



COMMITTEE WORK SESSION APRIL 21, 2008

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

Also Present: Mayor David Koontz
Rick Ryland-Excused
John Moss
Jeff Pritchard
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, April 21, 2008 at 7:01PM, 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:

Appoint New Law Director:

Mr. Pelot turned this discussion over to Mayor Koontz for the details. Mayor Koontz indicated that he had originally selected Attorney Bob Heydorn, however Mr. Heydorn was too busy and there were concerns that he could not attend work sessions if requested. Mayor Koontz stated that Mr. Peter Kostoff was his selection, he was the former Mayor of Fairlawn, served on Council and also the former Law Director for Mogadore Village. Mayor Koontz stated that Mr. Kostoff works at Roetzel & Andress Law firm in Akron and he has the support staff there if needed. Mayor Koontz indicated that Mr. Kostoff would be present and available for discussions at the May 5, 2008 Committee meeting. Mayor Koontz indicated that this is a contracted employee at \$24,000.00 which is less than Mr. Lyons' contract of \$38,000.00. Mr. Kostoff would charge \$175.00 per hour for any outside litigation, adding that there would need to be 188 hours of litigation to come to the same salary as Mr. Lyons. Mr. Jones asked if there is a benefit package and Mayor Koontz replied no, there would be no PERS and no health care benefits.

Appoint New Law Director:

Mr. Jones asked if Mr. Kostoff would be available for our work sessions if needed and Mayor Koontz replied yes and that he would also be available ½ day at city hall each week. Mr. Pelot questioned the \$1,000.00 annual pay raise as stated in the agreement adding that this is more like a 4% raise. Mr. Pelot suggested a 3% raise similar to the unions which amounts to about \$720.00. Mayor Koontz indicated that the agreement states “may” and this would be up to his discretion. Mr. Pelot questioned if the ½ day at city hall would be on Thursdays like Mr. Lyons had done since the staff was used to that day. Mayor Koontz indicated that this should not be a problem and he would discuss this with Mr. Kostoff. Mr. Pelot also discussed the reference in the documents to Solicitor and Attorney adding that he felt this should all be consistent as Solicitor. Mayor Koontz stated that this would also be discussed. Mr. Pelot mentioned Section III of the agreement, 4th line in where it discusses a vote of 4 members elected to Council and that we should insert the words “and appointed” here. Mr. Pelot questioned the start date for Mr. Kostoff if approved and Mayor Koontz indicated that it could be May 12, 2008 with approval. Mr. Pelot discussed the overlap with Mr. Lyons and Mr. Kostoff and Mayor Koontz indicated that he would need to discuss this issue with both of them. Mr. Jones discussed holding a first reading on April 28, 2008 and waiving future readings as necessary. Mr. Pelot thanked Mr. Lyons for staying on during the interim. Mr. Pelot moved to add this item to Councils agenda for a first reading with emergency language, seconded by Mr. Zita.

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

Motion passed 7-0.

Joint Dispatch Center Resolution of Support:

Mr. Pelot turned this discussion over to Mayor Koontz for the details. Mayor Koontz indicated that this is a pilot program with Copley Township and asked for a resolution of support for this. Mayor Koontz indicated that there would be some immediate savings in the near future because we seem to always be short on dispatchers. Mr. Pelot moved to place this item on Councils next agenda, seconded by Mr. Zita.

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

Motion passed 7-0.

Amend Ord. #28-2008:

Mrs. Hlas stated that our Law Director had suggested we address this legislation and that it was on Councils agenda earlier but Mr. Jones had some concerns. Mr. Pelot stated that it was best to take out the reference of where the new fire station would be built.

Amend Ord. #28-2008:

Mr. Jones stated that his concerns were that we were short 3 members of Council for the vote on this. Mr. Jones indicated that he was also concerned with the \$120,000.00 for the architect because he did some checking and Canal Fulton paid this same architect \$104,000.00 and their facility is twice the size of our proposed structure. Mr. Jones indicated that he wanted the architect to look at building the new fire station at the current site of the existing fire station. Mr. Moss indicated that he has no documents supporting this, however the architect fee is based on the total cost not the size of the structure. Mr. Jones stated that the size of the Canal Fulton facility is 16,000 square feet. Mr. Moss stated that the proposal for Norton's new facility is also 16,000 square feet. Mrs. Hlas stated that there seems to be some confusion here, we are not talking about paying the architect here, we already passed that legislation. We are talking about appropriating the money for this expense. Mr. Zita questioned if Canal Fulton was an existing building and Mayor Koontz replied yes, it was their police station previously. Mr. McGlone stated that he was glad to see this amended, but had concerns that other architects were not considered. Mayor Koontz stated that 7% of the total projected project cost is a standard fee and that we did interview 4 or 5 other architects. Mrs. Hlas reminded everyone that we still have to go out for bid for the construction of the facility. Mrs. Hlas moved to place this item on Councils next agenda, seconded by Mr. Zita.

