



**COMMITTEE OF THE WHOLE MEETING
APRIL 17, 2006**

Committee Members Present: Ken Braman
Tom Jones
Dennis McGlone
Bill Mowery
Scott Pelot
James Price
Mike Zita

Also Present: Mayor Joseph Kernan
Claude Collins
Jeanne Zerga
Jeff Pritchard
Karla Richards

The Committee of the Whole convened for a meeting on Monday, April 17, 2006 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Michael Zita.

Committee of the Whole General Discussion:

Property & Liability Insurance

Mr. McGlone turned this discussion over to Mr. Collins for further details. Mr. Collins indicated that our current policy expires on April 31, 2006. Mr. Collins indicated that Mr. Tom Wichert of Wichert Insurance Company delivered this information to him last Thursday. Mr. Collins stated that Mr. Ben Sutton has reviewed this on the city's behalf and Mr. Sutton felt the Selective Insurance Company was most favorable. Mr. Collins stated that Mr. Tom Wichert of Wichert Insurance Company was present to address and concerns from Council. Mr. McGlone clarified that the proposal we have is a cost savings of \$12,228.00 for this year, and that CNA was our provider for last year. Mr. Wichert stated that the city is in a process where we are coming off of some problem years with the public officials and law enforcement lines in the past. Mr. Wichert stated that last year our policies were split between three different carriers. This proposal for Selective Insurance Company is for one single carrier. Mr. Wichert stated that it's a standard of the industry to come so close to the timeline. Mr. Wichert stated that there is no cause for concern in switching carriers. Mr. Jones inquired if the coverage with Selective was comparable to CNA? Mr. Wichert replied that it's superior and is better than going with three different carriers to get coverage. Mr. Jones discussed the limits of liability coverage, and Mr. Wichert stated that the coverage is \$5,000,000.00 for general, law and autos, it had been \$3,000,000.00 in the past. Mr. Pelot inquired how long Selective Insurance has been in business and Mr. Wichert stated its over 43 years and they have an A.M Best's Rating of A+. Mr. Price inquired about the savings of nearly \$13,000.000 and Mr. Moss indicated that savings would sit in the Insurance and Bonding fund and it would be a carryover balance into next year. Mr. Moss indicated that these savings couldn't be used for anything other than insurance and bonding.

Property & Liability Insurance continued:

Mr. McGlone moved to add this item to Council's next agenda with emergency language and waiving second and third readings, seconded by Mr. Price.

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

Motion passed 7-0.

Food Reimbursement Ordinance:

Mr. McGlone stated that this draft has been reworded from the first version we had. Mr. Moss stated that Mr. Lyons made some minor changes to the language. Mr. Moss explained that the State Attorney General has stated that in order to avoid any issues with inappropriate spending of public monies for food. The Attorney General has issued an opinion stating that they presume it to be inappropriate and you cannot do this. Mr. Moss stated that the Attorney General has deferred it to Council and Council must decide what is and what is not a public purpose for the City of Norton. Mr. Moss stated that without any decision from council we couldn't spend money on food or meals. Mr. Moss stated that the reason for this ordinance is for Council to decide if the spending is appropriate and deemed a public purpose by this Council. Mr. Moss explained the expenses on this ordinance are rather short and relate to a Council workshop and a Comprehensive Planning meeting, and food was purchased and prepared by city employees and they would like to be reimbursed. Mr. Moss stated that he felt this did fulfill a public purpose and encouraged Council to pass this ordinance. Mr. Moss also discussed the nominal provision of less than \$2.00 per person for a departmental event or meeting, that would be permitted. Mr. Jones stated that he did not recall having to do this in the past, and inquired if this was done before. Mr. Moss stated that it has not been done in the past, and ideally he would suggest doing something like this at the beginning of the year and is mostly a housekeeping issue. Mr. Braman inquired if money in petty cash would cover this type of an expense? Mr. Moss replied yes, however he would rather not use petty cash to buy food items, it's mostly there for making change. Mr. Jones inquired if this expense has anything to do with food expenses for prisoners in the city jail? Mr. Moss stated that it does not. Mr. George Tomko, a Norton resident spoke about Home Rule and that Council should make it's own decisions and do it however they want. Mr. Tomko discussed an article in the Beacon Journal where Secretary of State Condoleezza Rice has banned Playboy and Penthouse magazines from all State Department newsstands. Mr. Tomko stated that he thought Congress makes the rules, not Ms. Rice. Mr. Tomko stated that it's not right, and don't just assume its right, it's censorship. Mr. McGlone moved to place this item on Council's agenda, waiving second and third reading with emergency language, seconded by Mr. Price.

