



COMMITTEE WORK SESSION MARCH 19, 2007

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

Also Present: Mayor James A. Price
John Moss
Jeff Pritchard
Karla Richards

The Committee Work Session convened on Monday, March 19, 2007 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Dennis McGlone. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee Work Session General Discussion:

Mr. McGlone stated that with the recent changes that have taken place at city hall today, he now opened the floor for nominations for the Vice-President of Council. Mr. Zita offered Mr. Pelot, seconded by Mr. Mowery. Mr. Jones indicated he wanted to hold off on this until Council fills the vacancy seat. Mr. McGlone stated no so, and asked Mr. Jones if he has a nomination, which he did not. Mr. McGlone called for any further nominations, and there were none

Roll Call: Yeas: Zita, Mowery, Pelot, McGlone
Nays: Braman, Jones

Motion passed 4-2 for Mr. Pelot as Vice-President. Mr. McGlone explained that he felt some members have served longer and have a little more knowledge.

Mr. McGlone stated that since we have only six members of Council right now, if a vote of 3-3 came about that vote would fail. Mr. Lyons concurred that this was correct.

Mr. McGlone stated that the vacancy is an at-large Democrat, and asked Mr. Lyons to read the qualifications as stated in the city Charter. Mr. Lyons read section 3.03 of the Charter which states: *Each Councilperson shall have been a continuous resident and qualified elector of the Municipality for at least two years prior to the date of his or her election or appointment and shall continue to be a resident and qualified elector of the Municipality during his or her term of office.* Mr. Lyons stated that Council has thirty (30) days to appoint someone, and if not the Mayor would then have the authority to appoint someone.

Mr. McGlone stated that the notice would be placed on the website and in the local papers. Mr. McGlone explained that the appointment for the vacancy would finish out the remainder of Mr. Price's term, which is about seven (7) or eight (8) months.

Mr. Braman moved to amend the agenda to add item I-The Community Recycling Access Grant, seconded by Mr. Jones.

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

Motion passed 6-0.

Mr. Jones moved to remove Item D-Administrative Officer Appointment from the agenda, seconded by Mr. Braman. Mr. Jones stated that as the new Mayor, Mr. Price has other thoughts in that direction. Mr. Jones stated that this appointment was made by former Mayor Kernan back on March 15, 2007. Mr. Jones stated that Mayor Price wishes to hold off on this. Mayor Price stated that basically this is his decision and he has not had a chance to talk with Mr. Ryland. Mayor Price indicated that originally he was to meet with former Mayor Kernan tonight prior to the meeting to go over the background check and has not had time to review that as well. Mr. McGlone stated that it is the Mayors selection, and we should give him the time to interview Mr. Ryland. Mr. Zita stated that he had discussed this before with Mr. Price and he had suggested Mr. Price contact Mr. Ryland with his concerns then. Mayor Price stated that this individual will be representing the city for the rest of the year, and he wants to be sure about that.

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

Motion passed 6-0.

Presentation by Tim Cooper of Osborn Engineering:

Mr. Braman turned this discussion over to Mr. Pritchard. Mr. Pritchard introduced Mr. Cooper and explained the engineering project, and the need to re-bid because the estimate came in higher. Mr. Cooper gave a detailed report (see attached). Mr. Cooper stated that there are some changes in the specifications, and that the bids received did not agree with the engineer's estimates. Mr. Cooper stated that perhaps that increase might be the result of the increased price of oil recently. Mr. McGlone clarified that the total bid for the four (4) roads was \$603,000 and Mr. Cooper concurred, this is the base bid and does not include any alternate items. Mr. Jones questioned item #16-Concrete Aprons, and Mr. Cooper explained that is in the roadway and matches the existing road surface. Mr. Pritchard stated that the information submitted provides for a better break out on the increases and that the next process is to go back out and re-bid the project and the need for more allocations of funds. Mr. Moss explained that we budgeted \$785,000, which includes last years and this years additional allotment, plus the additional revenue from the estate tax revenue. Mr. Braman moved to add this to Councils next agenda, waiving the second and third readings, seconded by Mr. Mowery.

Roll Call: Yeas: Braman, Mowery, Zita, Pelot, McGlone
Nays: Jones

Motion passed 5-1.

Mutual Aid Crash Investigations:

Mr. Mowery stated that this is to include the City of Norton into a mutual team, which would combine various departments and reduce costs involved. Mr. Mowery introduced Sgt. Nagy of the Norton Police Dept. for the details. Sgt. Nagy stated that this mutual aid investigations team involves seventeen (17) different agencies, and provides technical assistance for investigations, and provides quick access to the team. Sgt. Nagy indicated that in the last traffic fatality in Norton took up to six hours just on the roadway to investigate, and included three (3) Norton officers and six (6) State Troopers. Sgt. Nagy indicated that this costs the City of Norton nothing to participate at this time. Mr. Zita questioned the costs of our officers out on calls, and Sgt. Nagy stated that their salary is currently paid by that department. Mr. Mowery moved to place this item on Councils next agenda waiving second and third readings, seconded by Mr. Zita.

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

Motion passed 6-0.

