



COMMITTEE WORK SESSION MAY 6, 2013

Committee Members Present: Dennis McGlone
Charlotte Whipkey
Scott Pelot
Bill Mowery-Arrived At 7:17 PM
John Conklin
Todd Bergstrom
Don Nicolard

Also Present: Mayor Mike Zita
Rick Ryland
Laura Starosta
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, May 6, 2013 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Don Nicolard, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent reflection.

General Topics of Discussion:

Oppose House Bill 5-Municipal Income Tax:

Mr. Nicolard explained that last week we discussed this and it is listed on our Special Council agenda. Mr. Nicolard indicated he and several members of Administration would be going to Columbus this Wednesday for the hearings and he would be hand delivering a certified copy to our elected officials. Mr. Nicolard moved to add this to the Special Council meeting agenda, seconded by Mr. Pelot. Mr. McGlone asked if we figured out how much we would lose. Mrs. Starosta replied that in the first year we could **lose** \$200,000.00. Mr. Nicolard stated that CCA would still be our collection agency, and we would also have to pay to the State, and Mrs. Starosta concurred; however she was not sure how much we would be paying the State. Mr. Pelot asked for more details on the \$200,000.00 and Mrs. Starosta explained that was the programming costs as calculated by CCA.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Conklin, Bergstrom
Nays: None

Motion passed 6-0.

Amend Joint Dispatch Agreement:

Mr. Nicolard turned this discussion over to Mr. Ryland. Mr. Ryland explained that since the Council of Government (COG) has now been formed, this merges the two together and is more specific as to the duties and functions. Mr. Ryland indicated that Mayor Zita has the redlined version if Council would like to review the exact changes. Mr. Bergstrom asked if the other communities are also reviewing this and Mr. Ryland replied yes. Ms. Whipkey asked how did Copley end up getting to be the one that hires the Dispatch Manager. Mr. Ryland explained that's because Copley has been housing the center, they would be the lead under the agreement. We agreed that Copley would handle the advertising and testing process for this position. Mr. Conklin asked when it should be up and running and Mr. Ryland replied hopefully in September. Mr. Pelot asked about the \$300,000.00 low interest loan and if this was split between the three cities. Mr. Ryland stated that the \$300,000.00 went to the Council of Government (COG) not to the cities. Payback will be distributed evenly between the cities. Mr. Nicolard moved to add Ord. #30-2013 to Councils next agenda, with emergency language, seconded by Mr. Pelot. Mr. Ryland added that the quicker we get this issue settled the sooner we can open.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Conklin, Bergstrom
Nays: None

Motion passed 6-0.

Union Contracts- (3)

Mr. Pelot stated he understands an agreement has been reached and turned this discussion over to Mr. Ryland for the details. Mr. Ryland indicated that Local 265 Office & Clerical asked to extend their contract for 1 year with no changes. Mr. Pelot moved to send Ord. #31-2013 for the Clerical contract to Councils next agenda, seconded by Mr. Conklin.

Roll Call: Yeas: Pelot, Conklin, McGlone, Whipkey, Bergstrom, Nicolard
Nays: None

Motion passed 6-0.

Mr. Pelot discussed the full time Firefighters contract and turned the details over to Mr. Ryland. Mr. Ryland stated there some contractual language changes, in addition to a 1-% raise retroactive to July of 2012, a 1-% for the first part of 2013 with 50% in July and another 1% for 2014. Mr. Ryland indicated there is no change in longevity, uniform allowances. Ms. Whipkey clarified this contract is not an extension, it is a new contract and Mr. Ryland concurred, and a 1.5% before this year is out. Ms. Whipkey asked when the levy is up for a renewal and Mr. Ryland replied in 2015. Ms. Whipkey stated that part of the increase comes from the current levy and Mr. Ryland agreed. Mr. Ryland also noted that is another reason that this new contract will terminate in 2014 so we can analyze that going into their contract renewal for 2015. Mrs. Elaine Tompkins asked what is the complement of the full time Fire Department, and Mr. Ryland replied two (2). Mrs. Tompkins asked about the part time Fire Department, and Mr. Ryland replied it fluctuates sometimes between twenty-four (24) and twenty-seven (27).

Mrs. Tompkins asked about the part time Police Department, and Mr. Ryland replied they are not covered on the collective bargaining units, however he thought we have five (5) or six (6). Mr. Ryland stated that for the full time Police Department we have sixteen (16) total. Mr. Ryland clarified that this contract is for a two (2) year period. Mr. Pelot moved to add Ord. #32-2013 to Councils next agenda, with the emergency language and waiving the second and third readings, seconded by Mr. Conklin.

Roll Call: Yeas: Pelot, Conklin, McGlone, Whipkey, Bergstrom, Nicolard
Nays: None

Motion passed 6-0.

