



**COMMITTEE OF THE WHOLE MEETING
OCTOBER 18, 2004**

Committee Members Present: Brenda Hlas
Dennis McGlone
Bill Mowery
Scott Pelot
James Price (Excused at 7:37 PM)
Mike Zita
John Conklin

Administration Members Present Mayor Joseph Kernan
Claude Collins
Jeanne Zerga
Mike Lyons
Jeff Pritchard

The Committee of the Whole convened for a meeting on Monday, October 18, 2004 at 7:04 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.

Committee of the Whole General Discussion:

Mr. Mowery stated that he has been advised that the Barberton Health District cancelled all of the flu clinics, due to shortages in the vaccine. Mr. Mowery indicated that there is another meeting regarding the Bridgeway Homes tomorrow night at 7:00 PM at Sharon Township hall. Mr. Mowery stated that he would report those discussions at the next Council Meeting. Mr. Mowery indicated that he would be working with the Clerk to get the letter and resolution on the way to the officials involved. Mr. Mowery stated he attended the town meeting regarding Issue #40, there was a lot of discussion, and not very many residents turned out. Mr. Mowery spoke about the school issue, and stated that a lot of residents want to see Dr. Calinger at our Council Meeting, and to come forward and speak about the facts and issues. Mr. Mowery stated he would contact Dr. Calinger and personally invite him.

Mrs. Hlas stated that she was not able to make it to her own income tax town meeting, but thanked Mr. Conklin, Mrs. Zerga, Mr. Pritchard, Mr. Mowery, along with some of the employees and businesses for attending. Mrs. Hlas stated that she just attended a Barberton School Board Meeting, and Scott Bennington-Assistant Director of Finance and Management Services from the Ohio Dept. of Education was there. Mr. Bennington spoke regarding the differences between fiscal caution, fiscal watch and fiscal emergency. Mrs. Hlas stated that the Barberton Herald was there, and expects to see an article in the papers about this meeting.

Mr. McGlone discussed the legislation for the Mosquito District, and if this is still going all three readings. Mrs. Hlas stated that the reason it is not on the agenda tonight is probably due to the tour this Friday. Mr. Conklin inquired from the Clerk as to where Barberton Council is with their legislation. The Clerk indicated that they have already had their second reading, and the third reading is still pending.

Committee of the Whole Discussions Continued:

Mr. Conklin discussed the school levy issues, and moved to add Item G to tonight's agenda for a Resolution of Support for Issue #40, seconded by Mr. Price. Mr. Conklin stated that since Mr. Price will be leaving around 7:30 tonight to attend the concert at the school, we will address the finance issues on the agenda first.

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

Motion passed 7-0.

Mrs. Hlas stated that we should also do a Resolution of Support for the School Levy Issue #79, as we have done in the past. Mr. Conklin moved to add Item H to tonight's agenda, seconded by Mrs. Hlas.

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

Motion passed 7-0.

New Business:

FEMA Account:

Mrs. Zerga stated that this account must be set up in for the tracking of the FEMA money the city expects to receive, this will also set up an appropriations account. Mrs. Zerga indicated the total amount we should receive is \$19,800.00. Mr. Price moved to place legislation on the next agenda with emergency language, waiving the second and third readings, seconded by Mrs. Hlas.

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

Motion passed 7-0.

Bank Depositories:

Mrs. Zerga stated that she would like to add Fifth Third Bank and Sky Banks to the listing of banks to choose for the city's investments. Currently we can use either Bank One or First Merit. Mrs. Zerga stated that when she was researching bank rates, Fifth Third had a higher interest rate. This legislation would add these two banks to the list, and all of bank agreements expire in March 23, 2006, and agreements are done every five years. Mr. Price moved to place legislation on the next agenda with emergency language, waiving second and third readings, seconded by Hlas.

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

Motion passed 7-0.

New Business Continued:

Issue #40- ½ % Income Tax increase:

Mrs. Hlas moved to place this legislation on the next agenda, seconded by Mr. Zita.

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

Motion passed 7-0.

Issue #79-2004-School Levy:

Mrs. Hlas moved to add this legislation to the next agenda, seconded by Mr. Zita

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

Motion passed 7-0.

Stoneyck Phase I-Final Plat:

Mr. Pelot discussed this issue, adding that they have complied with all of the requests, and the only stipulation was that cost estimates must be completed by a registered engineer, which has been done. Mr. Pritchard agreed that all is in place, the sanitary sewers are almost in, and they are working on the storm water issues. Mr. Pritchard stated that the roads are next. Mr. Pelot moved to place legislation on the next agenda, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Johnson Meadows Time Extension for Final Plat:

Mr. Pelot stated that there have been a few delays on the project, and they may be unable to make the November 26, 2004 deadline. The Planning Commission has approved this request for a one-year extension. Mr. Pelot stated that the developer has indicated they are very close to the deadline. Mr. Pritchard stated that the road bids are just about ready, probably will go out for bid through the city next month, and initiate construction in the spring of 2005. Mr. Pritchard also noticed a typo on the agenda; it is a Final Plat, not Preliminary plat. The clerk has noted the correction. Mr. Pelot moved to have legislation on the next agenda with emergency language, and waiving the second and third readings, seconded by Mrs. Hlas.