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

Motion passed 7-0.

NCO 1040.02 Request for Repeal of Ord. #1-2005:

Mr. Pelot stated that this ordinance is for a repeal of the ordinance relating to the tap in and connection fee charge and procedures for the Norton Avenue and Greenwich Road water main. Mr. Pelot stated that this ordinance is no longer needed because it is addressed in NCO 1040.03, which is access charges for new connections.

NCO 1040.02 Request for Repeal of Ord. #1-2005 continued:

Mr. Collins stated that this is a housekeeping measure and he was aware of this when Council addressed the access charges about a year ago. Mr. Collins indicated that there are two pages of stuff that no longer applies and is unnecessary. Mr. Pelot moved to place this item on Councils next agenda, seconded by Mr. McGlone. Mr. George Tomko, a Norton resident, inquired as to what areas this actually effects. Mr. Collins stated that prior to our access charges, which were city wide, this ordinance stated what the tap in and connection fees are for water. Mr. Collins stated that when we did the access charges everything was rolled into the access charges, and that this should have been eliminated at that time. Mr. Tomko inquired if when we get to the Cleveland-Massillon Road waterline, would the residents in Brentwood have to pay the access and connection fee? Mr. Collins stated that this would be decided when we do the engineering and design study. Mr. Tomko stated that he did not feel these ordinances regarding fees were ever written properly.

Roll Call: Yeas: Pelot, McGlone, Braman, Jones, Mowery, Price, Zita.
Nays: None

Motion passed 7-0.

Engineering Proposals for Cleve-Mass. Road Waterline:

Mr. Pelot indicated that this is just for the engineering proposals in order for the city to apply for grant money. Mr. Collins stated that the Brentwood Water System is becoming a negative and it is costing the city and we have to subsidize this expense. Mr. Collins stated that even though the rates have been raised, it still does not cover the expenses. Mr. Collins stated that this is a perfect project to ask for federal funding, and if we can get this design moving forward and apply for a grant we might be able to get at least a 50% or higher grant. Mr. Collins stated that this serves several purposes; one is to get water across I-76, and it also takes it to the Brentwood system and would abandon that negative issue. Mr. Collins stated that it also corrects a problem the Norton Middle School has been dealing with for arsenic levels in the water. The school has spent over \$100,000.00 to correct this because of a change in the arsenic level standards. Mr. Collins stated that the school wanted to tap into Brentwood instead but they could not because it was full. Mr. Collins stated that in order to get the grant it is required to already have a certain percentage of the engineering done. Mr. Collins stated that if you are doing engineering you might as well do this for the engineering for the entire project. Mr. Jones inquired how we would get the water across I-76? Mr. Collins indicated that it would most likely be bored underneath somehow. Mr. Pelot discussed the wide range of the various bids proposed, and if the Floyd Brown Group was the best choice? Mr. Pritchard stated that this is a very large firm and is well known and has an excellent reputation. Mr. Pritchard stated that Floyd Brown firm has put together most of the facilities plans throughout most of Ohio. Mr. Pritchard stated the if and when Cleveland-Massillon Road is widened, this takes the element and costs out of the equation. Mr. Pelot inquired as to how long this study would be good for? Mr. Pritchard stated that is not clear because of timing and the sequence of events involved. Mrs. Elaine Tompkins, a Norton resident, stated that although she would benefit from this, she would like to see the money spent to address all three issues, enlarge the engineering study and go for the grant money to do it all. Mrs. Tompkins stated that the property owners should not have to bail out problems, we need to look at all options and do it the right way. Mr. McGlone discussed Mrs. Tompkins comments and asked Mr. Collins if she was right? Mr. Collins stated that sewers are usually developer driven and the utility funds are to be used for water and sewer utilities.

