



**COMMITTEE OF THE WHOLE MEETING
FEBRUARY 17, 2004**

Committee Members Present: Brenda Hlas
Dennis McGlone
Bill Mowery (Excused part-way)
Scott Pelot
James Price (Excused part-way)
Mike Zita
John Conklin

Administration Members Present Mayor Joseph Kernan
Claude Collins
Jeanne Zerga
Jeff Pritchard
Sonja Geyen-URS Engineering

The Committee of the Whole convened for a meeting on Tuesday, February 17, 2004 at 6:30 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-Topics of Discussion

Mr. Conklin opened the meeting with the presentation by Mr. James Bennett, Chairman of the Equalization Assessment Board, who read the report from the Board Members on the Tallwood Assessment Project. Mr. Conklin asked for anyone who wanted to address Council to sign in on the sign in sheet and they would be called to the podium one at a time. Mr. Fabian Donnett came forward and spoke about his drive way issue, and asked Ms. Geyen if it was possible to save his newly constructed driveway by boring underneath it. Ms. Geyen indicated that it may be possible, for an additional cost to either the City or Mr. Donnett, and she would research this. Mr. Conklin asked for a response to Council in writing. Mr. Marsek spoke and asked about the previous ordinances and why this is not in effect now, and how can this be fair for the residents who have already been paying double their share to have to pay more. He and other residents are opposed to Council opening up their wallets and taking more money out of their pockets without neither their input nor knowledge. Mr. Collins interjected stated that they indeed may have been paying more than their fair share, but those payments have gone strictly to Barberton, and not one cent has been paid to the City of Norton, and now the City must complete the upgrades. There was discussion as to the change in pressure coming from the new lines into the homes, and if the residential lines could handle the pressure. Ms. Geyen indicated that the residents would benefit from an increase in pressure, and there would be no decrease in pressure. Ms. Geyen also indicated there would not be a need to repair or patch the lines anymore, with this upgrade it would not be necessary.

Committee of the Whole-Topics of Discussion continued:

Mr. Pritchard indicated that in fact Barberton may be billing these residents for the water, but Norton actually owns the lines within the city limits and we are required to pay for the repairs every time they break, and we did not receive any money from Barberton to make these repairs, it was at our own expense. Now we have Issue II money to assist the residents to help pay for this needed upgrade, and the average homeowner is only looking at \$10.52 per month on their taxes. There is no other way for the City to upgrade now without this Issue II money. Mr. Pritchard indicated to Mr. Marsek that maybe he should be addressing the Barberton City Council about the fees they have paid to Barberton for so many years in the past, without any guarantee of improvements. Mr. Pritchard stated that it's the developers who negotiate with Barberton not the City of Norton. Mr. Mowery suggested that maybe Mr. Pritchard should go to Barberton and help with the negotiations for these residents. Mr. Mowery added that the City of Norton needs to maintain what is best for its residents. Mr. Pritchard indicated that we have not been sitting on our hands, and we are willing to do whatever it takes when it comes to negotiations. Mr. Pritchard stated that until August of 2003, the City of Norton didn't even have it's own utility fund to offset the costs of utility upgrades, even though we have been a city since 1969. Mr. Pelot stated that there is also a safety factor involved. Right now if there was a fire in this neighborhood and your house burned down because we could not pull enough pressure to put the fire out, you would be coming after the city. Mr. Pelot stated that the Barberton Water & Sewer Agreement was executed several years ago by previous Council and Administration, and he felt it was a joke and should have never been signed or executed. This city has to have infrastructure, and Barberton is getting rich at the expense of the Norton residents. Infrastructure and upgrades to existing infrastructure, you have got to start somewhere, and what better way than to offset the costs with Issue II money. Mr. Mowery questioned Ms. Geyen about the pressure issue and the potential for residents to pay additional expenses if their residential systems cannot handle the new lines. Ms. Geyen stated that this could be possible and would be a case by case scenario and it would also depend on the length from the road. Ms. Geyen estimated this could be a couple of hundred dollars to a couple of thousand dollars, depending on the situation. Mr. Mowery indicated that a pressure adjustment valve could be installed to alleviate this problem. Mrs. Hlas moved to accept the report issued by the Equalization Board, and place this on Council's next agenda, seconded by Mr. Zita. Mr. George Tomko spoke about the Barber Road trunk line benefit and how much it cost him, and that out of all the money the City of Barberton received from him, Norton got a whopping \$230.00. Yes, it may seem unfair and it hurts, it hurts a lot, but you've got to have infrastructure.

