



**COMMITTEE OF THE WHOLE MEETING
MAY 15, 2006**

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

Also Present: Mayor Joseph Kernan
Claude Collins
John Moss
Jeff Pritchard (Absent)
Michael Lyons
Karla Richards

The Committee of the Whole convened for a meeting on Monday, May 15, 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:

Road TAC Discussions:

Mr. Braman introduced Mr. Dowling, Chair of the Road TAC, to provide Council with an update. Mr. Dowling gave a brief report, stating that the Road TAC has convened ten (10) times in the last eleven (11) months. They have coordinated their efforts with Mr. Moss, Mr. Pritchard, and have compiled the attached information. Mr. Dowling stated that a survey has been completed, and 189 residents responded, 119 were via the internet. The end result was that the residents were in favor of a renewable road levy for the November ballot, possibly every 5-7 years at 4.5 mills. Mr. Dowling discussed the issues with an assessment type program, indicating this really is not fair to all residents. Mr. Dowling stated that by doing a road levy you achieve sustained planning for the future. Mr. Jones discussed the fact that with Cleveland-Massillon Road being so heavily traveled; most residents are taking short cuts through other allotments to get around this area. Mr. Jones indicated that he served on AMATS 15 years ago, and he proposed the widening of Cleveland-Massillon Road. Mr. Jones stated that the proposal was for five (5) lanes, we started putting money aside for this but over the years they have been using it up. Mr. Jones stated that something needs to be done. Mr. Dowling estimated that the city's share for engineering costs for the widening of Cleveland-Massillon Road is \$2,500,000.00 to \$3,000,000.00, and this goes up more and more every year. Mr. Dowling indicated that the engineering costs must be done up front. Mr. Jones stated that the original proposal was to widen from Johnson Corners to I-76 rather than from Shannon Ave., to I-76. Mr. Dowling concurred with this, however the Road TAC was considering going from Shannon Ave., to I-76. Mr. McGlone inquired about the costs to the city to place this on the November ballot. Mr. Moss indicated that since there is already an election slated, the costs would be minimal.

Road TAC Discussions Continued:

Mr. Pelot asked about how much a 4.5 mill levy would cost a homeowner with a home valued at \$100,000.00? Mr. Dowling stated that they used a home value of \$140,000.00 and that cost would be approximately \$125.00 to \$130.00 annually. Mr. Easterling of the Road TAC indicated that in order to meet the deadline for the Board of Elections, it must go to Committee of the Whole on June 5, 2006. The Clerk of Council stated that this was correct, the filing deadline is August 24, 2006. Council would have to have a first reading on June 12, 2006, second reading on June 26, 2006, and the third reading on July 10, 2006. The Clerk of Council also stated that the legislation would not take effect for 30 days from the date of the Mayors signature. Mrs. Elaine Tompkins, a Norton resident inquired if this would be placed on the ballot without an actual plan? Mr. Dowling stated that their recommendation is to have a visible plan along with the levy. Mrs. Tompkins stated that the plan is as important as placing this on the ballot, one complements the other. Mrs. Tompkins indicated she liked the idea of a renewal road levy, but would like to see a plan. Mrs. Tompkins also inquired on the time line if approved by the voters. Mr. Dowling indicated that this type of a decision was not within their scope of duties. Mr. Dowling indicated that he discussed this with Mr. Weinsheimer and was told that if we knew how much money we had to spend Mr. Weinsheimer stated he would have a list of roads for repairs within a few days. Mr. Pelot asked if this plan was something that Mr. Pritchard, Mr. Collins and Mr. Weinsheimer would work on together. Mr. Collins stated that yes we would work on this together. Mr. McGlone inquired about this year's road program and what is being done. Mayor Kernan stated that we are waiting for the Conciliation report to see what money we will have to spend there, and determine what is left available for a road program. Mayor Kernan stated that this would be brought to Council for their decision. Mr. McGlone expressed his concerns about getting started so late in the year. Mayor Kernan stated that he hoped to have the conciliation report back by the end of May and bring a recommendation to Council in early June. Mr. Pelot indicated that the money we now have set aside is just to make repairs, it's not enough for any new roads. Mr. Pelot suggested that Mr. Pritchard begin developing the plan and have this to Council for the next meeting. Mayor Kernan stated that we should be able to determine what roads are in the worst condition, and go from there.

