



COMMITTEE WORK SESSION JUNE 18, 2007

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

Also Present: Mayor James A. Price-Excused
John Moss
Rick Ryland
Jeff Pritchard
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, June 18, 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:

Reconsider Charter Amendments Ord. #31-2007 & Ord. #48-2007

Mrs. Hlas indicated that she had voted against Ord #31-2007 because she felt this was too restrictive and Mr. Lyons also had concerns. Mr. Lyons clarified that this ordinance refers to the qualification section of the Mayor and not just a temporary absence. Mr. Lyons stated that when former Mayor Kernan was absent for a short time from the city, it caused some confusion with the temporary absent section. Mr. Lyons stated that the change proposed is from the term residency to continuous physical residency, and may be in fact a result of the events earlier this year. Mr. Lyons clarified that as proposed, if the Mayor is absent from the municipality for anytime he/she forfeits that position and title. Mrs. Hlas discussed the issue about vacation and that it is temporary, and Mr. Lyons stated that is subject to interpretation and is quite debatable. Mr. Jones discussed a previous legal opinion Mr. Lyons prepared regarding Mayor Kernan residing in Wadsworth, and that Mr. Lyons stated that Mayor Kernan had a residency and that his family is living here. Mr. Jones stated that it depends on the Law Director that we have that would render an opinion, correct? Mr. Lyons agreed, adding that as the current Law Director considering the change that is proposed here, he is uncertain as to how to interpret that.

Reconsider Charter Amendments Ord. #31-2007 & Ord. #48-2007 continued:

Mr. Jones stated that maybe someone else would interpret this to the way the people want it to read. Mr. Lyons asked Mr. Jones how he felt it should read, with the situation of former Mayor Kernan living in Wadsworth, and Mr. Jones stated that Council President would have taken that seat. Mr. Lyons indicated that this issue would still be subject to interpretation, and down the road someone else would have to make that call. Mr. Pelot discussed the statement of a continuous qualified elector section, and that it does not say anything about throughout the term of the Mayor. Mr. Pelot indicated that the Mayor could just not vote in the next election. Ms. Vimont stated that not voting in an election does not make you a qualified elector, being able to vote is what make you a qualified elector. Mrs. Hlas stated that she has a problem with it, this was an isolated case and we are tweaking the Charter to fit that situation. Ms. Vimont, Chair of the Charter review Commission commented on discussions that came up at that time on this subject and explained that it was the Commissions intent that the Mayor physically reside here and be a visible presence in the community. Ms. Vimont suggested a modification to the proposed language which she read: *“During the term of office, the Mayor shall continue to be a qualified elector and physically reside within the Municipality. Notwithstanding vacations, the Mayor is expected to be a visible presence in the Municipality. In the event that the Mayor needs an extended leave from the Municipality, he/she will maintain his/her qualification upon their return so long as Council is notified and Section 2.03 of this Charter is given effect”*. Mrs. Hlas questioned the statement of visible presence, and Ms. Vimont stated that the Commission tried to be as specific as possible. Mr. Mowery questioned the time frame the Mayor could be temporarily absent, and if the Commission had thought about that? Ms. Vimont stated that would be up to Council and if they felt it was not acceptable to them the Mayor would be disqualified. After further discussion Council took no action to amend or rescind Ord. #31-2007, and to let this issue go to the voters in November. Mr. Lyons explained his amended version of Ord. #48-2007 and Ms. Vimont stated that she had no intention for the Law Director to make alterations to the Charter, just spelling and grammar issues. Mr. Pelot stated that he approved of the revised version from Mr. Lyons. Mr. Jones wanted to make sure the 30 days remained in the legislation for a time frame for the Law Director to respond to a request for a legal opinion. Mr. McGlone indicated that a motion would be necessary at Monday’s Council meeting to amend Ord. #48-2007. Ms. Charlotte Whipkey, a Norton resident, voiced her concerns with Ord #31-2007 and Ord #48-2007 and was unsure if they passed and are still going to ballot. Ms. Whipkey stated that Ms. Vimont and the Charter Review did a great job of stating what we wanted, we want his presence here, we understand vacations and problems. We don’t understand when he sneaks out of town and then intends to sneak back and everyone keeps it a moot point. Ms. Whipkey stated that she has 249 signatures on petitions from residents who felt that our Charter was broken due to the fact of where the Mayor was staying. (See attached). Ms. Whipkey reminded Council that they need to remember that it’s the citizens and residents that have a voice, and we are willing to do what it takes to get things through.

