



**COMMITTEE OF THE WHOLE MEETING
FEBRUARY 22, 2005**

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

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

The Committee of the Whole convened for a meeting on Tuesday, February 22, 2005 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Brenda Hlas, President of Council.

Committee of the Whole General Discussion:

MPO

Mr. Zita discussed the need for some changes and clarification on the language in Ordinance #71-2003. Mr. Mowery indicated that there would need to be further discussions since Mayor Kernan and Mr. Collins were absent tonight. Mr. Mowery indicated that he wants to roll the control back to Council for approval before *any* raises are implemented. Mrs. Hlas discussed Ord #9-2005, Section 258.12(2) and hopes to have Administration readdress this when we address the yearly budgets from now on. Mr. Zita moved to send the MPO ordinance #70-2003 back to the Law Director to correct Section 4 reflecting the change from anniversary date to January 1st of each year, seconded by Mr. McGlone. Mr. Price expressed his concerns that to date Karla is the only employee who has not received the 3-½% salary increase and wanted to know why. Mrs. Hlas indicated that she wanted to wait until the recent legislation Council adopted (Ord. #9-2005) becomes effective before submitting the request to the Finance Department, which will be February 25, 2005 and it will be retroactive to January 1, 2005.

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

Motion passed 6-1.

Re-Appointments & Appointments to Boards & Commissions:

Mr. Zita discussed the Mayors request to for re appointments and new appointments for various Boards and Commissions. Mrs. Hlas indicated that she was concerned with the Mayors re-appointment of Ms. Neva Gibson to the Parks & recreation Board, since there were eight other residents interested in serving, and she felt that other residents should be given the opportunity to serve, since Mrs. Gibson has served previously.

Mr. Zita moved to place the appointment of Dalia Spisak to the Health Advisory Board on Councils next agenda, seconded by Mr. Conklin. Mrs. Hlas stated that Ms. Spisak was present tonight and is highly qualified to serve on this Board. Mr. Mowery stated that she is an excellent candidate, and welcomed her to the Board.

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

Motion passed 6-0.

Mr. Zita moved to place the appointment of Neva Gibson to the Parks and Recreation Board on Councils next agenda, seconded by Mr. Price. Mr. Mowery indicated that Ms. Gibson was ill tonight and could not be here, and welcomed her to the Board. Mr. Price stated that he supported her decision to continue to serve the city. Mrs. Hlas stated that she didn't feel Ms. Gibson would not do an awesome job as she has done in the past, it's just that she wanted other residents the opportunity to serve.

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

Motion passed 5-1

Mr. Zita moved to place the reappointment of Marguerite Abbott to the Planning Commission on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Mr. Zita moved to place the reappointment of Todd Houser to the Planning Commission on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Re-Appointments & Appointments to Boards & Commissions continued:

Mr. Zita moved to place the reappointment of Richard Easterling to the Building & Zoning Appeals Board on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Mr. Zita moved to place the reappointment of Audrey Toland to the Parks and Recreation Board on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Mr. Zita moved to place the reappointment of Lisa Merrick to the Cemetery Board on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Mr. Zita moved to place a resolution of appreciation of Gary Brummond for his service on the Health Advisory Board on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Mr. Zita moved to place a resolution of appreciation for Ralph Dowling for his service on the Parks and Recreation Board, and as the representative from the Parks and Recreation Board to the Planning Commission, on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Accepting the Codified Updates:

Mr. Zita explained the need for this legislation was to officially adopt all of the legislation and modifications from 2004. Mr. Zita moved to place this legislation on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Creating Account Ordinance:

Mr. Conklin turned this discussion over to Mrs. Zerga for details. Mrs. Zerga explained that this legislation was needed in order for her to issue payment to Contract Operations Planning. This is for the Johnson Road waterline. There was a 3% retainage payment held back from the contractor until after all of the work was completed. Mr. George Tomko questioned the policy of withholding the 3%, citing the problem with the quality of the road construction on Barber Road. Mrs. Hlas indicated that Mr. Collins is looking into this and Mrs. Zerga stated that the 3% retainage was already paid out some time ago. Mr. Collins is looking at how much this will cost, and where the money will be coming from. Mrs. Zerga stated that the money is in the fund balance to pay this bill, however we simply do not have an account set up in order to pay this out, it is mostly a bookkeeping measure to track the money. Mrs. Zerga stated that under Governmental Accounting and State Law, you must have an account established before you can issue a payment. Mr. Conklin asked Mrs. Zerga if the payment to the contractor is over due, and Mrs. Zerga replied that it was overdue. There was discussion as to why this is has emergency language and Mr. Mowery questioned if there was a penalty. Mrs. Zerga indicated that there is no penalty, and that this item was on Councils last agenda, but was deferred to tonight because of the heavy agenda. Mr. Conklin stated that we should waive the readings in order to get this payment out. Mr. Conklin moved to place this item on Councils next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Price.

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

Motion passed 6-0.

Transfer Funds Ordinance:

Mr. Conklin turned this discussion over to Mrs. Zerga for the details. Mrs. Zerga stated that the General Fund reflects an ending balance of \$191,576.38 and there are funds with a negative balance of \$7,465.43. These funds are the Community Center Fund, Historical Property Fund, and the Brentwood Fund. Mrs. Zerga indicated that the reason she is requesting emergency language is because we have the funds available in the General Fund, and also according to State Law you are not to have any negative balances in any fund either at year end or throughout the year. Mrs. Zerga also indicated that if there was any surplus in the Brentwood Fund at 2005 yearend, she would request that we replenish any overages back to the General Fund.

Transfer Funds Ordinance continued:

Mr. Price questioned the impact of going all three readings, and Mrs. Zerga stated that the situation here is the same as with the Creating Account Ordinance, and felt it is more important to pay bills when they are due. Mrs. Zerga stated that she would never transfer funds or move money without Councils approval. Mr. McGlone inquired about the total costs yearly to run the Community Center, and Mrs. Zerga stated that it costs approximately \$26,000.00 from the General Fund. Mr. Conklin moved to place this item on Councils next agenda, waiving the second and third readings as an emergency, seconded by Mr. Price. Mr. Conklin indicated that if Council decided to possibly suspend the third reading, he would go along with this.

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

Motion passed 6-0.

Local Government Fund Resolution:

Mr. Conklin stated that an article in the Beacon Journal featuring the City of Wadsworth's resolution generated this resolution. Mr. Conklin stated that he also presented a memo with the help of Mrs. Zerga on the impact the proposed 20% cut in the Local Government Fund (LGF) would mean to the City of Norton. Mrs. Hlas commented on a copy of a letter issued to Mayor Kernan by State Rep. Brian Williams. In his letter, Rep. Williams urged communities to get involved and write to him about their concerns, and to possibly attend the Budget Hearings in person. Mrs. Hlas though it would be a great impact if all of Council and Mayor Kernan could attend the hearings. Mrs. Zerga stated that Mayor Kernan is in the process of drafting a letter to Rep. Williams. Mrs. Hlas though that it might have a greater impact if all Council members had a place on this resolution for their signature, and all members present agreed with this idea. Mr. Pritchard suggested that Council might want to contact other communities within Summit County and use your regional Planning Department as a platform to address the State Budget Committee. Mr. Conklin moved to place this resolution on Councils next agenda, seconded by Mr. Mr. Price.

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

Motion passed 6-0.

New Business:

None

Old Business:

Mr. George Tomko, a Norton Resident spoke about his recent utilities billing he received from Barberton, and the 2.5% cost of living increase added to his statement. Mr. Tomko wanted to know if Barberton could put on an additional fee whenever they want to. Mrs. Hlas stated that Barberton sets the costs, and they can change them from year to year.

Topics for the Next Work Session:

Mrs. Hlas wanted to discuss the permissive tax fee at the next work session. Mrs. Hlas indicated that she did a little research and not everyone is doing this. Mrs. Hlas indicated that she would distribute her research spreadsheet to everyone before the next meeting. Mrs. Hlas stated that the date for Council/Administration Annual Workshop would be Sat. March 19, 2005 from 9:00 AM to 1:00 PM if the Mayor can attend.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:00 PM.

Brenda K. Hlas-President of Council

Date approved: February 28, 2005

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