Gas Aggregation Resolution:

Mr. Price indicated that Ord #95-2003 was the ordinance that was a citywide ballot and was approved by the voters. It was also followed up with Ord. #102-2004 to enter into the contract. Mr. Price stated that the ordinance did not mention the fact that it passed by a 70% margin. Mr. Price indicated that this resolution is necessary as a part of the renewal application that we will be doing in 2008-2010. Mr. Price indicated that this is simple paperwork that is now required. Mr. Zita stated that this is not an emergency, however the draft legislation indicated that it was. Mr. Collins stated that this should be removed, it should have been omitted because it was discussed with Mr. Bellish of Buckeye Energy Brokers. Mr. Price moved to place this on Councils next agenda for all three readings, seconded by Mr. Pelot.

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

Motion passed 6-0.

Council Rules:

Mr. Zita stated that since the packet included the additions and changes discussed at the last meeting, it was best to start from the beginning and review those changes before moving onto new sections.

Section 2-Order in Council

Rule 202-Order in Council-Addressing Council: Mr. Moss stated that on Page #7 that the individual wishing to address Council should state their address as well as their name. This is helpful for council members to know if that resident is in their ward, or a resident of this city. All were in agreement to this minor change. Mr. Zita stated that included with our draft is a new sign-in sheet that lists a place for name, address, city, zip and phone number. This new form does not ask for the topic to be discussed. Mr. Pelot stated that this should be added in both places under Regular Council Meetings and Committee of the Whole sections. Mr. Jones discussed the public comment being limited to the agenda items only, and felt that it should not be limited to agenda items. Mr. Jones stated that in a work session residents should be allowed to raise their hand and be permitted to talk to Council, and Council should respond to them. Mr. Zita discussed keeping the public comment limited to five minutes and agenda items only at the beginning of the meeting; this would keep the business discussion on track. Mr. Zita suggested adding a section for public comment at the bottom of the agenda possibly under new business or old business. Mr. Jones stated that during a regular council meeting, the residents could come and address council, however we don't respond to them unless there is a vote from Council to respond. Mr. Pelot stated he does not agree, if the public is asking a question at any meeting, we should answer their question. Mr. Pelot stated that our job as Council is to represent and serve the residents of this city, if they have questions and we have answers to give them, then why not respond to them. Mr. Jones stated that Mr. Pelot was right and in the past that is how it was done. Mr. Pelot added that in the current Council Rules we are not supposed to respond during a Regular Council meeting. Mr. Alex Stavarz, a Norton resident reminded Council that your own agenda states "Communications *from* the public" and not with the public. Mr. Stavarz stated that this has migrated into something else, which may be either a good thing or a bad thing. Mrs. Tompkins stated that her impression was that the Regular Council meetings are conducted and based on Roberts Rules of Order. Mrs. Tompkins stated that it's during the work sessions that you interact with the residents and was concerned about the five (5) minute rule, this may be where new ideas come to Council. Mrs. Tompkins had suggested to former Council President Conklin that when you have someone from the audience come forward, that resident's Ward Councilperson should be assigned to pursue an answer for their concern and get back to them. This idea never went anywhere. The Clerk of Council suggested adding a new title under New Business for Open Public Comment, which is not limited to the five (5) minute rule and could be for any topic. This way you accomplish the business at hand and after that anything could be discussed. The Clerk of Council stated that it would be more appropriate to have public comment at this point on the agenda because something could come up that may need to be added to the topics of the next work session. Mr. Pelot suggested we might want to leave some discretion for the five (5) minute rule at the end of the meeting. Mr. Braman agreed, adding that someone could get up and talk for an hour and we would have to sit here and listen to them.

