



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 19, 2005**

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

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

The Committee of the Whole convened for a meeting on Monday, September 19, 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:

Presentation by Dan Karant-Norton Health Advisory Board:

Mr. Zita introduced Mr. Dan Karant, and turned the discussion over to Mr. Karant. Mr. Karant gave an overview of who the members of the Norton Health Advisory Board (NHAB) are and what they do for the residents. Mr. Karant discussed the current services the Barberton Health District is providing Vs what Summit County has proposed to offer, and presented detailed comparisons, (See Exhibit A). Mr. Karant stated that the City of Norton pays approximately \$84,000.00 annually for the services from the Barberton Health District (BHD). Mr. Karant discussed the potential savings to the city now that the MAD has formed, and that the city could receive possibly \$14,000.00 from the mosquito-spraying portion of their contract with BHD. There was discussion of the possibility of what would happen if the BHD District shuts down. Mr. Karant stated that there would still be a need for a clinic in the Barberton/Norton area, and the current building would not be acceptable. Mr. Karant indicated that even today the Barberton Health District is in violation of State Law because their facility has no handicap access to their building, adding that he felt this is more of a City of Barberton issue not the BHD. Mr. Karant indicated that the NHAB and the BHD are working together and even though we have no voting powers, we are involved in every decision made, and we are asked for our input and how we would like to see the BHD approach certain issues. Mrs. Hlas clarified that in the current contract with BHD, the C & D facilities must ship out all leachate from the City. Mrs. Hlas also clarified that the actual amount of paid in our contract with BHD is \$81,885.00, and that we received no proposed contract or pricing from Summit County Health District (SCHD). Mr. Mark Spisak, NHAB Member questioned if any new laws were enacted from the time we were with SCHD until we switched to BHD? Mr. Karant stated that he was not aware of any new laws during that time frame. Mr. Karant stated that he felt the differences were possibly more in philosophy, and that the BHD takes a more pro-active approach, they go in and get things done.

Presentation by Dan Karant-Norton Health Advisory Board continued:

Mr. Pelot added that the Ohio EPA now has a funding mechanism in place to go onto properties and get them cleaned up, and this was not in place with SCHD was involved. Mr. Pelot stated that he agreed with Mr. Karant's comments and felt the BHD did a great job for our city. Mr. Karant discussed the situation with the formation of the MAD, and the fact that early on in the talks last year Mrs. Jacobs and Mr. Zita attended every meeting, Mr. Mowery attended three, and again was not here tonight to discuss this. Mr. Karant stated that we were not very well represented here and if they had better representation, maybe this could have stopped some of the misunderstandings.

Cingular Cell Tower Reconsideration:

Mr. Conklin turned this over to Mr. Collins. Mr. Collins stated that this is not his recommendation. Mr. Collins stated that about a month and a half ago, Ms. Tricia Scribner with Cingular contacted the city regarding the current contract. Cingular has merged with AT & T and as a result they are trying to reduce their fees where ever possible. They want to renegotiate our current contract, which we are just finishing up the second year of the first 5-year lease, and we can extend it for up to three more 5-year periods. We are currently receiving \$1545.00 monthly or \$18,540.00 annually. As of September 14, 2005 it increased by 3% or another \$46.00 per month. Cingular is offering to reduce the contract with a payment up front as opposed to the monthly payments. Mr. Collins indicated that it is not his recommendation and not in the best interests of the city. Mr. Collins clarified with the Clerk if there was any new information, and she replied nothing has changed, adding that they would consider a counter offer. There was discussion that they could cancel the contract and remove the tower, which is only two years old, which we are using space on this tower. Mr. Zita questioned if they decided to remove the tower, do we have something we can install, and Mr. Collins stated that we had our own tower there before, and we could do this if necessary. Mr. Pelot stated that he could relate to the merger issues with Cingular, his employer recently did the same. Mr. Pelot cautioned everyone adding that if they are looking at the very bottom line here, if we don't give them something that is competitive, they will cut that tower down. Mr. Pelot stated that we should try and negotiate this contract and not turn it away completely. Mr. Pritchard stated that when we designed this contract we were in the middle of the road as far as the rental fees, and in some cases lower than other cities. We are in the median rental fee and urged council to be very careful with this decision. Mrs. Hlas stated that she does not want to accept this proposed contract, adding that Cingular did sign a 5-year contract, and that \$772.00/month is half of the contract amount, and would rather say no thanks. Mayor Kernan stated that he felt we should not rush into this, it's not like they will take the tower down tomorrow. Mayor Kernan stated that this was given to Council mostly as informational purposes, and did not think Council needed to act on anything. Mrs. Hlas disagreed, stating that this proposal would expire 5 days from July 21, 2005 unless extended in writing by Cingular, which we have nothing. Mr. Collins clarified that Cingular is aware that Council could not address this until tonight, and they were ok with that. Mrs. Hlas stated that Council should take action because it was brought to council for action, and it needs to be addressed. There was further discussion and Mayor Kernan suggested that Council say thanks-but no thanks point of view and we could continue to talk with Cingular, and if there is something else we would bring it back to Council for consideration. Mr. Conklin moved not to accept the proposed reconsideration, seconded by Mr. Price.

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

Motion passed 6-0

National Incident Management System:

Mr. Zita turned the discussion over to Mr. Collins for input. Mr. Collins stated that this came out of a directive from Home Land Security and FEMA, and needs to be adopted by September 30, 2005. Mr. Collins stated that this would standardize across the country, not just Norton, how the Police, Fire & Rescue respond to emergencies. Mr. Collins stated that we have been involved with the National Incident Management System (NIMS) for over six months, and he has been involved in meetings with Barberton & Norton safety forces, high schools, health district, etc. trying to rewrite our emergency plans, which are out of date. Mr. Zita 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: Zita, Pelot, Conklin, McGlone, Price, Hlas
Nays: None

Motion passed 6-0.

