



**COMMITTEE OF THE WHOLE MEETING
MAY 16, 2005**

Committee Members Present: John Conklin (Arrived at 7:08 PM)
 Dennis McGlone-Excused
 Bill Mowery
 Scott Pelot
 James Price
 Brenda Hlas
 Mike Zita

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

The Committee of the Whole convened for a meeting on Monday, May 16, 2005 at 7:04 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:

Resolution of Necessity:

Mr. Collins discussed the waterline replacement for Hazelwood & Connect, which is to replace temporary lines. This waterline replacement is long over due, the lines are approximately 50 + years old and this will encompass approximately 20 homes. Mr. Collins indicated that this resolution is necessary to secure the Ohio Public Works Grant which is due by the end of June. Mr. Collins indicated that this needs to be adopted and will be part of the packet that is submitted for the grant. Mr. Collins indicated that the project cost is approximately \$119,500.00 and the grant is for 50%, the remainder will be paid by the parcel owner, which is estimated to be approximately \$59,750.00. Mr. Price inquired if the residents are aware of this and if they will have the option to pay this off in 20 years. Mr. Collins indicated that this would be an option and that he has sent letters to the residents informing them of the need to replace the lines. Mr. Hlas inquired if this needs to have emergency language and waive the second & third readings, and Mr. Collins indicated that would be necessary in order to meet the deadline. Mr. Price moved to place this item on Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Pelot.

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

Motion passed 5-0

Budget Appropriations

Mrs. Zerga requested that Council approve the creation of accounts with appropriations and to adjusted current appropriations within the 2005 budget. Mrs. Zerga distributed an updated Exhibit A listing the information detail. Mrs. Zerga stated the reason for creating new accounts is to better track the expenses. Mrs. Zerga indicated that she erred on the 2005 Budget and neglected to list the Workman's Comp for the Police Department. Council passed the ordinance for the tipping fees and we need a transfer out account to track that activity. Mrs. Zerga indicated that the Service Dept. has been working with OSHA and conducting training seminars and meetings, and following new laws for safety requirements. Mrs. Zerga indicated that Ted Weinsheimer has suggested, and she agreed that they need an account for \$10,000.00 to track the expenses for safety that are required by law. Mrs. Zerga indicated that she has decreased his budget by that amount to stay within his budget. Mrs. Zerga discussed the overtime account, and everyone's overtime goes into one account. The new payroll system will now track the employer's portion and she needs a new account to do this properly. Mrs. Zerga stated the next three accounts relate to Gardner Blvd. Waterline and the note payments related to this project. Mrs. Zerga stated that she needs these new accounts set up in order to pay off the notes, which is due in June. Mrs. Zerga discussed the Increase/Decrease accounts in Exhibit A and the items listed therein. There was discussion and clarification to the specific line items, and Mr. Pelot suggested Mrs. Zerga amend her exhibit to reflect the offset figures showing the decreases in various accounts, it would be more clear. Mrs. Hlas discussed the Recycling Fund and the fact that we already had \$1,000.00 established as a new account earlier, and felt this was not necessary. Mrs. Zerga agreed, explaining that new grant for \$2,878.00 and the new appropriation amount of \$3,878.00 and this would be corrected. Mrs. Hlas questioned if it is really necessary to do this now or if we could hold off until the end of the year. Mrs. Zerga indicated that we could do this either way, however she needs the new accounts now for the Gardner Blvd. Project because the notes are due next month. Mr. Price expressed his concerns with creating ten new accounts all at once, and felt that we should move slowly here. Mrs. Zerga stated that all she is asking for is to establish ten new accounts that will show more detailed spending. Mrs. Zerga gave an example; if you have four accounts spending a total of \$50,000.00 you would be able to see exactly how that \$50,000.00 is broken down, instead of one account. As always there will be a paper trail to track the income/expenses. Mr. Mowery expressed his concerns and agreed with Mr. Price's comments. Mr. Mowery stated that it took Council over two months to go through the 2005 Budget, and once the wheel gets rolling it can't be stopped and he would not be supporting this legislation. There was further discussion regarding the overtime accounts and Mrs. Hlas indicated that this also needs to show the decreases, and Mrs. Zerga indicated that she would reflect this information. There was detailed discussion about the Rainy Day Fund and how this is currently being used, and why there are transfers out of this account. Mrs. Hlas stated that she already wanted to discuss the 2005 Budget at the next committee meeting, but since we are into it now she has further questions. Mrs. Hlas stated that it was her fault that she did not look at it more closely. It would appear that we are transferring out \$132,000.00 out of the General Fund in order to budget for 2005, but why are we transferring \$48,000.00 out of the Rainy Day Fund into the Fire Levy Fund to balance that fund? Mrs. Hlas felt that there should be enough levy money to cover their expense. Mrs. Zerga indicated that there is a good possibility that there may not be enough money, and in order to have a good paper trail she will be transferring it to the Rainy Day Fund first, then to the Fire Levy Fund. Mrs. Zerga indicated that anytime we make a transfer like this, it should go into the Rainy Day Fund first, then on over to the appropriate fund, this way 5-10 years down you will be able to see exactly where the money went.

