

**COMMITTEE OF THE WHOLE MEETING
JANUARY 20, 2004**

Committee Members Present: Brenda Hlas
 Dennis McGlone
 Bill Mowery
 Scott Pelot
 James Price
 Mike Zita
 John Conklin

Administration Members Present Mayor Joseph Kernan
 Claude Collins (Excused)
 Jeanne Zerga
 Jeff Pritchard

The Committee of the Whole convened for a meeting on Tuesday, January 20, 2004 at 7:03 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by John Conklin, President of Council, followed by the pledge of allegiance and a moment of silent prayer.

New Business

Mr. Mowery inquired as to if the City of Norton has a tax requirement for lottery winnings. Mrs. Zerga stated that at this time we have no ordinance for this, and we really need to address this as soon as possible.

Mr. Price asked about the Bishop Motors building, and if this has ever been sold, or what the status is on this. Mrs. Hlas stated that the last time she knew, the price was \$960,000.00 about a year ago, and passed the contact name for GMAC on to Mr. Price to look into.

Mr. Pelot stated he would like Council to consider doing a resolution in support of the Akron-Summit County Library issue, and will address this in his section of the meeting.

Mr. Conklin stated that Ms. Zerga has informed him there are two issues involving the rolling of notes which need to be addressed tonight. Mr. Conklin stated that on our next Committee Agenda for February 2, 2004, we would be reviewing the 5 topics discussed at the Workshop this past Saturday, along with a presentation from CCA. Mr. Conklin stated that we will have a presentation from Summit County EPA at our February 17, 2004 Committee Meeting. Sometime in March, Mr. Conklin intends to have a presentation from Consumers Water, an agency that can set up trash and water billing. There was discussion as to setting up tours for the RITA and CCA Facility. Ms. Zerga stated she would make the arrangements, and it was decided that Monday February 9, 2004 would be best, starting with CCA in Cleveland around 1:30 then to RITA in Brunswick around 3:00 PM.

General Topics of Discussion:

Service

Street Department Materials

Mr. McGlone moved to add this legislation to Council's next agenda, using emergency language and waiving the second and third readings. Mrs. Hlas seconded the motion. There was discussion as to the type of materials used on Driftwood like in 2002 and how that road has held up so far, and Mr. McGlone asked to have Mr. Collins look into this. Mayor Kernan stated that the decision was made not to use this type of material again on curbed streets, and stated that he would have Mr. Collins report as to the condition of Driftwood. Mr. McGlone stated that we really need to do something about the road striping on Rt. #21 before someone is hurt.

Roll Call: Yeas: McGlone, Hlas, Mowery, Price, Pelot, Zita, Conklin
Nays: None

Motion passed 7-0.

Mt. Vernon Street Dedication

Mr. Price had some questions on the dedication process and asked Mr. Pritchard about this. Mr. Pritchard stated that the Engineer and Supt. of Public Service Departments have inspected the road. They actually walk the road making sure there are no soft spots, etc. They also make sure it was constructed properly, inspect the curbs, drainage, etc. before they accept the dedication. Our Engineer is satisfied with the construction and has approved the dedication. There was discussion as to the time frame, and how long this road would last before being included in a road program. Mr. Pritchard stated that there is a 2-year guarantee on workmanship of this road, such as wash out, etc. Mrs. Hlas questioned if Mr. Seal has complied with Summit County Dept. of Environmental Services with regards to the sewer line engineering. Mrs. Hlas stated she would rather wait on this dedication to confirm that Mr. Seal has complied with the County. Mr. price questioned if this is really time sensitive. Mayor Kernan stated that really, Mr. Seal is still on the hook with this issue because of the bond insurance still in place. Mrs. Hlas wanted the Seal engineering checked into to see where it is to date. Mr. Price moved to add this to Council's next agenda, waiving the 2nd and 3rd readings as an emergency, seconded by Mr. McGlone.

Roll Call: Yeas: Price, McGlone, Mowery, Pelot, Zita, Hlas, Conklin
Nays: None

Motion passed 7-0.