Council Rules Continued:

- Rule 202 continued: Mr. Moss suggested the language should limit the discussion to five (5) minutes unless approved by a vote of Council.
- Rule 103 Council Rules: Mr. Braman suggested to address the Council Rules at possibly the second meeting of the new year instead the first meeting. Mr. McGlone suggested changing the language to state “In January”, which all were in agreement with.
- Rule 204 Recognition to speak-Committee of the Whole: Mr. Zita stated that “member” is listed several times and feels that it should state “Council Member” for clarification. Mr. Pelot suggested removing the section limiting the speaking more than twice on any question or longer than five (5) minutes.
- Rule 205 Reading Communications to Council: Mr. Moss suggested this should state at any Regular Council meeting. There was discussion as to when it is appropriate to read a letter, and Mr. Lyons suggested that the Council President should decide where it is appropriate.
- Rule 206 Threatening Person removed: No change
- Rule 207 Attendance by Members: No change
- Rule 208 Mail: Mr. McGlone asked why do we need this, and what is the penalty for it? Mr. Zita stated that this was put here in the first place to make sure people were picking up their mail. Mrs. Hlas, a Norton resident and former Council President, stated that the reason Rule 208 was put there was because there were two council members that routinely did not pick up their mail on Monday afternoon, or as they walked into the meeting. Mrs. Hlas asked how could you be prepared for the meeting when you don’t have your information in time. Mrs. Hlas stated she was asked what would happen if a member did not comply? Mrs. Hlas stated that there are no consequences, she would have announced that “so and so did not pick up their mail” so residents would know they came to the meeting unprepared. Mr. Price stated that he was one of the members Mrs. Hlas had referred to, however he was prepared and prefers to get this by email. Mr. Price added that he felt the packet was more of a backup copy. Mayor Kernan reminded everyone that there is a penalty for this: Charter Section 9.04 states “Council may remove any of its members for persistent failure to abide by the rules of Council”
- Rule 209 Smoking: Mr. Pelot suggested removing this, the entire city building is smoke free.
- Rule 210 Deadly Weapons: Mr. Pelot suggested removing this item as well, Mr. Collins agreed that this was a State Law passed a few years ago.

Section 3-Referral

- Rule 301 Refer Matters from Administration, Dept. Head, or Council Member:-No change
- Rule 302 Presenting matters to Council:-No change
- Rule 303 Ordinances/Resolution Assignments:-No change
- Rule 304 Matters Referred list:-No Change

Section 4-Committee Work and Motions

- Rule 401 Resolution or Ordinance-Time limit in Committee:-Mr. Moss commented on the resolution by motion. Mr. Moss stated that resolutions are not necessarily submitted by a motion. Mayor Kernan suggested changing the wording to state by resolution or proposed ordinance by motion.
- Rule 402 Time for delivering material or Ordinance: No change
- Rule 403 Motions:-No change

Section 5-Minutes

- Rule 501 Minutes-No change

Council Rules Continued:

Rule 502 Approval of Minutes: Mr. Zita stated we do not approve minutes during Committee of the Whole, this should be deleted. There was discussion on when a member objects to a proposed correction to the minutes and how this should be handled. Mr. Lyons proposed the following language change: *If there are corrections or modifications to any minutes, the President of Council may declare the minutes accepted or corrected without a formal vote, unless there is an objection to proposed modifications from any Committee member whose minutes are under consideration, or unless there is an objection to proposed modifications from any Council Member.* This gives it more clarity.

Rule 503 Videotaping of Council Chambers:-No change

Rule 504 Archiving of audio and video tapes:-No change

SECTION 6-Rules

Rule 601 Amend Rules:-No change

Rule 602 Suspension of Rule:-No change

Rule 603 Refer to Roberts Rules:-No change

SECTION 7-Miscellaneous

Rule 701 Use of Council Chambers for Mayors Court and Boards & Commissions:-No change

Rule 702 Panic button in Council Chambers:-No change

Rule 703 Clerk of Council:-No change

APPENDIX A

8. Special Committees: This was changed to Mine Committee at the last meeting, however it should state that the Mine Committee is responsible for all matters relating to the mine as determined by Council.

