



COMMITTEE WORK SESSION JUNE 1, 2009

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

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

The Committee Work Session convened on Monday, June 1, 2009, at 7:01 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.

Public Comment-Agenda and Non Agenda Items:

Mr. Gilbert Chaney, a Norton resident, spoke against the tax credit and asked if the city would be tearing up the center of town for the next few years? Mr. Chaney asked why do you do these things and have such hair-brained ideas when our country is going down the tubes? Mr. Chaney mentioned the Mayor's comments in the Norton Post article about residents needing to pay their fair share. Mr. Chaney stated his wife works in Green and she is paying her fair share, its just going to Green and there is no reciprocating, and now you are attacking my wife? Mr. Chaney stated we are heading for a revolution, people are starting to shoot people, its really starting to get bad out here. Mr. Chaney discussed the referendum petition and it going to the voters; that's what should have been done with it in the first place. You people don't run this country, we the people run the country. Mr. Chaney recited a section of the United States Constitution, which allows for the people to dissolve the United States Government for doing unconstitutional acts, and that includes all of you people.

Mr. Steve Kyer, of the MAD, spoke about comments at a recent meeting where a Council member wanted to hear from the residents on how they felt about the MAD and if they were happy with the service. Mr. Kyer stated the MAD sent out letters to all residents

recently with a return post card to get feed back from them. Mr. Kyer stated the MAD expected about a 2-4% return and after checking with the Clerk of Council it appears its more like 12-15% return. Some residents have commented to keep up the good work, and some did not know about spraying for special events. Mr. Kyer stated the reason they had the post cards returned to Council was they wanted Council to know how the community actually felt. Mr. Kyer stated this speaks volumes on the type of service the MAD provides. Mr. Kyer discussed comments raised that some residents did not like the way MAD was formed, it did not go to a vote of the residents, etc. Mr. Kyer stated that Summit County provides spraying to other communities and the costs are set by inside millage and nobody gets to have a say or a vote on that. Mr. Kyer discussed the services the city would be getting from Summit County, which is significantly less than the MAD provides. Mr. Kyer stated the County is simply a disease prevention program, and even then they attend to areas mostly on a complaint basis. Mr. Kyer stated the goal of the MAD is to reduce the overall mosquito population to less than ten (10) mosquitoes in a yard, and we measure before and after we spray to see what we are actually getting. Mr. Kyer stated that Summit County is mainly concerned with the health of humans, so if you have parvo virus in dogs and equine in horses, its not part of their mission.

Ms. Charlotte Whipkey, a Norton resident, stated she would like to see the city take steps trying to get us back on television, and suggested getting a contract with Time Warner. Ms. Whipkey stated its been asked before and she would also like to know what are we getting for \$2,000.00 a month from our Solicitor? He has been asked for a written opinion on the legality of the 2/3 vote on the tax credit legislation. There was not a 2/3 vote on it, he stated his opinion and said this is the way it is. We should not have to pay extra to get that opinion in writing, and it should be included in his \$2,000.00 monthly fee. He is the one who stated it so he should back it up. This request was made by one Councilperson and she hoped other Council members would also ask for this because some of the residents want this as well. Ms. Whipkey stated our Charter does not have that second paragraph concerning a 2/3 vote on emergency language that Mr. Kostoff had stated.

Mr. Dennis Pierson, a Norton resident, asked if we are paying the Law Director \$2,000.00 a month, then why has the city racked up \$70,281.00 in additional expenses? Why do we also have another law firm charging another \$175.00 per month, is this being a good steward of the citizens money? Mr. Zita reminded Mr. Pierson that this format is for communication from the public, we don't respond at this time. Mr. Pierson questioned who was writing the specifications for the new sewers, would the Mayor or his firm be involved, if so isn't that a conflict of interest? Mr. Pierson asked about departmental purchases for equipment; who decides when it goes to bid, is it a sealed bid, what is the limit, is this posted on the website or newspapers?

Mrs. Elaine Tompkins, a Norton resident, stated that two (2) meetings ago she asked for the status on the Johnson Meadows project and still has not received information. After five (5) years our money is still out there, we borrowed \$500,000.00 to assist with this project and to open up a road of 1030 feet. Mrs. Tompkins stated she has repeatedly asked how much interest has been paid and when will the city recover our money?

