



## COMMITTEE OF THE WHOLE MEETING JUNE 6, 2005

Committee Members Present: John Conklin (Excused)  
Dennis McGlone  
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, June 6, 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. Mayor Kernan presented Austin Rebek with a Proclamation for his success in winning \$5,000.00 to refurbish Edison Field for the Norton Baseball Association. Austin came forward, accepted his proclamation and thanked the residents of the community for supporting him.

### **Committee of the Whole General Discussion:**

#### **Community Center Fees:**

Mrs. Hlas turned this over to Mr. Collins for discussion. Mr. Collins indicated that this ordinance needs a section of language corrected. The way it is currently written the revenue received from rental fees can only be used to purchase equipment for the center. Mr. Collins stated that we need to change the language because this has not been the practice in the past. Mrs. Hlas stated that she and Karla had researched the history on this and found that in 1988 Council intended to place a time limit for the purchase of equipment, and probably intended to change it at a later time and apparently never change it or re-addressed it. Mr. Collins stated that it needs changed so that we can use the revenue to pay for inspection fees, insurance, repairs, etc. Mrs. Hlas moved to place this on Councils next agenda for three full readings, seconded by Mr. Pelot.

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

Motion passed 6-0.

#### **PC Resolution #8-2005 Site Plan Review**

Mr. Pelot stated that the Planning Commission has reviewed and approved this, which basically lays out the procedures and guidelines for site plans. Mr. Pritchard stated that we currently do not have these procedures in place, and that this is an entirely new chapter. Mr. Pritchard stated that with this legislation in place, it would make the whole process much neater and clear cut.

**PC Resolution #8-2005 Site Plan Review continued:**

Mrs. Hlas questioned Section 1257.04(B) Applications, and inquired if these would be available to download from the city's web page. Mr. Collins stated that at this time they are not, however we need to be more user friendly and would look into this. Mr. Pritchard stated that even if the applications/forms were posted to the web page, at some point in time the resident would have to come in to city hall in person. Mrs. Hlas also questioned the Section 1257.04(B)(2) "a fee as required by action of Council" and if we have the fee structure yet. Mr. Collins indicated that Ms. Conley and Mr. Arters are currently working on this. Mrs. Hlas expressed her concerns on not having them by now and if Council is to set these fees, we must have their recommendations before the third reading of this legislation. Mrs. Hlas inquired as to what H.O.A. means in Section 5, Mr. Pritchard was not sure and would get back to Council with an answer for Monday. There were other items discussed, such as the total number of copies required for filing, multiple extensions, etc. There was concern expressed regarding Section 1257.07(f) and the requirement of HIGH quality landscape, such as who decides what is high quality. Mrs. Hlas suggested that high could mean very expensive, which could be a hardship and wanted to delete the word High entirely, and council agreed. Mr. George Tomko, a Norton resident stated that it is good that Council is doing this a little at a time, but felt that the language is too much, most of this is pure common sense. Mr. Pritchard stated that this is part of our review process and we need to control the type of development. Mr. Tomko inquired about the change of use structure and Mr. Pritchard clarified that if you have an existing building and the type of use for that building changes, then the owner would have to go through this process for approval. Mr. Tomko mentioned that on this date 61 years ago 2,600 people lost their lives on "D" Day and wondered how many actually know or remember what this event was. Mr. Lino, a Norton resident spoke about the site plan, and wondered if residents/business will have the same set of rules. Mr. Pritchard stated that the site plan review is specifically for commercial, not residential. Mr. Pelot moved to have this legislation on Councils next agenda, with the removal of the word "High" as discussed earlier, seconded by Mr. Price. Mrs. Hlas stated that this would benefit the residents next to a business because it would require a buffer between the two.

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

Motion passed 6-0.