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

Motion passed 6-1.

Committee of the Whole-Topics of Discussion continued:

Pastor Guarnieri of The Fathers House, located at 2983 Wadsworth Road, Norton asked Mr. Pritchard how the residents of Norton could help him address Barberton in the negotiation process. Mr. Pritchard indicated that we are currently in the very early stages with Barberton and this will take many months to work out, and certainly any input from the residents would be beneficial. Mr. Pritchard indicated there has always been this wedge between Norton and Barberton, and that we need to demonstrate from our end that we want to promote growth from both communities. Pastor Guarnieri stated he would work on a letter and present it to the Administration for proper content before passing it along to Barberton.

Mrs. Brenda Beck of Tallwood Drive spoke in favor of this improvement, and asked how long before the work would begin? Mr. Collins indicated it would be about 60 days before the actual construction would start, it still has to go out for bids to see who would get the job.

Mr. Dwayne Carder of 487 Tallwood Drive spoke and stated that he **believed he is the only one on Tallwood that is not on this water line**. Mr. Carder asked if there would be any costs to him down the road a ways, **such as a tap-in fee**. Mr. Collins indicated that he is already a connected customer and Norton would not be charging him any tap in or access fees. Mr. Carder stated he is all for this water line improvement.

Mayor Kernan stated that as a city we need to grow, and that maybe this process was not handled the best as it could have been. We can learn from this process, what works and what does not. No one likes to pay taxes, however they are a necessity in life. Issue II funds will help with this project; otherwise it would be twice the amount we are looking at right now. If we pass on this funding, the next time the City of Norton asks for Issue II money, they State of Ohio will not give us the money.

New Business

Mr. Conklin introduced Mr. Keith Reily of the Northeast District of Ohio EPA. Mr. Riley gave a brief power point presentation of the efforts in Water Quality Maintenance Planning. There was discussion as to the improvements in our environment since the standards have been set. Mr. Conklin asked Mr. Pritchard if the City of Norton is currently participating in this program, and Mr. Pritchard stated that he has been involved with this plan since the day he was hired as the Planning Director.

Mrs. Vivian Hutchison of the Grenfall Road Action Committee had asked Mr. Conklin if she could address Council this evening, and with no objections Mr. Conklin allowed for her to proceed. Mrs. Hutchison explained that she has read the Cancer Cluster Study report prepared by Mr. Bob Indian of the State of Ohio Board of Health and does not agree with it, citing several errors within the report. Mrs. Hutchison read a letter they sent to Mr. Indian, (see Exhibit A-attached to the minutes).

After Mrs. Hutchison read her report, Mr. Conklin called for a 10-minute recess at 8:16 PM.

At 8:26 PM, Mr. Conklin reconvened the Committee of the Whole meeting back into session.