Engineering Proposals for Cleve-Mass. Road Waterline continued:

Mr. Collins stated that the city simply does not have the money for a project of this size, it is not realistic. Mr. Pelot questioned what the cost would be for doing all three? Mr. Pritchard stated that we would have to go back and have the environmental assessment study done again, we would have approximately \$1,000,000.00 in engineering fees alone. Mr. Pritchard stated if we secured AMATS assistance which we are on the list for, we are looking at \$3,000,000.00-\$4,000,000.00 of local funds to widen the road, put in utilities along Cleveland Massillon Road from Shannon Avenue to the highway. Mr. Collins stated that some of the engineering was done 10-15 years ago. Mr. Pritchard stated that the Cleveland-Massillon Road widening project was funded in 1995 and it has not been funded since. It has been idle and stalled because the city has not been able to come up with the matching funds. This means we cannot take advantage of federal money available for the city until we can come up with the matching money. Mr. Pritchard stated that costs are estimated and this project has not been looked at for some time. Mr. Collins stated that just doing the waterline now is something we can actually accomplish, the rest is just dreaming and is not a reality. Mr. Pelot inquired if we could add the sanitary sewers into part of the engineering study for maybe an additional \$20,000.00 more? Mr. Pritchard stated that we do not have any package plants that are sized appropriately to take on the additional flow. Mr. Collins stated that the issue really is the fact that we do not have an agreement, nor does Summit County have an agreement with Barberton to abandon those package plants. Mrs. Tompkins stated that in 2002 there was approximately \$700,000.00 sitting in the Cleveland-Massillon widening fund and that in 2003 about \$250,000.00 was used for other expenses on the northern part, which left approximately \$450,000.00. Mrs. Tompkins stated that with the past two Finance Directors this money has been re-allocated as it comes in and it does come in each year, and the revenue may be somewhere around \$50,000.00 to \$60,000.00. Mrs. Tompkins stated that this money was set aside to do the studies on the widening of Cleveland-Massillon Road. Mrs. Tompkins stated that with the changing of personnel, we have had a problem of tracking and keeping it on line. Mrs. Tompkins suggested that there could be funds rounded up and re-designated to where it was originally designed to go and get the engineering done at one time instead of pieces at a time. Mr. Pritchard stated that the last thing we want to do is end up doing what's been done in the past. Mr. Pritchard stated that unfortunately the city did not complete the engineering package. Mr. Pritchard stated that even if we have enough money today to for the engineering study, we still do not have the funds for local match and these designs and assessments are only good for three years. Mr. Pritchard stated that we really should not move forward unless we have the adequate funding for the entire project and throughout the entire project. Mr. Alex Stavarz, a Norton resident spoke regarding the comments made earlier by Mr. Collins that we cannot do anything because the County does not have an agreement with Barberton. Mr. Stavarz suggested there was something we could do as he attempted to do years ago, however the Administration at that time was not willing to pursue it. Mr. Stavarz stated its time the city grabs the bull by the horn-take control of its own destiny and develop it's own utility department and get Summit County out of Norton. Mr. Stavarz stated we should take over our own treatment systems and stop letting everyone else control where we are going. Mr. Stavarz stated this is all due to the lack of this city wanting to take the responsibility and it's the leadership. Mr. Stavarz stated that it may take some litigation to accomplish this and that Stow was successful and they now control their own water, not the County. Mr. Pelot indicated that Mr. Pritchard has looked into this and there have already been some discussions with Mayor Kernan and Mr. Collins. Mr. Pritchard concurred that we are in negotiations with Summit County and are working on a process of looking at different ideas.

Engineering Proposals for Cleve-Mass. Road Waterline continued

Mr. Pritchard reminded everyone that this involves different entities and these things take time to accomplish. Mrs. Tompkins asked Mr. Collins to clarify if the existing homeowners along Cleveland-Massillon Road would benefit if this project were extended to the school & Brentwood. Mr. Collins stated that this project is not being done for those homeowners, however they would benefit from it. Mr. Collins stated that we are presenting this project for a grant because it would abandon a well system while helping the water situation with the middle school. Mrs. Tompkins stated she did not feel it is proper to assess these residents for the convenience of Brentwood and the school, and a lot of these residents are retired and on fixed incomes. Mr. Pelot moved to place this proposal from Floyd Brown Group at a cost of \$39,262.00 on Councils next agenda, seconded by Mr. Braman. There was discussion on the payments and stages of this, and if we should do this phases. Mr. Collins stated that this should be done for the full amount of the engineering costs of \$39,262.00 and not in stages.

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

Motion passed 7-0.