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

Motion passed 6-1.

Oriana House Agreement:

Mrs. Hlas indicated that this is something we need to do every 2 or 3 years and that we cannot use them if we do not have a contract in place. Mrs. Hlas indicated that we do not use them very often for their services. Mrs. Hlas moved to place this item on Councils next agenda, waiving the second and third readings, seconded by Mr. Zita.

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

Motion passed 7-0.

CCA Income Tax Collection Review:

Mrs. Hlas indicated that Mr. McGlone had requested a review of CCA Income Tax collections, and that Council has a spreadsheet provided to them by Mr. Moss (see attached). Mr. McGlone indicated that he wanted Council to know how we stand, what we pay, and if this is still a good decision. Mr. Moss indicated that CCA are experts in income tax collections and as the collections go up, so would the fees. Mr. McGlone questioned the totals for 2007 and if this is what we could expect for this year?

CCA Income Tax Collection Review continued:

Mr. Moss explained that he believes the collections to be up a little for this year. Mr. Moss stated that the percentage of fees is reverse calculated and not a certain percentage of revenue and is a complex formula and generally is about 2.5%. Mr. McGlone inquired about the decrease from 2006 to 2007. Mr. Moss explained that they do estimate costs and collections and may have over estimated for 2006. As a result of the correction there was one month in 2007, which did not show any collections. Mr. Moss stated that if you take the numbers and blend them you would have a better picture. Mr. McGlone asked Mr. Moss if he felt this was a good decision, and Mr. Moss replied that he thought so. Mr. Moss stated that he expects increased collections this year and next because CCA now has the availability to cross reference with Federal Income Tax connections. Mr. Moss indicated that this information is not made available to cities and that CCA is the only agency in the State of Ohio with that access. Mr. McGlone asked Mr. Moss if he felt we could do better in house for the \$93,000.00 we are spending? Mr. Moss stated that he did not think so, we could take a stab at it, but you would have problems maintaining their level of service. Mr. Jones asked how much do we pay CCA per year and Mr. Moss replied about \$100,000.00 per year and that we paid \$94,000.00 last year. Mr. Jones asked what is the difference between CCA and RITA? Mr. Moss replied that they offer the same services, only in different locations. Mr. Jones asked what RITA means, and Mr. Moss replied Regional Income Tax Authority. Mr. Jones discussed the spreadsheet figures and asked why more communities use RITA vs CCA, adding that CCA has in 47 accounts and RITA has 150 accounts. Mrs. Hlas stated that she recalled when Council was looking at this several years ago CCA expenses were lower than RITA, and that it was a hard decision for us to make. Mrs. Hlas stated that Council did tour CCA and that CCA and RITA both gave presentations at that time. Mr. Robert Copen, Norton Fireman's Association, stated that he has 3 companies and CCA cant get it right with any of his taxes. They cash his checks but do not credit the right accounts. Mr. Copen stated that you could hire 2 people and do it better and suggested Council talks with area accountants to know what they deal with. Mr. Copen stated that of all the accountants he has talked with none of them like dealing with CCA. Mr. Copen stated that he likes the personal touch and dealing with city hall and having a live person to talk with. Mr. Pelot asked Mr. Moss if he has heard about other complaints, and Mr. Moss replied yes. Ms. Alice Wagner, a Norton resident, stated that she has also encountered problems with CCA. Mr. Andrew Lehner, a Norton resident, spoke out against CCA adding that they do not take the right amounts out of his payroll every 2 weeks. Mrs. Elaine Tompkins, a Norton resident, gave a brief history of how CCA came to be. Mrs. Tompkins stated that at the time there was a lot of dialogue on getting the city up to date on their databases and we would try this for 2-3 years, and then look at possibly taking it back. Mrs. Tompkins stated that the city could buy the software, hire 2 employees and take it back. Mrs. Tompkins stated that Mr. Price's wife works for RITA and that this was part of the decision process. Mr. Pelot agreed with Mrs. Tompkins and this was to be a trial basis, however it would cost more and we would be providing less service to the residents.

