



## COMMITTEE WORK SESSION MONDAY, MARCH 3, 2008

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

**Also Present:** Mayor David Koontz (Excused)  
Rick Ryland  
John Moss  
Mike Lyons (Arrived at 8:05)  
Jeff Pritchard  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Monday, March 3, 2008 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Scott Pelot. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

### **Committee Work Session General Discussion:**

#### **Mayors Court Prosecutor:**

Mr. Pelot turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that Ms. Reese was present in the audience for any questions. Mr. Ryland stated that Ms. Reese comes very highly recommended by Judge Fish. Mr. Jones stated that he knows someone who also recommended her and he would support this. Ms. Reese stated that working for both communities would keep continuity. Ms. Reese stated that she works with Barberton and Norton Police Departments and knows both courts and that this would be a benefit as well as providing a heads up for both entities. Mrs. Elaine Tompkins stated that according to Ms. Reese's resume she is to provide legal advise to the Barberton Building Department, the Barberton Health Department and the Barberton Finance Department on criminal and non-criminal cases. Mrs. Tompkins asked if we ever have a conflict with one of those divisions, and asked if she would abstain since she is our municipal Prosecutor? Ms. Reese stated that this is correct, and that she won't be doing any civil cases. Ms. Reese stated that with the change in the administration and the new Law Director her position as Prosecutor is mostly criminal cases. Mr. Pelot stated that our past Prosecutor-Matthew Hiscock resigned because he took a full time position with the City of Wadsworth, shortly after accepting our appointment, which is why we need to replace him. Mr. Pelot moved to place this on Council's next agenda, waiving the second and third readings as an emergency, seconded Mr. Zita.

Mayors Court Prosecutor continued:

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

Motion passed 7-0.

Mayors Appointment to BZA:

Mr. Pelot thanked Mr. Ocepek for adjusting his travel plans to be present this evening. Mr. Ocepek stated that he has been a resident for over thirteen (13) years and is a Manager for Eaton Corp. Mr. Ocepek stated that he now has a larger support staff that allows for more free time to dedicate to the city and can offer his advice and business ideas. Mr. Pelot moved to place this on Council's next agenda waiving the second and third readings, as an emergency, seconded by Mr. Zita.

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

Motion passed 7-0.

Finance Dept. Staffing:

Mr. Pelot turned this discussion over to Mr. Moss for the details. Mr. Moss stated that his office has been down one (1) staff member since Ms. McCall left and it appears that she will not be returning and it is time to move on with a replacement. Mr. Moss stated that Ms. McCall had more detailed job duties that really falls under the position of a Deputy Director of Finance instead of an Account Clerk III position. Mr. Moss indicated that this position does require a degree in accounting and would be responsible for the detailed account entries, and asked for Council to consider legislation for this position. If approved by Council he would not be filling the Account Clerk III position, which was Ms. McCall's title and position. Mr. Pelot explained that the Deputy Director of Finance position was removed from the Charter at the last election because all of the other positions in the Finance Department are not listed in the Charter. Mr. Pelot indicated that the MPO (Master Personnel Order) is still in effect and this position is listed within that document. Mr. Moss added that State Law does provide for this position. Mr. Pelot questioned the pay range and Mr. Moss replied it would be \$49,000.00 to \$58,000.00, and that he is hoping to have someone in the range of \$42,000.00. Mr. Pelot questioned if this was without overtime and Mr. Moss replied that he would like this position to be salary with no overtime. Mr. Jones asked Mr. Moss if he had anyone in mind for this position, and Mr. Moss replied no. There was discussion as to whether this position requires Civil Service testing and advertising. Mr. Pelot clarified that this is not to hire someone new, it replaces one position in the Finance Department with a change in title and salary. Mr. Zita questioned Ms. McCall's ending salary and Mrs. Elaine Tompkins stated she believed it was \$38,000.00. Mr. Jones asked Mr. Moss how long Ms. McCall has been gone, and Mr. Moss replied at least nine (9) months. Mr. Jones asked Mr. Moss how many employees he has and Mr. Moss replied four (4) including him. Mr. McGlone inquired if Ms. McCall's salary figure was in the 2008 Budget and Mr. Moss replied yes. Mr. McGlone inquired if the 2008 Budget includes the higher salary range for this position and Mr. Moss answered yes.

Finance Dept. Staffing continued:

Mr. Pelot asked if the Administration would be opposed to a different salary range of \$40,000.00 to \$50,000.00 and Mr. Ryland stated that he would not be opposed to that range. Mrs. Tompkins questioned if the position would be non-classified or non Civil Service, and Mr. Pelot replied this would be an exempt, non-classified and non Civil Service position. There was more discussion on the need for Civil Service testing, which there was no definitive answer. Mr. Pelot instructed Mrs. Richards to check with the Law Director on this issue. Mr. Pelot moved to place legislation on Council's next agenda creating the position of Dep. Director of Finance with the salary range of \$40,000.00 to \$50,000.00, waiving second and third readings, as an emergency, seconded by Mr. Zita.

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

Motion passed 7-0.

Mr. Ryland stated that the MPO needs to be amended to reflect this change in salary. Mr. Pelot moved to add the MPO revision to Council's next agenda, waiving the second and third readings, seconded by Mr. Zita.

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

Motion passed 7-0.

Non-Bargaining Employee Salaries:

Mr. Ryland stated that the salaried and non-bargaining city employees have been reviewed and are due to receive either a 2.5 percent or 3.0 percent raise, which is within the MPO and the 2008 Budget with the exception of Ms. Campbell and Mr. Moss. Mr. Ryland stated that Ms. Campbell has completed the education requirements for her CMC (Certified Municipal Clerk) certificate and earned her certification for House Bill #9 training. Mr. Ryland stated that the increase in salary to \$35,000.00 and falls within the same guidelines as others who have received certifications. Mr. Ryland stated that the reason for Mr. Moss' increase is self-explanatory and that Mr. Moss is drastically underpaid for the services he provides, and recommended \$59,902.00 is fair and would keep Mr. Moss in place. Mr. Pelot asked if Ms. Campbell's prior salary of \$33,000.00 is within the 2008 Budget and Mr. Ryland replied yes. Mr. Ryland explained that Ms. Campbell's salary is being considered because legislation was previously adopted stating this amount prior to her receiving certification. Mr. Pelot questioned if all of the proposed increases are within the 2008 Budget including yours and Ms. Campbell's if approved and Mr. Ryland stated yes, adding that Mr. Moss is very analytical and this is a huge asset to the City and we need to keep him in place. Mrs. Tompkins asked how many non-bargaining employees are there and Mr. Ryland replied nine (9). Mrs. Tompkins questioned if this included part timers, and Mr. Ryland replied this does include the three (3) part-time Police Officers. Mrs. Tompkins asked if this increase also would include Mr. Ryland and Mr. Ryland replied yes.

Non-Bargaining Employee Salaries continued:

Mr. Braman stated that Mr. Moss is more than a Finance Director. He has seen Mr. Moss operate and he has engineering knowledge as well, which is a real plus. Mr. Jones asked Mr. Moss if this is his second year with the City and Mr. Moss replied yes and he started at \$55,000.00. Mr. Pelot stated that he believes Mr. Moss does put in the hours, even though there are cases where people may have a hard time reaching him. Mr. Pelot stated that when he has left messages for Mr. Moss he is very good at getting back to him, and he is here a lot on the weekends. Mr. Pelot stated that Ms. Campbell deserves a raise as well with her certification. Mr. Pelot moved to place this item on Council's next agenda, waiving second and third readings, seconded by Mr. Zita. Mr. Ryland stated that all raises are retroactive to January 1, 2008. Mr. Pelot stated that two years ago Council did pass a wage freeze and all non-bargaining employees went without a raise of any kind, and that Mr. Moss did receive a two (2) percent raise in 2007.

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

Motion passed 7-0.

Fire/EMS Training Grant:

Mrs. Hlas indicated that the Fire Dept/EMS received \$5,000.00 that was not anticipated when we approved the 2008 Budget. There is already a line item for this but is set at a zero amount; we just need to appropriate that amount. Mrs. Hlas stated that the money has already been received and they would like to spend it. Mrs. Hlas moved to add this to Council's next agenda, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mr. Ryland indicated that mandatory training has been put in place for Fire and EMS that was not included within the 2008 Budget and he may be coming to Council in the near future asking to adjust the 2008 Budget. Mr. Ryland stated that we would continue to secure grants for this in the future. Mr. Ryland stated that this new training is so mandatory that one employee decided he did not have to attend and is no longer with the City. Mr. Moss stated that the money received would be used to train two (2) newer employees. Mr. Moss stated that we do not have an overall training cost at this time and we may be struggling to keep this cost within the 2008 Budget and may need to reduce other areas such as office supplies. Mr. Zita stated that for the last couple of Saturdays he noticed several vehicles behind the Fire Station, and they were doing EMS training at this time. Mr. Zita stated that we are trying to use some in house training rather than sending personnel out to other departments, its more cost effective.

Trash Haulers Legislation:

Mr. Jones indicated that Mr. Zita had brought this up a couple of weeks ago because we have some trash haulers out collecting around 3:00 AM. Mr. Jones asked Mr. Ryland how many trash haulers we currently have in the City, and Mr. Ryland answered nine (9). Mr. Jones asked if these trash haulers were told about our time restrictions, and Mr. Pritchard replied that in Chapter 1060 there is no time stipulation. The only time stipulation is set within the agreement with J & J Refuse, which is no earlier than 6:00 AM and no later than 6:00 PM. Mr. Pritchard stated that if we are going to do this we should consider a set penalty phase such as three violations within a year, we could issue a fine or withdraw their license. Mr. Zita stated that when we originally asked for bids, this time restriction was in the bid package and all companies were aware of this. Mr. Ryland stated that if we continue to allow trash haulers to come into the City five (5) and six (6) days per week, we will continue to have our roads deteriorating and more problems with our curbs and berms because trash hauler vehicles are notorious for being over weight. Mr. Pritchard added that the contract with J & J Refuse is up for renewal in 2009. Mr. Pelot discussed expanding this to all contractors that generate noise with their equipment. Mr. Zita stated that at this point we should just address Chapter 1060 and Mr. McGlone stated that we already have a noise ordinance. Mrs. Richards concurred that we do have a noise ordinance and it does address ATV's, however the noise level is up to the officer's discretion. Mr. Jones moved to add this item to Council's next agenda for all three readings with the condition of three (3) violations within a rolling twelve (12) month period the permit is cancelled seconded by Mr. Braman. Ms. Whipkey, a Norton resident, stated that as she understands this for the time being, the residents would get to keep their trash hauler as long as they abide by this rule. Ms. Whipkey asked for clarification on a rolling twelve (12) month period and Mr. Ryland explained that if the first infract was on March 1, 2008, your twelve (12) months goes to February 28, 2009. Ms. Whipkey stated that it almost sounds like you are thinking about putting us through the process again where we have to come up here and complain about how we don't want you picking out who my trash hauler is. Ms. Whipkey stated that she is perfectly happy with her current trash hauler. Ms. Whipkey stated that she does not like to be told who her trash company should be and she would be right here to complain if you try. Mr. Ryland stated that as often as residents come to the podium and complain about the conditions of the roads, our road conditions are partially due to the fact that we have garbage trucks running up and down the same residential streets five (5) and six (6) days a week. This is a fact and until this changes we will continue to have road problems.

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

Motion passed 7-0.

Sewer & Water Access Fees Study:

Mr. Jones turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that the Finkbinder Report called for the report to be reviewed after every five years and the time has come. Mr. Ryland stated that the purpose of this company is to review the Finkbinder Report, review the access fees charged and to verify that our access fees are correct and are defensible in a court of law.

Sewer & Water Feasibility Study continued:

Mr. Ryland stated that it may seem a bit extreme to pay a company nearly \$17,000.00 to make sure we are doing it right, but it is cheaper than litigation fees if there is an error. Mr. Jones stated that this is nothing more than a report to see that we are within the guidelines according to the Finkbinder Study, and Mr. Ryland concurred. Mr. Ryland stated that this is an independent evaluation from a company not even associated with the State of Ohio. Mr. Pritchard stressed that a major component of this is that if we ever end up in court, we could defend the fees we are charging. Mr. Jones asked if there was anything out there right now that could give us a problem? Mr. Pritchard answered no, not at this time, however we could be challenged at any time, and would rather be safe than sorry. Mr. Ryland stated that Finkbinder Report does expire this month and threats have been made about taking the City to court regarding the fees. Mr. Jones stated that this is really more to cover our backs, and asked Mr. Moss how he felt about spending this kind of money? Mr. Moss stated that we owe it to the residents to take the necessary steps to ensure that we are charging the correct fees. Mr. Zita questioned if we have the \$17,000.00 in the 2008 Budget and Mr. Moss replied that we would use money in the Utility Fund for this expense. Mrs. Hlas indicated that there is an additional \$4,000.00 fee for having this company come provide the City with a presentation, and this would be extra, there was no indication that Council or Administration was interested in having a final presentation. Mrs. Tompkins asked if this was the only proposal, did we seek others? Mr. Ryland indicated that Mayor Koontz suggested that we do not use Finkbinder again, and that this firm came from a recommendation from the Mayor. Mr. McGlone questioned why we did not have to go out for bid for this and Mr. Ryland indicated that this is just for a feasibility study, it is not a contract. Mr. Alex Stavarz, a Norton resident, stated that when the Comprehensive Plan was discussed over a year ago, an engineering study was supposed to be done regarding the city taking over as the sewer authority or someone else and reduce the access fees. Mr. Stavarz asked if this study was ever done? Mr. Stavarz stated that some people are paying over \$25,000.00 to get hooked up where others are accessing Barberton and Norton and not paying much at all. Mr. Stavarz questioned if this study was ever done? Mr. Pritchard stated that the City contracted with URS and Council does have a copy of this study. Mr. Pritchard indicated that the URS study made a recommendation of the options available to the City. Mr. Pritchard stated that we are negotiating with the local water and waste water providers within this region. Mr. Stavarz stated that he still resents an access fee being imposed on customers who just paid for new sewers. Mr. Stavarz indicated that this just doesn't seem to be fair to the residents. Mr. Stavarz stated that he has talked with officials in another community and that their access fees are waived to existing structures, and they only charge fees for new sewer customers. Mr. Jones stated that this study is nothing more than to cover our backsides. Mr. Jones moved to place this on Councils next agenda for a first reading only, seconded by Mr. Braman.

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

Motion passed 7-0.

**Mad Resolution of Protest of Expansion:**

Mr. Mowery stated that he hoped we are not fighting an uphill battle with this and wanted to put it to a full vote of Council. Mr. Mowery stated that we have talked about this issue long enough. Mr. McGlone stated that he has asked for a re-vote on this issue because he and Mr. Mowery were not present four weeks ago when the vote was taken. Mr. McGlone stated that he is asking for a resolution protesting the expansion and to have Mr. Lyons going to Court on behalf of the City for the court hearing. Mrs. Hlas questioned the protesting of the expansion and wanted to know what the reasons are for protesting, and what would be put in the resolution. Mr. Mowery stated that he would get with Mr. Lyons and discuss this. Mr. Pelot stated that he discussed this issue with Mr. Lyons and the fact that there is a Bill pending in the legislature. Mr. Pelot stated that Mr. Lyons indicated that this may be legal grounds to oppose this because it is pending at the State level. Mr. Stavarz stated that a tax being imposed upon the residents without their vote is reason enough. Apparently some of you may like this concept, however he feels it is against the Constitution. Mr. Lyons indicated that you do not need to articulate the reasons within the language of the resolution. Mr. Lyons stated that your objection is simply to the expansion, however you could state your opposition for the creation or expansion without the vote of the people. Mr. Mowery moved to add this to Council's next agenda, seconded by Mr. McGlone.

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

There was discussion as to whether or not legislation was necessary for Mr. Lyons to be present in Court on the City's behalf, and Mr. Lyons indicated this is not necessary. Mr. Lyons stated that by Council's adopting a resolution is clear enough on Council's desire, nothing additional is required. Mr. McGlone questioned if we should suspend readings in order to get this to the Court in time, and Mr. Pelot stated that we could address that at the Council meeting on Monday when this receives its first reading.

**Unfinished Business:**

Mr. Pelot discussed the upcoming Annual Workshop on March 31, 2008, and asked Administration to finalize any details for the agenda, and speakers. Mr. Ryland stated that he has two topics to discuss; retention and detention basins, and TIF's (Tax Increment Financing)

**New Business:**

Mr. Jones thanked the Street Dep. for the great job on the roads this week, and that just today they were out patching potholes. Mr. Pelot asked Ms. Campbell if we could put something on the web page for a place to report potholes? Ms. Campbell stated that she would look into this. Mr. Jones discussed the poor road conditions on Cleveland-Massillon Road at the railroad tracks, and asked Mr. Ryland if we are working with the General Manager on this? Mr. Ryland indicated that he is aware of this and is working on it, and Mr. Jones inquired about the crossing, and Mr. Ryland stated that this falls within another department. Mr. Jones reminded everyone to vote tomorrow.

**Public Comment-Non Agenda Items:**

Ms. Whipkey, a Norton resident, stated that last week she had a problem with the way the minutes were approved. Ms. Whipkey stated that our Council President suggested if we have a problem with the minutes to take it up with our Council representative. Ms. Whipkey stated that she talked with three (3) Council members, and left a message for a fourth member. Ms. Whipkey stated that there was no addition to the minutes reflecting the behaviors of Council members. Ms. Whipkey stated that we have had this discussion before, and the minutes belong to us more than they do to you. The people need to look at them and know what is going on, this is a form of censorship. Ms. Whipkey stated that it should be in there, we have a right and you do not have a right to sit up there and say that these things should not be in the minutes. This discussion and behavior happened in Council chambers, it was a public meeting and it should be available so that in the future people will be able to read it and understand it. Ms. Whipkey stated that she should not have to go to seven (7) Council members to get something across. However, Ms. Whipkey stated that she has added the other three (3) At large Council members to her hit list in addition to her four (4) Ward Council members, and will be calling and pestering them also. Mr. McGlone stated that Ms. Whipkey did contact him and he did discuss this issue with Mr. Pelot. Mr. Pelot reminded Council that any Council member could object, or ask for something to be added to the minutes. Council is the one who approves the minutes, and he understands that the residents have a right to know. Minutes are pertinent information that was decided on within the meetings. Mr. Pelot stated that he did not feel an argument was pertinent and Mr. McGlone did come to him to discuss this. Mr. Pelot stated that Mr. Jones does this regularly and if you as a Council member have residents asking for something to be included you can bring this up on Council floor. Mr. Pelot stated that a Council member can ask for something specific to be included in the minutes, and Mr. McGlone asked if this is something that would have to be voted on? Mr. Pelot replied that it would be a part of the minutes being approved. Mr. Pelot suggested that if you are asking to include something, you should get with Mrs. Richards during the week so she has time to verify that what ever was said was truly said it would be inserted into the minutes prior to the vote on approval of the minutes. Mr. Pelot stated that there are video tapes of the meeting and this is an accurate record of what took place. Mr. Jones asked if a resident could do this? Mr. Pelot stated no, the resident would need to go to a Council member and make that request. Mr. Stavarz questioned if there is a permanent record of all of the videos and are they kept, and Mr. Pelot replied yes.

**Topics for the next Work Session:**

**Community Center Discussions**

Mr. Ryland gave a brief update of the City's salt crisis adding that if we get hit with a winter storm tonight, we only have enough salt to load all of the trucks twice, which is about three hundred (300) tons. Mr. Ryland indicated that we used seven hundred and fifty (750) tons on the last snowfall. Mr. Ryland stated that we have the money to purchase the salt, we just cannot get it from our supplier because there is not enough salt supply within the salt mines at this time. Mr. Stavarz suggested the city should only salt the areas with hills and curves instead trying to cover all roads, which would be more for the sake of the environment. Mr. Stavarz stated that the residents need to remember to just drive the speed limit.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:22 PM.

---

Scott Pelot, 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.**