Baseball Fields Bid Results:

Mr. McGlone stated that Ord #87-2005 authorized the Administration to go out for bids for the construction of two baseball fields at Columbia Woods. One bid was to have lights and one bid was to be without lights. Mr. Collins indicated that this went out for public bid and four firms responded to our request. Mr. Collins stated that Matt Weber, a Norton resident did the engineering and design for this project, and Mr. Weber has recommended going with Cavanaugh Builders. Mr. Collins stated that the issue now is should we move forward on this and how are we going to fund this? Mr. Moss indicated that \$230,000.00 has already been set aside in the fund. Mr. McGlone inquired if we don't have money for the lighting, should we do the pre-wiring for it when the fields are done? Mr. Collins indicated that this was discussed and it can be done at a later time. Mr. Pritchard stated that if lighting were done after the fact, it would not disturb the fields. Mr. Pritchard suggested that perhaps we need to go back out for bids and break this out into two projects, one smaller field and one larger field since we are short in this fund. Mayor Kernan stated that we only have \$230,000.00 set aside and he felt that lighting is out of the question for now. Mayor Kernan suggested that Council reject this bid and agreed with Mr. Pritchard's suggestion for separate bids, adding that it does not make sense to go into debt just to build baseball fields. Mr. Jones inquired on the costs to re-engineer this since we have already paid out for engineering. Mrs. Tompkins clarified that fact; this is a debt, this money was bonded with money borrowed in 2003 for approximately \$260,000.00 and we have already taken the engineering costs out of that, which has reduced it down to \$230,000.00. Mrs. Tompkins stated we are paying on this while the money is sitting in the bank. Mrs. Tompkins stated she agreed with everyone and we should get at least one field done with the money. Mayor Kernan stated that Mrs. Tompkins was correct, we did borrow the money for this, adding that he just did not want the city to borrow more money to complete this project. Mr. Jim Lino, a Norton resident, inquired about whom would be using these fields? Mayor Kernan stated that these are public fields, any Little League or anyone else would have access to them. Mr. Lino suggested that if and when we get lighting we should take into consideration the potential of noise if loudspeakers are installed, and we should not spend one dime on loudspeakers.

Baseball Fields Bid Results continued:

Mr. McGlone stated that he felt Council should reject this bid and ask the Administration to go back and re-bid this in phases, and all of Council members were in agreement with this decision.

Old business:

Mr. Jones stated that on April 12, 2006 he held a Property Committee meeting, and that Mr. Braman, Mr. Mowery, Mr. McGlone, Service Dept. employee Mike Schultz and Ms. Whipkey, a Norton resident attended the meeting. Mr. Jones stated that after the meeting those members present went to the former garage facility for a look around. Mr. Jones stated that after looking around, his thoughts were to board up all the windows and man doors with plywood. Mr. Jones stated that one new tractor is being stored there along with several tons of road salt. Mr. Jones stated that all he wants to do here is show an effort to secure and lock down this facility. Mr. Collins stated that the gate is usually locked at all times. Mr. Jones stated that might be the case, however the inside needs to be locked up and the outside areas need cleaned up as well. Mayor Kernan stated that he would have this issued addressed and cleaned up. Mr. Pelot raised the issued of having to pay overtime to an employee to let members into this facility, and thought this could have been accomplished during the daytime hours. Mr. Jones concurred that we did have to pay Mr. Schultz for a minimum of three hours of overtime. Mayor Kernan stated that is according to the union contract and that handing out keys and the security were the real issues. Mayor Kernan stated that the best way to address this was to bring in an employee. Mr. Carris Sr., a Norton resident stated that if Mr. Jones is so concerned with what's wrong at this facility, maybe we should put him in charge of a clean up committee over there.

New Business:

Mr. Jones stated that in the end of month budget reports he noticed several investments in CD's at First Merit, and other banks, and asked Mr. Moss to clarify this issue. Mr. Moss stated that this was correct, all funds have some balances and we invest that money at various institutions.