Ord. To Amend Hotel/Motel Tax Legislation:

Mr. Jones turned this discussion over to Mr. Moss for the details. Mr. Moss stated that while processing this original legislation he discovered an error and that some items could be better and addressed the penalty section. Mr. Jones clarified with Mr. Moss that the city is not looking to generate a lot of revenue here, perhaps close to \$200.00 annually. Mr. Moss concurred, however, potentially in the future that amount could increase with future development within the city. Mr. Jones moved to place this item on Council's next agenda, suspending the second and third readings, seconded by Mrs. Hlas.

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

Motion passed 7-0.

Fire/EMS Budget:

Mr. Jones asked Mr. Moss about the 3 mill levy status, and Mr. Ryland explained that at the time this was presented to Council it was right, however now that the city has reviewed the fact finders report our projections have decreased from twenty (20) years out to nine (9) due to the increase in raises if this goes into effect. Mr. Ryland explained the numbers (see attached). Mr. Ryland indicated that if the full time Fire Fighters contract is implemented as proposed, it would cost the city \$468,000 in overtime hours over the next three (3) years for three (3) full time Fire Fighters. Mr. Ryland indicated that over the life of the contract with all of the extras, it has the potential of costing the city \$519,743.76 for three (3) full time employees. Mr. Ryland stated that according to the fact finder report, it states that the shifts must be covered by full time EMT's. Mr. Ryland questioned the authority of the fact finder on this issue, that she is dictating policy to us. If this is implemented as projected we will run out of money before Council returns from summer recess. Mr. Ryland explained a few options such as contacting the neighboring communities of Copley, Wadsworth and Barberton for assistance, or contracting out with private companies. Mr. Ryland stated that he is uncertain if the voters will approve a 3.0 mill levy when they learn the true facts. Mr. Ryland stated that this new information absolutely destroys our original concept and presentation, and perhaps Council needs to consider if they want to go forward with the 3.0 levy or change this to a 4.2. Mr. Jones agreed, adding that there is no way this can be done. Mr. Jones indicated that this is a contract that we can't and don't have to accept. Mr. Pelot agreed with Mr. Jones, and asked if we can get this information to Mr. Codrea and have that provided to the Conciliator? Mr. Ryland stated absolutely, this would be part of what the city presents. Mrs. Hlas inquired about the time frame in getting the Conciliators report, and Mr. Ryland stated we should have it September or October. Mrs. Hlas stated that she has a problem being a city and giving up services. Mrs. Hlas suggested we continue with the 3.0 levy with the intent of not giving them what they want and if the Conciliator comes back and says sorry that is what you have to do, then we would look at the other options discussed earlier.

Fire/EMS Budget continued:

