



**COMMITTEE OF THE WHOLE MEETING
AUGUST 15, 2005**

Committee Members Present: John Conklin
 Dennis McGlone
 Bill Mowery (Arrived at 7:13 PM)
 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, August 15, 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, followed by the Pledge of Allegiance and a moment of silent prayer.

Committee of the Whole General Discussion:
Barberton Health District

Mr. Zita opened the discussion and indicated that Mr. Harrison and the members of the Barberton Health District (BHD) were present, along with Nancy Delnay and Dalia Spisak of the Norton Health Advisory Board (NHAB). Mr. Zita stated the purpose for their presence was to discuss the current contract for health services and to basically compare apples to apples for services between Summit County. Mr. Harrison expressed his concerns regarding Norton City Council having issues with their services. Mr. Dave Brumagin of the (BHD) spoke regarding the services and the Mosquito Abatement District (MAD) adding that their department provides more than just mosquito spraying. Mr. Brumagin stated that the BHD works the entire year, not just during mosquito season, and that their role is to educate and protect the residents of both communities. Mr. Brumagin urged council to keep the dialogue open and not to end this as a monologue and to express your concerns. Mr. Harrison discussed the other services they provide such as their clean up on the Pander property and that after just two years this is all cleaned up, adding that it took over 30 years to create that mess. Mr. Harrison discussed the current clean up efforts on the Matney property, which is ongoing. Mr. Harrison discussed the sanitation standards, which have improved for the restaurants within the city. Mr. Harrison stated that when they took over our contract there were many restaurants with sanitation levels well below what they recommended. Now with the efforts of the BHD the standards are at a higher level than they were five years ago. Mr. Harrison discussed the services at the clinic, such as flu vaccine, pregnancy care center, etc. Mr. Harrison stated that his department has been working very well with both cities, and its not political for either city. Mr. Harrison stated that this is the first time the BHD has been at a Norton City Council meeting and they are willing to discuss whatever the issues may be. Mr. Harrison stated that he still would like to see the NHAB and BHD merge, however this is a slow process. Mr. Pelot stated that he was against the MAD.

Barberton Health District continued:

Mr. Pelot stated that Mr. Binic has done a wonderful job serving the city, and commended him for his efforts. Mr. Pelot stated that when Norton Council speaks, the BHD ignores our wishes. You ignored us with the experimental septic system and you ignored us with the MAD. Mr. Harrison indicated that they did listen to the concerns about the experimental system, and eventually came back to the city with a better version. Mr. Harrison stated that he has worked on the MAD for nearly two years, and that it's the responsibility of the BHD to keep the residents of both communities protected from the West Nile Virus disease. Mr. Harrison stated that the trucks are more than seven years old, sprayers need to be replaced because there are no parts available to fix them. This was the only tool he had available to continue providing these services. Mr. Brumagin stated that when they held their first meeting regarding the Wisconsin Mound experimental septic system, the BHD was not aware of Norton's concerns, and once they found out they re-addressed it. Mr. Pelot indicated that he is strongly opposed to taxation without representation and that gathering only 500 signatures from both communities was a real joke. Mr. Harrison stated that objections may still be filed and assessments could possibly be reduced. Mr. Price stated that when we were with Summit County, the city had voting powers, now we do not. While we may have representation now, still no voting powers. Mr. Price stated that he was not happy with the way the MAD was formed. Mr. Harrison asked Mr. Price if he was dissatisfied with the services the BHD currently provides and Mr. Price stated that he was not. Mr. Price stated that the problem is really a matter of trust, no one wanted to form a MAD and you went ahead and did it anyway. Mr. Harrison discussed the legal notice in the Herald last week, which informed residents with concerns to contact his office. As of this evening he has not received one single phone call, which indicates there must be some residents that are ok with it. Mr. McGlone discussed the Public Hearing in Judge Bond's court and asked Mr. Harrison if he was aware that objections had to be filed in writing to the court before the hearing in order for Judge Bond to consider them? Mr. Harrison stated that this was a shock to him, that he was not aware of that requirement. Mr. McGlone suggested that perhaps this is where all of the distrust originated. Ms. Nancy Delnay, NHAB member spoke regarding the MAD. Ms. Delnay stated that although the NHAB may not have actual voting rights, she is very vocal and does her research on issues. Ms. Delnay stated that she was in favor of the MAD, adding that a time frame was involved which would affect the 2006 budget. Mr. Pelot inquired if anyone really did the math and checked the numbers, and felt that we could get the same service elsewhere for a better price. Mr. Harrison stated that this is not true, Summit County only has five trucks for the entire county. Mr. Harrison explained the costs projected to get the MAD up and running, which include two new trucks with sprayers, chemicals at \$300.00 per gallon, and are the safest products available. Mr. Harrison stated that there are other costs involved such as gas, staff, etc. Mr. Harrison indicated that the costs could very well decrease once the major equipment is purchased. Mr. Pelot stated that the revenue coming in simply would not be enough to sustain the program, it would be subsidizing the BHD. Mr. Mowery stated that he felt the BHD has made their own bed and now they must lie in it, and it's not a good way to do business. Mr. Mowery indicated that the real downfall with Summit County was their handling of the Eslich C & D facility. Mr. Mowery stated that he felt the City of Norton could do better than this and now the burden is on BHD not Norton. Mr. Harrison disagreed, adding that the BHD does a lot more than just mosquitoes, and that you are hung up on one issue here. Mr. Zita and Mrs. Hlas thanked the members of the BHD and the NHAB for being present to discuss these issues.

