



**NORTON CITY COUNCIL
SPECIAL COUNCIL MEETING
MONDAY, NOVEMBER 30, 2015**

Roll Call: Scott Pelot-Excused
Dennis McGlone
Dennis Pierson
Paul Tousley
Charlotte Whipkey
Rick Rodgers

Also Present:
Mayor Mike Zita
Valerie Wax Carr
Ron Messner
Justin Markey
Karla Richards

The Regular Council Meeting convened on Monday, November 30, 2015 at 6:51 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers, President of Council, foregoing the Pledge of Allegiance and moment of silent prayer due to the Committee Work Session Pledge and prayer.

NEW BUSINESS:

At 6:51 PM, Mr. Rodgers moved to temporarily adjourn the Special Council Meeting to convene into Executive Session to discuss preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other items and conditions of their employment under ORC 121.22(G) (4) and Section 3.12 of the City Charter, AND to consider compensation of a public employee pursuant to ORC 121.22 (G)(1) and Section 3.12 of the Charter, seconded by Ms. Whipkey. Mr. Rodgers invited Mrs. Carr, Mayor Zita, Mr. Markey, Attorney Paul Jackson, and Mr. Messner to attend. Mr. Rodgers noted Council would return to the Special Council meeting to take further action relating to the agenda items.

Roll Call: Yeas: Rodgers, Whipkey, McGlone, Pierson, Tousley
Nays: None

Motion passed 5-0.

At 7:49 PM, Council adjourned from Executive Session and reconvened the Special Council meeting to continue on with the Committee of the Whole Session.

2016 Budget Review Continued

Mr. Rodgers turned this discussion over to Mr. Messner for the details. Mr. Messner discussed the following sections:

Transfers-Page #40:

Mr. Messner stated that after over a year now he understands this budget process better.

Mr. Messner stated we will change the way we budget and the number will seem high, and the 2016 total transfer is high at \$2.6 million as opposed to the 1.7 million and you have a 41-A handout with the updated figures due to capital costs. However if you look at the budget from 2015 which was one million eighty-three and understand when we get to the Road Budget it's 1.1 million. That right there is almost 2.1 million. If everything stays the same and I have to fund the road budget because there's not enough money that comes in revenue wise to support a million dollar road budget. I also have to fund a capital account. If we would have expenses and that he cannot support he would need to come back to Council for approval to make a transfer. Mr. Messner stated each time a transfer is needed an approval and ordinance by Council is needed. Mr. Rodgers noted these funds are not itemized. Mr. Messner explained rather than itemizing each one that these expenses would be pulled from the Transfers as needed. It's kind of like a catch all or help account. If we grossly under budget in an area, we can come and pull money out of the General Fund. Looking at the road program, we have 1.1 million and we take in \$100,000.00 in revenue so he has to find \$900,000.00 which he gets from the Transfer Budget as he has budgeted for it there. If you look at the 2015 Budget, you will see it is broken down by various amounts. It was a million eighty three and we basically spent that amount. Let's say in 2016 the Street Fund, which is really the Service Department, needs \$550,000.00 he would pull that over from the Transfers with approval by Council, there would not be any hidden surprises and the Auditors will be looking for this activity and it has to balance on each side. He would do that with any individual budget needing funds and would always come back to Council for approval to move with all the details being relayed. Mr. Messner stated he could go back to the old way of doing things, but in discussions with his other associates they had all questioned why continue with that. He knows he is going to need 2.1 million and has increased that to cover unforeseen expenditures and any unused amount will go to the bottom line. Mr. Messner suggested we continue moving forward tonight and perhaps this will make sense later on. Mr. Tousley asked if the \$550,000.00 for 2015 was above the budget and Mr. Messner replied yes and there was a transfer for this extra. Mr. Messner stated last year he probably did not budget enough for them and he believes he has done a better job with the Service Dept. budget and they will hopefully not need that \$550,000.00. Mr. Rodgers asked where would the public see, with their concern for the roads, what is budgeted for 2016 for the Road Program? Mr. Messner noted that is all spelled out on page #74 where he has budgeted \$970,00.00 plus the other lines for a full budget of \$1.190 million. Mr. Messner stated we do not get enough revenue into the General Fund to cover the road program and sometime later next year he will need to ask for a Transfer for additional funds so the account does not go negative. Mrs. Carr provided a hand out explaining the 2015 Road Program (see attached). Mrs. Carr stated one of the important things done this past year was to get the rating system evaluations so we could have a planning guide. Hopefully the winter will continue to be mild so we do not have to change the plan as we did last year. Mrs. Carr stated this is breaking down the entire road program and is a mix of maintenance for the good roads and rehabbing or reconstructing the poor roads. We do not have enough money to do all of the poor roads so this is a balance of all processes. We can focus on the good and very good roads and can do this internally with the crack sealing and the dura patcher machine for the material costs of about \$10,000.00, labor costs are not included. The second part of the chart is for crack sealing on State Route 261 and was not a part of the Benza report but we had planned on doing that before and would be bid out; we estimate that to be around \$35,000.00 to \$40,000.00.