Mrs. Tompkins stated that she is aware the previous Finance Director was wise enough to ask them to bring in their receipts before we would reimburse them and that did save us about \$395,000.00. Mrs. Tompkins stated we are on the hook for about \$500,000.00 and this should be recovered with interest. Mrs. Tompkins discussed the proposed Charter amendments and suggested an additional one for Council attendance. Mrs. Tompkins stated there are two (2) standards in this city; if you are appointed to a board and you don't attend, you do not get paid. This same thing should be written at least into your Council Rules if not the Charter. We expect you as elected representatives to be here every Monday, and last week the Council meeting was cancelled for the first time that she could recall for whatever reason. Mrs. Tompkins stated that's your privilege because the Charter states you shall have at least one (1) meeting per month. Mrs. Tompkins noted that its in your own Council Rules and it also stipulates this on the web site state you will have meeting every Monday. Your responsibility when you take on an elected position is to be here, period.

General Topics of Discussion:

Ohio Consumers Counsel Presentation by Christopher Verich

Mr. Verich gave a brief overview of the services provided by the Ohio Consumers Counsel, and provided the attached handouts. Mr. Jones asked if their organization can assist residents with problems with their cable provider and Mr. Verich replied no, that is something that would have to come from the General Assembly. Mr. Jim Lino, a Norton resident, discussed all of the utility companies pushing for residents to cut back on their consumption and asked is there any guarantee they will not raise their rates? Mr. Verich replied there is no guarantee, and reminded the residents that the PUCO can also set rates for utility companies due to significant loss in revenues. Mr. Larry Perkins, a Norton resident, discussed a class action lawsuit with AT&T vs Cingular and asked if his organization could help him? Mr. Verich replied yes. Mr. Pelot questioned if they can assist with cell phone companies, and Mr. Verich replied no, that is federally regulated, we can only try but we will not have the same effect. Mr. Verich stated the Ohio Consumers Counsel's goal is to provide real world answers to your concerns about your utilities and other issues. Mr. Verich provided his local cell phone number of 330-620-0778 for contact information.

Charter Amendments

Mr. Pelot stated Council attempted to address these earlier this year, but the timing was too early to place them on the November 3, 2009 ballot and they were placed on hold. Mr. Pelot explained the first amendment deals with section 121.22 of the Ohio Revised Code, which gives Council the ability to discuss only certain issues outside a public forum. Mr. Pelot stated an example of this would be for appointing employees, dismissals, and disciplinary actions, etc. Mr. Pelot clarified that the provision only gives Council the right to discuss, not to vote on matters. Mrs. Tompkins stated generally she felt executive sessions are fine, but as this one is written, it is too broad and she opposed it. Mrs. Tompkins stated wages are paid with public dollars and should be discussed in the public.

Mrs. Tompkins took exception with Sections #1, 2 and 4, and felt it needs to be rewritten. Mrs. Tompkins stated you could accomplish the same thing by a morning conference call. It has been suggested in the past you have this so everyone knows what is going on in the executive and administrative level. Ms. Whipkey agreed with Mrs. Tompkins' comments, and she doesn't like it period, you don't need to have executive sessions. Ms. Whipkey stated since she has been coming to Council there has not been anyone being dismissed, disciplined, etc, all she has seen is someone getting a pat on the back. Most of these things have never come up in the 40-60 years and things still seem to get done. Ms. Whipkey stated at one point a member of the press even stated they were allowed to go back into the chambers with you and if you didn't allow them to attend they would report it. Ms. Whipkey stated she did not believe they are entitled to be in chambers with you or that there is such a requirement. Ms. Whipkey stated this is not necessary, how do we know what you are doing back there? We have already seen excellent examples of when you don't bring things out in front of the public like with the new fire station location, using the community center, etc. Mr. Jones echoed the previous speakers, and asked how many times have we tried this Charter change? Mrs. Hlas stated at least once that she recalled. Mr. Jones stated he agreed with Mrs. Tompkins concerns about taxpayers and they have a right to know what it's for and where it's going. It's like Mr. Pierson mentioned earlier about how much we are paying our Solicitor, and what his firm is costing this community. Mr. Jones stated that within the past year, our former Fire Chief was let go, and not many people knew about it. Mr. Jones stated that he was called in as well as other members of Council to voice their concern, and he ok'd it and agreed to it, but was not informed of all the circumstances of the situation. Mr. Jones stated he cannot support something like this, no way. Mr. Mowery stated the way things are today with our government and different branches, people want to know more about what is going on, not less. Mr. Mowery stated it is not that anyone is trying to cover anything up, but with money issues everything should be out in the public. Mr. Mowery stated he believes this went to the voters at least twice in the past and went crashing down, and it would go crashing down again. It's a complete waste of time. Mr. Jones questioned the amount it would cost the city if this goes on the ballot, and Mrs. Richards indicated it would be nominal because an election is already slated, however there would be advertising costs involved. There is mandatory advertising to run two ads, and Mr. Jones suggested the cost could be \$500.00 or more. Mr. Braman indicated he supports having executive sessions if used judiciously. Mrs. Hlas stated that you still have to follow the State law and you can only go into executive sessions for the (10) reasons allowed by law. You only have discussion, you can't vote on anything in executive session. You need to come back to your regular meeting and possibly take a vote. The only thing that is kept from the public is information that is special to the event that should not be available to the public, information that is restricted or confidential. This is something that is used all across the state, the school boards use it all the time and we would probably not use it very often, and she is in favor it. Mr. Zita said its been stated that we never needed it in the past and discussed Section 2, and the few instances where this could have been useful. The city had talked about purchasing property in the past and you cannot negotiate the best deal when the seller has the knowledge of what we have to spend and what we can offer. He is in favor of executive session and he asked the Charter Review Commission to take a look at this several years ago when asked for ideas.