Mr. Zita explained that these changes and additions would be revised and included in the packet for the next Committee of the Whole for a final revision, and if acceptable would place this on the next Council agenda.

Clerk of Council and Dep. Clerk of Council salary:

Mr. McGlone turned the discussions over to the Clerk of Council for her input. Mrs. Richards stated that after reviewing the contract details from the AFSCME unions, she noticed a huge disparity between her salary and other employees and felt Council needs to make changes considering her job duties and responsibilities in comparison to other union employees. Mr. McGlone inquired about the CMC title and asked for clarification. Mrs. Richards indicated this means Certified Municipal Clerk. In order to obtain this title a clerk is required to attend annual seminars at Kent State University in order to receive 100 hours of training. There are other educational and experience points required as well. Mrs. Richards indicated that she completed two classes this summer, one for Introduction to Law-Legal Terminology, and another for Disaster Management in order to achieve the required points. Mrs. Richards indicated that she has the required points, submitted her application and expects to receive her certification in the next few weeks. Mrs. Richards indicated that once this certification is achieved she intends to move onto the next level of MMC or Master Municipal Clerk certification. Mr. McGlone asked if this is a standard requirement? Mrs. Richards replied that it is not, however this was something she wanted to do to further her education, adding that technology is always changing. Mrs. Richards stated that by obtaining the CMC certification she has learn new skills, and she continues to also network with other clerks and communities. Mr. McGlone stated that the Clerk of Council currently makes \$30,379.65 annually, and asked if she received a raise last year?

Clerk of Council salary continued:

Mrs. Richards stated that she did receive a raise last year of 3% or whatever the union employees received. Mr. Pelot asked Mrs. Richards where she stands salary wise with the Clerks of Council in other cities? Mrs. Richards stated that ranges are quite a bit higher; City of Green pays \$40,000.00 and Barberton is almost at \$40,000.00. Mr. Pelot asked if Mrs. Richards if she checked with Copley or Wadsworth? Mrs. Richards indicated that Copley has a clerk/treasurer, which is a little different, and she did not inquire about Wadsworth. Mr. Jones questioned of the communities researched, how many Council Members did they have? Mrs. Richards stated that most communities have seven (7) members. Mr. Price stated that since Mrs. Richards is a non-union employee, the only time she can receive an increase is by Council. Mr. Price asked how did she get a raise last year? Mr. Richards stated that after the union employees received their raise, all the remaining non-bargaining employees including herself received the same increase. Mr. Price asked Mr. Collins if Council was restricted to follow that same percentage the unions received? Mr. Collins stated no, Council makes that decision, and that non-bargaining cannot get a raise at all until Council decides. Mr. Price stated that a few years back he tried to change this title and duties, and has always considered this a management or director position. Mr. Price stated that he would like to review the current job description again and see what all is involved in her duties. Mr. Price stated that the title of Clerk is thought of just shuffling papers and filing, etc., she does a lot more than that. Mr. Price stated that other communities have a different title for their clerks. Mayor Kernan stated that the Charter defines the title of Clerk of Council so it would require a Charter amendment. Mayor Kernan stated that fairness dictates that when the bargaining employees receive a raise, the non-bargaining employee should also receive a raise. Mayor Kernan stated that Mrs. Richards well deserves a raise, but there are also others that deserve a raise. Mayor Kernan stated that Council should be looking at raises for all of the non-bargaining and not just Mrs. Richards. Mayor Kernan stated that we still don't know how much we will be spending when the Conciliator comes back with the raises for the Police Dept. Mayor Kernan stated that our offer was 2% and the Police wanted 3% so it's going to be one of those two. Mayor Kernan stated that we should look at what is ordered there and then take a look at all of the non-bargaining employees at the same time. Mr. Pelot asked to have a list of all the non-bargaining employees with their current salaries and pay ranges. Mayor Kernan indicated he would see that Council has this report. Mayor Kernan stated that many of the non-bargaining employees work very hard and they deserve a raise. Mr. McGlone inquired as to how many non-bargaining employees we have, Mr. Collins stated we have ten (10) full time, give or take a few. Mr. Collins stated that there maybe another seven (7) or eight (8) that are part time. Mr. Moss stated that at the last meeting he provided Council with a spreadsheet of the costs for the AFSCME units. On the second page there was a second component with a cost respective to the non-bargaining, and that count was on this spreadsheet. Mr. Collins stated that Mrs. Richards is not just asking for an across the board raise, she is asking for a re-organization of her salary as opposed to receiving a 2% or 3% raise. Mr. McGlone clarified Mayor Kernan's suggestion that we should wait to see how the other unions settle before we move onto the non-bargaining employees. Mayor Kernan stated that Mrs. Richards is seeking something different with a restructure, and if Council is inclined to do so this she could be treated separately from the non-bargaining employees. Mayor Kernan reminded Council that there is the Dep. Clerk of Council position that needs to be addressed. Mayor Kernan stated that when Ann Campbell has filled this position, she has not been separately compensated. The current salary stands at \$10.00 per hour, which is somewhat low for that position as well. Mr. Jones stated that was something he wanted address too, he could not see filling this position with lower pay, which simply is not fair.