Safety

Mr. Mowery discussed some concerns from residents about “paper” streets on the map and that they are not an improved or dedicated road. Mr. Pritchard stated the reason for this is most likely an error on the GIS map, and that it is not recorded at the county. Mr. Mowery stated that on February 5, 2004, MADD is conducting a seminar in Smithville, and that Mrs. Tiddle from the High School who is also in charge of SADD, would be attending. The costs of the seminar is \$850.00. Mr. Mowery stated that this presentation is what he would like to go to the School Board for review. The City and the School Board are not required to pay for the seminar. Any members of Council are also welcome to attend. Mr. Mowery stated that the Summit County Community Health Board will be holding an in-door open at Chapel Hill Mall this weekend. This would give kids an opportunity to be with others from the area. They have many activities planned, such as indoor golf, and lost of other fun programs.

Personnel/Rules:

Mr. Zita discussed doing resolutions in support of Karen Miller and Scott Pelot for their service on the Planning Commission. Mr. Zita moved to place legislation on Councils next agenda, seconded by Mrs. Hlas. Mrs. Hlas stated she would like these two to be framed like we did in the past. The Clerk indicated that we do have plaques remaining for this purpose.

Roll Call: Yeas: Zita, Hlas, Mowery, McGlone, Pelot, Price, Conklin
Nays: None

Motion passed 7-0.

Mr. Zita moved to place a resolution in support of the School Levy on Councils next agenda, seconded by Mrs. Hlas. Mr. Zita stated he spoke to the School Board President, Laura Lioni and discussed having a tangible certificate to post in the school. Mrs. Hlas stated the last time they posted this on the school web site.

Roll Call: Yeas: Zita, Hlas, McGlone, Mowery, Pelot, Price, Conklin.
Nays: None

Motion passed 7-0.

Mr. Zita moved to have a resolution appointing Mr. Mowery to the Norton Health Advisory Bard, seconded by Mrs. Hlas. Mr. Zita stated this would be to fill the vacancy of Janet Jacobs while she served on Council.

Roll Call: Yeas: Zita, Hlas, McGlone, Mowery, Pelot, Price, Conklin
Nays: None

Motion passed 7-0.

Personnel/Rules Continued:

Mr. Zita moved to have a resolution in support of the Akron-Summit County Library Levy on Councils next agenda, Mr. Pelot seconded the motion. Mr. Price stated that in his mail he has an endorsement form and maybe we could have a representative here to speak at a Council meeting in the future if we feel necessary. Mr. Price thought it would be a good idea since we have the Public Access Channel. Mr. Conklin stated that we could make arrangements for this. There was discussion as to the turn around time, and Mrs. Campbell stated that she only needed 24 hours to get this to Time Warner. Mrs. Hlas suggested we set this up closer to the election date.

Roll Call: Yeas: Zita, Pelot, McGlone, Mowery, Pelot, Price, Conklin
Nays: None

Motion passed 7-0.

Finance:

Mr. Conklin discussed the two items added to the agenda. Mrs. Zerga explained the need for this legislation. We have two notes due on February 20, 2004. The first one is an equipment note for \$150,000.00, with principal amount of \$300,690.00 and the other is for the Johnson Road Water Line note for \$177,000.00, with principal amount of \$177,543.73. There are two pieces of legislation, but we will be combining the two notes for one year, with interest rates from 2.09% to 3.0%. Mr. Conklin Moved to add Ordinance #9-2004 Equipment Note to Council's next agenda, waiving second and third, as emergency, seconded by Mr. Price. Mrs. Hlas asked how many more years could we do this? Mrs. Zerga stated we have a total of 10 years, we have 8 years left on the note for Johnson Waterline, and 9 years left on the equipment note. After 5 years, you do need to begin paying down the principal. Mrs. Hlas asked if Mrs. Zerga though we would be going to bond on these notes and Mrs. Zerga stated she did not, she intends to continue paying down.

