



COMMITTEE WORK SESSION MARCH 5, 2007

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

Also Present: Mayor Joseph Kernan
John Moss
Jeff Pritchard
Karla Richards

The Committee Work Session convened on Monday, March 5, 2007 at 7:02 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, James Price. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee Work Session General Discussion:

Mr. Price reminded the public about speaking on agenda and non-agenda items and to remember to sign in for the record.

Tax Credit

Mr. McGlone stated that the numbers we discussed at the Work Shop on February 3, 2007 do not agree with the figures from CCA, which Mr. Moss is currently working on. Mr. McGlone stated that until we get these figures he wants to continue this discussion at the next Work Session in two weeks.

Service Dept. Equipment Purchases

Mr. Jones indicated that he met with Mr. Moss last Friday for a couple of hours to discuss some of the items on the agenda. Mr. Jones stated that last year we purchased a salt spreader, a snowplow, and a salt dome, which is currently in the works. Mr. Moss concurred; adding that the salt dome construction was delayed because the large concrete blocks needed for the foundation are not constructed in the winter. Mr. Jones stated that this may be completed by this fall and then we can have the old service garage area up for bid or sale. Mr. Moss concurred that as soon as we move all of the salt stored in the old facility over to the new facility we could begin the process to go out for bids. Mr. Jones stated that this past January 22, 2007 we bought a boom mower at the costs of \$86,194 and there was \$100,000 budgeted.

Service Dept. Equipment Purchases continued:

This is a savings of approximately over \$13,000. Mr. Jones stated that after he had discussions with Mrs. Tompkins, a Norton resident, he starting working with some of the numbers. After taking the sale from the old service garage, the savings on the boom mower, he does not want to go with the purchase of the new truck this evening, which is \$110,000. Mr. Jones stated that if you take that \$110,000, the old service garage and the savings left over from the boom mower, you have \$185,000 right there. Mr. Jones stated that we are tight on money, however he would rather have a roof over their head than to purchase a new truck at this time. Mr. Jones stated that he felt Council as a whole along with the Mayor and Finance Director need to set aside monies to purchase equipment rather than taking a large lump sum to make purchases. Mr. Jones stated that he was ready to go along with the purchase of the patching machine. Mr. Jones stated that Mr. Weinsheimer had called him last week to inform him that Barberton was using one on State Street, however he was not available to see this. Mr. Jones discussed the costs and time savings with the purchase of this equipment. Mr. Jones stated that if you add the truck and dura patch equipment together that would be a total of \$165,134.00. He wants to save \$110,000 from the truck purchase and put that into the current facility we are renting now and add some dollars to that without borrowing any money. Mr. Jones moved to place the dura patch equipment on Councils next agenda, waiving second and third readings, seconded by Mr. Braman. Mr. McGlone asked Mr. Jones about his statement of having discussed this truck issue with Mr. Weinsheimer. Mr. Jones stated there was brief discussion on it, however after talking with Mr. Moss, he kept leaning towards paying off the building they are currently using. Mr. McGlone asked if Mr. Weinsheimer knew about what we are doing here, and Mr. Jones stated no. Mr. Jones stated that the truck could wait and money is tight, and its ok if we find the money later but we need this dura patch equipment. Mr. Zita discussed the proceeds from the sale of the old service garage also going towards the purchase of the newer facility. Mr. Jones concurred and if you take all of these savings into account we could purchase the new facility without borrowing the money. Mr. McGlone asked about the total cost to purchase the current facility and Mr. Moss stated that the purchase price is \$475,000 and we don't know what the transaction costs would be, possibly \$10,000. Mr. Jones asked about the total needed to pay off the purchase of the facility and Mr. Moss stated that with the estimated sale of the old facility at \$62,500 we would still need \$140,000. There was discussion on the estimated cost of materials and the savings involved. Mr. Moss explained that with this machine we would be able to do more road repairs and in essence we may be buying more road patching materials in the future.

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

Motion passed 6-0.

Hotel-Motel Tax

Mr. Jones stated that this is not going to generate a lot of money, however we do have three (3) small ones in our community. There was discussion on the various types of rentals, short and long term. Mr. Jones stated that although it is not a big money maker, at least it would be on the books. Mr. Jones moved to place this on Councils agenda for a first reading only, to go all three readings, seconded by Mr. Zita. and that it is not entirely in Norton city limits. Mr. Jones stated that the back portion of the motel is in Norton.

