



**COMMITTEE OF THE WHOLE MEETING
APRIL 19, 2004**

Committee Members Present: Brenda Hlas
Dennis McGlone (Arrived at 7:29 PM)
Bill Mowery
Scott Pelot
James Price
Mike Zita
John Conklin

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

The Committee of the Whole convened for a meeting on Monday, April 19, 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.

Committee of the Whole-General Topic of Discussion

Mrs. Hlas stated that a Norton resident suggested to her that Council Members should consider holding neighborhood town meetings with the residents in the next few months before the elections, and asked for feedback.

Mr. Price wanted to remind everyone that he has not forgot the Wrobel Park property, but has placed this on the back burner for now, especially since we do not have the funds to purchase the property.

Mr. Pelot stated that his employment will have him out of the country for the May 10, 2004 Regular Council meeting and for the May 3, 2004 Committee of the Whole meetings.

Loyal Oak Sewer Extension:

Mr. Collins discussed the details of the allocation of the sewer benefits. Mr. Collins stated that so far we have collected 28 benefits. Mr. Collins stated that some property owners have never tapped in and they were never assessed, and two parcels are not even on Cleve-Mass. Road. There are currently 10.62 benefits not used from the original 30 benefits, and have never paid for them. Mr. Collins stated that this legislation puts them on notice for 30 days to comply. Mrs. Hlas inquired if the Barberton Health District has inspected these remaining benefits. Mr. Collins stated that he believed they have all been inspected, however he has not received the report from Barberton. There was discussion as to the potential revenue we could expect from the revenue on these remaining benefits and Mr. Collins stated that it would be roughly \$66,000.00 we could be collecting. There was discussion as to the number of benefits remaining and who wanted these, and the fact that there are not enough benefits available in this area.

Loyal Oak Sewer Extension Continued:

Mr. Pritchard stated that the only alternative is once this reached the maximum number of benefits is to abandon this plant and tie into the Barber Road trunk line. Mrs. Hlas asked how the property owners would be notified, and Mr. Collins stated that they would receive a certified letter, giving them 30 days to respond. It was discussed that this would also affect all of the property owners including the additional 20 benefits that would be effected also. This would include the 10 parcels owned by Mike Meden, the Loyal Oak Service Garage, and the Milkovich rental property on Cleveland-Massillon Road, just to name a few. Mr. Collins stated that these owners would be notified that if they did not pay up, they would loose their benefits. Mrs. Hlas inquired about what fund the revenue goes into, and Ms. Zerga stated that it does not go into the General Fund, it would go into the Sewer Fund. Mr. Price indicated that those property owners who do not want to tap in should be required to put that in writing to the City. There was discussion about waiting on this legislation until the final report from Barberton arrived, however, Mr. Collins indicated that by the time Council would act, he would have this report. Mrs. Hlas discussed the possibility of a business wanting to expand, but cannot because they need more benefits, which are not available. If a business owner cannot expand, they would have to look into relocating elsewhere, and it might not be here in Norton. Mrs. Hlas moved to have this legislation prepared for Council's next agenda, going all three readings and no emergency language, seconded by Mr. Mowery.

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

Motion passed 7-0.

Codification Final Update:

Mr. Zita explained that this is the final set of updates, and the Clerk advised everyone that this final set is complete up to December 31, 2003. Mr. Zita moved to place this legislation on Council's next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Pelot.

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

Motion passed 7-0.

CCA/RITA Issue:

Ms. Zerga discussed the details and the pros and cons with either going with an agency or keeping this in-house. Ms. Zerga also explained that there has been a new expense which has just surfaced in her department. The lease is up on July 1, 2004 for the Pitney-Bowes postal meter in her office. They are currently paying \$158.00 per month. If they go without the auto feed it would be \$149.00 per month. Ms. Zerga stated that the decision on this postal meter CCA/RITA hinges on whether or not we go with CCA or RITA. There was discussion as to the expense if we kept everything in house. Mrs. Zerga explained she would need to hire one full time clerk and suggested it be someone with municipal tax experience and the starting salary should be around \$35,000.00 plus benefits, she would also need a work station, computer, software upgrades in her office. There is only one open desk and once this is filled there is no way to expand in her office. Ms. Zerga also stated that there has never been a history built to indicate exactly what it costs the city to process and collect taxes

CCA/RITA Issue continued:

