



COMMITTEE WORK SESSION NOVEMBER 3, 2008

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

Also Present: Mayor David Koontz-Excused
Rick Ryland
John Moss
Karla Richards
Ann Campbell-Excused

The Committee Work Session convened on Monday, November 3, 2008 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee Work Session General Discussion:

Sale of Fire Dept. Equipment

Mr. Zita explained that the Fire Dept. has a 1990 ambulance with a broken frame that the Norton City School is interested in purchasing for a parts vehicle. Mr. Ryland stated that this was too expensive for the city to consider repairing. Mr. Ryland added that it would no longer be safe to transport patients in. Mr. Pelot questioned the amount of the sale price, and Mr. Ryland replied \$4,000.00 and that we have already removed all of our equipment from it. Mr. Zita moved to add this to Council's next agenda waiving second and third readings as an emergency, seconded by Mr. McGlone.

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

Motion passed 5-0.

Amend Section 240.01-Selection for Chiefs of Police & Fire:

Mr. Pelot stated that these pieces of legislation change the methodology for the selection of the Chiefs of Fire and Police, it would allow them to be selected from in house first. If there are no viable candidates, then it would go through Civil Service testing.

Mr. Ryland indicated that regardless of the outcome, the Civil Service Commission still continues with testing and assessments. Mr. Pelot questioned if Ms. Ramsey has replied to the review of the drafts and Mrs. Richards indicated not yet. Mrs. Richards stated that Ms. Weigand, Chair of the Civil Service Commission has reviewed the material and has provided feedback with some minor changes. Mr. Pelot questioned the necessary time line and Mr. Ryland replied as soon as possible. Mr. Ryland indicated that Ms. Ramsey is just returning from vacation and he expects to have her feedback before Monday's Council meeting. Mr. Pelot noted that there is nothing in either of the Chief's proposed legislation that states the appointments must come to Council for final approval, and he would like this added. Mr. Pelot discussed the probationary period for both and questioned if we should add a clause where the Mayor has the discretion to grant an extension, he would like to see this added somewhere. Mr. Pelot also noted that if the candidate fails to move into the 12 mile city limit requirement, there is no penalty clause listed, such as employment is terminated and he would like to see this stipulated. Mr. McGlone recalled this happening with the former Fire Chief Calco and that nothing was done about it. Mr. Ryland recalled that during this time there was action pending in the courts relating to residency requirements, which is why it went on for so long. Mrs. Elaine Tompkins, a Norton resident commented about there is nothing stating that the candidate must resign from the bargaining unit to take the position of Chief. Union people should not sit on both sides, this needs to be spelled out clearly. Mr. Ryland indicated that the labor contracts express that they are not to be part of the bargaining unit. Ms. Charlotte Whipkey, a Norton resident stated that she knows how things get interpreted around here and that it would not hurt to add a few sentences here to make it clear. Ms. Whipkey stated it still sounds like the 3 people that come forth from the city would be chosen and we would go no further and that the stipulations for the people from the outside are greater. Ms. Whipkey stated that Council needs to go through the first write up of this. Mr. Pelot explained that this is addressed on the first page under Section C. Ms. Whipkey stated that these are important positions here, we are not talking about employee of the month. Mr. Pelot moved to place the Fire Chiefs legislation with changes on Council's next agenda waiving the second and third readings with emergency language, seconded by Mr. Zita.

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

Motion passed 5-0.

Mr. Pelot moved to place the Police Chief's legislation with changes on Council's next agenda waiving the second and third readings with emergency language, seconded by Mr. Zita.

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

Motion passed 5-0.

Appoint Assessment Board Members, Cleve-Mass. Project

Mr. Pelot stated that Council has received one letter of protest from a resident and that Council needs to appoint an Assessment Equalization Board to address this. Mr. Pelot asked Council for any volunteers. Mrs. Richards stated that a previous member, Mr. Jim Lada has offered to serve and that she has also contacted Ms. Sandy Chrisant and has not heard back from her. Mr. Pelot indicated that he would continue to try and reach her, in addition he instructed Mrs. Richards to contact other members to see if they are interested in serving again. Mr. Pelot stated that this would remain on the agenda for the November 17, 2008 Committee Work Session to discuss again.