Mrs. Tompkins discussed the recent establishment of a new board that can address recommendations of property purchases to you, and this seemed liked a duplication. Mrs. Tompkins stated that she knows you already do executive session stuff by email now and there doesn't seem to be a problem with it. You actually have it now, you are just trying to legalize it. Mr. Moss clarified the CIC is authorized to be formed, they have not been formed because we do not have a project that would finance it. Once it is formed, they have no legislative authority. The alternative to that would be the Business Development Task Force who brings information to the Mayor and they also have no legislative authority. Mr. Moss also noted that legislation cannot occur in an executive session, it must occur in an open meeting. Mr. Ryland added that this year we will have four (4) contracts with unions to negotiate and Mr. Jones has repeatedly been asking be on the floor where we are with those negotiations, and he cannot discuss it on public floor. If we had executive sessions where we could discuss this for five (5) or ten (10) minutes as a group, you would have a better idea where we are with things, and that is a benefit to all of you. Mr. Chaney stated the Federal Reserve is a bank cartel that is privately owned and they do everything in secret behind closed doors. They wont tell who owns it, what they are doing, etc. Mr. Chaney stated we have our own cartel right here in Norton, we have corruption going on. Just look up the definition of corruption, the first word is evil. You can't just do what ever you want, you are not going get away with it, we the people will see to it. Mr. Moss stated that one thing that could be discussed in executive session would be potential lawsuits and the facts and information would come to you before you read about in the newspapers. Mr. Moss stated this method would protect the interests of the citizens better. Ms. Whipkey stated the CIC would be doing their business behind closed doors and then they would bring it to Council. Ms. Whipkey stated that as far as contracts for union, there has been no discussion on Council floor so far, you use emails and your phones. Don't act like you have no other recourse besides going behind closed doors. Mr. Pelot moved to place this on Councils next agenda to go all three readings, seconded by Mrs. Hlas. Ms. Gayle Brenner, a Norton resident, spoke in favor of executive sessions. Ms. Brenner stated this is the best way for Council to discuss issues and know all the issues, know the best way to present things to the residents. Mr. Pelot stated executive session would improve communication, and keeps your elected representatives informed. Mr. Pelot stated that the Administration sometimes does not tell us everything because they cannot let it out on Council floor.

Roll Call: Yeas: Pelot, Hlas, Braman, Zita
Nays: Jones, Mowery

Motion passed 4-2.

Mr. Pelot discussed the Charter amendment authorizing the sale of municipal property. Mr. Pelot stated this gives the city the ability to sell off property no longer needed. Mr. Pelot indicated this would also be going to the voters on November 3, 2009. Mrs. Tompkins reminded them this issue and the last one would only go on the ballot if the 2/3 votes of Council approved it, or five (5) out of seven (7) would have to vote in favor of this. Mrs. Tompkins indicated she was not in favor of this one either because the city should not arbitrarily have the ability to sell city property.