Clerk of Council salary continued:

Mr. Jones indicated that he discussed the salary issues with Mrs. Richards some time ago, and that's the reason he brought it up, and the reason Mrs. Richards put out the emails to all of Council. Mr. Jones stated that he felt this at least needed to be discussed if nothing more. Mayor Kernan stated that he understands the tight budget for the city, however Council has an extremely competent Clerk of Council and they ought to look at reorganizing her salary accordingly. Mayor Kernan stated that you don't know when someone will be looking to hire a Clerk of Council, and they would be closer to what the market is bidding, we are not there at this point. Mr. McGlone stated that Council needs to look over the information we have, and the new information pending, we should not make any decision tonight. Mr. McGlone stated that we should to get back to this as soon as possible, as soon as the bargaining units have settled, along with the other eight (8) employees. Mr. Zita stated we should discuss this at the beginning of June. Mr. Price indicated this should remain on the Matters Referred list. Mr. McGlone stated it should be listed to reflect Mrs. Richards and all other non-bargaining employees. Mr. Price asked to have the salary information for the Clerk of Council for Wadsworth. Mr. Moss stated this is a full time position, but it does not carry regular 9-5 hours because the requirements are that you are there when Council needs you regardless of the hours. Mr. Moss stated he did not recall that salary range, but would look into it.

Security Alarm Fees:

Mr. Zita stated that Mr. Mowery asked to have this on the agenda, however he was unable to attend the meeting. Mr. Zita asked Mr. Stavarz to elaborate on this issue. Mr. Stavarz thanked Mr. Mowery for having this issue on the agenda. Mr. Stavarz stated that last July he had a false alarm with his security system which was caused by a lightening strike. The damage blew out the sensor and the phone at the same time. Mr. Stavarz stated that when he entered his building in the morning, he could not shut off the alarm because of the system malfunction. A Norton Police officer arrived and a few days later he received a form in the mail requesting a \$25.00 license fee. Mr. Stavarz stated that he ignored the first notice, until he received a notice of a Prosecutor hearing. Mr. Stavarz stated that he checked with an Attorney, and was advised that it was an ordinance, and he would have to pay the fee. Mr. Stavarz stated he attended the hearing and complied with the payment. Mr. Stavarz stated that he expressed his concerns regarding this fee to the Chief of Police and the Prosecutor and was told if he didn't like it, change the ordinance. Mr. Stavarz stated that this why he discussed this with Mr. Mowery and asked to have this discussed by Council. Mr. Stavarz stated that he checked with Barberton regarding their alarm fees. They have no license fees for businesses. A business can have up to three (3) free false alarms in one year. Any act of God, such as a lightening strike, does not count. They charge a fee of \$50.00 each on the next five alarms after the free ones. The fee is then \$100.00 each for the following five (5) alarms. Anything after that the Barberton Police Dept., will not respond to an alarm at all unless it is made from the site. Mr. Stavarz felt this was fair, it addresses the false alarms that are a nuisance. Mr. Stavarz stated that in his case, this was the only alarm call he has ever had, which was caused by the lightening strike. Mr. Stavarz stated his business pays about \$2,200.00 per year in income taxes to the city, and he feels this is more than an adequate share to pay for any inconveniences of a false alarm. Mr. Stavarz stated that this ordinance discriminates against business owners because private residents do not have to pay this annual fee of \$25.00. Mr. Stavarz stated that there were 92 licenses issued at \$25.00 each, which would not cause a significant benefit to the city to maintain these fees, and would not bring the city to it's knees financially if we did away with it. Mr. Stavarz stated that he would like Council to address this issue.