Gardner Blvd. Phase II

Mr. Price stated that the projected total costs is \$705,860.00 and that grant money is available for half of that. Mr. Collins concurred with Mr. Price adding that the remainder would be assessed to the residents either cash up front or paid over 20 years.

Gardner Blvd. Phase II Continued:

Mr. Collins stated that Phase II would encompass 106 residents who have 40-50 year old lines that have deteriorated and are constantly being repaired by Barberton. This would replace these older lines, not repair them. There was further discussion as to the time line involved and the grant funding. Mr. Collins indicated that as it is now, he will have to ask the State for an extension. Mr. Price moved to place this on councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Conklin.

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

Motion passed 7-0.

800 MHz Radio Systems:

Mr. Conklin opened the discussion and stated that Chief Carris was present to go over the information. Chief Carris indicated that after testing and research they decided to go with Summit County/City of Akron's 800 MHZ digital system instead of Barberton's, which is analog. Chief Carris indicated that this grant money was not available at the time when they were looking into Barberton's system earlier. Chief Carris indicated that the initial grant would supply enough radio equipment for the Police and Fire Dept, and that the grant is for 75% of the costs, the city is responsible for the remaining 25%. Chief Carris stated that a second grant would be available sometime in the fall, maybe around October and this would supply equipment for the Service Dept. and the Administration. Mr. Collins indicated that the grant paperwork has already been filed and he needs to follow up with a resolution from Council. Mr. Conklin discussed the funding that was already secured in 2004 and wondered if we would be using up all of it. Mr. Collins stated that we did borrow \$400,000.00 and in order to outfit the entire city the costs would be \$530,000.00 and this includes replacing the mobile data terminals in every cruiser. Chief Carris stated that these terminals will need to be replaced in 2-3 years and the costs are \$10,000.00 each. There was discussion regarding the pagers, which were recently approved for approximately \$18,000.00. Mrs. Zerga stated that after the pagers are paid for that fund would have a balance of approximately \$370,000.00. Mrs. Hlas inquired if there would be enough in the fund left over to do the matching funds when its time to apply for the grant for the Service Dept. and Administration? Chief Carris indicated that he felt there would be enough. Mr. McGlone expressed his concerns with voting on this since he and Mr. Price are employed by Summit County. Mr. Lyons indicated that it would be all right to vote on the grant but they should abstain on the resolution for the agreement since there is a \$12.00 per month maintenance fee involved. Mrs. Hlas expressed her concerns about the additional costs of the maintenance fee. Mrs. Zerga stated that we already pay a small fee on the old equipment and this has been projected into future budgets. Chief Carris indicated that although there are no grants to cover the costs of maintenance fees, this could possibly change when it comes time for the second round of grant applications, and he was told they could even reduce the operating costs if additional funds do become available. Mr. Conklin moved to place a resolution for the grant on council's next agenda as an emergency and waiving the second and third readings, seconded by Mr. Price.

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

Motion passed 7-0.

800 MHZ Radio System continued:

Mr. Conklin moved to place the agreement on council's next agenda as an emergency and waiving the second and third readings, seconded by Mr. Zita.

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

Motion passed 5-2.

Trash Haulers Bids:

Mr. McGlone stated that we received two bids, although he did expect to see more than this. Mr. Pritchard indicated that one company wanted to participate but could not make the deadline. Mr. Collins stated that because we asked for bids with an opt-out and a no opt-out, it gets harder to price and may have be the reason we only had two replies. Mrs. Hlas stated that if we intend on sending it to the voters she wanted to send the one with no opt-out clause for the \$12.50. There was discussion as to the time available to get this adopted and filed with the Board of Elections by their August 25, 2005 deadline in order to be on the November ballot. Mr. Zita inquired of there is a fee to place this on the ballot, and Mayor Kernan stated there is a \$6,000.00 fee involved, and we have no available funds for this. Mr. Collins indicated that the prices in the bids are only good for 90 days and would expire before going to the voters. There was discussion on asking the bidders for an extension on their price. Mr. Carris Sr., a Norton resident spoke regarding the costs and felt it is not a savings to the residents, and the price may even go up due to the recent climb in fuel prices. Mr. John Wellbach of J & J Refuse was present and commented on the 90-day deadline for the bid pricing. Mr. Wellbach stated that he was the Service Director for Westlake for 30 years and did not believe you can legally ask for an extension and our Law Director should take a good look at the terms of the bids. Mr. Wayne Fenamore also of J & J Refuse was present and spoke regarding the poor participation of other communities such as Bath, Tallmadge, Copley all with less than 50% participation. Mr. Fenamore questioned the thought process of spending \$6,000.00 to send it to the voters, only to have them give you a NO answer. Mr. Lyons stated that if it goes to the voters the language would be very generic, no actual price would be listed. It could say, "Do you approve the City of Norton to enter into a contract for one waste refuse hauler. This is a simple yes or no answer, and similar to how the electric and gas aggregation was. There was further discussion on the costs of sending it to the voters and most members we not in favor of this. Mr. John Glass, a Norton resident spoke in favor of the trash program and if it save the residents \$5.00 per month this would be a savings \$5.00 is \$5.00 and he could not see what the hang up is on this issue. Mr. Glass stated that he though this would have flown through council many months ago. Mr. Glass urged council to do something with this and if residents don't like it let them file a referendum on it. After more discussion on this Mr. McGlone moved to place the bid from J & J Refuse for \$12.50 unlimited service with a no opt-out provision on Councils next agenda as an emergency and waiving the second and third readings, seconded by Mr. Conklin.