Hotel-Motel Tax continued:

Mr. Stavarz, a Norton resident, inquired about the Berlin Motel Mr. Moss stated that Summit County already charges a countywide tax, and there was an audit on it and figured a ratio (35/65 Norton/Barberton) and unless there is some reason to question that we would use that same ratio.

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

Motion passed 6-0.

Food Ordinance

Mr. Jones indicated that this is more of a boiler plate type of legislation, and Mr. Moss concurred. Mr. Moss stated that this ordinance provides for a nominal expense for things like a plate of cookies, coffee, etc. Mr. Moss stated that in order to prove more of a meal, this is something else that would have to come to Council because it is not in this current ordinance. Mr. Moss stated that we passed similar legislation last year, it's just a slightly different amount for this year. Mr. Braman stated that this is a pretty straight forward and he has no problems with this. Mr. Jones moved to place this on Councils next agenda for a first reading, to go all three readings, seconded by Mr. Zita.

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

Motion passed 6-0.

Moratorium Ordinance

Mr. Braman stated that this ordinance is geared to look after the arcade and amusement type of places that are popping up all over the place. Mr. Braman stated that he believed that the Planning Commission would make recommendations and forward them to council. Mr. Pritchard stated that we currently have nothing on the books to address these businesses. Mr. Pritchard stated that we need time to take a look at what other communities are doing and how we want to address this issue. Mr. Pritchard stated that we currently have two (2) in the city now and another one on the way. Mr. Stavarz questioned if these types of businesses are legal, and Mr. Pritchard indicated that they are legitimate businesses, however there is one type of machine that is questionable. Mr. Pritchard stated that the city needs to set some guidelines and boundaries with these types of businesses. Mr. Price inquired about the zoning, and Mr. Pritchard stated it is pretty much wide open. The current zoning is a B-1 use is permitted, and there is very little control on how we can locate these facilities. There was discussion as to the age limits and Mr. Pritchard stated that he believed you must be over eighteen (18) to enter these businesses. Mr. Pritchard stated that because these are controversial types of businesses, we need to be cautious with them. Mr. Pritchard stated that so far there have been no complaints on the current businesses. Mr. Braman stated that we are not the only community facing this issue, and cited the example legislation from Tallmadge. Mr. Mowery questioned if special permits or licenses are required, and Mr. Pritchard replied that they are not required. There was discussion about revenue on each machine, and how this is determined either monthly or per machine use. Mr. Pritchard indicated that this is something that is best left up to the Planning Commission. Mr. Braman moved to place this on Councils next agenda for a first reading, to go all three readings, seconded by Mr. Zita.

Moratorium Ordinance continued:

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

Motion passed 6-0.

Illicit Discharge ordinance

Mr. Braman turned this discussion over to Mr. Pritchard for the details. Mr. Pritchard stated that this legislation is a requirement as part of our Storm Water Phase II Management Program. Mr. Pritchard indicated that this must be adopted this year and is part of six (6) requirements. Mr. Pritchard noted that Norton is the first community in Summit County to identify all of our water outfalls. This prevents substances from being discharged into State waters, and that the whole idea of Storm Water Phase II is to obtain warm water criteria for the State. Mr. Jones inquired if this would eliminate our current flooding issues along Newpark Drive and other areas. Mr. Pritchard stated that it was possible, however the Newpark Drive area is in the third largest flood plain area in Summit County. There was discussion about the Army Corp. of Engineers dredging the Wolf Creek area, and Mr. Pritchard stated that this had already been done a while back and that dredging only transfers the problem farther downstream. Mr. Braman asked if we should use the State model for our legislation and Mr. Pritchard stated that we should. Mr. Braman moved to add this to Councils next agenda for a first reading, going all three readings, seconded by Mr. Jones.

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

Motion passed 6-0.

