



COMMITTEE WORK SESSION JANUARY 5, 2009

Committee Members Present: Ken Braman
Brenda Hlas
Tom Jones
Dennis McGlone-Arrived at 6:15 PM
Bill Mowery
Mike Zita
Scott Pelot

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

The Committee Work Session convened on Monday, January 5, 2009 at 6:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, 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:

Annual Finance Ordinances

Mrs. Hlas turned this discussion over to Mr. Moss for the details. Mr. Moss explained the food ordinance is done every year and this year there is a five (5) percent increase from \$2.00 to \$2.10. Mr. Moss discussed the transfer ordinance adding this is the second time we have done this at the beginning of the year. They are in the 2009 Budget on page #001-25. It is something that is pre-planned, and it makes transfers a permanent movement and is used to fund various other funds. Mr. Moss discussed the advances adding that this was also approved in the 2009 Budget on page #001-26, however this is temporary movement of money. Mr. Jones questioned the Exhibit A Fund 102 and asked if this was related to St. Rt. 261? Mr. Moss replied no that is for the Service Dept., and that St. Rt. 261 money is already in escrow with the State of Ohio. Mrs. Elaine Tompkins, a Norton resident, asked if this is correct, that the transfer of \$1,214,900.00 is mostly needed to build up the checkbook and go on with business. Mr. Moss replied without these transfers, some of these funds would not be able to do what they would normally need to do. Street Fund could not be able to do their annual programs, the Debt Service could not pay all of the debt, the Community Center and Historical House could not operate, etc. Mrs. Tompkins asked if the end of year reports for 2008 were completed yet, and Mr. Moss replied no.

Mrs. Tompkins stated she would like to see how the end of 2008 ends up before transferring projected dollars. Mrs. Tompkins suggested modifying the title in the advance legislation to include "up to 12 months". Mr. Moss stated that was a good suggestion, he is not opposed to that, it would be up to the Law Director and it is in the text below. Mrs. Hlas moved to place the food ordinance on the next Council agenda for a first reading, seconded by Mr. Pelot.

Roll Call: Yeas: Hlas, Pelot, Braman, Jones, Mowery, Zita
Nays: None

Motion passed 6-0.

Mrs. Hlas moved to place the transfer ordinance on the next Council agenda for a first reading, seconded by Mr. Pelot.

Roll Call: Yeas: Hlas, Pelot, Braman, Jones, Mowery, Zita
Nays: None

Motion passed 6-0.

Mrs. Hlas moved to place the advance ordinance on the next Council agenda for a first reading, seconded by Mr. Pelot.

Roll Call: Yeas: Hlas, Pelot, Braman, Jones, Mowery, Zita
Nays: None

Motion passed 6-0.

Approve Assessment Board Report-Hazelwood & Connect

Mr. Jones turned this discussion over to Mr. Ryland for the details. Mr. Ryland explained the Board met and made a change to remove one parcel, recalculated the figures and it is now before Council to accept in order to move forward with the bids and construct the lines. Mr. Jones stated this has been on the books for some ' next agenda, waiving the second and third readings as an emergency, seconded by Mr. Braman.

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

Motion passed 7-0.

Ordinance to Proceed for Hazelwood & Connect

Mr. Jones moved to place this on Councils next agenda, waiving the second and third readings, seconded by Mr. Braman.

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

Motion passed 7-0.

PC Re. #19-2008 Rezoning Greenwich & Croydon

Mr. Braman stated this finishes Ord #87-2008 where we removed the four (4) parcels so the owners could go back through the Planning Commission process and hold a public hearing. That has been done, and he attended this hearing along with Mr. Moss. Mr. Braman stated people from both sides spoke and in the end the Planning Commission voted 5-0 to approve the rezoning to B-2. Mr. Mowery questioned if the residents opposed to this would still be rezoned as business district? Mr. Braman stated there was a letter with several signatures, approximately twenty (20) residents signed opposing it. Mr. Braman added most of these people did not want any increased traffic, which Mr. Braman felt could be dealt with. Mr. Braman moved to place this on Council's next agenda for a first reading only, a public hearing would take place at the second reading, seconded by Mr. Pelot.