Alarm Fees Continued:

Mr. Price inquired how much Mr. Stavarz pays for monitoring fees, and Mr. Stavarz stated it's around \$25.00 per month. Mr. Lino, a Norton resident, questioned all of the information that is required with the license fee, this should be between your provider and the Police department. Mr. Lino stated that he doesn't see paying for the same information. Mayor Kernan questioned the intention of this legislation, and that it may have been to cut down on false alarms, we are not making a lot of money here. Mayor Kernan stated that Mr. Stavarz' comments were correct, and that Council needs to look into changing things. Mr. Pelot stated that we should be more business friendly. Mayor Kernan suggested removing the license renewal fee and increasing the penalty increments. Mr. Moss suggested we check with the Police Dept. on the information that is required to see how critical this is and maybe reduce the amount of information that is required. Mr. Zita suggested we continue this discussion at the next meeting when Mr. Mowery can be present.

Old business:

Mr. McGlone asked Mr. Collins for an update on the cell tower issue. Mr. Collins stated that the tower is still standing, and the city is still receiving the rent money, nothing has changed.

Mrs. Tompkins discussed her concerns with Ord. #46-2006 regarding the engineering costs for the waterline project, (See Exhibit B).

New Business:

Mr. Jones stated that several residents from Frashure allotment were here tonight and have waited patiently for this discussion. Mr. Jones indicated that we have a problem in this allotment that he was not aware of until he received a phone call from a resident regarding storage sheds on park property that have been there for quite some time. Mr. Conner, 2323 Frashure Drive, stated that we all purchased the land with the sheds, knowing they were on park property. Mr. Conner stated he signed a paper to this effect, stating that it could remain this way. Mr. Conner stated that we have never had any problems until Mr. Collins came out last July. Mr. Conner stated he later received a letter, and just though that the city was asserting that the sheds were on park property and did pay much attention to this. Mr. Conner stated that he received another letter from Mr. Collins stating that the sheds must be moved or demolished by June 30, and if they failed to comply, the city would do it for them. Mr. Conner stated he contacted Mr. Collins and was told this was being done to protect the city's rights on park property. Mr. Conner stated that easements could be given, and that this land is not being used for anything nor are there any plans for this in the near future. Mr. Conner asked for an agreement between the city to leave the sheds where they are, and asserting that the sheds are on park property. Mr. Jones inquired as to when this park was developed, and found it demeaning that Mr. Collins sent letters without notifying him or the members of the Property Committee. Mr. Jones stated that he has a problem with this—big time. Mr. Jones stated that he has no problem with the sheds remaining if they have been there so long. Mayor Kernan stated that we could look into getting some kind of a resolution to this, however the fact remains that the sheds are on city property, and Mr. Conner stated he knew it when he bought the property. Mr. Jones stated that he felt a ward councilperson should receive a copy of letters to residents when it's something of this nature in the future, its also an issue for the Property Committee which he is the chair of. Mrs. Hlas gave a background on how this whole issue started. Mrs. Hlas indicated it started last year when a resident complained about leaves backing up the creek behind the homes.