Unfinished Business:

Mr. Jones discussed Charter Section 4.05, which states: *In the event of death, resignation or removal of the Administrative Officer, the Mayor shall, within ninety days of vacancy of the office, appoint a new Administrative Officer in accordance with Sections 4.01 and 4.02. During the period of such vacancy in the office of the Administrative Officer, the Mayor shall assume all powers and duties of that office. If the Mayor is unable to serve due to illness or absence from the City, the President of Council shall serve until the Mayor is able to resume such duties or until a replacement is hired. Council shall provide compensation to the person filling this position until a new Administrative Officer is appointed by the Mayor and approved by a majority of the members elected and appointed to Council.* Mr. Jones stated that Mayor Kernan has violated the Charter by appointing Mr. Pritchard. Mayor Kernan stated that he did not appoint Mr. Pritchard to anything. Mr. Jones stated that Mr. Pritchard is the head of Becky Lukats, James Mitchell, etc. Mayor Kernan stated that was all explained in his recent memo. He made it clear to Council that he has indeed assumed these duties, however since he has a full time job he has asked these individuals to assist me in those duties, but the decisions and power rest with the Mayor. Mr. Jones asked the Mayor if he felt he was violating the Charter, and Mayor Kernan stated no. Mr. Jones discussed the letter Mr. Price sent to Mr. Harrison regarding the Barberton-Norton Mosquito Abatement District (MAD). Mr. Price indicated that their representative, Mr. Kyer was present tonight and would be addressing this issue later on.

New Business:

Mr. Moss discussed some budgetary issues. Last year some of the difficulties experienced were getting all of the transfers booked. Mr. Moss explained his use of transfers in a broad sense, meaning all movements from one place to another. Mr. Moss indicated that some corrections need to be incorporated into this year and in order not to repeat this he would rather do this earlier in the year. As Mr. Jones discussed the savings from the boom mower being put towards the service garage purchase, this also needs to be put in the books and would be incorporated into the proposal. Mr. Moss discussed the increase/decrease issues in the Fire and EMS funds, which are hurting, and he needs to make adjustments there. Mr. Moss discussed the need to temporarily transfer funds from the General Fund in order to pay bills related to the Gardner Blvd. Phase II project. Mr. Moss stated that this is not a cost to the city, but we need to be able to pay the bills coming in up front. Mr. Moss indicated that there would be three (3) separate pieces of legislation and that he would get together with the Law Director and Clerk of Council on these. Mr. Zita inquired if we had to shuffle money in advance for Gardner Blvd. Phase I and Mr. Moss indicated that he did not recall. Mr. Moss stated that he would like to have this on the March 26, 2007 Council agenda.

Mr. Pritchard discussed the bid opening for the Road Program, which took place on March 1, 2007. Mr. Pritchard indicated that ten (10) bids were sent out and only two (2) were submitted back to the city, and that both estimates were over the engineers estimates by 10%. This means that we will have to go back out and re-bid and we will also need to update the engineer's estimates. Mr. Pritchard discussed the recent flooding in the Newpark Drive area, and provided pictures, (see attached). Mr. Pritchard stated that the road levy, which recently failed, might have addressed this issue. Mr. Pritchard this is a serious issue and we need to look at how we can address this. Mr. Pritchard stated that S. A. Comunale, one of our largest employers sustained over a million dollars in damages in 2004 due to flooding in that area. Mr. Pritchard stated that Newpark Drive is an old concrete road this is not wide enough to begin with. Mr. Pritchard indicated that he would like to secure some type of engineering to resolve this issue. Mr. Pritchard stated that local roads in this area are also affected, and the city needs to address this ASAP.

Mr. Price asked Mayor Kernan about the time frame for his selection of the position for Administrative Officer. Mayor Kernan indicated that the required testing is almost complete and he hoped to come forward with this in the next few days.

Non-Agenda Items:

Mr. Robert Copen, Norton Fire Fighters Association, read a statement (see attached). Mr. Copen stated that the money is all there and accounted for, we can buy the squad, and we just cannot deliver it to the city until this issue is resolved. There was discussion about the City of Norton leasing this squad truck from the Association, however it is unclear if this would be appropriate. Mr. Price asked if this vehicle would be the first donation the city has received from the Association? Mr. Copen stated no, there was a grass truck delivered about three (3) years ago at the cost of \$70,000. There has been gifts of a washer and dryer, helmets, squad coats, jump suits, class A uniforms, etc. Mr. Copen added that this has always been a volunteer department since 1945. Mr. Price asked why do we have a problem now? Mr. Copen answered that he was not sure, however the letter that Mr. Collins submitted certainly did not help.

Non-Agenda Items continued:

Mr. Copen stated that the next hearing has been scheduled for April 18, 2007. Mr. Hetrick, a Norton resident, spoke and asked if Mayor Kernan or the Administration could submit a new letter to correct this.