NEW BUSINESS CONTINUED:

Personnel/Rules:

MPO-Master Personnel Ordinance

Mr. Zita turned the discussions over to Mayor Kernan and Mrs. Zerga for an overview. Mrs. Zerga gave an overview of the 2004 Budget as adopted by Council with 3-½ % pay increase for the Law Director. Mr. Pelot questioned if this was for hourly or salary, and Mrs. Zerga indicated that this was salary. There was discussion as to what if Mr. Lyons exceeded his hourly rate on a particular case, and we went beyond the set amount. Mrs. Hlas asked what would we do if we went above the amount and where would the funding come from? Mayor Kernan indicated that we would either have to find the funding or work on any particular litigation would have to cease. There was discussion of the 3 ½ % increase was within out 2004 budget, and Mr. Price asked Mr. Collins what kind of job is Mr. Lyons doing for the City. Mr. Collins stated that Mr. Lyons is always available to him and commented on his work product, echoed by Mrs. Zerga and Mr. Pritchard. Mr. Pelot stated that he was comfortable with going 3-½ % increase for both the salary and hourly ranges, and all agreed with this.

Summer Parks Recreation Assistant

Mrs. Hlas questioned to the potential of raising the fees to participate in this program, and felt that \$10.00 was extremely cheap. Mr. Collins indicated he is working on increasing these fees and when completed, they may very well be 4-5 times higher than in the past. Mr. Collins added that the current 2004 Budget does allow for a 3-½% increase in pay for the Director and her Assistant. Mr. Zita suggested to add the assistant to the MPO as requested.

Account Clerk II-Authorized Strength Ordinance Change

Mrs. Zerga indicated that right now the position is a Secretary II, which she does not require, and this person has been doing the job of an Account Clerk II all along. In fairness to the current staff and for any future appointments, she and Mr. Collins are requesting this change. This title change would also mean a slight increase in salary, which would not become effective until the normal probationary period has passed. The increase would be about \$1.13/hour. Mrs. Zerga indicated this salary increase is not within our 2004 Budget, and would be at least 4-5 months before it would be effective.

Account Clerk II-Authorized Strength Ordinance Change continued:

Mrs. Zerga indicated that she believes the overtime in the budget could cover this difference. Mr. Collins stated there are some changes to the Mayors salary, Councils, and he would like to adjust the top and bottom ranges 3 ½ %. Mrs. Hlas stated she wanted to leave the ranges where they were, and there was discussion to keep the ranges current. Mr. Collins stated he would re-work the information discussed this evening. Mr. Zita moved to place all of the changes discussed to the MPO on Council's next agenda, waiving the second and third readings, as an emergency, seconded by Mrs. Hlas. Mr. Collins added that since he brought these suggested changes to Council, there has been one additional request from the Police Department for a part-time officer pay increase, who is non-bargaining, to raise the salary 3 ½% to \$12.99 per hour. Mr. Collins indicated that Chief Carris highly recommended this evaluation and was in favor of this increase in pay.

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

Motion passed 6-0. (Mr. Mowery had been excused)

Part-Time Fire Fighters Contract

Mr. Collins discussed the contract and reviewed the information contained within. Mr. Collins suggested that Council also approve this contract as submitted. Mr. Zita moved to accept the contact and add this to Council's next agenda, seconded by Mrs. Hlas.

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

Motion passed 5-0. (Mr. Mowery & Mr. Price had been excused).

Agricultural Districts

Mr. Pelot discussed the Resolutions from the Planning commission, and agreed with their findings. Mr. Pelot discussed the applications that were denied. Mr. Pelot explained that on the application from Norman Kendall, this whole application is confusing. As far parcels #4601105, #4607369, are not even his property and for parcel #4608192 part of lot #46 has a garage converted into family dwelling, which is not even zoned for this use. Lot #57 technically lies within the Barberton City limits. Mr. Pelot stated that the application from Mr. Dale Adams lists two parcels, and the Planning Commission has denied the one on 4065 Swain Road. There were further discussions as to the remainder of the applications, and Mr. Pelot moved to accept Resolutions #3-2004 thru #9-2004 as submitted, and place these on Councils next agenda, seconded by Mr. McGlone. There will be a Public Hearing for these applicants at the February 23, 2004 Regular Council Meeting.