CCA Income Tax Collection Review continued:

Mr. Jones stated that when this question came up a few weeks ago he had stated that CCA was charging us \$123,000.00 and you said \$125,000.00. Mr. Moss stated that the budget is within that range of \$125,000.00. Mr. Jones stated that he wants to bring it back with hiring 1 employee to do this and we would save money down the road, and the personal touch as well. Mr. Moss stated that 1 employee would not do it and could not provide the level of CCA and that you would need 2-3 employees to provide timely filings and audits. Mr. McGlone suggested leaving this on the agenda for future discussions and asked Mr. Moss to prepare a breakdown with 1 or 2 employees and the software. There was discussion to bring this back for discussion on the June 18, 2008 Committee meeting. Mr. Zita stated that he originally wanted to keep this in house, and that he thought once the database was established it could be purchased back by the city. Mr. Moss stated that he was not sure that was entirely accurate.

Communications from the Public:

Mr. Pelot stated that there has been controversy on the comments made at the podium and suggested we look at the rules whether to continue with public comments at both meetings. Mr. Pelot indicated that the podium is not the place to attack other residents and is uncalled for. Mrs. Hlas stated that this was her idea to list this on the agenda for discussion because comments have been very negative and vindictive in tone, and that we spend more time listening to communications from the public than we do with legislation. Mrs. Hlas stated that we need legislation on park lands, sewer and water, maintenance code, community center, Lake Dorothy, etc. Mrs. Hlas had suggested we do away with public comment until summer recess and during that time we take the time to look at how to better address this. Mrs. Hlas stated that she was told by a resident that watching Channel #15 is her form of entertainment to watch the communications from the public. Mrs. Hlas indicated that in the past she has done newsletters for her ward and now she cannot come up with much that Council has done to put into a newsletter. Mrs. Hlas indicated that Mrs. Richards has done some research of other communities and how they handle public comment, and that research came back all over the place. Mrs. Hlas read a section from the Ohio Sunshine Law provided by the Ohio Secretary of State's office which states "*the person is guaranteed the right to attend a public meeting, not the right to be heard at that public meeting. A disruptive person waives their right to attend and may be removed from a public meeting*". Mrs. Hlas stated that this is all she has to say on the issue. Mr. Jones stated that we should leave it as is, let the residents speak out, he is not about to put a muzzle them, they pay the taxes in this community. Mr. Jones stated that yes, perhaps we waste time, but its up to the people to speak their minds and he does not have a problem with it. Mr. McGlone stated that he agreed with Mr. Jones, and it is their freedom of speech. Mr. McGlone stated that everyone knew when we became Council members that you would have to listen to the citizens. Mr. Mowery stated that as Council we want to know what the residents have to say even if some of the comments are repeated week after week, and that Council has an obligation to listen to the residents and act on the problems or concerns.

Communications from the Public continued:

Mr. Mowery stated that he did not believe the public is here to waste our time or theirs and you cannot muzzle the public. We work for the citizens, it's your city. Mr. Braman stated that he can't see changing anything at this time. We review Council Rules at the beginning of each year and we could talk about it then if we continue to have problems. Mr. Zita stated that in reviewing the research Mrs. Richards completed, a lot of communities use 3 minutes instead of 5 minutes and it appears this is not going anywhere tonight. Mr. Pelot asked Council about their thoughts on personal attacks and Mrs. Hlas stated that it's the Council President's job. Mr. Mowery agreed that it is the President that controls the meeting and this is what the gavel is for and a warning is a part of the program. Mr. Hetrick, a Norton resident, stated that the only thing he agrees with is the personal attacks and he does not go along with that. Mr. Hetrick stated all of you were hired by us, we are your boss, and we have a right to speak. Mr. Hetrick stated that there has been mention of negative comments, and that negative comments can be in the eyes of the beholder. Personally, there are a few people that come here on a regular basis to speak and he appreciates what they are discussing and trying to show us that there may be another angle to look at. Mr. Andrew Lehner, discussed the Bill of Rights and Freedom of Speech and that you cannot take our rights to speak away, unless we abuse it. Mr. Lehner suggested we keep it as it is. Mr. Lehner stated that we come here to give you ideas, and it's our right to come here and tell you what we think. Mr. Lehner stated that he felt like this is a personal attack against him. Mr. Lehner suggested Council set rules and provide a list for the public and maybe limit to 3 to 5 minutes. Mr. Copen stated that the 7 Council members need to know what the residents have to say, suggested you limit speakers to city business, leave personal comments out of it, and keep it short. Mrs. Miller, a Norton resident, stated that she was glad to have public comment, and this has been going on for over 25 years. Mrs. Miller stated that the microphone has been abused and suggested Council follow what Akron does. They require public comment be submitted in writing by noon on Friday, and it must include the topic of discussion, and it is decided if permission is granted prior to the meeting. Mrs. Miller indicated that more control would be nice and it should not be a form of entertainment. Mr. Jim Lino, a Norton resident, stated that letters to the editor provides a prospective and he also discussed the concerns with the maintenance code legislation. Mr. Lino stated that there were some issues in that code that needed to be brought out and we needed to be able to come here and tell you that we don't like it. Ms. Whipkey stated that she did not like being compared to Akron, that's not acceptable we are smaller. Ms. Whipkey stated that she was abhorred that this was even on the agenda, and questioned how long have we had this public podium? Ms. Whipkey stated that she is totally against people talking against each other. Ms. Whipkey stated that the first time a citizen spoke out against another citizen, it should have been shut down then instead of being allowed to go on. Ms. Whipkey stated that we already have a time limit set in Council Rules, and sometimes people come to the podium and don't know or understand the rules. These people will need to have some leniency to allow them to pick up what the agenda is.

Communications from the Public continued:

Ms. Whipkey discussed the Oaths of Office that all Council members took when they took office. Part of their oaths stated that you are to uphold the Constitutions of the State of Ohio, the United States and our Charter. We were given the freedom of speech so that in no way government could be perceived as a tyrant. Ms. Whipkey stated that she felt that this is totally unethical and its not right that we have our own citizens across seas dying, risking their lives. This is an atrocity that should have never even been brought forth. Ms. Whipkey stated that we have had years and years of precedence with the public podium. Ms. Whipkey stated that if someone wants to even consider removing this it is a violation of their Oath of Office and suggested that Council consider having them removed for violating their Oath of Office. You want a recall for less than that and now you want to take away our rights away from us. Save us the time money and efforts of a recall petition and remove them. Mr. Nelson stated that he is on crutches and that he did not do this by choice, he went and served his country. Mr. Nelson stated that if the Councilwoman wants to take away the podium he requested that she resign immediately. Mrs. Hlas reminded everyone that this was only to be until summer recess so that we could regroup. Mr. Alex Stavarz, a Norton resident, discussed the abuses and that most of the greatest abuse came from the people that got up here and accused someone else of abusing the podium. Mr. Stavarz asked Council to think long and hard on what you are about to impose on people.

Unfinished Business:

None

New Business:

None

Public Comment-Non Agenda Items:

Ms. Alice Wagner, Norton Fireman's Association thanked Mr. Moss for volunteering at the bingo hall three times recently and one time was while he was out on vacation. Ms. Wagner urged Mr. Moss to come back and volunteer again sometime soon.

Mr. Andrew Lehner, stated that he has been a resident since 2001 and that he has seen some changes in the city Mr. Lehner stated that he is not trying to waste anybody's time here. Mr. Lehner commented on Barberton and Cuyahoga Falls and how their cities have new businesses and that we need to attract more businesses here. Mr. Lehner stated that he supports the troops and he is proud to be an American, they are over there dying for us to save our country so lets think about this.

Mr. Bill Kern, a Norton resident, stated that he can do 3 minutes. Mr. Kern discussed the Norton Clean Up Day and Earth Day. Mr. Kern stated that he volunteered for the clean up and he and his wife collected 8-10 bags of trash.