The next group is for Motor Paving for all of the fair roads at an estimated cost of \$96,000.00 similar to what was done on Gardner Blvd. and Johnson. The resurfacing group is a hot mix with asphalt and is planned for fair to poor streets at an estimated cost of \$291,000.00. There may need to be some core sampling for the resurfacing group as well to make sure no rebuilding needs done. The rebuilding section would be some core sampling, a new base, and asphalt at about \$220,000.00. Mrs. Carr described the resurfacing group and rebuilding group as the core road program and would all be bid out hopefully by the County to get better rates. Mrs. Carr reminded Council to not forget about the Cleve-Mass Rd. project at \$440,000.00 which is 20% of the project. Mrs. Carr discussed the complete reconstruction of Silver Spring Road at a cost of \$350,000.00. Mrs. Carr noted that all of these estimates total \$1,407,000.00 and as Mr. Messner noted the license plate tax coming in is not enough to do all of this and we will need transfers. Mrs. Carr noted that this is all subject to change should we have a major issue with a road blowing out if we have a hard winter. Mrs. Carr stated that with being able to do some things in house, we can save some of the costs which allowed Monteray, Rosebay, and Swain to be moved up of the 1.4 million budget is accepted. Mr. Rodgers asked about the crack sealing on St. Rt. 261 and what is the city's share and Mrs. Carr stated we are 100% responsible for this because it's in our jurisdiction. Mr. Rodgers asked why this was not included in the Benza report and Mrs. Carr stated there was some confusion by Mr. Benza because it's a State Route and we did not catch in until the end. Mr. Tousley asked if there is any help from the State or any grant money and Mrs. Carr replied she could look at this and noted for crack sealing it's doubtful and for repaving there may be some assistance. Mr. Rodgers stated he thought there had been some help for 261 the last time and Mrs. Carr stated she would check into that and see if we can get some help. Mr. Rodgers noted if you take out Silver Springs and Cleve-Mass. Road the total is really closer to \$640,000.00, and Mrs. Carr noted its actually \$672,000.00 and we have to account for Silver Springs. Mrs. Carr stated you cannot discount Silver Springs as it is a huge amount and is coming out of that same pot of money. Ms. Whipkey agreed that we cannot say we want to spend a million or more, but we don't want to count a road that is going to cost us \$250,000.00. We have deal with and just cannot ignore it because we would like to do more as we have to come up with the extra money. Mr. Rodgers noted the 5-7 year life span on these roads as mentioned in the past and the high cost of getting our roads back that we will never be able to catch up. Mr. Rodgers stated that he wanted to see the city spending \$1,000,000.00 on our roads each year to achieve in our lifetimes getting our roads paved and it's not going to happen. Mrs. Carr stated that we have a lesser amount of roads being done, and that 5-7 year life span may actually be longer, but we are being selective and taking roads that are not as traveled. Mr. Rodgers asked what's going to happen when we take core samples, are we going to address that? Mrs. Carr stated that we cannot ignore this and will have to make necessary adjustments. Mr. Rodgers stated he had heard a \$73 million dollar figure somewhere from Benza and he believed that was with total rebuilding. Mrs. Carr responded that anywhere core sampling shows, an added expense is expected. Mr. Tousley noted on page #75 you have a road program for \$1,100,000.00 and he questioned would the balance come from the transfers and Mr. Messner stated no as accounts like Cleve-Mass actually comes from elsewhere or if we had been underway the 1.4 million would have been closer to 1.9 million. Mr. Tousley stated he is having difficulty with the road program and transfer funds.