Reverse Auctions

Mr. McGlone turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that this is more of a housekeeping item to keep the Codified Ordinances up to date and in order. Mr. Ryland stated that the Ohio Revised Code already allows for municipalities to use reverse auctions for bidding on services and products. Mr. Ryland stated that he just wanted to have legislation in place so that there was absolutely no question that this was legal. Mr. Pelot stated that this just opens it up for more competitive bidding. Mr. Ryland stated that this Thursday we will be opening bids for the Berry, McGowan and Wadsworth Roads waterline project and we have 26 bids from interested contractors versus the usual 2 or 3. Mr. McGlone moved to place this on Council's next agenda for a first reading with emergency language, seconded by Mr. Zita.

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

Motion passed 5-0.

2008 Budget Review

Mr. McGlone turned this discussion over to Mr. Moss for the review. Mr. Moss stated he would be asking for a budget increase/decrease ordinance, and another piece of legislation authorizing for advances. Mr. Moss stated that he would also explain the need for a change in the income tax allocation later on in the discussions.

Grants received but not budgeted:

Mr. Moss indicated we try to anticipate what is expected to be received, and the list includes over time costs to enforce traffic laws, training, DARE, etc.

Movement for accounting:

Mr. Moss stated this is about \$174,200.00 and he would like to reduce the appropriations in the 430 Equipment Fund and increase the 301 Fund. The purpose is to isolate the spending, it is not an increase or a decrease, it is simply a movement of funds. Mr. Moss stated that he cannot move budgets between funds but he has no legal authority. Mr. Moss added that there is local match of \$8,710.00.

Increase a Capital Project:

Mr. Moss stated that Gardner Blvd. Phase III has begun and total appropriations were originally set at \$37,700.00 for engineering fees. There is a contract with URS Engineering approved by Council for \$39,800.00 and EPA fees of \$19,077.00. Mr. Moss stated that he needs to increase the 480 Fund by \$4,077.00. Mr. Moss stated that Cleveland Massillon Road project has begun and we have \$35,000.00 appropriated and it looks like we can expense \$15,000.00 this year. He would release the \$35,000.00 appropriations currently held in the 170 Fund for roads and increase the appropriations in the 440 Fund by \$15,000.00 to cover this years spending. The additional \$10,000.00 would be budgeted next year, this would cover the preliminary engineering costs.

Increase for Contract Expenses:

Mr. Moss stated that one of the changes that we did not anticipate this year was a change and increase to the Planning Director position. Mr. Moss indicated that we have covered the expense year to date and we need to cover an additional increase of \$16,800.00 is estimated to cover the last 4 months. Mr. McGlone asked if the Interim Planning Director was here until the rest of this year? Mr. Moss stated that he understood that he would be here until the rest of this year and may be able to be retained until we get a new Planning Director. Mr. Ryland indicated that this is a contracted employee through December 31, 2008 and that whether it extends into next year is unclear. Mr. Moss stated that we would budget that into next year. Mr. Pelot asked if there are plans to fill this position next year? Mr. Ryland stated that we do plan to fill this position, we are looking at what we will fill this position with, either a zoning person, a planning person, or just what we are looking for. Mr. Pelot asked how many hours a week the Interim Planning Director is working and Mr. Moss replied 20 hours, and Mr. McGlone added that his pay is \$50.00 per hour with no benefits. Mr. Moss stated the other contract issue is for legal fees. We have a contract for the Law Director for the basic services, in addition to outside services at the rate of \$175.00 per hour. Mr. Moss stated that there has been a lot of this and we have covered this from various areas, however; we are asking for an additional \$9,000.00 for the remainder of this year. Mr. Zita asked if this was the norm for this time of year and Mr. Moss stated that this was a whole new experience for us because we normally did not get legal opinions before. Mrs. Tompkins asked how the requests for legal opinions at the rate of \$175.00 are approved? Mrs. Tompkins stated it seems unusual, and questioned what is in the contract. Mr. Pelot stated that he assumed that what is budgeted is what is approved and anything above that is extra. Mr. Moss concurred adding that anything above that we would have to come back to Council or simply not spend it. Mr. Moss stated that the process to authorize legal opinions has been relatively informal and has been right here on Council floor, where Council would ask to have something on a particular issue. Mrs. Tompkins suggested that the original contract be re-reviewed for clarification. Mr. Moss discussed the inspection services and asked for an increase of \$16,000.00 to the General Fund. Capital projects are required to have inspections and there has been a lot of activity in this area so far this year. We do have receivables to cover this expense, but the revenue flow is slow coming in and we need additional dollars to cover this expense. Mr. Pelot asked if it would be wise to educate one of our employees to do inspections, and Mr. Ryland stated that we would have to add employees in order to do this properly.