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

Motion passed 7-0.

Legal Defenders Indigent Defense Contract 2009

Mrs. Hlas stated this is something we do on an annual basis and turned the discussion over to Mr. Moss. Mr. Moss explained the contract has been presented with a slight increase for 2009, although we did not spend anything on it for 2008. Mrs. Hlas moved to place this on Council's next agenda, waiving second and third readings, seconded by Mr. Jones.

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

Motion passed 7-0.

Approve 2009 Meeting Schedule

Mr. Pelot discussed the draft of the 2009 Meeting Schedule, adding that although the date for the Annual Workshop has not been set, we can approve the schedule at this point. Mr. Pelot stated we could always amend the schedule adding the date for the workshop. Mr. Jones clarified Council's summer recess as being from July 13, 2009 to August 16, 2009, and Mr. Pelot concurred. Mr. Pelot suggested holding the workshop either in January, March, or June, on the fifth Monday of the month. Mr. Zita stated if we go back to a Saturday, then any date would be open. Mr. Braman added that he preferred a Saturday. There were no objections, and the 2009 Meeting Schedule was approved.

Approve/Modify Council Rules

Mr. Pelot stated each year the Council Rules are reviewed and approved and asked Council members if they have anything they wished to add, or change? Mr. Jones noted a correction on page #4 where it references (See Rule #107) it should be 207, and in Rule #107 the reference to (See Rule #104) needs removed. Mr. Jones noted a typo on page #6 Rule #112; *if not more*, it should be **no**. Rule 113; *where no more that*, it should be **than**.

Mr. Jones discussed Rule 112-Quorum: The table of contents and this section are not consistent, they both should state Committee Work Session. Mr. Jones discussed the public sign in form and the instructions to speak to Council as a whole, not individually. Mr. Jones stated he does not have a problem with this, but felt there should be a rule that if someone uses a person's name they should be immediately gavelled and they are no longer allowed to speak. There was further discussion and it was felt this should be left up to the discretion of the Council President. Mr. Pelot discussed video taping meetings, and it was decided to leave this rule as it is for now. Mr. Braman mentioned Rule 202 Committee Work Session page # 6 and #7, it conflicts with page #4, as it pertains to public comment. Mr. Zita suggested removing the last sentence on page #4 and the first two (2) sentences at the top of page #7. Mr. Jones revisited Rule 112 Quorum and what constitutes a quorum for a Standing Committee. Mrs. Richards clarified that any Council member could call for a separate committee meeting and that this is different from the Committee Work Session. Mr. Zita added the sentence "*It is mandatory that all Council members attend*" under Rule 106 under Committee Work Sessions. Mr. Zita stated unless you need to take off you should attend, if you need to be excused you need to report off to the Clerk or the President. Mr. Zita stated in the past year it was questioned if you needed to attend the Work Sessions if you had nothing under your committee on the agenda that evening. Mr. Zita suggested changing the agenda layout for the Committee Work Session to move the Public Comment up to Item #III. This would allow all concerns from the public prior to our discussion. Mrs. Hlas stated she had no problem with this change, however she questioned how would we handle agenda and non-agenda items, and how many times would the public come to the podium and speak?. There was further discussion and it was felt that when the specific items are addressed whoever is the Chair of that committee is controlling the discussion, and they can call upon the resident at that time. Mayor Koontz questioned Rule #202 and asked if you are limiting the public comments to agenda items only during the Regular Council Meetings? Council agreed this would be the new format. Mr. Moss questioned the five-minute limit and the Rules do not clarify this. It was decided to clarify Rule #202 to reflect a one time opportunity to speak for up to five (5) minutes per meeting. Mr. Pelot suggested these changes be typed up and presented for review at the next Work Session.