**Barber Road Repairs:**

Mrs. Hlas stated that during the Board of Control meeting a few weeks ago, the Board authorized the repairs to Barber Road, there are dips in the roadway in some places. This authorization was to take the funds out of the sewer fund to pay for the road repairs. However, she and other members of Council felt that it was improper to take the funds from the sewer fund account to pay for this, and wanted to look into other options. Mrs. Hlas suggested four possible other funds to pay this from: General Fund, Rainy Day Fund, the Permissive License Tax, which the Service Dept. has already earmarked for road repairs, or the C & D Tipping Fees. Mrs. Zerga stated that she had requested an opinion from the Law Director as to the use of those funds. Mrs. Zerga stated that we do have an opinion from the Law Director stating that we could use the funds. Mr. Price inquired as to the dollar amount limit the Board of Control has before Council is informed. Mr. Collins stated that Council is notified because two Council Members are on the Board of Control, and the Board has the authority to approve \$5,000.00 to \$25,000.00. Mr. Collins stated that the costs for the repairs was \$8,000.00 and was within the range for the Boards approval. Mayor Kernan stated that he believes the reason to use the money from this fund is because the damage was caused by the sewer line installation causing the road to settle

**Barber Road Repairs Continued:**

Mr. McGlone stated that he was surprised to hear about the use of the money in that fund, and felt that Council should have been informed. Mr. McGlone stated that he thought this fund was set up to extend and repair water and sewer lines. Mrs. Hlas stated that this is why two Council Members sit on the Board of Control and is her reason for doing what she is doing by bringing this issue up before all of Council. Mrs. Hlas stated that even though this repair had to be done, she was not comfortable with where the money was coming from and voted no at the Board of Control meeting. Mrs. Hlas stated that Council worked long and hard on the sewer/water access fees legislation and we kept telling the residents this money would be used to extend the sewer/water lines, and she has a real issue with paving a road with this money. Mr. Pelot stated that he was in favor of using the money in the General Fund or the Rainy Day Fund. Mrs. Zerga stated the amount in the General Fund is \$191,000.00 Mrs. Hlas clarified that there is still some money that is unencumbered which could be used to pay for the repairs. Mrs. Zerga stated that Mrs. Hlas was correct. Mrs. Hlas stated that she recalled there is \$154,000.00 in the Rainy Day Fund, and about \$133,000.00 was earmarked for something else, so about \$20,000.00 is sitting there unencumbered. The Permissive License Fund is already earmarked by the Street Dept. for future road repairs. The C& D Tipping Fund will not have \$8,000.00 in this by year end and would have to be carried over to 2006. Mrs. Hlas mentioned that this would be another issue later on because other sections of the road is starting to do the same thing. Mr. Collins stated that the problem is that this area is in a wetland and has poor soil. Mr. Collins stated the contractor explained this to the city when they began the work, and before the two-year warranty ended they fixed problems there. Now we have repairs four years after the warranty has expired. Mr. Collins stated this was not due to poor workmanship, it was because of the low lying area and the poor soil. Mr. Collins stated that he takes the blame for this, the road had to be fixed and he and Mrs. Zerga presented this to the Law Director for his opinion. Mr. Lyons' opinion stated that this is exactly what those funds are for. Mr. Collins stated that we are not fixing Barber Road, only that area where the sewer line installation is causing the roads to heave. Mrs. Hlas stated that her first choice is to take the money out of the General Fund. Mrs. Zerga indicated that if Council wishes to do this, then she would need legislation to create an account. Mrs. Hlas inquired about transferring the money out of the General Fund to the Service Dept. Fund to pay out for the repairs. Mrs. Zerga stated that she could do it this way if Council so chooses. Mr. Price moved to place this legislation on Councils next agenda, for three full readings, seconded by Mr. McGlone.

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

Motion passed 6-0.

Mrs. Hlas wanted to skip over Item D on the agenda-2005 Budget in order to have the time to discuss a resolution for the Norton Baseball Team. Mrs. Hlas stated that she would like to present the entire team with a resolution of appreciation and congratulations at Monday's Council meeting. Mrs. Hlas indicated that she is working on draft legislation and will have this to Mr. Lyons. Mrs. Hlas though it would be nice to do this and she would like Mr. McGlone to introduce this because his son was on the team last year. Mr. Price inquired if the Mayor would like to provide a key to the city to the members, and Mayor Kernan indicated that we do not have that many keys available. Mrs. Hlas suggested one key could be given to the coach. Mr. McGlone moved to place this resolution on Councils next agenda, seconded by Mr. Price.

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

Motion passed 6-0.