Service Dept. Truck Purchase

Mr. Pelot stated that this was before Council earlier and there was a decision then to wait due to concerns of not being able to purchase the service garage without taking out a loan if we purchased this truck now. Mr. Pelot indicated that Mr. Moss has taken a second look at the figures in the documents attached, and that this purchase could take place this year. Mr. Moss concurred adding that the target carry over should be 15% to 33% of the operating expenses and this fund exceed that. Mr. Moss stated that it appears Council wants to be more aggressive and he has re-worked the numbers to achieve that goal. Mr. Moss indicated that the key is that there are some slight changes to the revenue due to corrections and this is a more accurate prediction. Mr. Moss indicated that the end result is to use the money accrued to buy the service garage facility outright for cash. Mr. Pelot stated that the goal is to pay cash and to carry no debt. Mr. Pelot stated that we currently have five (5) trucks and this purchase would make a total of six (6), although Mr. Weinsheimer's goal is to have a total of seven (7) in the future. Mr. Jones stated that he has always supported the Service Department and wants to purchase the service garage with cash without borrowing the money. Mr. Jones stated that he didn't want to purchase the truck for \$110,000, not that they don't need the vehicle. He would rather have a roof over their head rather than having a new truck sitting outside. Mr. Jones stated that he was not sure where the money was found for the vehicle, and asked Mr. Moss to explain. Mr. Moss explained that the money found comes from the carry over balances of over \$500,000 and that is a rather healthy carryover balance. Mr. Jones asked Mr. Moss if he felt comfortable buying the truck and purchasing the service garage, and Mr. Moss stated yes, and that this is a very positive thing to go ahead and take care of that. Mr. Pelot moved to add the purchase of the salt truck on Councils next agenda, seconded by Mr. Mowery. Mr. Weinsheimer asked for waiving of second & third readings with emergency language because of the timing and a price increase pending. Mr. Pelot modified his motion to include emergency language, waiving the second and third readings, seconded by Mr. Mowery.

Roll Call: Yeas: Pelot, Mowery, Braman, Zita, McGlone
Nays: Jones

Motion passed: 5-1.

Funds Transfer Ordinances:

Mr. Jones asked Mr. Moss to explain the details. Mr. Moss stated that there are actually three ordinances here. The first one is a transfer ordinance, which transfers funds from the General Fund to other funds, and is a permanent movement of money and part of the regular budgeting process. Mr. Moss stated that rather than leave it till the end of the year, he wishes to do this now. The second ordinance is for an advance, which is temporary placement of money where a fund needs adjustment. Mr. Moss stated the third ordinance is for a supplemental budget with a new exhibit A, attached. Mr. Moss explained the details for the transfer ordinance and the exhibit the funds and amounts. Mr. Moss explained the details for the advance ordinance, the advance can be done for up to one year, and then needs to be returned. Mr. Moss stated that this advance would support the costs associated with the Gardner Blvd. Phase II project, and that the money from assessments comes in later. Mr. Moss explained the details for the supplemental budget ordinance, which is for various amounts for the Columbia Woods ball field, Cleveland Massillon waterline project, Connect Road waterline project, and Service Dept. equipment purchase. Mr. Moss stated that originally the budget was prepared for the city to lease the dura patch equipment, however Council has approved the purchase instead of a lease. There was further discussion and if the motion needs to be separated for each, and Mr. Lyons stated it could be done with one motion for all three ordinances. Mr. Jones moved to place these three (3) ordinances on Councils next agenda, waiving second and third readings, seconded by Mr. Pelot.

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

Motion passed 6-0.

Approval of Mediation Report:

Mr. Jones turned the discussion over to Mr. Moss for the details. Mr. Moss explained that the city has reached an agreement regarding the Barberton regarding the JEDZ law suit, and that part of the agreement is this mediation report which council needs to adopt. Mr. Moss stated that both cities have agreed to payment terms of \$70,000 per year for three years for the arrears owed, and we would move forward with current payments owed. Mr. Jones discussed Section Two, which releases the plaintiff of the obligation to pay to the defendant an additional \$95,828.93, and Mr. Lyons concurred. Mr. Lyons stated that this day long mediation was for both sides to take a look at the agreement, the history of the businesses in the JEDZ and what companies qualify for the sharing of income tax. Mr. Lyons stated that we felt this resolution was a reasonable resolution of the outstanding issues. Mr. Jones asked if Ganley Ford was part of the JEDZ district and Mr. Pritchard stated no, they were not because they were there before the JEDZ agreement went into effect. Mr. Lyons suggested that Council move forward and that the settlement is contingent upon Councils approval in order to move ahead. Mr. Lyons stated that this would be prepared as an ordinance for Councils approval, and the report would be attached to the ordinance. Mr. Braman inquired about Barberton withholding water and sewer permits, and Mr. Lyons stated that he did not believe that Barberton is withholding permits at this time. Mrs. Sargent, a Norton resident, stated that she spoke with the Barberton Law Director today and he stated that no permits would be issued until this issue is final. Mr. Jones moved to place this on Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Braman.

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

Motion passed 6-0.