Agricultural Districts Continued:

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

Motion passed 5-0. (Mr. Mowery & Mr. Price were excused)

Subdivision Regulations:

Mr. Pelot indicated that at the last Council Meeting this Ordinance #2-2004 was tabled at the request of Mr. Mowery because he felt that all of Council needed more time to review this document. Mrs. Hlas indicated that she initially had a few questions, but had discussed them in detail and all have been addressed except one issue. Mrs. Hlas wanted to amend Section 1231.01 page #7 she would like the Planning Director to also notify Council of the applications and their dispositions. All members present agreed to this slight change. Mrs. Hlas moved to place this on Councils next agenda, seconded by Mr. Pelot.

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

Motion passed 5-0. (Mr. Mowery and Mr. Price were excused).

Tax Ordinance:

Mrs. Zerga explained the need for this legislation and had asked Mr. Lyons to draft the legislation. There was discussion as to include any lottery winning proceeds with an effective date of January 1, 2004. Mrs. Zerga stated that with this ordinance any person owning rental property in the city would be required to submit a list of their tenants. There was discussion as to why Mr. Lyons did not indicate a limit as to the dollar amount, and Mrs. Hlas wanted to have Mr. Lyons input on this. Mrs. Hlas moved to place this item on Councils next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Zita.

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

Motion passed 5-0. (Mr. Mowery & Mr. Price were excused)

Police & Fire Disability Fund:

Mayor Kernan asked to pass on this item, as he is still working on the terms in the legislation.

Bills Towing Contract:

Mr. Collins indicated that he has worked up an agreement with the owner, and the contract would take effect on April 17, 2004 at midnight. The cancellation notice for Barberton Auto Wrecking has been filed. There was discussion as to the terms of this contract, and Mayor Kernan indicated that this is an open-ended contract, and it could be cancelled at any time with a 60-day prior notice. Mr. Pelot stated that he though this was a great agreement and we are going with a Norton Business. Mr. McGlone moved to place this on Council's agenda, waiving the second and third readings but not as an emergency, seconded by Mr. Pelot.

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

Motion passed 5-0. (Mr. Mowery & Mr. Price were excused).

Resolutions for the Members of the Equalization Assessment Board

Mayor Kernan stated that he felt it would be appropriate for Council and the Administration to thank the members who served on this Board, by a resolution. Mr. Zita moved to place resolutions for the three Equalization Assessment Board on Council's next agenda, seconded by Mrs. Hlas. Mrs. Hlas stated that she would like for Council and Administration to make it a habit to routinely do a resolution anytime someone serves for the City as a way to thank him or her. Mr. George Tomko questioned as to why the names of the members are not listed in or on the report, only their signatures. Mr. Tomko stated that at that meeting, they did not introduce the members to the audience. The Clerk stated that all three members were sworn in prior to the meeting, and Mr. Collins stated that they were named specifically in the legislation that appointed them. Mr. Conklin stated that he agrees with Mayor Kernan that we need to handle this process much better.

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

Motion passed 5-0. (Mr. Mowery and Mr. Price were excused).

Mrs. Hlas mentioned that she thought there were vacancies on the Cemetery Board, and the Health Advisory Boards, and moved to place these resolutions on Councils next agenda, seconded by Mr. Pelot.

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

Motion passed 5-0. (Mr. Mowery & Mr. Price were excused).

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(Note after further review with Administration-the Cemetery and Health Advisory Boards have not technically been vacated, and these resolutions would not appear on the next agenda).

Old Business:

None

New Business:

Mrs. Hlas stated that she had asked Mr. Collins to check into a complaint she had about Lucky Dog Arcade in Heritage Plaza, because it says over 18 only. The Police did check this out, and it seems to be a legitimate place, and they will advise Council if they receive any complaints from the Attorney Generals office. Mrs. Hlas indicated she has a copy the report from Chief Carris, and to see her if they would like a copy.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 10:12 PM.

John Conklin, President of Council

Date approved: February 23, 2004

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