Mr. Ryland stated that if we go through the scenario Mrs. Hlas just described, and it comes back just as the fact finder report did, we would close the Fire Dept. roughly the day after the Conciliator report comes back because we would be out of money. Mr. Pelot expressed his concerns with the response times if we contract out this service. Mr. Ryland stated that according to initial information from sister cities and communities the call times could increase possibly as much as sixty (60) seconds. There was further discussion and Mrs. Hlas suggested we hold off on the 3.0 mill levy until the May 2008 Primary election, and Mr. Ryland stated that you cannot do that, you will run out of money before the end of this year if we do nothing. Mr. Pelot stated that we really need to look at all options. Mr. Ryland agreed adding that the current mills being what they are, we will be out of money by October or November. Mr. Moss stated that our only other option was to make cuts is shift coverage and response times. Mrs. Hlas stated that they are not leaving the city with any other options other than to close the doors. Mr. Jones asked if Council or Administration could send a letter to the Fire Fighters to ask them to reconsider? Mr. Ryland answered no, it is not proper, and you have to go through the union representative. Mr. Jones asked if we could send a letter to their union representative, and Mr. Ryland indicated he has already instructed Mr. Codrea to make contact with them and that we would like to sit down with them, he has had no response yet. Mr. Pelot discussed the fact that even if we did close the Fire Dept., it would be three years before you would be able to open up our own Fire Dept. again. Mrs. Hlas suggested Council continue with the 3.0 mill levy legislation as it is and we could discuss this again at the next Committee Work Session on July 2, 2007. Mr. Jones clarified with Mrs. Richards that the fire levy Ordinance #44-2007 has had a first reading, and the second reading would occur on Monday, June 25, 2007. Ms. Whipkey asked if we ever figured out the exact cost to the homeowner for the 3.0 levy and Mr. Ryland answered that it is roughly \$92.00 per year for a \$100,000.00 valued home. Ms. Whipkey asked if the levy went to a 4.2 where what would that figure be, and Mr. Ryland replied \$142.00 per year for a \$100,000.00 valuation. Mr. Jones stated that he felt Ms. Whipkey was referring to Res. #44-2007 which needs to be changed. Mr. Ryland stated that we are waiting for the figures to come in from the County Auditors.

SCSO/NPD Services:

Mr. Mowery turned this discussion over to Mr. Ryland, who announced that Capt. Dick Roach was present. Mr. Ryland stated that he is very biased with our Norton Police Dept., and thanked Mrs. Tompkins for her help in compiling figures. Mr. Ryland indicated that we would not be able to come to definite numbers, or true comparisons. Mr. Ryland stated that Summit County would have their own time lines and agendas to work with; they would take no directions from anyone at city hall. Mr. Ryland stated that resident's complaints would no longer be processed here at city hall. Mr. Ryland stated that we have all worked with the numbers and this is not going away.

SCSO/NPD Services continued:

It's time for Council to take the lead, and we either need to decide to support our Norton Police department or take it to the voters in November. Mr. Pelot discussed our current Mayors Court, and Mr. Ryland indicated the contract with the Summit County Sheriff's Office would continue to use the city code sections for citations and they would still go to the Norton Mayors Court. Mr. Ryland asked Council for direction and what they wanted the Administration to do? Mr. Mowery stated that we need to put an end to this, and as the Safety Chair, he has had no complaints. Mr. Mowery stated that he is not in favor of contracting with the Sheriff's Office. Mr. Mowery stated that he has talked to many residents and they seem to have mixed feelings on this, however one thing that they do agree on is that that want this situation over and done with. Mr. Mowery stated that maybe this was not presented to Council the way it should have been, and was forced down our throat. Mr. Ryland stated that obviously there is money to be saved here, but it is not \$1,400,000.00 Mr. Mowery stated that we need to put an end to it, its not worth putting the city and the Police Dept. through all of this chaos. Mr. Ryland stated that his figure of \$144,000.00 in savings is a real number and he can defend it. Mrs. Hlas asked with the savings of \$144,000.00 figure mentioned, who would be securing our buildings, and Mr. Ryland answered a private security company. Mr. Mowery stated that we still have not sat down with Chief Carris to see where we can make cuts. Mrs. Tompkins stated that what all of you are saying is true, and that she would like to have the Norton Police Dept. and Norton Fire Dept., and the Norton 21 School, but what about next year? Mrs. Tompkins stated that we cannot continue to provide the same services, and agreed that the potential savings of \$1,400,00.00 is a stretch but we can save more than \$144,000.00. Mrs. Tompkins stated that we have a lot of fluff, and we have never volunteered to cut anything, they seem to dictate to us. Mrs. Tompkins stated that this Council is a very fluid Council, and you have three (3) At Large people running, and two (2) Council members running for Mayor, which leaves two (2) other Council members left to take the bull by the horns, you should let the citizens decide. Mrs. Tompkins stated that you should let the people that pay have a say in this. Mrs. Tompkins discussed her recent calculations for the costs, (see attached). Mr. George Tomko stated that Council has spent enough time on this and they should put it to the ballot, it's not for Council to decide. Mr. Tomko stated that if you can spend \$4,900.00 on recycle bins you can look at half a dozen other places to look for savings. Mr. Mowery discussed the ballot issue and asked what would the language be on the ballot, what is the question, we have no set figures. Mr. Jones disagreed and stated that he gave Council the figures in May and it's \$1,182,128.00. Mr. Mowery stated that the numbers are all over the place. Mr. Jones stated that's just a starting point, which could be less or could be more. There was discussion on the percentages of increases within a three (3) year contract, and Mr. Ryland indicated it is 4.5% and Mr. Moss added that it is built into the contract. Mrs. Hlas stated that we have been a city for over forty (40) years, now we are talking about possibly closing the doors to the Fire and EMS Dept., and the Norton Police Dept., We are giving up total financial control when you outsource. Mrs. Hlas stated that as Council members, it's our job to do what is best for the residents, and even if this goes to the ballot the result is just informational, Council can still have final decision.

SCSO/NPD Services continued:

Mrs. Hlas stated that her running for re-elections has nothing to do with this or how she does her job. Mrs. Hlas stated that she sat down and worked with Mr. Moss and Mr. Ryland. Ms. Hlas stated that she was concerned with so many numbers being out there, it only confuses the voters. Mr. Mowery stated that he would like to make a motion to either continue this or to kill it now and be done with it. It's a disservice to the residents to let this linger on any more after today. Ms. Megan Booth, a Norton resident, commented on the comparisons, and that the City of Green has less officers, and they have ten (10) more miles to patrol and three (3) times the number of citizens. Ms. Booth stated that Mr. Ryland is using very vague numbers, and emotional terms, which is very misleading. Ms. Booth discussed the purchase of 100 radios for 96 employees and the fact we bonded this purchase in addition to the cost of \$14,000.00 a year to run the radios. Ms. Booth stated that it's obvious we don't have financial control now, and this is one way to get it back because you have a contract and you have control. Ms. Booth asked if we could cut back with the police contract, and Mr. Ryland stated yes. Mr. Jones stated that as Council we are out to save the taxpayers money, and we contracted out with CCA for the Finance Dept., to save money, and that it is our job to look at all aspects. Mr. Jones stated that we do have this proposal to contract out with Summit County Sheriff. Mr. Ryland stated that what everyone wants is an apples to apples comparison and we are just never going to get there. Mr. Ryland stated that its time for the bickering to be over with, its causing conflict with the Police Department now, and breaking concentration and taking a lot of time away in the Administration Dept. Mrs. Tompkins stated that there is a savings, we just don't know how much, and that's why it should go on the ballot as a saving to the city. Mr. Zita stated that is a loaded statement to be placing on the ballot. Mr. Braman stated that he backs the Norton Police Dept. 100% and that most people feel the same way, and they want the opportunity to show they support the Norton Police Dept. Mr. Braman stated that he has no problem with the residents voting on this. Mr. Braman stated that he feels this will end up being on the ballot regardless. Mr. McGlone stated that once you outsource, you are done and you will never be able to bring it back because it is too costly. Mr. Pelot stated he supports the Norton Police Dept. and that this should have been handled differently up front. If the residents don't want the current level of service, then lets sit down with the Administrator, Finance Director and Police Chief and discuss making cuts. If you want to save money, you would be looking at cutting personnel. How much does that save, and would you get the same service? Mr. Pelot stated that Mr. Jones made a comment at a past meeting about getting signatures in order to start a petition, and asked Mr. Jones if he secured those signatures and Mr. Jones replied no problem. Mr. McGlone reminded Mr. Jones of a statement he made in the papers that he didn't want this to come to Council. Mr. Jones stated that he thought Council would at least support this. If Council had listened to the presentation back in December, this would have probably calmed down, but Council voted 6-1 to not hear the presentation. Mr. Jones stated that this is not going to stop.

SCSO/NPD Services continued:

Mr. Bill Braman, a Norton resident, stated that as Council you were elected as the voice of the people. Not everything has to be voted on. The majority of the residents have already expressed that they support their Police Dept. Mr. Bill Braman stated that he does not want Council to have to make this decision, let the residents work on the ballot issue. Mr. Ryland asked Mr. Jones if he had all of the required number of signatures for the petition, and Mr. Jones stated not quite and that he does not need to have all of them for quite some time. Mrs. Hlas asked Mr. Jones if he was comfortable with letting everyone know how the language is worded on the petition, and Mr. Jones replied not necessarily. Mr. Mowery moved to remove this issue off of the agenda and let it be as it is, seconded by Mr. Zita. Mr. Jones asked how this got on the agenda for tonight, and Mr. McGlone stated he put it on the agenda. Mr. Jones asked Mr. McGlone if he notified all of Council and Mr. McGlone stated that it is on the agenda and the information was in the packet. Mr. McGlone stated that he believed that he stated to put this on the agenda at last Monday's Council meeting. Mrs. Richards indicated that we received the memo from Mr. Ryland on Wednesday, which was in time for the packet. Mr. Jones informed Mrs. Richards that from now on he wants the minutes from the Committee Work Session every Friday. Mrs. Hlas stated that this is a Council Rule and that one Council member could not state this.

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

Motion Passed 5-2.

Noxious Weeds Ordinance:

Mr. Mowery explained the need for the change in the ordinance is to provide a better time line for notification. Mr. Ryland stated that with the current process it takes twenty-one (21) days to have a property mowed and that is once the grass has reached eight (8) inches tall. The proposed legislation would allow this process to occur with in seven (7) days and a sign would be posted on the property prior to being mowed. Mr. Ryland stated that this amended legislation would be more effective. Mr. Mowery moved to place this item on Council's next agenda, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. McGlone called for a brief recess before moving onto the next item.

ODOT Legislation for St. Rt. 21 Turn Lanes Improvement:

Mr. Pelot stated that we need legislation authorizing the Ohio Dept. of Transportation (ODOT) to lengthen the lanes on St. Rt. 21, at no expense to the City of Norton. This would be funded by ODOT. Mr. Ryland concurred, adding that the area discussed is the left turn lanes at the traffic light at St. Rt. 21 and Eastern Road at the new Norton Commons complex. Mr. Pelot moved to add this item to Council's next agenda, seconded by Mr. Jones.

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

Motion passed 7-0.

Utilities Infrastructure/Sewer Connection Fees:

Mrs. Hlas turned this discussion over to Mr. Braman. Mr. Braman stated that last year Council froze the fees for one year, and he would like to do something to try and relieve some of the burden on some of the connections. Mr. Braman stated that he would like to see the City of Norton do something and match the fees the City of Barberton charges, which would be somewhat of a reduction in the costs. Mr. Pritchard agreed that now is the proper time to address the fees and provided a printout of facts and figures (see attached). Mr. Pelot asked what are we getting from Barberton within our JEDD agreement, and Mr. Pritchard replied the right to have our waste water treated at their facilities, and access to water for Norton residents. Mr. Pritchard stated that Barberton recently implemented a new system development charge, which is not something listed within the agreement, and added that in fact we may be paying twice. Mr. Pritchard stated that this is an issue the pending feasibility study, and other reports will be determining. Mr. Pritchard asked for the current balance in the funds, and Mr. Moss stated it is \$657,000.00 for both funds. Mr. Pritchard stated that with that number we are still below the annual number stated in the Finkbinder report. Mr. Pritchard stated that infrastructure improvements are vital to the economic growth and development of this community. Mr. Pritchard stated that this is a critical item and cautioned Council on this issue, stressing the fact that what we do now impacts everything we do for our future. Mr. Pritchard advised Council that if they wish to modify the current fees, they need to find an additional source of revenue to support these funds. Mr. Pritchard stated that this issue has been around for over forty (40) years, and it's never been properly addressed. Mr. Braman asked Mr. Moss about the income tax as an alternate source of revenue. Mr. Moss stated you could adjust the income tax credit because a lot of people don't pay any tax and you could raise a substantial amount of money. Mr. McGlone stated that he would like to look at raising the income tax credit by .25%, and Mr. Braman agreed that this concept would be fair to all residents. Mr. Pritchard stated that no one else is going to pay for our infrastructure system. The whole idea is that we are losing forty (40%) of our money to Barberton and its time we address this issue for the long term.

Utilities Infrastructure/Sewer Connection Fees continued:

Mr. Pelot asked Mr. Moss what that forty (40%) averages out to, would this be in the ballpark of possibly \$200,000.00, and Mr. Moss agreed that was a fairly correct estimate. Mr. McGlone stated that the funds are not growing as fast as we initially anticipated, and with a .25% increase in the income tax credit it could triple the amount of revenue. Mr. McGlone stated that this would especially help with our elderly residents because retirees do not pay any income tax to the city. There was discussion on the projected revenue collected and that certain amounts need to be set aside specifically to these accounts. Mr. Pelot questioned if the City of Norton has tried to negotiate the fees with Summit County and the City of Barberton? Mr. Pritchard stated that Summit County has just increased their fees. Mr. Alex Stavarz, a Norton resident suggested Council strongly consider adjusting the tax credit over sewer fees. Mr. Stavarz stated that we are unfairly putting the load on certain residents, you are charging different fees depending on where you live in the community. Mrs. Hlas asked Mr. Stavarz if he would support at tax credit adjustment and Mr. Stavarz replied absolutely. There was further discussion and Mr. Ryland stated that if we are successful in adjusting the income tax credit, we could do away with the tap in fees Mr. Pelot inquired as to when the feasibility study would be completed, and Mr. Pritchard stated he expects this to be sometime near the end of July. Mr. Moss stated that Council could adjust the tax credit at anytime, however you need to make it very clear to the taxpayers when the new adjustment would take effect. Mr. McGlone suggested going with the first of the year.

Unfinished Business:

None

New Business:

Mr. Ryland explained the need to appropriate \$39,000.00 to replace a large culvert on Summit Road that is collapsing. Mr. Ryland indicated that this needs to be done prior to starting the 2007 Road Program. Mr. Ryland stated that he sent out for four (4) bids, two (2) companies were not interested, one company indicated they would do it if we didn't carry a liability, and one (1) company produced a \$1,000,000.00 insurance per occurrence policy. Mr. Ryland stated that this is a complicated repair, we are going from a twenty-four (24) inch culvert to a thirty-six (36) inch culvert. Some of the culvert goes over and under the two (2) main trunk lines leading to the Barberton Water treatment Plant. It may end up being two (2) twenty-four (24) inch lines. Mr. Ryland explained that we do have the amount to cover the expense in the Permissive Fund in the Service Department's budget. Mrs. Hlas moved to add this item to Council's next agenda, waiving the second and third reading and as an emergency, seconded by Mr. Jones.

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

Motion passed 7-0.

Non-Agenda Items:

Ms. Vimont, Chair of the Charter Review Commission stated that at the last meeting the question was raised if the Commission is finished. Ms. Vimont indicated that they are not finished. Ms. Vimont stated that they would be meeting in September to discuss communications with the public for the changes that are proposed for the November ballot. We will also be discussing for future ballot, issues of non-partisan elections for the Mayor and Council.

Topics for the next Work Session:

Mr. McGlone indicated that anything still pending would be addressed at the next Work Session before Council breaks for summer recess.

Adjourn:

There being no other business to come before the Committee Work Session, the meeting was adjourned at 10:07 PM.

Dennis McGlone, President of Council

Date Approved: _____

****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.