Case in point is the property with the current fire station, and the rumors that we had potential buyers for that property. Mr. Ryland stated that you need to keep in mind that Council has the final decision of when city property is to be sold, and the methods and terms of the sale. Mr. Ryland indicated the reason this came up is when you first put items in storage for a potential auction, there may be some value to it. However when it sits for two (2) to three (3) years before the auction is held, it loses value. Mr. Ryland related to old computer monitors, and they become scrap, like last year when we sold them at .25¢. Ms. Whipkey complained that when this was first discussed it was supposed to relate to office equipment, monitors, etc, and now it does not state that. It could be for land also and this is too vague, there are too many loopholes. Ms. Whipkey stated if this were rewritten to state it is for smaller items and not big property she has no problem with that. Mr. Pelot reminded Ms. Whipkey that no matter what the item is, it still must come to Council before anything is sold and they also determine the method of sale. Mr. Jones stated that his brother has a large business and he gives his old monitors away to organizations, they are not worth much. Ms. Moss stated we do not have the authority to give anything away to charitable organizations. A program like that could be a good idea, and they could benefit from this, but Council has not given us this ability, it is either for sale or trashed. Mr. Pelot moved to add this item to Councils next agenda, seconded by Mrs. Hlas.

Roll Call: Yeas: Pelot, Hlas, Mowery, Braman, Zita
Nays: Jones

Motion passed 5-1.

Resolution of Necessity-Gardner Blvd. Phase III

Mr. Jones turned this discussion over to Mr. Ryland for the details. Mr. Ryland indicated that this Ohio Public Works project began in 2003 and for whatever reason we are just now getting this last section of waterlines in the Gardner Blvd. area. We are asking for the Resolution of Necessity to move forward. We are ready to move forward with the assessments and setting up a board to hear arguments from property owners, it's just a finalization of the project. Mr. Jones asked what the assessment amounts were, and Mr. Ryland stated the final dollar amounts, are yet to be determined. However, we do have the properties listed and their frontages. Mr. Moss noted it is listed in Section 6 to be spread over twenty (20) years and half of the project budget is paid from the OPWC grant, and the remaining half is assessed to the residents. Mr. Jones discussed the figures in Exhibit A and the averages of the property dimensions. Mr. Jones asked Mr. Ryland how quickly he would like to move on this and Mr. Ryland stated he would like to get the board together as quickly as possible, as OPWC is pressing to move forward on this project. Mr. Ryland questioned why it has taken URS Engineering so long to put this project together. Mr. Pelot discussed the OPWC funding and asked if there was a time limit if we don't move forward on this soon? Mr. Ryland indicated the OPWC grant money is sitting in escrow for this project. There is a time limit, the OPWC has asked where this project is and why the delay and we have assured them this project will take place this year or we will lose our money. Mrs. Hlas stated this is just one of many steps in the process, and Mr. Ryland agreed adding that this project would not get done until probably some time in September.

Mr. Ryland stated he would not ask for waiving of readings until we have the assessment amounts. Mr. Jones moved to add this to Councils next agenda, seconded by Mr. Braman. Mr. Ryland stated if by that time we have the assessment amounts he would ask that Council waive the second and third readings on Monday.

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

Motion passed 6-0.

Amend Code Sections 660.03 and 660.07

Mr. Braman stated that 660.03 cleans up the language and changed the notification process and better outlines the responsibilities of the duties of the Director of Public Service. Mr. Braman noted that Mr. Russ Arters, Supt. of Building & Zoning was present for any questions. Mr. Braman stated that one change is that it removes the Clerk of Council from having to notify the residents. Ms. Whipkey stated she would like to have a copy of what was changed. Mr. Whipkey stated this is not a timed issue so why is this presented with emergency language, seems like so many things are being passed with emergency language. Mr. Zita explained what when legislation is passed with emergency language it goes into effect immediately upon the Mayor's signature, if it does not have the emergency language then it sits for thirty (30) days before it becomes law. Ms. Whipkey rephrased her statement, she got the impression that you are going to waive the second and third readings, that's what she was referring to as an emergency, not the emergency clause. Mr. Zita stated this draft does not state we are waiving any readings. Mr. Zita stated waiving readings and emergency language are two separate issues. Mr. Braman stated that he realized there is nothing earth shattering here with either of these code changes, however the summer season is here and its time to start cleaning up the yards. Mr. Arters added that we brought this up mostly due to the home foreclosures and the mowing of yards. When people walk away and leave their property, they leave junk and this damages our mowers and equipment. The advertising method is a long, and expensive drawn out process, and the posting on the property is more efficient. Ms. Whipkey clarified that this is for outside of the property, and Mr. Arters concurred it has nothing to do with property maintenance. Mr. Jones noticed in this code amendment and the other one throughout the documents land has been changed to property, and asked for the reason. Mr. Arters stated he did not know the reason for the change, it's a question for Mr. Kostoff. Mr. Jones stated it was discussed two (2) weeks ago and he looked over it again this weekend. Mr. Arters suggested the change could be that people could own more than one parcel. Mr. Moss suggested that bags of garbage on the porch is not on the land, it is on the property. If you want to be able to clean it up you need to have language that allows that. Mr. Braman moved to place this on Council's next agenda waiving the second and third readings, with emergency language, seconded by Mr. Pelot. Mr. Jones stated he want more discussion on this, he did not want to place any burden on people, but on the other hand he talked to Russ today about a situation in his ward and would like to study it more. Mr. Braman stated this does not change the concept, it makes it easier to understand and enforce. Mr. Arters stated all we eliminated was advertising in the papers and now we are posting on the property.