Budget Appropriations Continued:

Mrs. Hlas stated that she understood this, however we raised the income tax by ½% in order to make enough money to balance a budget, and now we are dipping into the Rainy Day Fund to balance. Mayor Kernan explained that the money originally comes from the General Fund—to the Rainy Day Fund—to the appropriate fund. Mayor Kernan stated that the Rainy Day Fund is considered as a holding fund until we make the transfer out. Mayor Kernan stated that expenses continue to rise, the levy only continues to produce the same amount of income, just like a school levy. Mrs. Zerga indicated that the Fire and EMS levies originate back to late 80's and 90's. Mrs. Zerga stated the main reason for using the Rainy Day Fund is to have a detailed paper trail. Mrs. Zerga stated that if she is trying to figure out what money is sitting in a fund, they could be all over, or in a particular fund that could have been eliminated. A perfect example is the ENR Fund; we took that money and put it into the Rainy Day Fund. Once that fund goes to -0-, next year you no longer have that fund and ten years down the road you are trying to figure out what happened. With this legislation, you could go directly to the Rainy Day Fund and see exactly everything that went in and everything that went out. In essence this Rainy Day Fund would never go off of the books. Mrs. Zerga indicated that the budget is basically an estimate to see where you are, and can and possibly should be adjusted throughout the year. There was more discussion on this subject regarding the necessity of three full readings, and emergency language. Mrs. Zerga indicated that this could go all three readings and emergency language is not required since it will become effective when the Mayor signs this. Mr. Conklin moved to add this to Council's next agenda going at least two readings, with the understanding that Exhibit A would be corrected to show the changes and more explanation, seconded by Mr. Zita. After reviewing Charter Section 3:17 Mr. Conklin discussed the requirements for three readings for any legislation involving the expenditure of money, and modified his motion accordingly. This ordinance will have three full readings.

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

Motion passed 5-1.

Streets Listing Ordinance:

Mr. Pelot stated that this legislation is to establish a new Chapter 250 to define streets and guidelines, and that Mr. Pritchard had worked very long and hard on this listing. Mr. Pritchard elaborated on this subject, adding the fact that the listing he has been using had paper streets, half streets, dedicated & vacated streets, etc. This new listing will clarify consolidate, and define each type of street within city limits. Mr. Pritchard indicated that there are 30 new streets that were not on the older listing. Mr. Conklin inquired if this would help with the request from residents to cut in driveways across paper or private streets. Mr. Mowery discussed Section #11-Private Streets; and the requirement for a Homeowners Associations and asked for an explanation. Mr. Pritchard indicated that anytime you have a private street or road, the homeowners need to have an agreement for maintenance with all of the homeowners in that area. The city is not responsible for private streets. Mr. Conklin inquired about what happens if we miss a street or road; do we need to have more legislation? Mr. Collins indicated that Council would need to amend the legislation if we need to add a street or a road. Mr. Pelot moved to add this legislation to Councils next agenda, seconded by Mr. Conklin.

Streets Listing Ordinance continued:

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

Motion passed 6-0.

Emergency Culverts:

Mr. Pelot discussed this legislation briefly, adding that this gives the Director of Public Service-Mr. Collins the authority to fix a driveway culvert in an emergency situation. Mr. Collins added that normally it takes 40-50 days to change a driveway culvert. With this legislation it could be addressed immediately. This legislation would also stop property damage to surrounding neighbors from occurring. Mr. Collins stated that regardless the resident is required to pay for the repairs, and they generally have 30 days to pay for this. Mr. Collins indicated that there is an approximately \$400.00 fee for the culvert, plus the expense for the pipe and the tile, which is approximately \$5.00 per foot. Mrs. Hlas wanted clarification on what has been the policy in the past because she had a call this weekend from a resident who thought the city did this at no cost. Mr. Collins indicated this was not correct, the homeowner is always responsible for their driveways, and driveway culvert. Mr. Collins discussed the tile portion, which is the portion other than the driveway, also referred to as a ditch. If the homeowner fills in this tile area, then it becomes the responsibility of the city to maintain or replace that area thereafter. Mr. Pelot moved to place this legislation on Councils next agenda, seconded by Mr. Price.

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

Motion passed 6-0.