Roll Call: Yeas: Conklin, Price, Hlas, McGlone, Mowery, Pelot, Zita.
Nays: None

Motion passed 7-0.

Mr. Conklin moved to add Ordinance #10-Johnson Road Waterline to Council's next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Price.

Roll Call: Yeas: Conklin, Price, Hlas, McGlone, Mowery, Pelot, Zita.
Nays: None

Motion passed 7-0.

Finance Continued:

Mr. Conklin discussed the 800 MHZ radio and stated that Chief Ramsthaller was present to discuss this. Chief Ramsthaller stated this would be a starting process, to work with Barberton because they currently have the guts of the system. If we were required to do our own system it would cost at least one million dollars. The total cost could be over \$400,000.00. The initial set up fee is \$20,000.00. Mrs. Hlas had several questions about the contract, and what happens 10 years from now. There were discussions about how Barberton has handled other contracts with Norton. Mayor Kernan suggested that what we could do is have a first reading only at the next Council meeting, and we could have Mr. Collins review the contract terms in detail and report back to Council with his suggestions. Mr. Conklin moved to place this on Council's agenda, seconded by Mr. Price.

Roll Call: Yea: Conklin, Price, Hlas, McGlone, Mowery, Pelot, Zita.
 Nays: None

Motion passed 7-0.

Mr. Conklin discussed Ms. Zerga's request to amend the current Transfer ordinance. Ms. Zerga stated that there are five funds with a negative balance and needs a transfer from the General Fund for a one time only, which would help monitor the funds in 2004. The reason being is that the 2004 Budget does not provide funding for these shortages in funds with a negative balance, and she does not anticipate revenue coming in to correct this. Mr. Price asked how these funds got in the red in the first place. Mrs. Zerga stated that the 1st one is the Service Dept, with carryover from 2002 into 2003 such as salt bills. The Community Center and Historical House have a negative balance because they do not generate enough revenue to cover their operating expenses. The Storm Water Sewer Fund, there is a negative balance due to the agreement that the City has to partake in. In the Sanitary Sewer Fund there is a negative balance, due to a portion of Barber Road. Mrs. Elaine Tompkins questioned if this is proper, and stated it conflicts with our Charter, which states transfers shall be done only at the end of the year. Mrs. Zerga stated that what she is asking for is a piece of legislation that would allow her to make this one time transfer from the General Fund. Mrs. Tompkins stated this still is not in compliance with the Charter. Mrs. Tompkins stated decisions need to be made carefully in reference to 2003 and before the audit is done, since the 2002 audit was so bad. Mrs. Zerga stated this has nothing to do with the 2003 audit. Mrs. Tompkins stated that every department overspent their budgets last year, adding that the City is on report for deficit spending last year. Mrs. Tompkins asked about having a loan or an advance from the General Fund, which is different than a transfer which, is permanent. There is a difference here.

Mrs. Zerga stated that in order for us to say this is an advance, we have no way of repaying this back on the income tax transfer. Mrs. Zerga stated that what was explained to her by Mr. Lyons that once the 2004 Budget was passed, she could transfer a portion of that at the end of every month, or she could do this at the end of the year, or every quarter. Mrs. Zerga stated she would like to make that report monthly. Mrs. Tompkins stated that she has asked the Clerk to look into when and how the income tax was designed. Mrs. Tompkins stated that she understood that it was designed at 50% for the General Fund, up to 45% for Capital Improvements, and 5% for Street Lighting Fund, and wondered why Mr. Lyons would state that we could close this fund. Mayor Kernan stated the idea here is so that Council has more timely information regarding the finance of the city more often, not in September when we have no choice. Mr. Conklin moved to have legislation prepared for a one time General Fund Transfer for Council's next agenda, seconded by Mr. Pelot.

Roll Call: Yeas: Conklin, Pelot, McGlone, Mowery, Price, Zita, Hlas

Nays: None:

Motion passed 7-0.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:33 PM.

John Conklin, President of Council

Date approved: January 26, 2004

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ARCHIVED IN THE CLERK OF COUNCIL'S OFFICE. ****