Mr. Jones asked for the definition of litter, what that includes and Mr. Ryland replied it is stated in the code in Section A.

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

Motion passed 6-0.

Mr. Braman noted the few changes for Code 660.07 storage and disposal of motor vehicles; it changes land to property, changes registered or certified mail to certified mail, it removes publication in the newspaper, and it adds posting on the property, and registered mail after an impound is now required. Mr. Braman stated it is basically the same other than these changes. Mr. Braman stated he would rather just do three readings on this one. Mr. Jones discussed item 4 on page 2 "*when lawfully used under a zoning permit or conditional zoning permit*" and asked if this was added? Mr. Arters replied yes, this would be like for Bills Towing I-1 District under a conditional use. Mr. Mowery stated there was an issue on Gardner Blvd. with parking of trucks, and Mr. Arters stated that has been addressed under a separate ordinance relating to parking of commercial vehicles. Mr. Mowery discussed the time when the city was really trying to clean up junk vehicles and we had some of the towing services come in. Mr. Mowery stated he requested at that time for any resident needing help to contact them, and he did not receive any calls. Mr. Mowery stated this doesn't change the whole heart of what we wanted, it just changes the wording. Mr. Braman moved to place this on the Council's next agenda for a first reading only, without emergency language, seconded by Mr. Pelot.

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

Motion passed 6-0.

Amend Code Section 1440-Flood Map

Mr. Braman stated this issue deals with the flood insurance rating and we have to do this with the State so the residents can get flood insurance. Mr. Arters stated the flood maps have not been updated since 1982, and FEMA mandates require that the maps be updated by July 20, 2009. Mr. Arters stated the maps have been updated throughout the city, state and the county and is based on the 100 year, 500 year and 50 year flood plains. Mr. Arters stated that if this is not done by July 20, 2009, if a resident applies for flood insurance, they would not receive it. Mr. Jones asked if this would include the area of Barber Road, and Mr. Arters stated it includes the entire city, and the State of Ohio. Mr. Jones asked if we adopt this and with FEMA being involved, do the insurance companies have a right to refuse a resident flood insurance coverage? Mr. Arters replied no, not if Council adopts this. Mr. Moss added this not only affects the resident's ability to obtain flood insurance, it also affects our grant application process because we would have a lower priority without this. Mr. Braman moved to add this to Council's next agenda with emergency language, waiving the second and third readings, seconded by Mr. Pelot.

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

Motion passed 6-0.

Community Center Fees

Mrs. Hlas stated this has appeared on the agenda tonight for discussion because they had requested the figures from the Administration. Mr. Moss added that he did build the budget on expecting new revenue coming in which does not appear to be the case. We will need to revisit this area in the next general budget review. He would add discussion on that fund and what we should do.