Feasibility Study Contract:

Mr. Braman stated that URS Corporation has submitted their proposal for the utilities feasibility study which was initiated by former Mayor Kernan. Mr. Braman turned this over to Mr. Pritchard for the details. Mr. Pritchard stated that in January of this year we released a utilities study for proposals. Out of the eight (8) sent out, we received three (3) bid proposals. Mr. Pritchard indicated that part of the requirement is that the firm must be a local reliable engineering firm, and that they have conducted engineering studies for the city in the past for water and sewer, and they are familiar with our various projects. Mr. Pritchard stated that URS Engineering has conducted the engineering for Gardner Blvd. Phases I, II and II, as well as Connect and Hazelwood Road. Mr. Jones stated that URS Engineering came in at \$10,000 less than the other bids, and though it was a very fair estimate, and that he has no problem with this. Mr. Pritchard indicated that this is the first element of many studies to come and if Council pleases, he wished for Council to waive the readings. Mayor Price stated that since he was the first one to introduce this, he asked Council to consider approval. Mr. Braman moved to waive the second and third readings, seconded by Mr. Jones.

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

Motion passed 6-0.

Building Code Ordinance:

Mr. Braman stated that we need to get up to date with the State requirements. Mr. Pritchard stated that this is a timely issue, which requires immediate action by Mr. Arters in order to meet the State requirements. Mr. Braman indicated that he has discussed this issue with Mr. Arters earlier and agreed that this needs addressed as soon as possible. Mr. Braman moved to add this to Councils next agenda, waiving the second and third readings, seconded by Mr. Zita.

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

Motion passed 6-0.

Community Recycling Access grant:

Mr. Braman stated that this is a resolution that we need to sign in order to accept the grant money for the recycle program. Mr. Braman stated that this is done every year, and is a time sensitive issue, which needs to be signed by next Tuesday. Mr. Braman moved to place this on Councils next agenda, waiving second and third readings, seconded by Mr. Jones.

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

Motion passed 6-0.

Unfinished Business:

Mr. Moss discussed the current Hotel/Motel Ord. #17-2007, and the fact that we may need to amend this at the next meeting due to the effective date. Mr. Moss discussed changing this to July 1, 2007 which is easier to implement and that you would have a full six months to see any change in revenue. There was further discussion and Mr. Jones stated that it would be fine to address at the Committee of the Whole portion at the next Council meeting, before it's second reading.

Mr. McGlone asked Mayor Price when would he get back to Council with the Administrative Officers appointment? Mayor Price indicated that he would come back to Council as soon as possible. Mayor Price stated that it was his intent to get back to Council after reviewing the background check on Mr. Ryland and reviewing some of the other candidates. Mayor Price stated that he would not linger over getting some names to Council as soon as possible.

New Business:

None

Non-Agenda Items:

Ms. Alice Wagner, a Norton resident, a volunteer of the Norton Fire Fighters Association, spoke regarding Mr. Tomko's previous comments about taking credit for removing the illegal gambling. It was not illegal, it was authorized by the US Government, the State of Ohio. The Prosecutor ruled that we could rent without limit. A second Prosecutor ruled that a charity could not rent from us as was done in the past so we stopped that. Ms. Wagner stated that there are several small groups in Norton that need places to rent. Ms. Wagner discussed the use of the Community Center for various fundraiser events, it would be a good moneymaker for the city, and Council just need to change your rules. Ms. Whipkey stated that last year there was a Vegas Night for Norton Music Boosters, and she was able to find the Akron Armory available for them to rent. Ms. Wagner indicated that with Vegas Nights, Norton could get \$2500 in rental fees.

Ms. Charlotte Whipkey, a Norton resident, thanked those Council members who voted no on the Charter changes. Ms. Whipkey also thanked Council for the approval of Mr. Kendall's agricultural district.

Mr. Robert Copen, of the Norton Fire Fighters Association, spoke out against Ord. #16-2007 (Skilled Games). Mr. Copen asked if you are trying to regulate the businesses or the machines? Mr. Copen read from Section 2 (B) of the ordinance relating to slot machines, adding that there are different prices for playing these machines. Mr. Copen asked how would you determine the revenue on these machines? Mr. Pritchard stated that would be impossible to determine at this time, it would be something that comes before the Planning Commission to decide.

Topics for the next Work Session:

Mr. McGlone discussed the tax credit issue, and concurred with Mr. Moss that we still have no definite figures of potential revenue. Mr. Moss stated that it might be impossible to calculate exactly how much would 85% bring in. There was further discussion and it was decided to leave this item on the Matters Referred list for now.

Mayor Price stated that today was a very long day and that his thoughts and prayers go out to the Kernan family and he applauded Mr. Kernan for placing the city's best interests first.

Mr. McGlone also commented on the city events today, adding that we have a good group on Council and a new Mayor, and we need to continue to move this city forward.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:23 PM.

Dennis McGlone, President of Council

****NOTE: THESE MINUTES ARE NOT VERBATIM****

All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted. If you do not have access to Time-Warner Channel #15, you may request to view a copy of any VHS recorded meeting in Council Chambers. Please contact Ann Campbell in the Administration office to make the necessary arrangements at (330) 825-7815 ext. 14.