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

Motion passed 7-0.

Comprehensive Plan-D.B. Hartt:

Mr. Pelot opened discussions regarding the proposal for preparing the comprehensive plan for the city. Mr. Pritchard stated that we had received proposals from two companies: D. B. Hartt and Northstar Planning & Design. After carefully review and checking their credentials, he chose D. B. Hartt. Mr. Pritchard discussed the company background and their credentials. Mr. Pritchard stated that we would have a more detailed plan with D.B. Hartt, and this would help guide us on how to grow and expand the city. Mr. Pritchard indicated that he would like to initiate this in September and the entire process would take about nine months. Mr. Pritchard stated the Planning Commission would be involved, and all meetings would be open to the public. Mr. Conklin discussed the advisory council or steering committee of area residents and if a Councilperson was not officially on board we can all attend the meetings anyway to keep informed. Mr. Pelot encouraged residents to attend all of the meetings, to get involved and if you cannot attend the meetings contact your councilperson and they can convey your concerns at the meetings. There was discussion on the costs-not to exceed \$75,000.00 and Mrs. Zerga stated that there is already over \$45,000.00 set aside for this expenditure in this years budget. Mr. Mowery was concerned with the community involvement, and that maybe no one will listen to the residents. Mr. Pritchard stated that this is the city's plan, not some company and that the plan should reflect what the residents want to see. Mr. Pritchard stated that a master plan would identify weakness within the city, which we have plenty of. We have land use that does not make sense, zoning codes don't match, adding that the zoning code itself is a train wreck, which is why we are trying to fix it one piece at a time to make it better. Mr. Pritchard indicated that we have to set a tone and a direction and you cannot do that without a master plan. Mr. Helmick, a Norton resident and former councilman was present and echoed Mr. Pritchard's comments. Mr. Helmick stated that many years ago Akron University developed a master plan for Wadsworth and just take a look at what they are doing now. Mr. Pritchard stated that master plans are a great tool, however they are worthless unless you stick to them, follow it, and keep it up to date. Mr. Pelot moved to place this on council's next agenda, and wanted to see this go all three readings with no emergency language, seconded by Mr. Conklin.

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

Motion passed 7-0.

Old Business:

None

New Business:

Mayor Kernan stated that Mr. Collins was not feeling well and left the meeting early, however he wanted to inform Council that union negotiations will begin soon and there are five bargaining units to approve this year. Mayor Kernan asked for volunteers to serve on the Charter Review Committee which must convene soon and he would like to have all of the appointments completed in the next 30 days. Mayor Kernan stated that Time Warner Cable has informed him that they will hold an amnesty program from August 9, 2005 to September 24, 2005. If anyone is illegally receiving cable and turn yourself in during this time, there would be no questions asked, you may receive free installation. Those residents who were not legally connected can call in and receive free installation, or have the unauthorized service disconnected without facing any legal penalties. Mayor Kernan stated that if you are caught after this time frame, they will be doing random house checks and if you are caught you will be prosecuted. The penalty for a resident of Carroll County, Ohio was 20 days in jail and a \$1050.00 fine.

Mr. Keith Hetrick, a Norton resident spoke regarding the recent changes to eminent domain laws and urged council to pass legislation before the end of the year prohibiting business from do this, adding that other communities have already done this.

Mr. Glass thanked council for continuing to work on the contractor registration fees. The legislation protects the legitimate contractors as well as the citizens of Norton.

Topics for next Work Session:

Mrs. Hlas stated that the topics would be; Johnson Meadows Note Sale, Contractor Registration Ordinance, three Resolutions from the Planning Commission, Electric Code Ordinance, National Incident Management System (NIMS). Mr. Zita discussed the documents he reviewed for the NIMS and noticed a deadline of today for filing certain documents. Mrs. Richards indicated that she spoke with Mr. Collins regarding this and he had already addressed this and complied with that deadline. Mrs. Hlas suggested we remove the Wrobel Park property from the Matters Referred list.

Public Service Announcements:

None

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 9:32 PM.

Brenda K. Hlas-President of Council

Date approved: August 22, 2005

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ARCHIVED IN THE CLERK OF COUNCILS OFFICE**