Mr. Pelot discussed Ord. #33-2013 for the EMT's & Paramedics, and turned this over to Mr. Ryland for the details. Mr. Ryland stated that we have recommended this postponement until we know the effects of the new Health Care Reform Act, and this would extend the current contract until September 30, 2013 and the contract remains the same. Mr. Pelot moved to add Ord #33-2013 to Councils next agenda, waiving second and third readings with emergency, seconded by Mr. Conklin.

Roll Call: Yeas: Pelot, Conklin, McGlone, Whipkey, Bergstrom, Nicolard
Nays: None

Motion passed 6-0.

Salary Issues For Non-Bargaining Employees:

Mr. Nicolard held off on this discussion until Mr. Mowery arrives later in the meeting.

City Property Insurance Renewal:

Mr. Nicolard turned the discussion over to Mr. Ryland for the details. Mr. Ryland explained that this proposal covers all properties and this was a very good price quote. Mr. Ryland stated that the premium is relatively flat for this year at \$78,339.00. Mr. Ryland stated that covers all of our liabilities and is a very good renewal rate. We also went outside seeking other quotes and found one higher by over \$23,000.00. Mr. Ryland noted that Wichert is the same insurance broker that we have been using since 1982. Mr. Ryland stated this is late and it did fall through the cracks during his absence and has expired. Our old policy expired on May 1, 2013 and he has issued a binder on the policy pending Councils approval or disapproval. Mr. Ryland also noted that nothing went down on this the coverage and the cost of \$78,339.00 is nearly the same as last year. Mr. Nicolard moved to add Ord. #34-2013 to Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Pelot, Mowery, Conklin, Bergstrom
Nays: None

Motion passed 7-0.

Salary Issues For Non-Bargaining Employees:

Mr. Mowery stated his concern is for the Clerk of Council and we can negotiate for her by a separate ordinance. We don't need to take any chances to lose what we have. Mr. Nicolard indicated that he had discussed this issue with Mr. Mowery earlier and he had stated that he felt whenever the unions receive raises; the non-bargaining should also receive the same increases. Mr. Mowery stated it needs to be more automatic so that we don't have them wait seven (7) or eight (8) years before being addressed. Mr. Nicolard stated he felt we would be better to hold off until the Service Dept. union settles before deciding. Mr. Bergstrom stated that he agreed, and asked if this is the time to also be looking at various positions and the skills required for the position. Mr. Nicolard stated he would rather solve one problem at a time and this should be addressed in the future. Mr. Mowery asked how far off before the agreement would be settled? Mr. Ryland stated that he thought he had this all settled and the Service Dept. union decided not to vote because of this very discussion. Mr. Mowery stated so basically they are on hold waiting until we address the non-bargaining. Mr. Ryland concurred and that we have now ordered a Fact Finder and had we left this in Executive Session, chances are we would have a contract by now. Mayor Zita added that we did discuss this in Executive Session he felt the Unions would have settled by now, and since this was not left in executive session it, and its dragging a little. Mr. Mowery asked what does Administration need from Council to help facilitate this? Mr. Ryland suggested Council table this issue until Fact Finders, is complete. Mr. Mowery moved to table this discussion, seconded by Mr. Conklin. Mr. Pelot asked about the time line to table this versus leaving this on Councils Matters Referred. There was brief discussion on the two and after consideration, Mr. Mowery and Mr. Conklin both removed their original motion to table. Mr. Mowery moved to leave this issue on the Matters Referred listing, seconded by Mr. Conklin.

Roll Call: Yeas: Mowery, Conklin, McGlone, Whipkey, Pelot, Bergstrom, Nicolard
Nays: None

Motion passed 7-0.

Unfinished Business:

Mr. McGlone discussed how the non-bargaining employees in Summit County, received their raises. Mr. McGlone stated that usually it was not much of an increase when you take into account the increased contributions to the health care. However, while he was there thirty (30) years, when the unions received a raise it was Council that addressed the non-bargaining employees at their very next meeting with the same increases. Mr. Pelot stated that now is really not the right time to do anything with this issue, we need to hold until the Administration finishes with the Service Dept. union. Any action we might take would affect that outcome and most of the non-bargaining understand this process. Mr. Jason, Sams, 3782 Long Drive, Norton, Ohio, stated you have been talking about this for a while and that its not just Mrs. Richards, because this affects others as the non-bargaining. Mr. Sams asked if Council would at least tell the residents how long it's been since raises were issued to the non-bargaining and the salary figures. People don't realize what salary level they are at nor why they even need a raise.