Lighting for Columbia Woods Park

Mr. Zita stated the electric distribution was requested by Mr. Ryland and turned the discussion over to Mr. Ryland for the details. Mr. Ryland indicated we have been looking to add electrical service to the park. In talking with an electrical engineer we have discovered we are woefully inadequate with what we have. We have a 50 amp that is hooked up to a 60 amp breaker and we suffer a lot of voltage drops. We are starting to hold festivals and concerts in the park and we just can't do what we need to do at the park with what is there. Mr. Ryland indicated the engineering has been completed and we looked into a street lamp scheme which is too much money to do all at one time. We are asking Council for approval to move forward with the electric distribution for now. Mr. Zita stated that we used portable generators at the Cider Festival last year, and what was spent for those rentals would be a good down payment for the cost of the electric distribution. Mr. Pelot asked if this is for the whole project or just the engineering? Mr. Ryland replied the engineering is complete, it was all done for a couple thousand dollars. They have provided an estimate for four (4) transformers, replacing one existing transformer, and upgrading the lines to handle the amps required. Mrs. Hlas asked to have a copy of the cost breakdowns and the costs. Mr. Ryland stated the costs would be roughly \$100,000.00. Mrs. Hlas asked if we have the funding in place for that? Mr. Moss replied we have funding for park improvements in Columbia Woods and we will need to redirect some of those dollars, but we do need to see how the bids come in to know what we can and can't do. Mrs. Hlas asked right now do we have the sufficient funds to cover \$100,000.00 and Mr. Moss replied, yes. Mr. Jones questioned about the other parks throughout the community, and Mr. Ryland indicated it still allows for some of the plans in other parks to take place. This is more than we anticipated, and he did not know it was as bad as it is. One example is the small building at the end of this parking lot, the power to that building is being fed from the pavilion in the back instead of coming city hall. Mr. Ryland indicated it would still allow for the clean up at Frashure Park to take place, and maybe a pavilion. Mr. Pelot expressed his concerns that \$100,000.00 is sufficient to cover all of the power needs for the parks future uses. Mr. Ryland stated that this would be enough to do everything, except for lighting on the ball fields. Mr. Pelot suggested looking into doing at least the lines for lighting the ball fields now and Mr. Ryland stated that is not feasible at this time. The best way to light the fields would be to pull the power lines from the service garage. Mr. Jones questioned if the new lines would come in through Columbia Woods Drive and Mr. Ryland replied yes.

Mr. Mowery questioned the lighting on the tennis courts and that he recalled when that was done something was supposed to be put in place for future use or upgrades so that we could add on. Mr. Ryland indicated that might have been the case, but not for what we need to use it for now. Mr. Moss reminded everyone that we are adding new transformers here. Mr. Jones asked how long all of this would take and Mr. Ryland indicated a couple of months. Mr. Richard Easterling, a Norton resident, spoke about the solar panels on the city building which are not being used and he had asked Mr. Moss about this a few months back. Mr. Moss stated he has looked into this, we can still use the cells, however the technology has changed since this building was constructed. It needs to be redesigned and he has been looking into getting grant money to do that and for engineering. Mr. Zita moved to place this on Council's next agenda with emergency language waiving the second and third readings, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Cleveland Massillon Road Paving-Mill & Fill

Mrs. Hlas stated the Administration is ready for the repaving of parts of Cleveland-Massillon Road and turned this discussion over to Mr. Moss for the details. Mr. Moss indicated that we have the engineer's estimates and need to move forward. The funds are available to take care of the section from I-76 North to the Copley line at an estimated cost of \$435,000.00. Mr. Moss indicated we still would have the available money to do the repaving of Wadsworth Road, Greenwich Road and possibly Norton Avenue and Clark Mill Road as well as other smaller roads. Mr. Ryland stated that Hactor, Ora and Martin have already been done this year. Mr. Ryland stated this project will chase the water line going in along Cleveland Massillon Road, it is going North to the Copley line. Mr. Jones questioned about the paving on Summit Road up to the Copley line and Mr. Ryland indicated he is still having discussions with the contractor, we are not done with this project yet. Mr. Ryland indicated there is a similar project being done in Green and now that contractor is suing the City of Green for payment. Mr. Jones asked about Greenfall Road and Mr. Ryland stated there are ongoing discussions with Lytle Constructions about that job. They are stating there was 50 % adhesion and we believe this was not the case. Mr. Pelot asked about the recent development with open internet auctions and if this has any bearing with this project? Mr. Ryland indicated that the State has slipped it into a Bill with hopes that it passes. He was asking all of Council to contact our State Senators and tell them not to do away with this. We have used internet auctions four (4) times and have saved the city nearly \$600,000.00 from the engineer's estimates. Mr. Ryland indicated that if they vote to approve this Bill, we would have to go back to the old way of doing this by sealed bids, and we will lose ground. Mr. Ryland stated we have time to react to this, and Mrs. Hlas stated that the Bill has only passed in the House not the Senate. Mr. Moss clarified this Bill has passed in the House as the State Budget which is a deficit Budget. It is now being discussed this week in the Senate and they may propose a different version, which may be a deficit as well.