Collection Costs:

Mr. Moss stated that Life Force Management is in a contract with the city to collect a 7% fee and EMS runs are up somewhat this year that we did not expect. As a result we have to pay more costs associated with this. Mr. Moss asked for an increase in the 109 Fund by \$10,200.00.

Court Computerization:

Mr. Moss stated that by State law we have money set aside that we could only use for computerization expenses related to the Mayors Court. Mr. Moss stated that we would like to use some of this money to purchase hardware, software, and data conversion in order to upgrade the Clerk of Courts office. This would include automating some of the things that are now manual and would allow the transfer of police ticket information from the new Police Dept. systems to the Clerk of Courts office electronically. This would also allow for the Magistrate to have a new laptop computer available for Mayors Court to access to the Codified Ordinances and the Ohio revised Code and would avoid the expense of the printed costs. Mr. Moss asked for an increase to the Fund 125 by \$27,000.00. Mr. Moss added that last year we did authorize for an increase, however; we didn't move forward with that because the actual cost of the software and data conversion exceeded the estimates we anticipated.

Property Tax Collection Costs:

Mr. Moss stated that the property tax collections on the Fire Fund are coming in, however they are not where he feels they should be, and he wants to make some changes. Mr. Moss asked for an increase in the General Fund by \$10,422.90, the 106 Fund by \$3,813.75, 108 Fund by \$3,117.04 and 109 Fund by \$1,919.76, Fund 124 by \$6,498.45. Mr. Moss stated that the additional revenue that would go into the 106 Fund would be \$274,041.20 and is coming out of the 2007 levy and are the non capital dollars. Mr. Pelot asked for a total on these adjustments, and Mr. Moss replied just over \$25,000.00.

Return of advances, PERS:

Mr. Moss stated that in 2007 we made advances to numerous funds that must be returned in 2008. Mr. Moss indicated that although we are not technically required to be budgeted, he would like to add it in order to be able to track it properly. Mr. Moss asked to return \$70,000.00 to the Fire Fund 108, which was borrowed last year. The original plan was to borrow a total of \$100,000.00 but that was not the case. Mr. Moss stated that the costs of operating the Fire Dept. have not been as low as originally budgeted and in order to maintain a proper balance he would like to replace this first \$70,000.00 with another \$70,000.00 in 2008 and pay this off in 2009. Mr. Moss stated that in the future the Fire Dept. should be fine without any additional advances, and that we have the 106 Fund to pick up any extra costs. Land Improvement Fund 410 had an advance of \$29,277.00 to cover costs that we did not foresee and needs to be returned. Mr. Moss discussed the Gardner Blvd. Phase II Fund 502 stating that this is done with the exception of the final engineering fees to calculate the final assessments, legal fees for bond issues, etc. Mr. Moss stated that he did not know these costs at this time however if we return the advance currently there it would be \$204,339.14, which would bring this back to zero. Mr. Moss stated that if he knows all of these additional amounts he would bring them

