



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

Committee Members Present: Brenda Hlas
Dennis McGlone
Bill Mowery
Scott Pelot
James Price-Excused
Mike Zita
John Conklin-Arrived at 7:20 PM

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

The Committee of the Whole convened for a meeting on Monday, September 20, 2004 at 7:04 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Brenda Hlas, Vice-President of Council, followed by the Pledge of Allegiance and a moment of silent prayer. Mrs. Hlas indicated that Mr. Price was excused and that Mr. Conklin was attending another meeting and is temporarily excused, and would be joining the meeting soon.

Committee of the Whole General Discussion:

Mrs. Hlas indicated that she would like to move the Committee of the Whole, Item A on the agenda to the end of the meeting since it would be a bit involved.

New Business:

Creating accounts & transfer funds:

Mrs. Hlas turned this discussion over to Mrs. Zerga for details. Mrs. Zerga explained the reasons behind this legislation request. Mrs. Zerga stated that this creates accounts and transfers funds within one ordinance. There are two parts that are taking the place of the Permissive Tax. The first part is where the city currently receives Permissive Tax from the State every month, and of the \$5.00 tax that is charged, the city receives 50% of that. Past practice had been to deposit this into the Special Permissive Fund and then transfer it to other funds throughout the year. It is the current accounting practice and according to the Ohio Revised Code, this money can be used to maintain and repair streets. We are now taking the State allocation which is 92 ½ % to the Streets and 7½ % to State Highway and receipting this right to those funds to be used. It is also needed to create two new accounts so that the State money we had received in the past can be transferred over to the Service Department and the State Highway Fund. Mrs. Zerga stated that the second part of this ordinance is there is a \$5.00 tax that is charged, and when the money is collected by the State it is forwarded to the County. The City has the availability of these funds if so requested.

New Business Continued:

Creating accounts & transfer funds continued:

We did request from the County Engineer to receive \$59,338.00 which is available, and this has been approved. Mrs. Zerga is requesting that we create an account in the Special Permissive Fund so that when the city disperses the \$59,338.00 we have a way of tracking this. The final part of this ordinance is creating an account in the Streets, Highway Bridges Fund because of necessary repairs done on Barber Road. The final request is to create an account in the Police Department for accounting of the bullet-proof vests. The city has been awarded a grant for these vests and when a vest is replaced, we need to account for that grant separately within that department. Mrs. Hlas questioned the amounts of \$59,338.00 revised amount from Summit County, or should this be \$59,750.00. This issue was clarified by Mrs. Zerga and Mr. Collins, noting that this needs to be corrected in the legislation to reflect \$59,750.00 There was general discussion on the proposed legislation, and Mr. Pelot moved to prepare the legislation and place this on Councils next agenda, waiving the 2nd and 3rd readings, as an emergency, seconded by Mr. Mowery. Mrs. Elaine Tompkins inquired as to how did we choose these streets for culverts, on Gardner, Cleveland-Mass, and Pleasant, when he had funds available for some of these roads? Mr. Collins stated these streets were chosen for culverts because there is an immediate need. The culvert has to be replaced, if not the roadway would need to be closed. Mr. Collins added that it saves a lot of patch work, repairing the problem eliminates it.

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

Motion passed 5-0.

Note ordinance for Johnson Meadows:

Mrs. Zerga stated that this note is due on October 29, 2004 and we need to have legislation in place in order to roll the note, which is \$510,000.00. We are also capitalizing most of the interest into the new note. The original intent was that we would possibly roll this note and capitalize the interest for five years. Once the construction started at Johnson Meadows, \$4500.00 per unit would be passed onto the city as the sales of these units take place. There are 180 condos and 50 assisted living units in this project. Mrs. Zerga stated that she is contacting the banks and requesting bids for a one year note for a total of \$524,000.00. This is the note of \$510,000.00 and \$14,000.00 in interest. Mr. George Tomko inquired as to where this \$510,000.00 has been sitting all this time, and Mrs. Zerga that it is in our checking account earning interest, minus the \$96,000.00 for engineering. Mrs. Zerga stated that if this project is not built within the 5 year time frame, it is set up to be assessed to the property owner. Either way the debt will be paid down or it will be assessed. Mr. Tomko inquired as to why we borrowed so much, when right now we only need the \$96,000.00 for engineering. Mayor Kernan stated that it is better to borrow all you need now instead of going back to the bank for \$96,000.00 here, and \$110,000.00 later on, and so on.