Ohio Jobs Issue 1 Endorsement:

Mr. Conklin stated that the State is asking for local support for Issue I-Jobs for Ohio. Mrs. Hlas stated that Issue I is now combined with Issue II fund along with Third Frontier fund for high tech research and technology. Mrs. Hlas stated that she signed the form for pledging support and is already receiving email information. Mayor Kernan stated that the Issue II funding has been very important to local governments, and assisted the Gardner Blvd. Waterline projects, and we need to continue to support this. Mr. Conklin moved to place this legislation on council's next agenda, waiving the second and third readings, seconded by Mr. Price.

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

Motion passed 6-0.

Resolution accepting the amounts and rates from Summit County:

Mr. Conklin turned this discussion over to Mrs. Zerga for clarification. Mrs. Zerga stated that this annual resolution is necessary to authorize the Summit County Fiscal Office to collect inside and outside millage for the 2006 property taxes, and accepting the amounts and rates as set by the Budget Commission. Mrs. Zerga also requested that Council waive the second and third readings due to this being an annual resolution. Mr. Price inquired if these figures included the fees for the mosquito district, and Mrs. Zerga stated that she understood that it would be on the 2007 property tax collection, and from the information she received from Summit County this figure is not on there. Mrs. Elaine Tompkins inquired if the new calculations for property tax are included, and Mrs. Zerga stated they are not. Mrs. Zerga stated that past practice has been that sometime in the middle of next year we would receive a new valuation from the County and would need to resubmit a new resolution and certifications. Mr. Conklin expressed his concerns regarding the MAD district fees on the property taxes. Mr. Conklin stated that he recalled the MAD having to scramble to have their documents into the court by September 1, 2005 in order to post to 2006 taxes. Mrs. Zerga stated that this could be correct because the taxes for 2006 are not actually collected until 2007 and this is also a special assessment if it was certified to the county that way. Mrs. Zerga stated that we should accept what the county has submitted to us for now and they would adjust their totals and resubmit new forms next year. Mr. Conklin moved to place this item on council's next agenda, waiving the second and third readings, seconded by Mrs. Hlas. Mr. Pelot asked Mrs. Zerga to concur with the county regarding the concerns on the MAD taxes, and Mrs. Zerga indicated she would contact the county and advise Council accordingly.

Resolution accepting the amounts and rates from Summit County continued:

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

Motion passed 6-0.

Old Business:

Mr. Chaney, a Norton resident spoke regarding the trash hauler issue, and was glad to learn that they could keep their current trash company if they wanted to. Mr. Chaney stated that he noticed six Norton Police cars on the I-76 ramp pulling over just about every car, and citing them, why did the entire department need to be there? They should be patrolling our neighborhoods, not all in one area. Mr. Chaney discussed the 90 year-old resident being fined \$10,000.00 to clean up her property. Mr. Chaney stated that he understood she had several cars on her property valued at \$100-\$150 each and if someone would have helped her get these sold and removed. Mr. Chaney commented on the fees we get from the cell tower, and thought this was not enough, we should adjust your fees and ask for more, maybe double don't be so chicken to ask for it.

New Business:

Mrs. Hlas questioned if the Pride One development is still in the planning stages, and Mr. Pritchard stated that is scheduled on the Planning Commissions agenda for Tuesday, September 27, 2005.

Mr. Zita questioned how the water problems are being addressed for the residents in the Knollbrook allotment? Mr. Pritchard stated that this is really an issue between the property owner and Mr. Cavanaugh. Mr. Pritchard stated that Mr. Cavanaugh has provided an opportunity to correct the problem, however the property owner refused his offer. Mr. Pritchard stated that the city is not liable for this situation, adding that this project was fully engineered and the storm pipe and clay tile field was not. Mr. Pritchard stated that city officials have been out there to take a look a number of times, and there is a definite problem with the existing tiles and the runoff. Mr. Pelot stated that if we are trying to be more developer friendly, we also have a responsibility to stand behind and protect the residents as well and see that problems are corrected. Mr. Pelot wanted to inquire of Mr. Cavanaugh the status of his attempts/offers to correct the problem, and Mr. Pritchard indicated that he would follow up on this and report back to council. Mr. Zita inquired about the appliances in place west of the main entrance. Mr. Pritchard stated that this is the property of Mr. Mung and that he has submitted plans to properly drain, fill and grade and pipe storm water from that site into the ditch and into the stream. Mr. Pritchard stated that this development is an on-site well area and you cannot disturb soils in that area. Mr. Pritchard stated that you can disturb where your roads will be, but not where the residential units will be or else you will never get approval for an onsite septic system because the soils was disturbed.

Matters Referred:

Mrs. Hlas stated that the list is empty except for PC Resolution #13-2005 Final Plat for the Baughman Subdivision, which would be on the next Committee of the Whole agenda on October 3, 2005.

Public Service Announcements:

Mrs. Hlas indicated that she has tickets for the Norton After Prom \$5.00 each, 26 chances to win \$50.00. Mrs. Hlas announced that the Panther Parents Athletic Booster Club presents “A night at the Races” on Saturday November 12, 2005, doors open at 6:00 PM. To sponsor a horse tickets are \$15.00 dinner tickets are \$12.00, which includes dinner, beverages and snacks. If you wish to sponsor a race or buy a horse, contact her for further details.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:20 PM.

Brenda K. Hlas-President of Council

Date approved: September 26, 2005

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