Mayor Kernan stated that the letter that Mr. Collins submitted would not be submitted into evidence and that he would be receiving a subpoena for that hearing. Mayor Kernan stated that he would correct the statements made in the letter at that time.

Ms. Megan Booth, a Norton resident and member of the Charter Review Commission, spoke regarding Ord #8-2007 and that the wording says; "*to eliminate the reference to "continuous residency*". Ms. Booth stated that this may have given the wrong impression and wanted to clarify this for the public. Ms. Booth stated that it actually re-defines and strengthens the term continuous residency, it does not eliminate it. Ms. Booth stated that perhaps someone just put the wrong word in there.

Ms. Whipkey, a Norton resident, voiced her concerns with Ord #9-02006. Ms. Whipkey stated that she did not understand what it means. Does it mean that Charter changes would not even come up to Council so that we can't even come up here to say that we don't like it? Ms Whipkey read a section of Ord. #9-2007 which states " To make it mandatory upon Council to submit the Charter Review Commissions Charter changes to the voters" This sounds like it just comes to you, you look at it and it goes right to ballot. Mayor Kernan stated that he felt Ms. Whipkey might be right. Council would have no authority whatsoever to turn down a Charter Amendment. It will come before you for readings and the public will be able to speak on it, however, when push comes to shove Council must put it on the ballot. Ms. Whipkey is right in a sense and they have no opportunity to say no. Ms. Whipkey stated that this is bad, and once they think of this they (Charter Review Commission) would be more than willing to take it back and re-do it. Mayor Kernan stated that when it comes to the Charter amendments on the ballot, the full text would appear on the ballot.

Mr. Steve Kyer, Barberton-Norton Mosquito Abatement (MAD) Consultant, spoke regarding the letter Mr. Price had sent to Mr. Harrison. Mr. Kyer gave a back ground on the formation of MAD. Mr. Kyer stated that there are two (2) Norton residents on the Board of Directors, and they are Sandy Chrisant, and Karen Miller. In addition Mr. Conklin is on the Advisory Council and the representative to Norton. Mr. Kyer stated that Mr. Conklin was invited to attend the last meetings, and apparently missed the emails possibly due to an invalid email address or a firewalls somewhere that is interfering. Mr. Kyer explained that the two recent meetings were to finalize the purchase of four (4) new trucks, which are replacements for older vehicles. Mr. Kyer stated that the reason for holding a special meeting was because the company advised them that we had to get the order in because it takes several weeks for delivery. Mr. Kyer stated that the other meeting was a little more contentious. We found that the tax assessments that went out in January were wrong. Mr. Kyer explained that the columns shifted when being uploaded to the County, and that residents were not properly lined up with the taxes, and that all 21,000 tax bills were wrong. We have met with the County and have determined that the vast majority of the tax bills were off by less than \$5.00, but there were some that were significantly off. Mr. Kyer stated that letters have been sent out and the tax bills will be adjusted accordingly. Mr. Kyer stated that in order to prevent this from happening again they have discussed the possibility of having the Summit County Fiscal Office do the uploads in the future.

Mr. Price asked about the two Board Members and asked if they voted for purchase of the trucks, and Mr. Kyer stated yes. Mr. Price also inquired about the computer crash issue, and not being able to receive copies of minutes and agendas. Mr. Price stated that Council needs to be informed and we need a representative to inform us.

Non-Agenda Items continued:

Mr. Price questioned about how we found out about this because he had not received a letter. Mr. Kyer did confirm that the Secretary's computer did in fact crash and she has had to re-create everything off of her hard copies. Mr. Price indicated that this subject would be discussed again at Council Meeting on March 12, 2007, and that Mr. Kyer and hopefully Mr. Harrison would be attending.

Mr. Jones stated that he received a letter advising him of the \$5.20 owed and disliked the fact that his address shows Barberton and not Norton, and asked about getting this corrected. Mr. Kyer stated that all a resident has to do is notify their office and it would be corrected.

Mr. Lino, a Norton resident, questioned the errors with their bills. Mr. Lino stated that he and his wife own two parcels next to each other and they are in both of their names. Mr. Lino stated his wife received a letter stating that she under paid and he got a letter that he over paid. Mr. Lino questioned if they are being charged properly for both properties. Mr. Kyer explained that there are cases where only one shifted to the proper column. Mr. Kyer stated that they would be corrected and adjusted with the second half billings.

Topics for the next Work Session:

Tax credit

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:33 PM.

James Price, 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.