forward separately. Mr. Moss discussed the Berry, McGowan and Wadsworth Fund 504 and asked for an advance of \$20,000.00. Mr. Moss discussed the Permissive Tax Fund 104 and has more spending than normal and he asked for an advance of \$9,000.00 to cover any shortfalls if the revenue does not come in on time for this year. Mr. Moss indicated that if the revenue comes in it would not be needed. Mr. Moss discussed several issues with PERS and why it is so far off track. Mr. Moss stated that for budgeting he used 3% and that in the past we paid on a quarterly basis. Last year we did not pay 4 quarters we only paid for 3 and the amount of actual was underpaid. In 2008 we got the bill for 2 quarters which had us in the whole, in addition to switching to monthly billing. In effect we paid 11 months worth of 2008 PERS billings plus 3 months of 2007 PERS billings all at once. Mr. Moss stated that all PERS accounts are under funded and we need a total increase of \$64,000.00 in 15 accounts.

Salt Storage:

Mr. Moss indicated that we have revenue from the sale of the old service garage bringing in about \$80,000.00 that we have not originally planned. The salt situation and the market has become very bad for cities this year and we have the availability with this revenue to purchase another salt storage dome. We would like to get to a point where we could store an entire years worth of salt and buy it when we really do not need it, when the demand for it is relatively low. Mr. Moss indicated that in order to do that we need to spend an additional \$70,000.00 in the 102 Fund, which is all but about \$10,000.00 of the valued received from the sale of the old service garage. Mr. Moss stated that we would then be able to place these two domes end to end. There was discussion on the capacity of the storage domes and Mr. Ryland indicated that it could hold up to 6,000 tons of salt. Mr. Ryland stated that we currently have 3,000 tons on hand now which is approximately 60% of our normal usage. There was discussion on purchasing the salt now for this winter regardless of getting the salt dome which would not be installed until next spring. Mr. Ryland indicated that if salt is purchased and delivered soon, it would be tarped over outside. Mr. Ryland stated that he does anticipate the city having a salt problem this year, because of the demand and the price increases, although we have a contract price of \$41.00 per ton. Mr. Ryland stated that we could gamble that we won't need it, but like last year we were very short by year end. Mr. Pelot questioned if we have the money now to go ahead and buy the salt now. Mr. Moss indicated that some additional tweaking might be necessary, however the Service Dept. Fund has about a \$400,000.00 carryover. We would be reducing that but we would not run out of money. Mr. Moss indicated that the rest of these movements do have sufficient resources to cover them.

Fuel:

Mr. Moss indicated that because of the increased cost of fuel and the fact that most of the city vehicles are diesel, several departments are over budget in this area for increases in calls to more mileage used. Mr. Moss indicated that overall we need to increase \$60,000.00. Mr. Ryland added that the cost for diesel fuel has stayed high and has not come down.

Mr. Moss stated that the Fire and EMS Fund has been struggling all year because we budgeted them really tight in the event the levy did not pass. Mr. Moss indicated that this

106 Fund could use \$20,000.00 to cover additional costs and unknowns before the end of the year for items not covered such as for medical supplies. Mr. Moss stated that in the past when supplies were used in transport, the hospitals used to reimburse the city for various products, the hospitals are no longer replenishing our supplies. Mr. Pelot asked if we are able to set a method to charge back for these supply fees and Mr. Moss indicated he wasn't sure, we need to check with the Fire Chief or the Law Director on this. Mr. Moss discussed the income tax fund and the gap process and the transfer process used in the previous years. Mr. Moss stated that the current audit questioned that practice and he would request that we re define how out transfers are done by a new ordinance so that it is clear that we are placing income tax dollars into the Service Fund. This does not increase or decrease the budget in any way. Mr. Pelot suggested that a detailed balance sheet be submitted and Mr. Moss stated that an exhibit would be submitted with the legislation.

Mr. McGlone moved to place an ordinance for the budget increase/decrease on Council's next agenda as an emergency, waiving the second and third readings, second by Mr. Zita.

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

Motion passed 5-0.

Mr. McGlone moved to place an ordinance for the authorization for various advances on Council's next agenda, as an emergency, waiving the second and third readings, seconded by Mr. Zita.