When they find out Police officers are making \$13.33 an hour, it might be helpful to get that information out there. Mr. Sams thanked Council for looking into the non-bargaining employees. Mr. Nicolard asked how long has this been and Mr. Ryland replied since 2008. Mrs. Tompkins asked how many non-bargaining employees would this affect and Mr. Ryland replied less than twenty (20) and Mrs. Richards stated it is seventeen (17). Mrs. Tompkins asked about the full time Fire Dept. employees and their salary rate and Mr. Ryland replied there are two (2) working forty hours. Mrs. Tompkins asked about the first year salary rate at \$21.23 and what is the rate for second year, and Mr. Ryland replied we have no second year rate. Mrs. Tompkins stated that part time Fire Dept., are at about \$15.00 per hour and they have no benefits, and Mr. Ryland concurred and that same goes for the Police Dept. Mr. Conklin asked if the Administration is moving forward with the parcel that was improperly assessed? Mr. Ryland stated he has looked into it and this will be corrected at the County level by removing that from the tax records, and that legislation is not necessary to correct that. Mr. Ryland stated we do not have a start date for the 2013 Road Program through Summit County, although the cost is \$391,572.00 with the following roads: Barber Road, Wadsworth Road, Cherrywood, Drive, Flesher Drive, Fairland Road, Clark Mill Road, Debbie Lane, Suttle Road, and Laurie Lane. Mr. Ryland stated he would suggest that Council reconsider removing Fairland Road from the list this year due to a recent collapsed culvert on Reimer Road and the road conditions in that area, and replace that with Reimer Road between Medina Line and Hametown Road. This would be an increase and the costs of doing forty-four (44) linear feet for Fairland Road is \$132,600.00 dollars. Mr. Ryland stated that for the Reimer Road project that is fifty-five (55) linear feet, although he does not have the exact figure. Mr. Conklin stated that means no roads in 4th Ward and he would vote no. Mr. Mowery stated that is the same for him. Mayor Zita stated Cherrywood was in the third ward and Mr. Ryland concurred. Mr. Pelot stated if we move forward with this request we need to make certain that next year we address Fairland. Mr. Conklin stated he was amazed that the 4th ward has the largest road mass, and there is not a single road in Ward 4 being addressed. Ms. Whipkey stated she thought we had at least one (1) road in Ward 4. Ms. Whipkey stated she thought we had Johnson and Hametown on the list. Mr. Ryland stated we were looking at AMAT dollars yet. Ms. Whipkey added she had a complaint of a big hole on Johnson and Mr. Ryland stated they were working on Johnson today. Mr. Bergstrom stated there was a traffic counter at Reimer and Medina Line Road, and Mr. Ryland stated they also had counters at Hartman Road in Medina County as well. Mr. Ryland stated that Mr. Pelot had asked him to review the petition process by the residents. Mr. Ryland explained that in a memorandum from October of 2003, and the requirement for roads requires 60% of front footage and the residents must sign a petition, and it is assessed at and it is assessed at 100% to the residents. There was discussion on how that affects each resident one way or another. Ms. Whipkey stated so what you are saying is that it's not 60% of the signatures needed, its 60% of the property and Mr. Ryland concurred. Mr. Conklin asked if there were any other inquiry about the water issues. Mr. Pelot stated that he has spoken to other residents in this area, and they have no water issues.

New Business:

Ms. Whipkey discussed the recent Norton Health Advisory Board meeting and they had discussed the ditches and other areas and could not make any decisions about that and we have decided to have Summit County come and explain in better detail.

Topics for the next Work Session:

Future Road Program. Ms. Whipkey asked if we would be having a separate Service Committee and Mr. Bergstrom stated that might be a good idea and he would check his schedule and the other Committee members as well and advise of potential dates.

Public Comment-Agenda and Non Agenda Items:

Mr. Paul Tousley, 4536 Garrett Drive, Norton, Ohio, stated that last week your meeting was about Charter and Statutory governments and asked how each member felt on this. Mr. Bergstrom stated he wants to figure out which system provides the best for the community. This was more of a fact-finding mission to see where we need to be. Mr. McGlone stated he did not see advantages or disadvantages for either way. Ms. Whipkey stated she understands this would not be something Council gets to decide, it would go to the residents. Ms. Whipkey stated that no way would she support giving our powers away back to the State. We would have to follow State law and would have no control. Ms. Whipkey discussed the Board of Control Charter amendment that recently passed with the limit of \$25,000.00 and now she understands that the State of Ohio limit is now at \$50,000.00. If we had kept that Charter amendment which you the people said you did not want it, our limit would have raised with it. The Charter needs to be strengthened, not weakened or taken away, as this is your power to control us. There was brief discussion regarding the petition process and merger studies. Mr. Nicolard stated that as discussed at that meeting, the Ohio Municipal League is in favor of Charter cities. Mr. Nicolard stated his stance is what ever works best for our City. Mr. Conklin stated he prefers to remain as a Charter City. Mr. Pelot stated he agreed with the speaker last week that it's not wise to move from a Charter to a Statutory City, and unless there was more evidence supporting this change he would prefer to remain a Charter City. Mr. Mowery stated he might be old school but that what we have now is fine and the people need to put their best people in office.

