



**COMMITTEE OF THE WHOLE MEETING
JUNE 7, 2004**

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

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

The Committee of the Whole convened for a meeting on Monday, June 7, 2004 at 7:00 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

Mr. Zita stated that he would need to be excused from the June 14, 2004 Council Meeting because he has an award banquet to attend for Acme. He will be receiving a 25 yr. Service Award that evening. Mr. Mowery indicated that he also will be receiving a 30 yr. Service Award, however he will be in attendance for the Council Meeting.

Mrs. Hlas indicated that she would like to add Mr. Collins' request to address the water and sewer rates on the next Committee of the Whole agenda.

Mr. Pelot stated that he needed to be excused from the June 21, 2004 Committee of the Whole meeting.

Environmental Fund Transfer:

Ms. Zerga explained the legislation for Ordinance #84-2004 and #85-2005. Ms. Zerga stated that in Ordinance #84-2004 there is a typo when it refers to Ordinance #15-1981, it should be 1982. Ms. Zerga stated that this is mostly an accounting paper trail. Ordinance #85-2004 will allow for transfers from the Rainy Day Fund into the General Fund, and where it states "up to" this would leave room for any potential windfalls. Ms. Zerga stated that as far as the repayment to the ENR Fund there really is no plan to do so at this time. The ENR Fund will no longer exist. The Rainy Day Fund would be reviewed each year as part of the budget process. Mr. Price asked when did we establish this Rainy Day Fund, and does this earn interest? Ms. Zerga stated that this Rainy Day Fund was newly created with the 2004 Budget, and yes interest is earned on this. The balances are swept out daily and invested in various ways earning interest daily. Mayor Kernan stated that any money we have invested is vested into CD's. Mr. Price stated he would like Council to be advised on any transfers. Mrs. Hlas reminded Mr. Price that the Board of Control monitors this and that anything over \$25,000.00 must go through the Board of Control and Council.

ENR Fund continued:

Mr. Conklin stated that up to this point there has never been a Rainy Day Fund, and this fund currently has no money in it. Ms. Zerga stated that is correct and right now it has a zero balance. Mr. George Tomko inquired Ordinance #15-1982 where it states "operation of the city" in italics. Is there a reason for this? Mayor Kernan stated that in the ordinance that was adopted it was intended to be used that way. Mrs. Hlas read Section #3 of this ordinance to clarify the issue, and in order for us to take this money and use it, Council would have to have an affirmative vote of two thirds (5 to 2) of the members of Council in order to become effective. Mrs. Elaine Tompkins addressed her concerns regarding this fund, (see attached). Mrs. Tompkins has concerns about protecting the City in the future. Mrs. Tompkins agreed that we need to use this, however, she would like to see it repaid somehow. Mayor Kernan addressed some of Mrs. Tompkins concerns, and that the entire mine sits within the city limits. The Deed to the mine has been signed over to the city, and is held in escrow for transfer upon completion of certain conditions by 2005. The documents also state that in any event it must be transferred by 2025 regardless. There was more discussion on this issue, and Mr. Price felt that maybe we should just adopt one ordinance to transfer into the General Fund, and Ms. Zerga stated that two ordinances would be a better paper trail to track everything. There was discussion of the possibility of the City having to pay any legal fees in the future regarding the mines. Mayor Kernan stated that as a condition in the contract, NES is to reimburse the city for any legal fees incurred. Mrs. Tompkins questioned the balance in this account and stated that she has discussed this with Joe Betkoski, who indicated to her that there was \$375,000.00 in this fund in November 2002. Now the balance shows \$304,000.00 and the current audit shows another figure of \$302,000.00 Mrs. Tompkins questioned the \$80,000.00 of interest that was for the General Fund. Mr. Betkoski had told Mrs. Tompkins that he put this money into a non-interest bearing account just to hold it for the time being. Mrs. Tompkins wondered what has happened to the \$71,000.00? Mrs. Hlas stated that she has a copy of the 2002 Budget which Mr. Betkoski put together and the actual amount in 1999 was zero. The actual amount in 2000 was \$81,990.00 and he was in charge of that fund at that time and should know what came in, what went out, and so on. Mrs. Hlas suggested Mrs. Tompkins should be asking Mr. Betkoski what he did with the money, not Ms. Zerga. Mrs. Tompkins stated she has no problems asking Mr. Betkoski to look at this again and reconcile this account. Mrs. Hlas stated she does not understand how he would be able to do this since he does not have the facts in front of him. There was further discussion, and Mrs. Hlas stated that the problems we have had in the past is that Mr. Betkoski was taking money from one account and transferring it to another and another, etc. Mrs. Tompkins stated that it is a known fact across the board that financial officers come in and change and make up their own their own Charts of Accounts and transferring can be very difficult at time. Mrs. Tompkins stated that Mr. Betkoski had a system that kept us in the black, and also did short term notes as opposed to long term notes. We are not arguing about the people here, we are asking about the money. Keep in mind financial officers often reorganize the money, and we have had three Finance Directors in the past three years. Ms. Zerga stated that the balance in the ENR Fund when she started in September of last year was \$304,000.00 and even with her new Chart of Accounts this has not changed. Mrs. Zerga stated she can go all the way back to 2001 in her computer and will recreate exactly what has happened from that time to today and present this to Council. Ms. Zerga also stated that as of September of last year it has been a non-interest bearing account. There is an opinion from the State of Ohio Auditors that stated this fund could not earn interest.

