% raise would come out to. Mr. Moss indicated that the costs would be just over \$7,000.00 for both the Fire and EMS. This cost is within our current budget, obviously our budget is in trouble it's not really comforting, however we did anticipate this and built in a little bit of an increase for salary. Mr. Moss indicated that we still have issues for the end of the year. Mr. Codrea discussed a correction on the top of page #7 regarding the 4% rank differential EMT should be Lt. Mr. Codrea discussed a change in the overtime pay for holidays, and the number of holidays increased from eight (8) to a total of eleven (11). Mr. Jones stated that in a newspaper article on January 14, 2007, Mr. Collins had stated that the city would be in the red in 2008, and Mr. Codrea stated that he believed that Mr. Collins was referring to the Fire Dept., and not the overall budget. Mr. Jones stated that could be, however the permanent levy started back in 1995 which has now outlived itself. Mr. Codrea stated that the worst thing you could do is try and fund the Fire and EMS from the General Fund. Mr. Moss agreed that the comments made by Mr. Collins at the time did reflect to the Fire and EMS Departments, and that the funds are in dire straits. Mr. Moss indicated that the city itself is not in the red, in fact it is improving. Mr. Zita clarified that this report is for three (3) years and that the re-opens in the second and third year are for wages only, and Mr. Codrea agreed. Mr. Lyons stated that this report is automatically approved unless you vote to reject it, and Mr. McGlone clarified that there is no ordinance required, it's just a vote of yes or no. Mr. Lyons stated that if you take no action now it is deemed as approved. There was further discussion and Mr. Jones felt this item should remain on the Special Agenda for later this evening.

Mayor's Appointment of Administrative Officer continued from earlier:

Mr. Jones explained his concerns to Mr. Lyons regarding the requirement of engineering experience and asked Mr. Lyons to read Section 4.02 of the Charter: "*The Administrative officer shall be chosen solely on the basis of executive, administrative, and engineering qualifications, with special reference to actual experience in, or knowledge of, accepted practice with respect to the duties of the office as herein set forth*". Mr. Jones stated that Section 4.02 is not in the ordinance, and questioned if this would be a violation of the Charter since Mr. Ryland does not have the engineering experience. Mr. Pelot stated that Mr. Ryland does have the knowledge of engineering. Mr. Lyons stated that is the judgement of the Mayor and Council, and the Charter is not specific with the balance of those attributes should be considered, it's your judgement. Mr. Lyons felt this would not be a violation of the Charter if the Mayor and Council approve the appointment. Mr. Jones discussed the language in the ordinance, specifically at the beginning in Section 4.01 as it relates to majority and at the bottom in Section 3 it relates to the approval of two-thirds and asked which is it? Mr. Lyons stated that it would be a majority and that traditionally approvals of appointments have been done by ordinances, and perhaps that is a mistake on his part to have included the two-thirds. Mr. Lyons stated that the Charter requires a majority vote of council regardless. Mr. Jones asked Mr. Lyons to explain the term of exempt. Mr. Lyons stated that this relates to Civil Service. Mr. Lyons discussed the emergency clause and this is not really necessary and does not fall within the normal legislative process. Mr. Lyons stated that the emergency clause was there to eliminate any uncertainty as to the effective date.

Mayor's Appointment of Administrative Officer continued:

Mr. Lyons indicated that if this appointment were confirmed by a voice vote it would be effective immediately. Mr. Jones discussed the fact that if passed with the emergency language it would take away the right for a referendum. Mr. Lyons indicated that there is no right to referendum on this approval. Mr. Pelot discussed whether or not we even need an ordinance, and Mr. Lyons indicated that appointments is a different process and because we have a procedure that Council is accustomed to and it provides a paper trail. Mr. Jones indicated that the ordinance also reflects a salary and he feels we should have an ordinance to track this information. Mr. Jones asked Mayor Price about the salary and how he arrived at that figure, and the pay for the former Administrator. Mr. Moss replied that he believed that pay was \$59,900.00. Mayor Price stated that he reviewed the job offer from former Mayor Kernan and he offered the salary of \$59,000.00, saving the city \$900.00. Mr. McGlone moved to add this to the Special Council Agenda for later this evening, seconded by Mr. Pelot.

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

Motion passed 6-0.

Interviews for Council Vacancy:

The following candidates were interviewed for the Council At Large vacancy position, and called in the order of when Council received their letters of intent and applications: Megan Booth, Ralph Beddow, Gerald Wise, Richard Easterling, Brenda Hlas, David Kennedy, John Van Hyning, Jane Nickerson, Christopher Judge, and Charlotte Whipkey. Mr. McGlone asked each candidate the same questions (see attached). Nearly all of the candidates mentioned the same long term and short-term concerns of the city with sewer and water, and Ms. Whipkey offered a different twist to the mix. Ms. Whipkey stated that if she were appointed to Council she would return \$1500.00 of her salary to be deposited into a special fund to assist residents with the cost for sewer/water connections. Ms. Whipkey also challenged all of Council and every Norton business to do the same.

Unfinished Business:

None

New Business:

Mr. Jones stated that Chief Carris is on medical leave until the end of June.

Non-Agenda Items-Public Comment:

Ms. Maggie Abbott, representing the Norton Kiwanis, announced the annual Prayer Breakfast on Thursday, May 3, 2007 at 7:00 AM at Grace Church at 3970 S. Cleve-Mass. Road. The speaker this year is Larry Vuilleman and he will be speaking about Heart to Health. Tickets are \$7.00 per person and seating is limited. Ms. Abbott stated that she has tickets if anyone is interested, please see her after the meeting. Breakfast will be served starting at 6:45 AM and we are usually out of there by 8:30 AM.

Non-Agenda Items-Public Comment:

Mr. George Tomko, a Norton resident, spoke about practicing lawyers and that they never get it right, and mistakes were made and admitted to earlier this evening. Mr. Tomko asked how long does it take to get it right the first time? Why doesn't the title of the ordinance have the price indicated so that everyone can see it? Mr. Tomko discussed the comments made earlier by most of the applicants that we need to bring in more business. Mr. Tomko questioned how many new businesses has Mr. Pritchard brought in as the Planning Director, or is he still practicing? Mr. Tomko stated that the only way the city would be self-sufficient is do to away with at least 1% of the tax credit. Mr. Tomko discussed the new medical building under construction on Cleveland-Massillon Road and that he noticed they are drilling a well, don't we have water there? Mr. Tomko stated that he did not hear one candidate state they would do what is best for the city.

Mrs. Elaine Tompkins, a Norton resident, spoke regarding the Administrative Officers position. Mrs. Tompkins discussed Mr. Ryland's qualifications and felt that they should be made public. Mrs. Tompkins stated that Mr. Ryland might be even more qualified than the previous Administrator. Mrs. Tompkins expressed her concerns that Mr. Ryland does not possess any municipal experience, and due to that she hoped Council would reconsider the starting wage. Mrs. Tompkins felt this salary range was extreme, especially when we could not come to an agreement to increase the Mayors salary slightly. Mrs. Tompkins stated that she did not hear the benefits package being discussed, and if Mr. Ryland receives benefits, that would be an additional expense of approximately another 30-35% which could be as much as \$75,000.00 to \$76,000. Mrs. Tompkins suggested Council consider the ninety (90) day probationary period that was previously discussed, and renegotiating the wages and perhaps a one (1) year contract.

Topics for the next Work Session:

None

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 7:24 PM.

Dennis McGlone, President of Council

****NOTE: THESE MINUTES ARE NOT VERBATIM****