Subdivision Fees:

Mr. Pelot discussed this legislation, adding that according to the Charter, Council is to set the fees for subdivisions. Mr. Pelot stated that this ordinance lists the individual fees all on one piece of legislation. Mr. Pritchard indicated that this is **not** a new fee, we are charging the amount currently, and this is merely a reference tool. Mr. Collins indicated that this is also **not** an increase of fees. This was eliminated in the new subdivision code; this just needs to be put back in. Mr. Pelot moved to add this to Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Sale of Vehicles:

Mrs. Hlas indicated that there are two police cruisers that need to be sold. Mr. Collins indicated that these two vehicles need to be retired and sold, since we received new cruisers earlier this year. Another vehicle is a 1994 Jeep Cherokee used by the Detective Bureau and is becoming too costly to maintain. The other two vehicles are a 1997 Dodge Avenger and a 2000 Mitsubishi Eclipse which were seized either by robbery or drug arrests and we have no need for these last two vehicles. Mr. Collins indicated that he would like to trade up the last three to replace the Jeep for the Detective Bureau. Mr. Collins indicated that he discussed this with the Law Director and was told that this could be accomplished in one piece of legislation. Mr. Collins indicated that he would like to have emergency language and waive the second and third readings, if possible.

Sale of Vehicles Continued:

Mr. Collins stated that essentially we need to get rid of five vehicles and wind up with one newer one. Mrs. Hlas indicated that we would be giving the Administration the authority to either sell or trade to come up with one new vehicle. If the Administration is not allowed to trade vehicles, then they will have to come back to Council in order to purchase another vehicle within the funds received from the auctions. Mrs. Hlas moved to have legislation prepared for Councils next agenda as discussed, with emergency language, waiving second and third readings, seconded by Mr. Zita.

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

Motion passed 6-0.

PC Res. #3-2005:

Mr. Pelot stated that this ordinance amends Chapter 1296; modifying the maximum heights of accessory buildings from 18ft. to 21ft, and to modify the required street access and establish setback requirements for decks. Mrs. Hlas questioned the draft legislation for the decks-Section A, noting that the PC Resolution specifically stated “and be located in compliance with any riparian /wetland setbacks” was omitted. Mr. Pritchard indicated that this was an oversight and it would be corrected before Council receives this on Monday. Mr. Pritchard indicated that this legislation would eliminate a lot of the residents from having to apply for a variance. Mayor Kernan added that this would also save the residents from the \$350.00 filing fee. Mr. Pelot stated that this was also included in the zoning codes that were shot down by the voters. Mr. Pelot moved to place this legislation on Councils next agenda with the additional language as discussed, seconded by Mr. Price.

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

Motion passed 6-0

PC Res. #4-2005

Mr. Pelot stated that this ordinance amends Chapter 1298; Home Occupations to designate two types, Type A and Type B. With Type A-the Zoning Inspector is authorized to approve with a zoning permit and compliance within. Mr. Pritchard stated that this also is another area that was shot down with the rest of the zoning code. Mr. Pritchard stated that essentially, home occupations are not permitted within the city today. This legislation would help the resident who runs a small business from their home with a permitted use, as long as they follow State codes. Mr. Pritchard indicated that the Zoning Dept. works with this on a daily basis. Mrs. Hlas stated that she believed that Ms. Conley actually has people waiting for this legislation to be adopted. Mr. Pritchard indicated that we are trying to work in the least controversial issues first. Mr. Conklin had a suggestion in Item A on page # 3 of the legislation, adding that some home businesses may employ a secretary and that we could consider adding up to one employee who is not the resident. There was discussion, and Mr. Pritchard indicated that he would discuss this with Ms. Conley and have her respond. Mr. Pritchard stated that he agreed with Mr. Conklin and felt that Ms. Conley would have the time to reconsider this change.

PC Res. #4-2005 Continued:

Mrs. Hlas stated that she has discussed with Karla the requirements for the public hearing, and it was decided not to have the public hearing until the third readings, since there was another item before the Planning Commission. This way we can place one legal add covering the three items from Planning Commission. Mr. Pelot moved to add this legislation to Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

Old Business:

Mr. Price mentioned his memo sent around last week regarding the Board of Control, and asked for feedback. Mayor Kernan stated that he would try and see that Board & Council members have the agenda on the Friday before the meeting on Monday.

New Business:

Mr. John Glas, A Norton resident spoke regarding the city charging license fees for contractors who work within the city. Mr. Glas stated that Cuyahoga Falls does this and they require a \$100.00 filing fee along with other documentation. Mr. Glas indicated that there are 686 licensed general contractors working for that city and we should consider doing the same to bring in more revenue. Mrs. Hlas indicated that she has already prepared a memo to the Mr. Collins asking him to address this exact issue. Mrs. Hlas stated that Mr. Arters was working on this and submitted information to Mr. Lyons for review, and she wanted to see where it was.

Topics for next Work Session:

Mrs. Hlas stated that there should be four items for the next work session. #1-Community Center fees, #2. PC Resolution for Site Plan Reviews, #3-Barber Road Repairs-funding issues, and #4. Review of the 2005 Budget.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:17 PM.

Brenda K. Hlas-President of Council

Date approved: May 23, 2005

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ARCHIVED IN THE CLERK OF COUNCILS OFFICE**