ENR Fund continued:

Mr. Price moved to place Ordinance #84-2004 on Councils next agenda, for a first reading only, seconded by Mrs. Hlas. Mrs. Hlas stated that with the excused absence of a few Council members, we will need to have a 2nd reading, suspending the 3rd reading and vote on this at the June 28, 2004 Regular Council Meeting since all members will be present.

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

Motion passed 6-0.

Mr. Price moved to place Ordinance #85-2004 on Councils next agenda, for a first reading only, seconded by Mrs. Hlas.

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

Motion passed 6-0.

\$160,000.00 note sale for Gardner Blvd-Phase I Project.

Ms. Zerga explained that she has received the bids from the banks for the note sale and the lowest came in at 2.01% from Second National Bank, and she is requesting emergency language on this since we already have expenses pending for engineering, etc. Ms. Zerga stated that there is \$99,230.00 in Grant Funding, the rest of the costs for this project are to be assessed to the residents. Mr. Tomko questioned why we are paying bond counsel \$8,000.00, and though this was a lot of money. Mayor Kernan stated that typically when you go out to sell a note, the banks require you to have certified bond counsel as part of their conditions. Ms. Zerga stated this \$8,000.00 is an estimate. Mrs. Tompkins had concerns with the fact that we spent \$215,000.00 on bonds which were sold for the entire project-Phase I, II, and III. Mrs. Tompkins questioned the language in Section #9 where it appears to be worded to indicate that some of the residents could be paying twice and asked for clarification. Ms. Zerga indicated that was already discussed this with Amanda Gordon, our Bond Counsel previously, and she would ask Ms. Gordon to explain this in layman's terms. Mrs. Tompkins asked to have this explanation in writing. Mr. Price moved to place this on Council's next agenda, waiving the second and third readings as emergency, seconded by Mrs. Hlas. Mrs. Hlas added that it should reflect Wayne County as well as Summit in all areas of the legislation.

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

Motion passed 6-0.

Resolution of Support for Gardner Blvd. Phase II

Mr. Collins discussed this issue and that the purpose is to get extra points for obtaining the grant. This resolution needs to contain specific language that was not included in the original legislation. We need this resolution to go into the packet we submit for the grant by June 30, 2004.

Resolution of Support for Gardner Blvd. Phase II

Mr. Price inquired about the special language, and Mr. Collins stated that it must state “Gardner Blvd., Phase II is an assessed project to replace the waterlines on designated streets where the properties abutting the new water line will be assessed 50% of the total costs of the project”. Mr. Pelot moved to place this on Councils next agenda, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Stonewyck Major Subdivision-Approval of Preliminary Plat with Profiles:

Mr. Pritchard discussed this issue and explained that in Ordinance #4-2004 and Ordinance #5-2004 states that the preliminary plat of the said subdivision shall be tentatively approved pending final approval being withheld until the applicant submits profiles. Mr. Pritchard stated that the applicant has complied and everything is in order. Mr. Walsh of GBC Design was present for any questions or comments. Mrs. Hlas asked Mr. Mowery if he was now satisfied with what has been submitted, and Mr. Mowery indicated that he was. Mr. Pelot addressed his concerns about some of the greenspace on a few of the parcels. Mr. Pritchard stated that even with some of the minor changes to the open space issues, they still meet the minimum requirement according to our code. Mr. Pritchard stated that this project would benefit the City of Norton as well as the City of Barberton at the expense of the developer. Mr. Mowery inquired about the pump station and Mr. Walsh clarified that they would not be using the one in Mt. Vernon Estates, this would be a new pump station dedicated to the Stonewyck Development with full capacity at 90 units. Mr. Pelot moved to place this on Councils next agenda, waiving the second and third readings, as an emergency, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Sidewalk, curbs, and gutters:

Mr. Collins discussed this issue adding that it is something that he has been working on for quite some time and has collaborated with our Engineer. There have been some items added, some items removed such as the requirement of 5 foot widths in residential areas and 6 foot in business districts. Mrs. Hlas asked why the Subdivision Regulations require sidewalks on both sides, when this conflicts with it. Mr. Pritchard stated that it really depends on the density and the size of the development. For instance, Knollbrook off of Greenwich Road, which has sidewalks on one side. Mr. Collins stated that this really applies to individual residents. Mr. Pritchard stated that this decision would be up to the Engineer and the Administrator for the ultimate decision. Mr. Pelot moved to place this item on Councils next agenda, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Assessed Parcels-Wooster Road:

Mr. Collins stated that this project was done and completed in 1998, at that time there was one parcel that was deferred the assessment. Mr. Collins wanted to have this ordinance in place so that we have the ability to collect a tap in fee as well as the access fee. This way we will be able to track this and be able to get this on the record. There was more discussion on this issue and Mrs. Hlas moved to place this on Councils next agenda, seconded by Mr. Pelot.

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

Motion passed 6-0.

Old Business:

Mr. Tomko inquired as to the status of the dip in the road on Barber Road. Mrs. Hlas informed him that the Board of Control just addressed this today at their meeting. Mr. Tomko stated that earlier he had apologized to Council for his comments on Ordinance #73-2004 and #74-2004, he now withdraws that apology, and expected an apology. He wanted an explanation to the reference to “pick-up” and the terms. Again, Ms. Zerga stated that we only transfer the money from the payroll expense and send it to the State Pension Fund. The city does not pay anything for this, it is entirely paid by the employee, basically we are only accounting for the transaction.

Mr. Zita asked why the radio tower was still up in the Loyal Oak Area, and Mr. Pritchard stated that he would check with Mr. Arters-Supt. of Building & Zoning. Mrs. Hlas addressed her concerns that if there is in fact no insurance on this tower, we need to get it done ASAP.

New Business:

Mr. Mowery stated that he had complaints about stray newspapers ending up in some driveways, and he has been in touch with the Beacon Journal and they are working on correcting this issue. Mr. Mowery briefly discussed the extra road behind the school, and the complaints. He will try to get together with the School Administration and see what can be done about it. Mrs. Hlas stated that there may have been a few complaints, but it really makes a difference with the overflow traffic. There was more discussion on this and Mayor Kernan stated that it has been considered that we request it to be closed for the summer, but ultimately this is private property and is up to the school.

Mrs. Hlas inquired about the recent wage and hiring freeze, and clarified that no one has received a raise in 2004 except for the union employees and a couple of part time employees. This wage freeze applies to the Administration staff, and Mr. Collins stated that with this freeze they discovered a problem with it. A junior employee as a result of this freeze, would have been making less and we had to adjust this. Two other individuals had to take a pay cut to make the same. Mrs. Hlas stated by implementing this freeze it will save the city \$8,300.00. Mrs. Tompkins stated that this was great, and asked if we have a hiring freeze, then how did we add a new employee-Paula Fisher. Mr. Collins stated that she was hired before the freeze. Mrs. Tompkins stated that she would love to see the unions step forward and do something, and hold their raises for the year.

New Business continued:

Mrs. Hlas commented on the Community Pride Day at Loyal Oak Park on June 19, 2004, and asked if the City was sponsoring this. Mayor Kernan stated that he and his wife Joan are the sponsors. We are attempting to do something for the beginning of the summer, like we do with the fireworks at the end of summer. The tickets are \$7.00 per person, and there is no cost to the city. Mayor Kernan stated that Mike Hargrove may be a special guest. Mrs. Hlas inquired about the fine print that states there may be a small fee. Mayor Kernan stated that this may be a legal requirement only. Mayor Kernan stated that on Sunday Fathers Day the bowling alley is offering free open bowling all day.

Mr. Pritchard stated that on June 4, 2004 the President declared, Summit, Trumble, Mahoning, Medina, and Portage Counties to be eligible for State and Federal emergency disaster assistance due to the floods. Mr. Pritchard stated that if anyone has any questions, feel free to contact him at 330-825-7815 ext. #49 and he will assist with the information process. This is for residential business only, and that government facilities would not be able to apply. Mr. Pritchard stated that those needing assistance apply only for a limited time.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:50 PM.

John Conklin, President of Council

Date approved: June 14, 2004

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