Mr. Messner stated the revenue side of Fund 170 we take in 60-100K and if you go to Fund 170 on the expense side and we spend every amount budgeted, he would be in a deficit of \$900,000.00 so he would go back to the Transfer budget as the catch all to transfer that over as the State will not allow a deficit. He would transfer that \$970,000.00 over the then the budget would reflect the million plus coming from the General Fund. Mr. Markey reminded Council of the summary at the front-page #4 of the book which explains this transfer for fund 170. Mr. Messner stated if it makes it easier for Council as he does not want Council to feel he is doing anything shady or unethical, he cannot spend any amount in a transfer without your approval and legislation to authorize this. The General Fund funds a lot of other various accounts outside of General Fund accounts. Mr. Tousley stated it might help for Council to have a balance left after each transfer is completed so we all know where the balance is. Mr. Markey stated it should be reflected in the month end revenue and expense reports, you just would need to know where to look for this information. Ms. Whipkey questioned of the transfer amounts shown here is what is provided each month and if so she does not see how this new method is going to change anything. Mr. Markey stated one way that makes it easier, if it's not budgeted for the Budget would need amended, and recertified to the Budget Commission, so if this is done now it is one less step and you would not have to amend the budget once approved. Ms. Whipkey asked if this is approved now we could change it and go back to the old way at any time and Mr. Messner replied yes. Mrs. Carr stressed to Council that this is a guideline and a working project and is not final until this is approved and finalized until the beginning of next year, and to be cautious with handing this out to the public so they are not disappointed. Mr. Rodgers noted this is a public record because this was already handed out. Mrs. Carr agreed that was correct, but keep in mind there may be adjustments made later.

Advances- Page #42:

Mr. Messner noted the accounting rule one for advances is treated a little differently. If he makes an advance within one (1) year, he has to bring it back to the General Fund. He could not move the \$36,000.00 to an Enterprise Fund and just leave it there; he would need to transfer this back within a year or less. Mr. Messner explained that one line for \$36,000.00 is for the permissive tax for salt supplies and Mrs. Carr noted it's to help cover the State Routes. Mr. Messner explained he always has to advance funds into that account as the money comes in from the County in pieces, but he may have an expense before the revenue arrives. Mr. Messner stated the Auditors look at all of these things in a book of transfers, advance entries, and journal entries and there had better be an ordinance to back all of this up. Mr. Messner noted one occasion of a franchise fee budget to move \$100,000.00 that was used for the road program back into that account, and the auditors followed that paper trail to that end to back it all up.

Road Program-Page #74

Already discussed earlier with the discussion on Transfers. Mr. Messner stated he believed we were being judicious by having a plan and doing the best job we can with the funds available without a method to acquire more funds as through a road levy.

Capital Accounts-Page #80-81

Mr. Messner noted the numbers coming in from various sources were very slow. It follows the same logic from last year.