Mrs. Hlas indicated that it was her intentions to temporarily use CCA/RITA for 2 years to get our house in order, and Ms. Zerga stated in reality it would be more like 3 years. Mr. Zita inquired from Ms. Zerga about the \$7,000.00 figure for postage. Ms. Zerga indicated this is what it costs for the postage for the quarterly tax mailings. There was more discussion on the costs of salaries, how many employees needed to do the job effectively, etc. Ms. Zerga indicated that right now there are a total of 5 employees, including her. Mr. Mowery had concerns about the ability of her staff cross training to other duties within the office. Ms. Zerga stated that right now, her staff is not cross-trained but she is currently working on this. If someone is out on vacation or out sick she fills in and can handle the duties of all positions. Mr. Mowery wondered if we could hold out on this decision until after November, and Ms. Zerga indicated the big question here is are we really getting the job done, and effectively checking every detail and every resident? Ms. Zerga stated that she felt right now we need to get our house in order and once that is done, then we can bring it back and do it in house at a later time. Ms. Zerga indicated that right now, we simply do not have the staff to do the follow up, even if we have a procedure and plan in place, which we do not. Mayor Kernan stated that is the recommendation that the city goes with CCA for outsourcing. Mr. McGlone stated that basically what the Mayor is stating is that it would cost us \$24,000.00 more to go with a collection agency than what we are doing right now, and the Mayor concurred, based on the figures we are looking at on the spreadsheet, (see Exhibit-A). Ms. Zerga stated that in the first year, if we keep it in-house, we have to buy a new receipting program because our cash register is on its way out. The software needs to be upgraded, we need to buy a PC, and upgrade the PC's we currently have to accept the new software, she estimated it would cost \$159,000.00. Our expenses the first year would be more than going to a collection agency. The second and third years that figure would be around \$142,000.00, and a collection agency should be around \$147,000.00 to \$148,000.00. Mr. McGlone stated that he feels if this tax credit does pass, we need a collection agency, there is just no way the current staff can handle this. Mayor Kernan stated that we need to look at the immediate problem here, not just down the road in 3 or 4 years. We need to collect the tax that we are not getting now, and no one can tell us how much we are going to collect. Mr. Zita stated that some of the numbers seem a little higher than when we first discussed this issue. Mr. Zita stated that initially it may be a little more expensive to outsource this to an agency. Mr. Zita stated that if we decide to bring it back in-house after the two or three years, we still would have to buy a computer system, pay for the upgrades, address the staffing issues, etc. Mr. Zita stated that in addition to that, we are not even talking about the 1½ to 2% and the credit issues. If these issues were to pass, then we are looking at the \$80,000.00 + that we were told, then this figure would also be increased. Mr. Pelot stated that right now the city does not have the money in the budget to fund hiring another person in the Finance Department. Mayor Kernan added that right now the Finance Department is already one person short because they did not replace an employee that retired last year. Mr. Pelot stated that by going with a collection agency, it would give us their expertise of building a listing of taxpayers that should be paying. Mr. Richard Easterling, a Norton resident asked if we go with a collection agency, would this meet the confidentiality requirement, and Ms. Zerga stated that it does. Mr. Conklin added that both of the collection agencies have computer tapes of the Ohio Income Tax filing and they have the ability to cross check the residents. Ms. Zerga stated this is correct, and that they would also have the ability to check other cities using that agency they can also cross check this as well. Ms. Zerga stated that we have no way of doing this, we would have to do this manually. Mr. Zita inquired if we made a decision to go with either agency, how much would it cost to get the ball rolling right now. Ms. Zerga stated that would be a file conversion fee of around \$5,000.00. There was discussion as to how much it would cost us to bring the records back to us in two or 3 years. Ms. Zerga stated that she has asked for these figures and the current Software Company is working on this figure.

CCA/RITA Issue Continued:

Ms. Zerga stated that she would like to think that if we are buying their software and intend to bring it back in-house, there should be no fee to convert it back. Mr. Zita felt that it would be a little bit more expensive in 2 or 3 years if we bring it back in house, we still would have to buy PC's, software & upgrades, staffing issues, etc. In addition to that we are not even talking about the credit and tax increase that would be affected. Mr. Zita stated he did some checking and that if we were to upgrade the software program we have now it would cost \$8,000.00, but if we didn't have the program at all and need to buy it, today's price is about \$13,900.00 for this type of software. Ms. Zerga stated that her next goal is to build a policy and procedure and get that in place. Mrs. Hlas moved to approve outsourcing to CCA, and place this item on Council's next agenda, not waiving any readings, and no emergency language, seconded by Mr. Pelot.