Mr. Moss indicated their subsequent revenue numbers generally come in higher and if so a conference committee would be formed to work out the differences. Once that is all worked out they will pass a Budget and if this provision remains, it would be unacceptable for the city to save money by this process. Mrs. Tompkins asked about the process of mill and fill. Mr. Ryland explained they grind off three (3) inches of road and fill in with new asphalt material. Mrs. Tompkins complained about the Dura-Patch equipment used to patch roads, stating it doesn't seem to have the right formula. Mr. Ryland stated the formula used is correct, it's the moisture content within the ground and the temperatures. Mrs. Tompkins stated you should know that before you do it. Mr. Moss indicated that the city is pressured to fix or repair potholes throughout the city even though we pay \$150.00 a ton for materials. Mrs. Hlas moved to add this to Council's next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

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

Motion passed 6-0.

Unfinished Business:

Mr. Jones stated that if we do not do something soon with some of the large holes Wadsworth Road, the city could have a liability. Mr. Ryland indicated that St. Rt. 261 from the Medina corporation line to Collier Road will have lane restrictions and this was just posted today. Mr. Jones indicated there is a very large hole west of his home on the south side that really needs addressed. Mr. Ryland indicated we are daily driving this area and anything that appears dangerous at 35 MPH is getting patched.

New Business:

Mrs. Hlas stated she would like to send a resolution to the Senators and the House of representatives to have the on-line auction removed from the current Bill. Mrs. Hlas suggested getting something together in time for Monday and discuss this during Committee of the Whole.

Mr. Zita addressed a few comments brought up earlier by the public earlier tonight: Johnson Meadows-Mr. Moss stated the answers have been given, apparently they are not acceptable. This is a five (5) year special assessment project. As of now about \$200,000.00 has been expensed and is due back to the city. The exact calculations are being done now as we speak by counsel, it is not \$500,000.00 as implied. This will eventually come to Council for legislation to wrap it up. Then special assessments will go onto their property taxes to be paid.

Law Directors Salary-Mr. Ryland stated we could break it down and see how it is being spent. Mr. Moss stated we call on the Law Director to do a lot more than what was done in the past. Mr. Moss stated Mr. Kostoff attends every Council meeting which is at least four (4) hours a month. He also is at city hall every Thursday for about three (3) hours.

When you add this all up he is here physically more than what \$175.00 per hour would buy, so we are actually getting a reduction. He is also available for phone consultation and that is not at an additional fee. Bond Counsel is clearly not included, nor is litigation, in any community. Mr. Jones noted that Mr. Kostoff attended a recent Committee meeting two (2) weeks ago, and questioned who asked him to attend? Mr. Ryland stated he is the one that asked Mr. Kostoff to attend that meeting and Mr. Pelot added that we do not owe Mr. Kostoff extra for that meeting.

Mayor Koontz's involvement with proposed sewer and water engineering-Mr. Ryland stated the Mayor takes great pains to abstain from voting on anything relating to contracts, engineering, etc. The Mayor would only review plans and will not have a vote. His firm is not permitted to submit a quote on anything that takes place in this city.

Bids for equipment purchases-Mr. Ryland indicated that we use the State bids listing for incidental equipment that we need. Mr. Ryland stated we have a \$15,000.00 and \$25,000.00 benchmark and anything above \$25,000.00 we bring it to Council. Mrs. Hlas stated something like shovels we would go to Ace Hardware.

Attendance at Meetings-Mr. Zita stated he brought this up at the beginning of the year, asking for all members if at all possible please come to as many meetings as possible. Mr. Zita noted the comment that if we don't come to a meeting we shouldn't get paid for it; all of us are on call 24/7 to the residents. If you need him you can call him. Because of work if I need to take a night off he felt he was entitled to do so and so is any other member of Council. We are not paid per hour, we are salaried. As far as the rest of the members if they need to be excused they can clear this with himself or the Clerk of Council.

Topics for the next Work Session:

Mr. Moss indicated he would like to have something on a public records policy that needs adopted, which would be consistent with our current practice. The only change would be to waive the fee for less than 10 copies. Mr. Moss stated he would also bring forward re-issuing a note for the Fire Dept. equipment rescue vehicle, we need to keep on track to eliminate this debt for next year.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:15 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.