New Business continued:

Note Ordinance for Johnson Meadows continued:

Mayor Kernan stated that this project should have been well under way by now, but they encountered several delays. Mayor Kernan stated that the original intent was to borrow this money, and have it available and already spent. It is not the city's fault that the money has been sitting in the checking account. Mr. Pritchard stated that the developers are nearly 95.5% complete with the plans, and it may be early spring before the road bids go out. Mr. Pritchard stated that the weather is also dictating the timeline on this project. Mrs. Tompkins inquired as to how much is this really going to cost us? Mrs. Tompkins stated that in Section #11 it should clearly state the fee amounts. Mrs. Zerga stated that she has contacted Bond Counsel and was told it will not exceed \$5,000.00, which does include travel, etc and would be rolled into the costs of the project, the city will not be paying for this. Mr. Tomko stated his concerns with 6% interest in Section #2 and 5% interest in Section #3. Mrs. Zerga explained that Section #2 refers to the interest on the sale of the bonds, and in Section #3 this refers to the interest on the note (or loan). Mrs. Tompkins also inquired about Mr. Brooks previous statements regarding the city charging a "management fee", and are we charging for this as it was stated in the Finance Committee minutes of September 8, 2003. Mrs. Zerga stated that we do charge them for any engineering or other expenses associated with this project. Mrs. Hlas moved to add this ordinance to Monday's agenda, as an emergency and waiving the 2nd and 3rd reading, seconded by Mr. McGlone

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

Motion passed 5-0-1.

Resolution accepting the amounts and rates from the County:

Mrs. Zerga explained that this is a standard once a year resolution, which is passed every October or November. Mr. George Tomko questioned the \$75,000.00 listed under the Police Pension section, and reflected back to his concerns with Ord. #73-2004 and 74-2004 and the pension pickups. Mrs. Zerga stated again that in Ord. #73-2004 and 74-2004 the city does not pay this, it is employee payroll deductions that we forward to the State Pension Board.

New Business Continued:

Resolution accepting the amounts and rates from the County continued:

Mrs. Zerga stated that this section in the resolution is actually a match paid by the employer (City of Norton) and is similar to Social Security where there is a match by the employer, in addition to the 10% that the employee puts into the fund. Mrs. Hlas moved to add this resolution to Mondays Council agenda, seconded by Mr. McGlone.

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

Motion passed 6-0.

Committee of the Whole/Council Rules:

Mr. Zita stated that we need to decide if we want to stay with this format or go back to the old format. There was discussion on this and there were no objections to the Committee of the Whole format. The Council Rules were discussed, and minor changes/typos were made. Some suggested changes made in Rule #105, Pg. #4 Mr. Conklin felt it was necessary to add the sentence that if Council President felt it necessary, the Clerk would personally serve the notice of a Special Council Meeting to all parties. There was also discussion about the one-week prior notice and 12 hour notice, and it was decided to be consistent here and stay with 12 hours. There was discussion on Rule #203, Pg #6 and Mrs. Elaine Tompkins inquired as to just when is it proper to address council, here at a committee level or when does the public get a chance to discuss anything, even if it is not listed on either agenda. Mr. Conklin stated that he needs to really look into this and it would be re-addressed. There was also a brief discussion on the issue of smoking and weapons in Council Chambers/Administration Building. It was suggested that the Clerk check with Mr. Lyons for the proper language for the weapons section. Rule #401 was discussed, and since we are going to stay with the Committee of the Whole format, this entire section may not even apply any more. Mr. Conklin stated he would look into this further and we would re-address this section. Rule #404 was briefly discussed, and will also need to be re-addressed. (See attached Draft #2).

Old Business:

Mr. McGlone inquired about the gas aggregation letters, and if they were mailed. Mr. McGlone stated that he contacted the number he had and the operator stated they did not know what he was talking about. Mr. Collins indicated that over 3,000 letters were sent out and that he was initially concerned because we have over 4,000 residents. He was told that not all residents were sent letters. Some residents currently have a contract with a different company which is does not expire this year, and that they would be notified of the program prior to their expiration date next year. Mr. Collins was also told that Dominion supplied the list of their current customers, which should be the ones being notified now.

Mrs. Hlas asked Mayor Kernan is there is anything new on the discussions with Mayor Hart regarding the situation and plan for the residents/businesses required to tap-in on Barber Road. Mayor Kernan asked to have this issue appear on the next Committee of the Whole agenda to discuss this. Mrs. Hlas asked if Council would be notified by a memo of what the decision was and what will be brought to Council, and Mayor Kernan stated yes he would.

Mr. Pelot asked Mr. Mowery if he knew if the two students involved in the assault were suspended or expelled from the school. Mr. Mowery stated that he talked with Dr. Calinger at the school, and there is a privacy act regarding students, and would not disclose things. Mr. Mowery stated that he may know more this Thursday and would advise us at the next meeting.

Mr. Zita inquired if the waterline improvement project on Tallwood was done. Mr. Collins indicated that it is complete, however the final numbers are not done yet. The Engineers are still working on this. Once these final numbers are in, the residents and Council would be notified.

Mr. Conklin asked Mr. Collins if there is a construction date for the replacement of the culvert on Gardner Blvd? Mr. Collins indicated that he does not have a date as of yet. Mr. Conklin reminded everyone about the Cider Fest, Boy Scouts Pancake Breakfast, and the fireworks on Saturday night.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:27 PM.

John Conklin-President of Council

Date approved: September 27, 2004

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