**Review of 2005 Budget:**

Mrs. Hlas stated that it is hard to read and understand the Budget Reports we receive from the Finance Department. Mrs. Hlas suggested we go through the reports and if there are any questions needing to be address Mrs. Zerga could answer them in a memo, or members could meet with Mrs. Zerga if it is very involved. There was general discussion as to how to read the reports, the differences between encumbered and unencumbered accounts. Mrs. Elaine Tompkins, a Norton resident voiced her concerns with the reports. Mrs. Tompkins stated that the budget reports are not hard to comprehend-it does take time to read it. Mrs. Tompkins stated that Mrs. Zerga stated it very nicely, the revenue is what is expected. Expenses are what is really important, it his how money is spent and distributed, just like with your own house. Mrs. Tompkins inquired about the amounts the Board of Control approves because according to the Charter the limit is \$20,000.00. Mr. Collins indicated that State Law has changed the limit to \$25,000.00 about two years ago, moving from \$15,000.00 to \$25,000.00. Mrs. Tompkins stated that the Board of Control should issue a summary report to all Council members as to their activity. Mrs. Tompkins voiced her concerns about certain language in the minutes of the Board of Control stating "an amount not to exceed..." then why do we spend more on same issues when the minutes are specific? Mrs. Tompkins cited examples of this; for instance the Board of Control would approve something not to exceed \$15,000.00 but at the end of the year the total was \$37,000.00 paid out. One account approved an amount not to exceed \$13,500.00 yet at the end of the year the total was \$16,000.00 paid out. How does this occur? Mrs. Tompkins discussed various accounts and the breakdowns in several places, meditax, and the carry over expenses. Mrs. Tompkins mentioned the issue earlier with the Barber Road expense and was pleased that Council decided to pay this from the General Fund, and had they not done this it would have set a precedent. Mrs. Tompkins suggested the next time maybe we should ask for a longer warranty, even if we have to pay extra for this, it still may save the city money. Mrs. Zerga addressed Mrs. Tompkins concerns regarding the carryover accounts. Mrs. Zerga stated that these are bills that are not received by the end of the year, they are carried over to the next year into this account so it does not affect the 2005 budget. Mr. Price stated that he feels this is a good idea to review the budget on a quarterly basis and not at the end of the year.

**Old Business:**

Mayor Kernan stated that he sent a letter to Mr. Harrison, Barberton Health Commissioner regarding the Norton Health Advisory approving the experimental household sewage treatment system, and copied Council on this. The Norton Health Advisory Board had made a few changes and the Barberton Health Dept., has accepted those changes and the policies and procedures. Mayor Kernan reported on the status of the Home Occupations legislation and the questions on the number of employees allowed. This has been sent back to Ms. Conley and Mr. Lyons with the recommendation that we allow one non-resident employee as a compromise and it should be coming back to Council shortly. Mayor Kernan stated that today he provided a list to Council on the residents he selected to serve on the Technical Advisory Committee (TAC) for the Road Program. Mayor Kernan stated that several residents applied, and it was hard to decide. However, he did select at least one member from each ward, and Ward 2 has two members who have civil engineering experience. Mrs. Hlas inquired if a resolution needs to be adopted, and Mayor Kernan stated this is not necessary, if Council approves, a voice vote would be enough, and nothing else is required by Charter. It was decided that Council would approve this at the next meeting under New Business. There was discussion as to the items for the next Committee of the Whole, and the Clerk of Council stated that there is one item pending-English Language. Mr. Pelot stated discussed the need for legislation for Mrs. Zerga to create an account for the Barber Road repairs to transfer from the General Fund to the Service Fund, and we could address this tonight.

**Old Business Continued:**

Mr. Pelot moved to place this on Councils next agenda, seconded by Mr. Price.

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

Motion passed 6-0.

Mrs. Hlas stated that since we only have one item remaining in committee, if we have the legislation on English Language by Monday, we could discuss it during the Committee of the Whole and add it to the June 27, 2005 agenda. If there is nothing else pending from the Mayor or Administration, we could cancel the Committee of the Whole meeting scheduled for June 20, 2005. Mr. Collins indicated that he has nothing pending. Therefore, the Committee of the Whole meeting previously scheduled for June 20, 2005 is now cancelled.

**New Business:**

None

**Topics for next Work Session:**

None

**Adjourn:**

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:43 PM.

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Brenda K. Hlas-President of Council

*Date approved: June 13, 2005*

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ARCHIVED IN THE CLERK OF COUNCILS OFFICE**