Mr. Mike Doherty, 3785 S. Cleveland Massillon Road, Norton, Ohio, discussed the recent article in the Norton Post about his dogs and that his stepson was the owner. Mr. Doherty stated his father recently passed away, and he was a WWII Veteran with two (2) Purple Heart medals. Mr. Doherty stated that since his fathers passing, he has (3) cars full of his father's belongings to deal with and he is working on getting this cleaned up. Mr. Doherty stated he also has some health issues, and has been denied medical assistance. Mr. Doherty stated he needs some help and would like some help in many areas.

Mr. William Paluch, 3740 Shellhart Road, Norton, Ohio, spoke regarding the Mandamus case pending. Mr. Paluch asked if the law firm is handling this case or is Mr. Kostoff, and are we paying two (2) people here? Mayor Zita replied the firm is handling this case. Mr. Paluch asked if the citizens of Norton know about this and why did you hire some big firm like Roetzel & Andress and listed the numerous offices in many other states.

Mr. Paluch suggested that you hire a local firm like Kennedy and keep the money here. Mr. Paluch asked if anyone has any idea how much this is going to cost with going with such a large firm? Mr. Paluch stated that this is just like you gave away \$650,000.00 on engineering for the sewer, you're just throwing away peoples money. Mr. Paluch asked if Mr. Kostoff works for Roetzel and Andress and Mr. Zita replied yes. Mr. Paluch asked about the other case and is it Mr. Kostoff or the firm that is representing you? Mayor Zita stated it is the firm. Somebody was right and when it comes to elections, its time to get rid of most of you, with the exception of Charlotte and Bill. Mr. Paluch asked how much you are paying for this and Mayor Zita said its \$175.00 per hour. Ms. Whipkey stated we have a set rate of \$26,000.00 a year and then the \$175.00 per hour to whatever Attorney they need to handle a case plus paper work. Mrs. Starosta stated that we pay a retainer in addition to the hourly rate. Mr. Paluch asked how many attorneys are we paying to work on just his case? Mr. Paluch asked are you paying each one? Ms. Whipkey stated that each Attorney working on the case would be paid.

Karen Harley, 3432 Harper Avenue, Norton, Ohio, stated she went to the City the other day and asked for copies of the Sewer Fund, and surprisingly she got them since some of you say they won't provide you anything. Ms. Harley stated that the balance was \$528,070.97 as of 4-23-13. Ms. Harley stated she could also read off all of the expenditures for the past three (3) years, and offered to share with anyone who asks. Ms. Harley stated this did not take an act of congress or a blessing from God to get them, she asked for this and it was provided. Mrs. Harley stated there has been a lot of people that keep complaining that they are not getting anything and that is not true. Mrs. Starosta was very good about getting this information, and she thanked Mrs. Starosta for her promptness in doing so. Mrs. Harley stated that sometimes it has a lot do to with how you appear when you are asking for something.

Mr. Joe Danko, 3805 Cleveland Massillon Road, Norton, Ohio, discussed seeing lawn mowers all over the place, and back in his area the grass is getting really thick. Mr. Danko stated he is working on getting his creek cleaned up, there are two (2) car batteries, an old tarp and other issues. Mr. Danko asked who is going to help him to get into that ditch to get this cleaned up? Mr. Danko stated that he does not know how to reach Mr. Doherty, he won't say anything about him, he will just stay clear. Mr. Danko stated people speaking at the podium are not supposed to address members individually, you address everybody. Mr. Danko stated that he thought that the EPA does not want you cleaning ditches, however there is a lot of crap laying in the ditch.

Mr. Robert Copen 2828 Sue Lane, Norton, Ohio, asked to speak on the House Bill 5 issue. Mr. Copen stated this was discussed in Council over a year ago and was discussed quite thoroughly. That \$200,000.00 as discussed was also mentioned back then and is what we are already paying to CCA a year, and he was not sure what else the State would collect. Mr. Copen discussed House Bill 7 relating to the gambling arcades, which you seem to have ignored. Mr. Copen stated he was sure the Finance Director has already spent that \$70,000.00 that these machines brought in. Mr. Copen stated that the House is looking to get rid of these by next month, however he has seen no action from Council about that.

We don't want to lose that \$70,000.00 and suggested you take a second resolution with you to Columbus and tell them to keep their hands off of all our money, not just our income tax.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:03 PM.

Don Nicolard, President of Council

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

All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.