Mr. Messner noted that in 2016 it holds our big projects like Nash Heights East & West, and the Cleve-Mass. Road widening. Mr. Messner stated that the Cleve-Mass line shows the \$400,000.00 discussed earlier in addition to another \$131,000.00 for the land acquisitions needed. Mr. Messner stated he is only looking at 2016 and not into 2017 although you will see some reference to the phases in 2017, and is all based on the engineering estimates and is all subject to change. You can see what we don't have as far as the assessments, and will have to come out of the General Fund. Mr. Messner noted that until then we have expenses coming in up front and may need to move transfers over to cover this until the loan funding starts to come in. Mr. Rodgers asked about the assessments for the Wadsworth Road & Summit Road sewer and asked if we ever did a Resolution of Necessity for those assessments? Mrs. Carr stated that we are not even close to this and this does mostly affect businesses. Mr. Rodgers stated there are about fourteen (14) units on Summit Road and Mrs. Carr noted that those are actually mostly businesses and three (3) businesses which some have several units. Mrs. Carr noted that this project could fall apart, and may never come to be if we cannot get the assessments. Mr. Rodgers asked about sewers going all the way down to the newer building on the east side of St. Rt. 261 and he did not see any septic systems here. Mayor Zita stated this building on Heritage Parkway and Mr. Messner added that this is all for a games of skill. There was discussion as to if they have sewer and where it came from and there is well water. Mr. Rodgers wondered if the sewer was going to go down Wadsworth Road that far. Mr. Tousley asked what ever happened to the \$1 million being budgeted for the Newpark Project in the past and Mrs. Carr noted that most of this is grant money and she does not want to lose this. We had to turn back some of the loan money because we did not have the project underway, but we need to concentrate on the grant money. Ms. Whipkey asked about a time limit on the grant money and Mrs. Carr stated we renewed it. Mr. Rodgers asked if there is a package plant associated with Newpark and Mrs. Carr stated she does not recall for sure and would review this as well. Mr. Rodgers questioned page #41-Barber Road Debt Services and if this is coming from the tax credit roll back services? Mr. Messner stated this was paid off this year and is why there is no budget there. Ms. Whipkey stated if that is the case why was this Barber Road project part of the discussions with Barberton? Mr. Markey stated there is still some debt service associated with Barber Road, but he did not know if the reduction is reflecting the money is now coming from the 128 fund as opposed to the Transfer. Ms. Whipkey stated she believed it was like \$100,000 coming out of the roll back monies and Mr. Messner stated he would check into it further and get back. Mr. Messner stated that next week he would prepare the drafted legislation for Councils approval of the Budget on December 14, 2015. Mr. Messner urged Council not to wait until next week to get back to him with any of your questions. Ms. Whipkey referenced the questions Council had from last week and Mr. Messner's responses (see attached). Ms. Whipkey stated Mr. Rodgers had asked about combining the funds for the fire levies and Mr. Markey explained it was not allowed by Ohio Revised Code. Ms. Whipkey asked Mr. Messner if he could produce documentation for all the comp time if he was asked for it and he stated he could. Ms. Whipkey asked for an explanation as to her concern with the discrepancy in the Fire Department 2016 Budget and why we did not have more money set aside in the 2016 budget for salaries when we were over at this year? Mr. Messner stated that may be because most of the increases were appropriate and where they were not, was the overtime PERS and the overtime budget.

Mr. Messner stated he is still working on the listing as you had requested to show had we stayed with the same personnel levels what those numbers would look like. The Chief has made a concerted effort reducing over time and once he gets the before and after numbers it would be more clear. Mr. Pierson stated that if the Chief is offering comp time then he would be saving in the overtime. Mrs. Carr stated comp time is controlled by the union contracts and we could pull that to look at it, but the Chief is not controlling that. Mayor Zita stated the maximum is 100 hours for police and 400 for fire.-Mr. Pierson stated he would like to see a comparison from last year to this year to see if we are truly saving money here. Mr. Pierson asked about the radios and why is it that the Fire Dept has more than double the amount over any other department? Mr. Messner stated he believed that they have the most radios in that division. Mr. Pierson asked if the Motorola sales rep had submitted a signed quote in regards to their mistake in the cost difference and Mr. Messner noted we had a quote on their letterhead, but it might not have been signed. Mr. Pierson asked if the Law Dept has looked into this because if this were his company and he had made a price error we would have to absorb this. Mr. Markey stated part of the problem would have been our needs had changed and would have been reflected. Mr. Tousley asked about the difference in the number of employees in the Fire Dept. from last year to this year? Mrs. Carr stated that without looking at the numbers specifically, this would be due to the implementation of the Affordable Health Care Act (AHCA) and because they can only work a certain number of hours without being forced into health care. Mrs. Carr stated the number of hours have not changed and not the number of bodies available. We had to have enough people to cover the hours without going into the required AHCA hours so we needed more people.

Legal Defender Agreement for 2016

Mr. Rodgers discussed this as being boiler plate legislation and it needs to be in place for next year. Mr. Rodgers moved to add this to the Committee Work Session of December 7, 2015, seconded by Ms. Whipkey.

Roll Call: Yeas: Rodgers, Whipkey, McGlone, Pierson, Tousley
 Nays: None

Motion passed 5-0.

AFSCME-Service Union Contract

Mr. Tousley briefly discussed the contract for the Service Department which we can discuss again on December 7, 2015 Committee and move it to the Council agenda for December 14, 2015. Mr. Tousley noted this is a tentative contract that will include a 1.5 % increase in 2016 and a 2% raise in 2017.