Mr. Moss addressed a budget matter (shortfall) in the Gardner Blvd. Phase III Engineering costs; the budgeted amount was for \$20,000.00. On February 27, 2006, Council authorized expenditures of not to exceed \$39,800.00 in Ord. #11-2006, which exceeded the originally budgeted amount by \$19,800.00. Mr. Moss proposed a budget amendment to cover this additional expense. Mr. Moss stated that in Fund #127, we collect revenue from surcharges on water, and legally we can use those dollars for this kind of activity. Mr. Moss stated that we do have a budget in place that could be directed to this and used to cover this expense. Mr. Moss stated he would rather not use this option, he would like to see all the costs in one fund instead of using funds elsewhere. Mr. Moss proposed that Council increases the Budget in the Fund #480 and there are two ways to accomplish this. One way is to simply increase the Budget using the un-appropriated balance in some of the CD monies that are currently just in cash, there is a balance in this fund that is more than sufficient to cover this. Another option would be to reduce the Budget in Fund #127, transfer the dollars over and then spend them in Fund #480. Mr. Moss recommended increasing the budget in Fund #480 and use the money from the CD's. Mayor Kernan suggested we have Mr. Lyons draft legislation and have Council address this at the next Committee meeting. Mrs. Tompkins inquired if Council was actually aware of exceeding this amount when they passed Ord. #11-2006, and it they were not aware of this they should be asking if there is money in these funds before adopting legislation. Mr. Moss stated that it is generally the practice of Council to ask where is the money coming from when considering this type of an ordinance.

New Business Continued:

Mr. Moss indicated that he did go back and review the minutes of the meetings and was unable to find out if this question was ever asked or answered. Mrs. Tompkins stated that Council should asked this in the future to keep things in order. Mr. Moss discussed another budget matter regarding the monthly maintenance fee for the 800 MHz radios. Mr. Moss stated that we are currently entering into an expense for the service on each radio and that each radio is billed at \$12.00 per month. Mr. Moss indicated we budgeted to pay these expenses for this year, and it is out of different accounts from the various departments that use these radios. Mr. Moss expressed his concerns with mixing this money set aside for other purposes. Mr. Moss proposed another budgetary amendment that would reduce the budget in the accounts where it is currently budgeted, and increase the budget by that exact same amount in a new account specifically for radio services. Mr. Moss indicated that this would simply account for this activity under a new account, and asked for Councils authority to do so. Mr. Moss stated that he would like to have Mr. Lyons draft legislation for the next Committee meeting. Mr. Jones stated that he appreciated that Mr. Moss has brought these issues to Councils attention in this format. This gives Council a better understanding of what we are looking at when legislation is requested.

Mr. Lino inquired about Issue I money, and if the city is receiving any revenue from this? Mayor Kernan stated that Issue I replaced Issue II, and we have received Issue II money in the past and we will continue to apply for Issue I money to be used for various projects.

Mr. Braman stated that we had discussed looking at Council Rules, and would like to discuss the Communications from the Public section at the next work session. Mr. Zita stated that we would be starting on this shortly.

Mayor Kernan stated that he would like Council to discuss the Road Program at the next work session. Mayor Kernan stated that we need to discuss funding issues and get this on track. Mr. Jones inquired about St. Rt. 261 and when is this scheduled for repaving. Mr. Collins indicated it's scheduled for 2010. Mr. Jones discussed a prior meeting where Mr. Greg Bachman the Summit County Engineer, gave a presentation regarding roads, bridges, etc. Mr. Jones had asked Mr. Bachman to look into an issue regarding the bridge at St. Rt. 261, and we have not received a reply. Mr. Jones stated that he asked the Clerk of Council to contact the Engineer regarding this issue. Mr. Brian Stormer-Assistant to Mr. Bachman replied to our request and Mr. Jones indicated that he has some concerns with that reply. Mr. Jones stated that years ago Darrell Sizemore was our acting Supt. of the Road Dept., and we installed a sign in that area that read "bump". Mr. Jones stated he is tired of looking at signs that say bump-let's fix the problem. Mr. Jones stated he is demanding that the county spends the time and money here in Norton rather than other communities and fix that problem. Mr. Jones indicated that it appears there is a washout the eastbound lane and asked Mayor Kernan to stay on it with the Summit County Engineers office and get this fixed before we do this road. Mayor Kernan stated that he understood there would be more details forthcoming from the county on this issue. Mr. Jones stated that east and west of St. Rt. 21 was paved years ago was with concrete which now has some open sections and every winter we have more of these speed bumps. Mr. Jones stated that he would like to see something done with this area as well if we will be repaving it. There was discussion as to the percentage of revenue received from license plate fees, and Mr. Collins stated that we should not have to pay for anything unless we ask for extra work to be done. Mr. Pritchard stated that he believed we have a local match, however there are different breakouts for different types of repairs, and that our match is approximately \$170,000.00.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:31 PM.

Michael Zita, President of Council

Date approved: April 24, 2006

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