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

Motion passed 6-0.

New Business Continued:

Panther Property-Preliminary Plat:

Mr. Pelot stated that the Planning Commission has approved this request to divide the 22.44 acres create six buildable lots. Mr. Pelot moved to place legislation on the next agenda for a first reading only, seconded by Mrs. Hlas. The Clerk stated that there is a requirement for a Public Hearing, and that she would try to get the notice to the Barberton Herald for this week's edition. If the notice gets in the paper in time, the second reading and the Public Hearing could occur on the November 8, 2004 Council Meeting.

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

Motion passed 6-0.

Council Rules:

Mr. Conklin stated that he would like to pass on this subject tonight since Mr. Price was not present. It was discussed that this item should be first on the next Committee of the Whole agenda.

Mayor Kernan spoke about the Resolutions of Support for Issues #40, and #79, but felt that we should also do a Resolution of Support for Issue #39, which is the S Corporation. Mr. Pelot confirmed with Mrs. Zerga that this is NOT a new tax. Mrs. Zerga explained that this was correct. This would continue to allow the city to collect taxes on S Corporations, and must be approved by the voters in order to do so. Mrs. Hlas moved to have legislation prepared for the next agenda, seconded by Mr. Zita.

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

Motion passed 6-0.

Old Business:

Summit County Dog Warden Contract:

Mrs. Hlas mentioned that this request was received on October 4, 2004 and wanted to discuss this now. Mr. Collins indicated that we are still operating under the old contract. There was discussion as to the increase in the fees, and that maybe the increase was too much. Mr. Collins stated that he could go back to them and see if they would agree to a compromise, and report his findings back to Council. The memo from Summit County states that our contract will be terminated on December 1, 2004. It was the decision of all council that we would have three full readings, and emergency language, and we would still have until December 1, 2004 to adopt the legislation. Mrs. Hlas moved to place legislation on the next agenda for a first reading only, seconded by Mr. Pelot.

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

Motion passed 6-0.

Old Business Continued:

Mr. McGlone stated that the Wrobel Park Property is still listed on the Matters Referred. Mrs. Hlas stated that she does not want to remove it, and that maybe we could change it to “under consideration” instead of “needs to be removed”

Mr. Pritchard discussed the Stonewyck Phase I development and the fact that four lots (#36-#39) in the development will require a grinder pump and a forced main to connect into the sanitary sewer. Mr. Pritchard stated that he has an agreement from Lemon & Lemon that will need to have approval before we sign this agreement. Mr. Pritchard stated that he would forward a copy of this agreement to Council for review at the next Committee of the Whole Meeting.

Settlement for pending litigation:

Mr. Lyons indicated that he distributed a Confidential-Attorney-Client Communication to all of Council earlier this evening. We have a proposal offer to recover \$21,333.00 or 2/3 of the full claim and it was discussed that this may be the best way to resolve this issue. It may not be beneficial to drag this settlement on and incur more expenses in legal fees. Mr. Lyons indicated that Council would need to take formal action in order to accept this settlement. Mayor Kernan stated that he was comfortable with this offer, and felt we should accept it, Mr. Collins and Mr. Lyons agreed with Mayor Kernan’s statements. Mrs. Hlas moved to have legislation placed on the next agenda with emergency language, waiving the second and third readings.

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

Motion passed 6-0.

Mr. Conklin discussed the Barberton Health Department potential increase for Inspection Fees. There will be a Public Hearing on November 10, 2004 here in Council Chambers at 7:00 PM.

Mr. Pelot mentioned the Mosquito District, and the fact that were to receive more information from Barberton Health District regarding the potential savings, the findings of the study. We still do not have any information. Mr. Pelot reflected to another agreement we have with the City of Barberton that still comes back to haunt us from time to time. Mr. Pelot felt we need this information before forming the district. Mr. Conklin stated that maybe this should be done in writing to Mr. Harrison, and directed the Clerk to take care of this as soon as possible. Mrs. Hlas indicated there is a whole list of information that we asked for and still do not have, which should be included in the letter. Mr. Conklin added that the letter should state that Council would postpone the third reading of the Mosquito Control District until it has all the facts before them.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:24 PM.

John Conklin-President of Council

Date approved: October 25, 2004

*****THESE MINUTES ARE NOT VERBATIM. THE AUDIOTAPE WILL BE ARCHIVED
IN THE CLERK OF COUNCIL’S OFFICE***