New Business continued:

Mrs. Hlas stated that Mr. Collins and Mr. Pritchard came out and walked the property, and gave her the courtesy as a Councilperson to let her know about the outbuildings infringing on city property. Mrs. Hlas indicated that some of the sheds have been there twenty (20) years or less, and everyone that lives there knows their sheds are on park property. Mrs. Hlas indicated that she discussed this last year with Mr. Collins and asked for it to be addressed later since the park has no plans for development. Mrs. Hlas stated she felt the letter sent recently was very appropriate. Mrs. Hlas agreed that Mr. Jones should have been informed about this, however this issue was going on before he took the Council seat. Mrs. Hlas stated that she knew what was going on and informed those residents to contact Mr. Jones. Mr. Jones asked Mrs. Hlas if she knew when this park was dedicated? Mrs. Hlas stated this was built when the second phase was done, around 1974 or 1975. Mrs. Hlas stated that she was told that in lieu of having sidewalks put in, the developer gave the city the money to buy the playground equipment. Mrs. Hlas indicated that the park was already dedicated and the residents put the playground equipment together. Mr. Conner added that the playground was not put in until 1989. Mrs. Hlas stated that the park property now extends all the way down to where Inas ends, and this happened about a year or maybe a year and a half ago. Mr. Jones inquired as to how many sheds are we talking about here? Mayor Kernan stated that there are five (5) sheds on park property now. Mayor Kernan asked Mr. Lyons to check into any liability to the city if these sheds are on city property and if someone gets injured. Mr. Lyons indicated that he would address this. Mr. Jones stated that he thought if you maintained someone else's property for a certain time it becomes yours. Mayor Kernan stated that adverse possession does not apply to a public entity. Mr. Collins stated that the city owns many parcels of land with parks and other properties. These five (5) residents are the only ones that actually encroach on city property. Mr. Collins stated this issue is not if the city is going to develop this property, it is the fact that these residents are using property that belongs to everyone as city park property

Mr. Jones stated that a city employee, Cindy Hughes' father passed away suddenly last week, and he offered his prayers for her and her family during this time.

Mr. Price commented on the good work done by the Road TAC, and suggested we keep these same people together and do the same process with getting sewer and water lines. Mr. Price suggested we line the entire city with water and sewer instead of patching it in little pieces at a time. Mr. Price suggested we get the big picture here and place all of this on the ballot. Mayor Kernan stated that we could look into this.

Mayor Kernan stated that this week is National Police week and read a Proclamation he issued. Mayor Kernan encouraged everyone to lower their flags to half-staff for the week of May 14, 2006 to May 20, 2006 in their honor. Mayor Kernan thanked all of the Police Officers, adding that in 1973 we did have one officer who died in the line of duty.

Ms. Charlotte Whipkey, a Norton resident, asked to have a public apology for Mr. Tomko not being allowed to speak, and she felt this was disrespectful not to offer one as was done for Mrs. Hlas. Ms. Whipkey stated that Mr. Tomko has been a loyal member and servant of this city with the way he attends meetings. Mr. Zita stated that the reason Mrs. Hlas received an apology was after she was more specific on what she wanted to discuss, and because they were not agenda items she still was not given the opportunity to speak.

New Business continued:

Mr. Zita stated that Mr. Tomko did not fill out the form properly and was denied the right to speak, and he was following the rules on the form. Mrs. Hlas stated that Mr. Tomko did fill out the form and wrote “stuff” and “zip code”. Mrs. Hlas read the Bill of Rights Article 1, Section 11, which states that “ Every citizen may freely speak, write, and publish his sentiments on any subject being responsible for the abuse of the right, and no law shall be passed to restrain or abridge the liberty of speech”. Mrs. Hlas stated that she thought the original intent for that form was to have an accurate record on who spoke and where they lived. Mrs. Hlas stated that it is not necessary to include what the resident wishes to talk about, and that sometimes while listening to other comments, you may change your mind on what you want to talk about. Mr. Lyons stated that it was discussed during Council Rules to clarify that it does not have to be on the agenda, and you do not have to list the topic of discussion with the new form.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 9:47 PM.

Michael Zita, President of Council

Date approved: May 22, 2006

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