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

Motion passed 4-2-1.

SPD Application-Radio Tower:

Mr. Pelot explained the details on this application, and the fact that the Planning Commission and Building & Zoning Appeals Board has turned this down. Mr. Pelot stated that they erected the tower first, without filing for any permits or variances. They also never filed an application for an SPD. This does not comply with a number of different ordinances either. The applicant/agent Mr. Conrad of 175 Bailey Court, Doylestown was present and explained his application. Mr. Conrad stated that there were several mistakes made, they had assumed they were ok with this because we were told we could do a 100 to 150 ft tower. Someone at the City had misunderstood and thought this was an antenna, which does not need a permit, according to what we were told. Mr. Conrad stated this went up before last year's Cider Festival, and it took about 7-10 days to install this antenna. Mr. Conrad stated that Russ Arters found out about what was going on and they were told to file for the proper permits. They were also told to erect a fence around this antenna, which was never discussed earlier. Mrs. Hlas inquired if they had the foundation inspected, and Mr. Conrad stated that he was never told the foundation had to be inspected. Mr. Pritchard stated that it was his understanding that Ms. Colene Conley this was under the impression this was to be an antenna for ham radios, and she assumed it would be a smaller version of a three legged tripod style, which is incorrect. Mr. Conrad stated that he has invested over \$28,000.00 on this project and stated the purpose for the tower is for ham radio operations, and possible high speed internet access for the community. Mr. Pritchard stated the end result is that the Planning Commission was not in favor of the tower. The Building and Zoning Appeals Board did not grant the 300-ft. variance to the property line, and have denied the tower. Mr. Pritchard stated that this falls back to Council at this point. There was discussion as to why Council even has this to review. Mr. Conklin stated that the antenna needs an SPD, and the authority to grant a variance within the SPD rests on the shoulders on the Building & Zoning Appeals Board. Council has absolutely no power to override Zoning Appeals, and the only one that can is a court of law. Mr. Conklin stated that as far as he is concerned, Council is making a worthless vote here because nothing can be issued here unless Building & Zoning Appeals Board has a change of heart. Mr. Pritchard stated that it was the opinion of Mr. Lyons our Law Director that Council needs to take action on the Planning Commission's resolution, however he did not agree with this and felt it should go before the Courts. Mrs. Hlas stated the even if Council approves this he still is could not put it up because he did not get the variance, so it's kind of a mute point. Mrs. Hlas stated that we will have to turn this down based on what the Building & Zoning Appeals Board did by not granting the variance, so how can we go against that.

SPD Application-Radio Tower:

Mr. Conklin stated that Council cannot override the Building & Zoning Appeals Board, that would have to be done in the courts. Mayor Kernan stated that was correct, and that the Building & Zoning Appeals Board is a quasi-judicial body in the City. The only way to appeal is to the Common Pleas Court. Mr. Pritchard stated the reason the Building and Zoning Appeals Board has denied it was because of the 300 ft. variance to the property line. There was more discussion about why Council needs to act, and the members felt we should have more input from Mr. Lyons on this. Mr. Pelot moved to have legislation prepared for Council's next agenda for its first reading, to uphold the Planning Commissions denial of the application, seconded by Mrs. Hlas. Mr. Conklin clarified that when Council votes on this, a yes vote would deny the application.

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

Motion passed 6-1.

New Business:

Mrs. Hlas stated that she is on the levy committee again, there is a meeting on Wednesday at 7:00 PM. The committee is doing the 9+9 again; there will be 56 people to start the chain, which she is involved in, and asked any Council Member who wants to be involved to come to this meeting. This meeting will be at the High School Library.

Mrs. Hlas stated that earlier this evening she had asked for their input on the neighborhood town meetings and wanted their response. Mr. Conklin stated that he would look at his calendar and get back to her. Mayor Kernan stated that if any of the Council members were going to do this, to let him know and he would be happy to attend. Mrs. Hlas stated that she will be doing a town meeting and intended to ask someone from the School Board and City Administration to be present so we could discuss all of the tax issues facing the city.

Old Business:

None

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 9:12 PM.

John Conklin, President of Council

Date approved: April 26, 2004

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