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

Motion passed 5-0.

Mr. McGlone moved to place an ordinance to redefine the transfers within the General Fund, as emergency language, waiving the second and third readings, seconded by Mr. Zita.

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

Motion passed 5-0.

Mr. Moss noted that the financial reports for 2007 are done and submitted to the auditors and he has an un-audited copy, which is 77 pages long for review if anyone is interested, please contact him. Mr. Moss stated that the official audited version should be released in about 30 days.

Employee Health Care Review for 2009

Mr. McGlone turned this discussion over to Mr. Moss for the details. Mr. Moss discussed the spreadsheet provided (see attached). Mr. Moss stated the projections for 2008 are close to the 2007 actual figures. Mr. Moss stated that the resources cannot keep up with the spending, the city is anticipating a 25% increase in health care costs. Mr. Pelot questioned why is the city self insured and asked has there been any movement in possibly joining other cities and pooling our resources together? Mr. Ryland stated that the State already does this, it is called Care Ohio. This addresses over 33 municipalities and we are already looking into this health care plan. Mr. Moss stated that for 2009 the costs per employee are projected at \$1,376.00 per month, and Mr. Moss stated that this number is simply not in the cards, and 18% increase was more like \$1,100.00 a month to sustain what we have. Mr. Moss stated that this would be discussed further at the next Committee Work Session.

Unfinished Business:

Mr. Braman asked Mr. Ryland to comment about the rezoning Ord. #87-2008. Mr. Ryland stated that he would like Council to consider modifying Ord. #87-2008 by removing the 3 corner lots, which are a total of 4 parcels; #4602442, #4604497, and a split lot with parcels #4600672 and #4600671. Mr. Ryland suggested sending these properties back to the Planning Commission for further review, to have the residents express their views and concerns. Mr. Ryland stated that the rest of the zoning needs to go through as planned. There was discussion as to whether or not this legislation needed to be amended or if there was an exhibit to that ordinance that needs amended. Mr. Pelot questioned the status of CCA and Mr. Moss indicated that he does not have enough data to present anything to Council at this point. Mr. Pelot stated he would rather focus on the budget and would like to carry this discussion over to January/February 2009.

New Business:

None.

Public Comment-Non Agenda Items:

Charlotte Whipkey, a Norton resident, commented about the newspaper articles relating to Issue 26. Ms. Whipkey discussed the Mayor's comments and that she would prefer that you get it right. She did not state given raises, she stated continuously had supported or voted for raises. As far as why these people might be having these seats, her personal opinion is Issue #45. As to the statements made by Mr. Pelot, there were not 4 circulators that were losers last year, there were only 3 of us losers. Maybe if she had spent less time campaigning for Charter amendments and more time on the Council seat she would have done better. Ms. Whipkey stated she has a real problem with being called a loser. Ms. Whipkey asked what makes you think that if I had gotten that seat that I would not have been proposing to cut back the same? I have always looked out for the people and she would wager dollars to a doughnut she would still be doing that. Ms. Whipkey discussed the reference to the Ohio Revised Code and the requirement of 7 Council members. Ms. Whipkey stated that we have a Charter and we are bound to the Charter, not the regulations of the Ohio Revised Code. Ms. Whipkey stated that you took an oath to uphold our Charter and there is no where in the Charter which states that if the Charter changes you are not bound to follow it. Please become more educated as to what our

Charter is and how it operates. Mr. Pelot clarified that part of our oaths is also to uphold the laws of the State of Ohio and the Constitution of the United States and Ohio and it is all encompassing.

Mrs. Elaine Tompkins, a Norton resident, read her comments, (see attached)

Topics for the next Work Session:

2009 Budget, Status of the Joint Dispatch Center, Taping of Council/Committee Meetings.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:44 PM.

Scott Pelot, President of Council

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

All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted. If you do not have access to Time-Warner Channel #15, you may request to view a copy of any VHS recorded meeting in Council Chambers. Please contact Ann Campbell in the Administration office to make the necessary arrangements at (330) 825-7815 ext. 14.