Amend Ord. #2-2008-Ward Posting Locations

Mr. Pelot stated that Cleat's has closed their doors at least temporarily, and we are looking to appoint another posting location in Ward 1. Mr. Pelot stated that we are waiting for final approval for posting at the Duke and Duchess at St. Rt. 261 and St. Rt. 21. Mr. Jones stated that he spoke with Mrs. Richards and they discussed this location because it is open 24/7, and possibly Ritzman's Muffler as a second choice. Mrs. Hlas stated that Ritzman's is not in Ward 1. Mr. Pelot stated we would continue this at the next Work Session for final approval.

Ms. Charlotte Whipkey, a Norton resident, asked for clarification to the changes to Council Rules and when public comment was permitted. Mr. Pelot clarified that at a Council Meeting public comments are limited to agenda items only.

At a Committee Work Session you may discuss both agenda and non-agenda items and this section has been moved up on the agenda to Item # III.

Unfinished Business:

None

New Business:

Mr. Jones stated he attended the ribbon cutting ceremony at the new Metro Transit Center today. Mr. Jones stated there were approximately 400 people in attendance. Mr. Jones stated the grand opening is January 18m 2009 and they are looking at bringing Amtrack back to the Akron. Mr. Jones stated this was a very nice facility. Mayor Koontz added the concrete columns/arches were cast by Williams Concrete from Norton. Mr. Jones added they recycle the rainwater off the building to flush the toilets at the new facility.

Mayor Koontz announced the Norton Firefighters fundraisers to honor Luke Smolinski to help Luke receive a Seizure Alter Dog. The fundraiser is on Sunday, January 18, 2009, from 1-4 PM at the Community Center (see attached). Mr. Pelot added they will be holding a raffle and if anyone has something to donate, please contact the Norton Fire Dept.

Mr. McGlone commented about a large pothole on Greenridge Road that needs addressed, and Mr. Ryland stated he is aware of this and it will be addressed.

Mr. Zita stated for 2009 he would like to change the seating arrangements in Council Chambers, with adjusting the Ward seats along the outside and the three At Large seats in the center. Mrs. Richards' desk would also be moved over to where Mr. Ryland is currently sitting so she would have access to her office, and the copier during a meeting.

Public Comment-Non Agenda Items:

Mrs. Elaine Tompkins, discussed her concerns regarding the 2007 CAFR, stating we had problems with 2007 and preceding 2007; for instance the Capital Assets Account for 2006 was understated by \$2,343,591. It infers the start up amounts were wrong for 2007 and 2008. Mr. Moss was visible in helping uncover these errors and has been very quiet as to how they occurred. We have other errors the CAFR showed such as a net operating loss of \$80,000.00. Mrs. Tompkins has asked how this impacts documents reported to the County? Mrs. Tompkins had asked Mr. Moss what the reported ongoing Capital Construction of \$1,544,364.00 was, because she could find nothing that relates to this. Mrs. Tompkins suggested we look into the thought of recovering money from past auditors plus the State auditors. Since 2003 we have gone from \$12,000.00 every two years for audit costs, to \$35,000.00 to \$39,000.00 annually. We have found, with Mr. Moss's help that there have been errors. Tthese must be looked into and it misstates things to the general public and puts us into the position of submitting incorrect documents. Mrs. Tompkins indicated that she had asked Mr. Moss which Council members attended these meetings with the Auditors to go over these findings? Mr. Moss's only reply to her was that they were all welcome, but no one attended. Mrs. Tompkins suggested the Finance Chair at the very least should attend these meetings with the Auditors in the future.

Mr. Jones asked Mr. Moss about Mrs. Tompkins suggestion to recover the fees, and Mr. Moss stated this is something that needs to be referred to the Law Director. Mr. Jones asked for Mr. Moss to inquire with the Law Director regarding this. Mr. Moss indicated that he does not want to charge this expense against his budget. Mrs. Hlas stated that she would get with Mr. Moss and discuss this issue and report back to Council.

Topics for the next Work Session:

Set date for the Annual Workshop

Appoint Council Representative to the Norton Health Advisory Board.

Approve/Modify Council Rules

Amend Ord. #2-2008-Ward Posting Locations

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 7:10 PM.

Mike Zita, President of Council

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

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