Sale of Municipal Property-Brentwood

Ms. Whipkey discussed this is for the sale of the municipal property at the Brentwood Water plant and we no longer have a use for it. We have covered and sealed all of the holes and Barberton has removed all of their equipment in storage. Ms. Whipkey noted as stated in the drafted Ordinance #83 it's to be done as a sealed bid. Mrs. Carr stated you have the option to do a public or a sealed bid and we have chosen the sealed bid to save money. Mrs. Carr noted we do have the right to reject the sealed bid, and she noted this may move into next year to process although it has emergency language.

Ms. Whipkey noted this would be discussed and on the Committee Work Session agenda for next week. Mr. Rodgers asked about the details of the sealed bid and Mr. Markey explained that the Council has the right to set the terms. Mr. Pierson asked about there being a minimum bid and Mrs. Carr stated that would be clearly spelled out in the bid package and felt there should be a minimum. Ms. Whipkey asked if there is a minimum and if we can reject an offer and Mrs. Carr replied yes. Mr. Rodgers inquired on the \$13,000.00 amount and Mr. Markey stated that was the appraised value.

Food Ordinance

Mr. Rodgers stated this to authorize expenses and we do this every year. Mrs. Carr noted that the amount has not changed, but we took out the date so that this amount remains in effect until Council decides to change that amount so it would not need addressed every year. Mr. Rodgers noted this would carry over to the Committee Work Session next week.

Advancement of Funds from Summit County

Mr. Rodgers discussed this is another boiler plate piece. Mrs. Carr noted there is a correction here. Mrs. Richards noted the correct year in the title should be 2015 not 2014. Mr. Rodgers noted this would carry over to the Committee Work Session next week.

AFSCME Dental Plan Renewal

Mr. Rodgers turned this over to Mrs. Carr for the details. Mrs. Carr stated this is a renewal for the non-bargaining employees. There was a newer contract for Fire in late August and the plan has to be renewed for the non-bargaining employees as there is a separate fee and we just got it. Mrs. Carr noted this will need to come before the Board of Control for approval before Councils adoption. Mr. Rodgers noted this would also be continued over to the agenda for next week. Mr. Tousley asked if this was signed in August why is this just now coming to Council? Mrs. Carr stated that what was signed in August is what the extension was and now we are ready to renew for next year with the amendment included for the Fire Dept. employees.

INTRODUCTION OF PRIOR LEGISLATION

RES. #78-2015

Mr. Tousley offered Res. #78-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF JIM LADA TO AN UNEXPIRED TERM AS THE WARD ONE REPRESENTATIVE ON THE CITY OF NORTON PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the third reading, seconded by Ms. Whipkey

Roll Call: Yeas: Tousley, Whipkey, McGlone, Pierson, Rodgers
 Nays: None

Motion passed 5-0.

Mr. Tousley moved to adopt Res. #78-2015, seconded by Ms. Whipkey.

Roll Call: Yeas: Tousley, Whipkey, McGlone, Pierson, Rodgers
 Nays: None

Motion passed 5-0.

**AMENDED
ORD #72-2015**

Mr. McGlone offered Amended Ord. #72-2015 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$270,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF ACQUIRING P-25 COMPLIANT RADIOS, AND DECLARING AN EMERGENCY.

Mr. Tousley asked in light of what Mr. Pierson's comments were about the error in the costs should we wait on this? Mr. McGlone stated that the legislation says an amount not to exceed \$270,000.00 and if it's less than that we are still covered.

Mr. McGlone moved to adopt Amended Ord. #72-2015, seconded by Ms. Whipkey.

Roll Call: Yeas: McGlone, Whipkey, Pierson, Tousley, Rodgers
 Nays: None

Motion passed 5-0.

Unfinished Business:

None

Topics for the next Work Session:

2015 Budget Review Continued
Legal Defender Agreement for 2016
AFSCME-Service Union Contract
Sale of Municipal Property-Brentwood
Food Ordinance
Advancement of Funds from Summit County
AFSCME Dental Plan Renewal

Public Comment-Agenda and Non Agenda Items:

There was no one signed in to speak.

Public Updates:

Adjourn:

There being no other business to come before the Special Council Meeting, the meeting was adjourned at 9:17 PM.

Rick Rodgers, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on December 14, 2015.

Karla Richards, CMC-Clerk of Council

NOTE: THESE MINUTES ARE NOT VERBATIM

****ORIGINAL SIGNED AND APPROVED MINUTES ARE ON FILE WITH THE CLERK OF COUNCIL****

All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise