



**COMMITTEE OF THE WHOLE MEETING
JUNE 19, 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
Karla Richards

The Committee of the Whole convened on Monday, June 19, 2006 at 7:03 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:

Alarm Fees:

Mr. Zita opened this discussion, adding that the Clerk of Council has provided Council with sample ordinances from the cities of Green, Akron, and Barberton regarding their fees. Chief Carris was present and prepared to answer any questions. Chief Carris stated that we are only talking about removing the annual \$25.00 application fee for businesses, residents only pay a one time fee. Mr. Pelot questioned what this fee covers, and Chief Carris indicated this is for an administration fee and for updating information on the forms. Chief Carris indicated that in 1996 the legislation was changed for the residents because prior to that time the residents also had to pay the \$25.00 fee annually. Mr. Pelot questioned the number of alarms received so far this year, and Chief Carris indicated that there were 95 business alarm drops and 148 residential alarm drops so far this year. Mr. Jim Lino, a Norton resident stated that the term fee is double talk, and suggested using the term license instead. Mr. Lino asked who inspects these alarms? Mr. Lino stated that the Police Department knows where the alarms are coming from and that the requirement for a permit or license is not necessary. Mr. Alex Stavarz, a Norton resident and business owner stated that his alarm system is set up properly. His alarm monitoring company had to obtain a permit to install his system, and there really wasn't a great deal of paperwork involved. Mr. Stavarz stated his system worked just fine for about two (2) years until he had a lightning strike. This lightning strike blew out his alarm and his phone; he could not even shut the alarm off. Mr. Stavarz stated that he disagrees with the annual \$25.00 fee because he feels this is more of a tool that he pays to help the police do their job. It was made clear that Mr. Stavarz was not charged for a false alarm fee, he was charged for the permit, which he knew nothing about. Mayor Kernan stated that the goal of the legislation was really to deter false alarms and the \$25.00 fee does not address false alarms. Mayor Kernan stated that this also does not generate a lot of income, approximately \$2,375.00 annually.

Alarm Fees Continued:

Mayor Kernan suggested that Council remove the \$25.00 fee and leave the false alarm fees where they are. Mr. Jones recalled that in the past we had problems with one of the banks with excessive false alarms, which is what brought this about. Mr. Stavarz agreed with Mayor Kernan, and stated that an act of God is not an alarm, lets not penalize for an act of God or a natural disaster. Mr. Pelot stated that he was not opposed to removing the \$25.00 fee and this would show the businesses that we are trying to be business friendly. Mr. Pelot suggested changing the fines for false alarms. Mayor Kernan suggested, as with other communities, we should include a license being revoked after a certain level of false alarms. Mr. Jones stated that some of the sample legislation we have is from other larger communities. Chief Carris suggested that we leave the penalty fees alone for now because it is working, just eliminate the annual permit fee. Chief Carris stated that everyone still would be required to re-register every year and update any information. Mr. Braman suggested we stick with the intention here to remove the \$25.00 fee as suggested. Mr. Pelot moved to place this item on Councils next agenda, waiving the \$25.00 yearly fee, with the annual registration continuing as a requirement, seconded by Mr. Braman. Chief Carris suggested that maybe we re-visit this penalty structure in six (6) months to a year and see where we are with this.

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

Motion passed 6-0.

DARE Resolution:

Mr. Zita discussed a grant application for the DARE program for the schools, which would allow for State funding. Chief Carris stated that he was applying for the first time for DARE funding from the State. Chief Carris stated that the city is asking for up to \$10,000.00 for reimbursement for our DARE Officer Steve Davis. Chief Carris stated that Officer Davis' duties have increased over the years and they felt that it was necessary to ask the State for a grant. Chief Carris indicated that Council needs to approve a resolution of support to submit for the grant. Mr. Jones inquired if we need to move quickly on this, and Chief Carris sated that the deadline for filing is August 11, 2006. Mr. Zita stated that Council would be on recess as of July 10, 2006 until August 21, 2006, and we would miss this deadline if we don't act now. Chief Carris stated that Mr. Lyons has already prepared the legislation for this. Mr. Pelot questioned if this was an annual requirement or could Council prepare one resolution with the ability of renewal each year without having to come back to Council. Chief Carris indicated that Council must renew it every year, and that he doesn't necessarily have to come back to Council and ask for this, and that it could be done automatically. Chief Carris indicated that when applying for a grant it must be done for that specific school year. Mr. Zita moved to place this on Councils next agenda as an emergency, waiving the second and third readings, seconded by Mr. Jones. Mr. Pelot discussed setting something in place each year to be sure we don't miss out on this opportunity. Chief Carris stated that he would bring this up with Council because you have to apply every year.

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

Motion passed 6-0.

Waterline Reimbursement Agreement:

Mr. Price stated that the parent company of Strickland's Ice Cream has asked for reimbursement of their expenses for the installation of the waterline. Mr. Price stated that total footage was 420 feet at a cost of \$60,701.30. Mr. Collins stated that it was basically 210 feet, however both sides of this water line benefit, which is why they doubled the amount. Mr. Collins indicated that if you divide that into the \$60,701.30 it comes out to \$144.53 per lineal foot, which is what these adjoining properties would have to pay to tap into this waterline. Mr. Price stated that the legislation and agreement presented authorizes the City of Norton to collect this fee and turn the money over to Strickland's. Mr. Pelot asked who would be required to tap into this waterline? Mr. Collins indicated no one is required to connect at this time. Mr. Collins stated that the eight (8) properties affected by this are enumerated on the spreadsheet provided. Mr. Jones asked if this would affect Mrs. Tompkins' property? Mr. Collins stated no. Mrs. Tompkins inquired about the Norton Grange, she thought this property was owned by Grace Church, and if this has any impact on the status of the church's earlier request for their reimbursement of \$28,000.00 or \$30,000.00? Mrs. Tompkins inquired about the parcel owner of The Benevolent Order of Elks Field at 4128 Cleveland-Massillon Road and where this was. Mr. Collins replied that this parcel is the school driveway that goes back to the fields behind the library, but this is really owned by the school system. Mrs. Tompkins asked what happened with the reimbursement for the church? Mr. Collins stated that he has no idea what happened. Mr. Collins stated that the church has never followed up with this. Mr. Collins stated that he sent letters to the church asking if they intended to follow up with this. He received a phone call from Mr. Bill Blue at the church, and Mr. Blue indicated they would not be following through on this, Mr. Collins stated he did not ask them why. Mr. Price stated that the ball has been dropped and is sitting in the church's court and if they wanted to pick this up and run with it again they could still pursue this issue. Mr. Collins stated that would be up to Council to decide, however, if they brought this issue back up he would present this to Council with a recommendation. Mr. Price stated this agreement states the city would collect the reimbursement fees for the next fifteen (15) years. Mr. Pelot questioned the agreement under the actual waterline costs; item #10-Lump sum traffic control-Mr. Collins indicated that they hired a firm to handle the traffic control. Mr. Pelot also inquired about #13 the 5% maintenance bond, and asked if this is refundable? Mr. Collins stated that he was not sure on this question. Mr. Pelot stated that if they would be getting this back it should not be included in the total figure that you are charging the residents. Mr. Collins stated that he agreed with Mr. Pelot if this was a bond that was refunded, however he did not feel that this was our bond. Mr. Zita asked if the city would be collecting an additional service fee onto what is collected, and Mr. Collins answered no, this is not part of the agreement, and has not been done in the past. Mr. Price stated that Grace Church originally extended the water and sewer lines from the old Bishop Motors facility up to the middle of the Grange building which is part of the church. Mr. Braman questioned the actual footage. Was it really 210-ft or 420-ft, because they are actually charging the full 420-ft of pipe. Mr. Collins stated that if you take the 420-ft. and divide this in to the \$60,701.30 you would come up with the 210 lineal foot. Mr. Braman stated that they really did not use 420-ft of pipe. Mr. Price moved to place this item on next weeks agenda for a first reading only, no emergency language, seconded by Mr. McGlone. Mr. Pelot stated he still has questions regarding Mr. Braman's comments on the 420-ft versus 210-ft, as it appears that their agreement actually calls out a total of 420 ft of pipe being used, and asked Mr. Collins to also look into this. There was discussion if Council should move forward or not, and Mr. Collins suggested that Council proceed with this for next Monday and he would see that these issues are addressed before the formal vote.

Waterline Agreement continued:

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

Motion passed 6-0.

Non-Bargaining Employees:

Mr. Zita turned this discussion over to Mr. Collins for the details. Mr. Collins stated the changes are in order for the Clerk of Council pay classification, and he feels there are two other positions that need reorganization. In addition to some other things needing to be done to the ordinance. Mr. Collins reviewed the changes with Council. Mr. Collins stated that Section 258.19(C) (2) which was originally passed, then amended twice within the last two years. Mr. Collins stated that it basically guts the ordinance, which we have to come back to Council anytime anyone in the non-bargaining group receives a raise. Mr. Collins proposed a change to accommodate Council while still giving the Mayor and the Directors the power to appropriately raise the salaries of those employees in line with what ever the unions get yearly, without having to go through that separately, as long as their budget permits this. Mr. Jones suggested the gender be changed to he/she or his/her throughout. Mayor Kernan stated that we are placing the power of Council regarding the raises where it should be, which is within the actual budget. Mayor Kernan stated that this is where their power is in controlling the city's spending and not to micro-manage each of the departments. Mr. McGlone stated that he would like to see any salary change reflected in a bi-weekly report to Council so that all of Council is aware of this. Mr. Moss stated that the Finance Dept. does not just make a change without the proper instructions to do so. Mr. Moss stated that instead of generating a report, it would be appropriate to copy all of Council anytime his office receives a request for a change in payroll. Mr. McGlone stated that he felt whatever the unions get for raises, all non-bargaining employees should receive the same. Mr. Collins stated that's exactly how this legislation is worded, and no one would be receiving more than that without the specific approval of Council. Mrs. Elaine Tompkins, a Norton resident, asked what was done for raises before the MPO went into effect? Mayor Kernan stated that every time they wanted to give a non-bargaining employee a raise, this was presented to Council for approval, either individually or as a group. Mrs. Tompkins stated that this does stipulate that the employee would be reviewed and if they are eligible for an increase, it would be granted. Mrs. Tompkins stated that the real difference is that they receive this on January 1st, as opposed to their anniversary date. Mrs. Tompkins stated that these are things that must be looked at with more clarity, so that everyone knows how this works properly. Mr. Carris Sr., a Norton resident, stated that he agreed with Mr. McGlone that when union employees receive raises, the non-bargaining employees should receive raises also. Mr. Carris stated that you only get good employees when you pay them enough. Mr. Carris stated that Council should address two other positions that are also very poorly paid; the biggest one is our Mayor. Mr. Carris stated that Mr. Pritchard's pay needs to be adjusted. Mr. Carris stated that Mr. Pritchard does a terrific job, and you can see where things have progressed since he has been here. Mr. McGlone stated that he wants to address the Mayor's salary increase after Council returns from their summer recess. Mr. McGlone has asked Mrs. Campbell to gather information on comparison salaries for other communities. Mr. Pelot questioned if all the unions receive the same percentage of increase? Mr. Collins stated that this is not always the case, and he is still waiting for the Police & Dispatch Conciliation report to come back. Mr. Pelot stated that he felt we should be specific as to what union's percentage increase the non-bargaining should receive since that are not always consistent.

Non-Bargaining Employees continued:

Mr. Collins stated that this legislation is worded in such a manner that this is addressed, because you could not exceed highest amount the unions receive. Mr. Collins stated that Section 2 does not cost the city one red cent today, all it does is change the ranges. These ranges are listed on the schedule attached. Mr. Collins stated that this schedule is very handy, he uses this as a reference constantly, and he loves having all this information at hand. Mr. Collins stated that it has been over two years since this was updated. Mr. Jones questioned the salary of the Municipal Engineer. Mr. Moss stated that this is not a city employee, he is contracted through Osborn Engineering. In that contract the engineering services are either at \$88.00/hr for defined projects and \$78.00/hr for unspecified office work. Mr. Moss stated that we receive a bill from the company and they provide his services to this city. Mr. Collins stated that in reality these numbers in the range for the Municipal Engineer really do not apply because we have a contract. Mr. Collins stated that in there is a line item in the budget for approximately \$70,000.00 annually and we typically do not go above this figure. Mr. Pritchard stated that we have hired the entire firm and not just the one employee. Mr. Zita asked if we have utilized the firm in the past, and Mr. Pritchard stated that in the past we have used the expertise of others within the firm on many occasions for various projects. Mr. Pritchard stated that even if you have a full time Municipal Engineer on staff, you still would need to hire outside help for some of the bigger projects throughout the city. Mr. Jones inquired on the definition of an exempt employee. Mr. Collins stated that according to the Fair Labor Standards Act, an exempt employee would be exempt from unions, and work for Administrative, Executive, Supervisory, or a seasonal employee or works for an elected official in a position of a confidential nature. Mrs. Tompkins inquired about the Clerk of Court for the Mayors Court and what is the difference from classified and classified exempt? Mr. Collins answered that classified means civil service. Mr. Collins stated that Mr. Mitchell is a non-union employee, but he is a classified employee. Mr. Collins stated that the Civil Service Commission fills this position, and if Mr. Mitchell were to leave, the new employee must be selected from a Civil Service eligibility listing. Mr. Collins stated that Mr. Mitchell is not exempt because he does not fit under the criteria of exempt. Mrs. Tompkins asked that if Council adopts this proposal, would it include all of these items noted? Mr. Collins stated yes, it would all be addressed. Mr. Jones stated that with the Clerk of Court position you are looking to change the range from \$32,000.00 to \$39,000.00 annually to \$42,000.00 to \$50,000.00, which is more than a 3% increase. Mr. Collins stated that this was correct, it is approximately a 19% increase. Mr. Pelot asked when the general range increases would take effect? Mr. Collins indicated that they should have taken effect this past January, and we are already well past this point. Mr. Collins stated that it really is up to Council if they wish to back this up to January, there is no language in here addressing this. Mr. Collins stated that he really did not ask for the raises across the board until he had the Police & Dispatch Conciliation Report. Mr. Collins pointed out that he did not adjust the salary ranges for the Solicitor or the Municipal Engineer, because he felt that they are still in line. Mr. Jones questioned the number of Council Members and Council President and it looks like we have a total of eight (8) members, and Mr. Collins stated that he tried to reflect that there are really seven (7) members and that the Council President makes an additional \$1,000.00 annually. Mr. Moss stated that we should be concerned here with ethics and in-term raises. Mr. Moss stated that we are not actually issuing a raise here for Council, we are just setting the parameters. Mayor Kernan stated that when addressing salary changes for the Mayor or Council, the legislation would have to reflect language indicating that this would be for the following term, there are no mid-term raises permitted. Mr. Collins stated that he was aware that the Clerk of Council, Clerk of Court, and the Administrative Assistant positions were grossly underpaid and have been for some time.

Non-Bargaining Employees Continued:

Council has already addressed their Clerk of Council, and he agreed with this and these other two positions. Mr. Collins stated that Mr. Mitchell has is mostly a one-person office, and that there are not a lot of Mayors Courts around to compare to. Mr. Mitchell currently makes \$35, 235.00, and he has been here sixteen (16) years. Mr. Collins indicated that the starting salary for a first year Police Officer is \$37,898.00. Mr. Collins stated that Mr. Mitchell is responsible for running the Mayors Court, collecting the money, a budget of \$88,800.00 and each year brings in approximately \$250,000.00 in revenue. Mr. Collins stated that this is a paltry sum that he is paid to do this amount of work. Mr. Collins stated that Mrs. Campbell has been here for three (3) years and currently makes \$25,833.60 (\$12.42) annually with one 3% raise during this time frame. Mr. Collins stated that the AFSCME Account Clerks and the Office Manager making \$16.16 per hour. Mr. Collins indicated that in light of this he felt the proper range for Mrs. Campbell should be \$33,000.00 to \$40,000.00, and this is an increase that should have happened a long time ago and for whatever reasons it just didn't happen. Mr. Collins stated that this salary is grossly low and she is asked to do a lot more work. Mr. Collins suggested that because this is a lot of money, this could be broken down and spread over the next two years, with the 3% this year. This way the employees would understand that something would be done to adjust their ranges eventually. Mayor Kernan stated that the city has saved a lot of money with Mrs. Campbell because she has revamped our website, implemented Channel 15, which were added to her duties after she was hired. Mayor Kernan stated that he has not had one complaint since Mrs. Campbell has taken over the website, he felt it is very well put together and user friendly. Mayor Kernan stated that Mrs. Campbell is at least \$3.00 to \$4.00 below the lowest range of the other employees and that's just ridiculous. Mayor Kernan stated that although he may not physically be here every day, Mrs. Campbell keeps him informed and is always in contact. Mayor Kernan stated that there are very few things going on that he is not aware of, and he felt that Mrs. Campbell does an excellent job. Mayor Kernan stated that in the same way Council supported their Clerk, he hoped that they would look the same way with Mrs. Campbell and Mr. Mitchell. Mr. Jones asked Mr. Moss how he felt about issuing these raises? Mr. Moss stated that ideally with any operating fund you need to target at having a two (2) month carryover balance, and we do not have this at this time. Mr. Moss stated that we would not go broke, it just would lower the carryover balance and would take us a little longer to build it back up. Mr. Jones clarified that Mr. Moss suggested that we not carry our balance lower than we should. Mr. Moss stated that we should not because it is part of our own economic health, you need to have some money in the checkbook and not spend to zero every year. This is also something that anyone from the outside such as a Bond Rating Company would say you should not do this. Mr. Jones asked Mayor Kernan to comment on the funding issues and he agreed that everyone should have a raise. Mayor Kernan suggested that Council address these employees in the same manner as they did with the Clerk of Council's position. Mayor Kernan stated that with the Administrative Assistant's position in comparison with other jobs in the city, it seems to be something of a disconnect when she is the lowest paid clerical position in the city. Mayor Kernan stated that with Mrs. Campbell making \$3.00 to \$4.00 less is completely indefensible. Mayor Kernan stated that with a yearly budget of approximately \$12,000,000.00 to give an Administrative Assistant a raise of \$8,000.00, this is a very small portion of the budget. Mayor Kernan stated that we seem to be able to find extra funds for baseball fields, sidewalks and other things, which also make us popular with the voters. Mayor Kernan stated that he believes that the Administration and Council has it within themselves to put her salary where it belongs. Mr. Jones stated that he agrees with Mayor Kernan and was really taken by surprise what Mrs. Campbell receives when she fills in for our Clerk of Council, and that was just wrong.

Non-Bargaining Employees continued:

Mayor Kernan agreed, adding that this was not something that Mrs. Campbell came to him about, she does not complain and does her job well, he would be totally lost without her if she was not here to support him. Mayor Kernan asked Council to do what is fair and what is right, and because of the budget this year, he was fine with the 3% to the end of the year with the promise of getting the salary up to where it should be. Mr. Zita stated that here we are three(3) years later with only .42¢ added to Mrs. Campbell's salary, we need to make it right. Mayor Kernan added that when she was hired on it was with the understanding that there would be regular increases. Mr. Pelot questioned why Mrs. Richards & Mrs. Campbell are exempt and Mr. Mitchell is not? Mr. Collins stated that Mr. Mitchell is paid overtime for court evening hours and to collect over due fines on the weekends. Mr. Collins stated that years ago Mayor Addis approved additional overtime for the weekends to follow up on deadbeats not paying fines, which is tremendously successful. Mr. Collins indicated that this results in a lot more revenue than what we pay in overtime. Mr. Collins stated that the money paid out in overtime comes from the revenue of the Computer Fund and is an authorized expenditure. Mr. Zita stated this comes from an extra fee that is added to each ticket in addition to the other court costs and fines. Mr. Zita asked why is Mr. Mitchell the only department head that gets paid overtime? Mr. Collins stated that is because he does not fit the criteria-it could be changed or looked into. Mr. Pelot suggested implementing ½ of the raise this year and ½ of the raise next. Mr. Collins stated that potentially Mr. Mitchell's position could be changed and made an exempt employee, and possibly declare that this position fits the criteria. Mr. Pelot stated that these employees have been underpaid for quite some time, if we do have the funds, give them half of the raise this year, and the other half-next year. Mr. Collins stated that Council could do this, however his proposal was 3% this year, and half-next year and half the following year. Mr. Moss stated that we could use money that is not budgeted, there are dollars there. Mr. Moss stated that with these adjustments, all of the unions, and Mrs. Richards increase, it would take us below the desired two (2) month carryover balance; however none of this would cause us to become delinquent in paying all of our bills. Mr. Price stated that he could support Mr. Collins' implementation suggestions. Mr. Zita stated that he felt we should establish non-certified criteria and pay scale for the Deputy Clerk of Council should Mrs. Richards leave down the road. Mr. Collins stated that this is not really necessary because you have a range here, and Council could address this when that person is hired and could be done by a separate ordinance. Mr. Collins suggested Council pare back the starting salary range so that if someone was not certified this would allow Council to pay that individual less. There was discussion on various starting salary ranges and it was decided to go with a starting range of \$35,000.00 to \$50,000.00. Mr. Jones suggested this range be inserted in the language for Monday, there is no reason to wait on this. Mr. Collins stated that he would like to see this passed soon, however if they know it's coming he felt having a couple of readings on this to make it right was acceptable. Mr. Jones stated that if we place this in the language now for a first reading, and if we are uncomfortable or have more input we could always change it at a second or third reading if necessary. Mr. Zita moved to place this on Councils next agenda for a first reading with all of the changes discussed seconded by Mr. Pelot.

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

Motion passed 6-0.

Mr. Zita called for a five (5) minute recess at 9:00 PM before moving on to the following issue.

PC Resolution #11-2006 Summit Ridge Modification:

Mr. Pelot stated that the developer (Pride One Norton) ran into some unforeseen grading issues with the rock on some of the proposed lots. Mrs. Rakoci of Pride One was present and explained that even though they performed numerous test holes and everything appeared to be fine, when they began grading they found that this rock was so thick they could not break through it. Mrs. Rakoci stated that because of this they now have four (4) lots that they cannot build on. Mrs. Rakoci stated that their thought was to move the street requirement of 600 ft. to 975 ft., which would allow for a culdesac at the end. Mr. Pelot stated that all previous tests indicated there were no problems, this is simply something beyond their knowledge or control. Mr. Pritchard stated that he has no problems with this modification and both the Police Chief and Fire Chief have submitted their comments and they also have no problems. Mr. Zita expressed his concerns with 36 home sites all out of one street. Mr. Pritchard indicated that this is not a problem, and that having a culdesac is actually a better situation than previously proposed. Mr. Pelot stated that in light of this new problem he wanted to suspend the second and third readings so that Pride One could move things along. Mr. Pelot moved to place this on Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Jones. Mr. Pelot inquired if there would be any new issues with water runoff with this modification, and Mr. Pritchard indicated there would be no change in the runoff. Mrs. Rakoci stated that they have already submitted their improvement plans for Phase I A and B, we expect to have first comments back tomorrow. Mrs. Rakoci stated that this is a very good turnaround. Mrs. Rakoci stated that once they have the approvals they intend to begin moving dirt in August, and pave the roads in October and November. Mrs. Rakoci indicated that they would continue and be building homes going into the winter months.

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

Motion passed 6-0.

Hotel/Motel Tax:

Mr. McGlone turned this discussion over to Mr. Moss for the details. Mr. Moss stated that he has provided information (see Exhibit A) which indicates that it would provide an opportunity for the city to collect additional revenue. Mr. Moss stated that now would be the time to address this because if and when a hotel or motel does come into the city, we would be ensured this additional revenue. Mr. Moss stated that we could collect 3% on all overnight stays in the future. Mr. Moss indicated that he has researched how this would affect the Berlin Motel because this property is split, half of it is in Barberton and one half in Norton. However Mr. Moss indicated that 62% lies in the City of Norton limits as determined by the Summit County Auditor. Mr. Moss indicated that if this legislation were adopted now, it would impact this business. Mr. Moss stated that he was not sure how a Bed & Breakfast would be effected, however he believed the city does not have any at this point. Mr. Moss indicated that he would like to work out the details with Mr. Lyons and provide Council with a draft. Mr. McGlone moved to have Mr. Lyons prepare this draft and bring this back to a Committee meeting at a later point in time, seconded by Mr. Price. Mr. Jones stated that he was surprised with the amount of revenue for Copley. Mr. Moss stated that Copley does have a lot of motels in their jurisdiction. Mr. Pritchard stated that the issue here is location-location-location. Mr. Jones stated that Copley is a township and not a city, and the city of Norton has I-76 and ST. RT. 21 as locations. Mr. Price stated that in Independence, Ohio, their lodging tax helps to support their community.

Hotel/Motel Tax continued:

Mr. Price stated that they have free snow plowing for the residents driveways, an approximately \$6,000,000.00 community recreation center complete with a pool, and the families only pay \$1.00 to join. Mr. Price indicated that their population is only about 4,000 residents.

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

Motion passed 6-0.

Old business:

None

New Business:

Mr. Jones inquired from Mayor Kernan if he inherited the problems with the Barberton-Norton JEDD, and Mayor Kernan indicated that he did. Mayor Kernan stated that for the past two years both cities have been negotiating the terms and felt we were making progress. Mayor Kernan stated that apparently not to Barberton's satisfaction, and was totally surprised by their action in filing the suit. Mr. Moss stated that the city needs to discuss the issues to defend ourselves, and since Mr. Lyons had been involved in the earlier negotiations, we need to retain private counsel. Mr. Moss stated that to date the city has not officially received the lawsuit, and once it does receive it we have 28 days to file an answer. Mr. Moss stated that we need legislation in order to do so and because of the short time frame involved, he would like to ask Mr. Lyons to prepare something for Monday's agenda, which would authorize the Mayor and Administration to hire legal counsel for the city. Mr. Pritchard stated that he might have a name of an attorney familiar with this agreement and may have been involved with drafting it as well. Mr. Pelot suggested that this legislation has emergency language and we should also waive the second and third readings on Monday. There was no formal motion on this discussion, however all were in agreement with Mr. Moss' request.

Mr. Jones discussed an issue with banners hanging on the fences attached to the bridges overlooking some of the highways, and asked if anyone knew what they were. Mayor Kernan stated that he believed they were for reminding motorists to buckle their seat belts. Mr. Jones stated that he understands these are state highways, but wondered if they can just come along and hang them anywhere. Mr. Moss stated this is regulated by the state and they have jurisdiction over this. Mr. Collins stated that he has passed this along to Mr. Weinsheimer to look into and would follow up with Council on this issue. Mr. Jones also discussed a follow up memo he issued to Mr. Collins regarding the old Service Garage. Mr. Collins indicated that he did receive this and would be responding to this.

Mr. Pelot discussed the Home Occupation #HO2-2006, and the correspondence back and forth on this. Mr. Pelot stated that the only issue seems to be a five (5) ton weight limit within the roads of Norton. Mr. Pelot stated that this is just another example of how outdated our zoning codes are, and that a tanker weighs more than five (5) tons, adding that he believes it needs to be addressed. Mr. Collins stated that Mr. Arters would be addressing this.

New Business Continued:

Mayor Kernan reminded everyone that the Loyal Oak Cider Festival is a week later this year, it will be September 30, 2006 and October 1, 2006. Mayor Kernan stated that the main reason for this was to try and avoid conflict with the Mum Festival in Barberton. Mayor Kernan announced the 4th Annual Loyal Oak Cider Festival Golf Outing would be Sunday July 23, 2006. Tickets are \$65.00 per person and includes beverages, lunch, and dinner, greens fees and a golf cart. This will be held at the Loyal Oak Golf Course.

Mr. Moss brought up a new matter on appropriations adjustment policy, and circulated a copy of his proposal (see attached Exhibit B). Mr. Moss explained that this policy would help him to track changes and transfers throughout the year. Mr. Moss indicated that the Charter states at the end of the year he has the authority to make transfers within accounts to change what was set by Council at the beginning of the year. Mr. Moss stated that the problem he has is that the need to change these things and the need to record them occur throughout the year, not at yearend. Mr. Moss asked for Council's input on this policy. Mr. Zita stated that he liked this approach because Council would have a detailed report showing all of the increases and decreases. Mr. Moss stated that the process would result in a net change of zero, he would never change the budget. Mr. Moss stated that the only legal method to change the budget would be to come to Council with an ordinance authorizing such a change. Mr. Moss indicated that this report would be submitted to Council every quarter for their review. Mr. Pelot agreed with Mr. Zita's comments, however he would like Council to have a monthly report instead of quarterly so that if there are any questions it could be addressed. Mrs. Elaine Tompkins, a Norton resident, asked how this would affect Ord. #57-2006 if Charter amendment does not pass, would this still take place? Mr. Moss stated that this would remove the hurdle on this whole process. Mrs. Tompkins provided Council with her comments on proper accounting practices (see Exhibit C). Mr. Moss stated that this also addresses fraud control, which is a good thing to do now instead of waiting until you have a problem, adding that too much power in your Finance Director is not a good thing to do. Mr. Moss requested Council's approval to implement this procedure; there were no objections. Mr. Jones clarified that with this procedure in place, it's a tool to be able to move money around and inform Council of when and how it is done. Mr. Moss stated that was correct. Mr. Jones questioned what precipitated this and Mr. Moss indicated that he was used to having the authority of doing this and it is more up front and consistent, which just makes sense. Mr. Jones stated that in all of the years he has been on Council, he has never had a Finance Director come to Council and tell us what he wants to do, and he appreciated this.

Topics for the next Work Session:

Mr. Zita stated that the only item remaining is Council Rules. Mr. Zita stated that this would be addressed when we come back from summer break. Mr. Zita announced that he would not be at the next Committee of the Whole meeting, he would be out of town. Mr. Collins stated that he may have the Gardner Phase II bids for the fire hydrants for the next Committee meeting as well as the new bids for the baseball fields. Mr. McGlone stated he would like to have the baseball fields issue settled before the summer recess.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 10:13 PM.

Michael Zita, President of Council

Date approved: June 26, 2006

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