Public Comment-Non Agenda Items continued:

Mr. Kern stated that the littering ordinance is difficult to enforce and even though the effort is noble, it just doesn't work. Mr. Kern stated that just 2 days later the ditches are already being littered with trash. Mr. Kern suggested we go back 20 years when this state had the opportunity to pass a deposit law. Mr. Kern stated that other states do this and it does work. Mr. Kern asked Council to look at adopting a non-binding piece of legislation for the State of Ohio to reconsider setting a deposit legislation. Mr. Kern stated that it could start here in Norton and maybe other cities would get involved and this could be good publicity for Norton. Mr. Kern stated that he researched this online and that only 11 other states still have a deposit law. Mr. Kern asked if Council was in favor of such a law? Mrs. Hlas stated that she was all in favor of this and that she remembered as a kid collecting bottles just to get money for candy. Mrs. Hlas stated that she has been involved with Clean Up Day for nearly 30 years and to this day she never throws trash from her vehicle. Mr. Jones stated that he would also go along with this because before he can even mow his yard he has to pick up trash in his yard. Mr. Pelot stated that it appears this item would fall under the Service Committee of Council and we could take a look at this. Ms. Whipkey stated that this is a good idea and asked about the aluminum cans a lot of people collect for scrap? Ms. Whipkey stated that maybe you might want to think about making more on this by returning them for scrap.

Ms. Whipkey stated that last week after the Council meeting she went to Adam House Tavern and found our City Administrator, Finance Director, Madam Councilwoman, and a resident were in there discussing city issues. Ms. Whipkey stated that they did not realize she was there at first and she overheard them discussing city business. They discussed communications from the public, and the 3 minute issue was mentioned among other things. Ms. Whipkey stated that this may not be illegal but it is unethical. They should not be meeting after hours and discussing city business, if it was socializing she could understand, but not one of them said lets not discuss this it is not the proper place for it. They did it until the City Administrator realized that I was there, and he alerted the rest of them that I was there, and as soon as they all realized that she was there, they immediately stopped discussing city issues. Ms. Whipkey stated that something needs to be done about this, council is not supposed to be able to meet and hold executive session. Ms. Whipkey stated that she would like to see something done about this.

Ms. Megan Booth, a Norton resident, alerted the residents that the website nortoncitizensfordollarsandsense.com is up and running. Ms. Booth stated that the site had been down for some time but it is now up and running again. Ms. Booth stated that it is wrong to publicly bash others but we do need to be able to have our side heard. Ms. Booth stated that she hoped we would be able to have our freedoms be perpetuated.

Public Comment-Non Agenda Items continued:

Mr. Dale Nelson, discussed his concerns with Time Warner and after several days he finally got in touch with someone about the sound system. Mr. Nelson stated that he had been working with the Council President and he assured him that he was working with Time Warner Cable on this. Mr. Nelson stated that he was also told over a week ago that Mr. Ryland and Mr. Moss were given this information. Mr. Nelson stated that he spoke with a Mr. Chris Thomas at Time Warner and that Mr. Thomas said he was glad he had called because it's been over 4 months since he has heard from Norton, and that he has never heard of our Council President or Mr. Ryland. Mr. Nelson stated that the sound problem is not with Time Warner, and that whoever said that the tapes were not compatible does not know what they are talking about. Mr. Nelson stated that he also spoke with a Mr. Jaso at Time Warner and he was not aware of any problems. Mr. Nelson stated that he was also told that who ever sets the audio level in Norton has it set so low you can't hear it. Mr. Nelson also discussed the tapes getting to Time Warner in a timely fashion and suggested that this is being manipulated on purpose. Mr. Nelson stated that this needs to be looked into and if anyone has any questioned he was sure the Ward 1 Councilperson would be willing to share his emails on all of this. Mr. Nelson stated that he would like to be spoken to truthfully in the future. Mr. Pelot asked Council if there was any objection to responding to Mr. Nelsons concerns, there were none. Mr. Pelot stated that he does have emails back and forth to Time Warner, and they are dated. He also stated that that he did talk with Mr. Moss and Mr. Ryland about 3 weeks ago and that he even provided Mr. Ryland with contact information for Mr. Thomas. Mr. Pelot stated that he is telling the truth here on Council floor. Mr. Pelot stated that he knows Ms. Campbell has spoken with Mr. Thomas in the past and that he never stated the tapes are incompatible. He did state that their equipment only takes VHS tapes, they do not take DVD's or CD's. Mr. Nelson stated that he would like to have a copy of Mr. Pelot's emails and Mr. Pelot indicated that he would see that Mr. Nelson gets this information.

Topics for the next Work Session:

Purchase agreement for Lake Dorothy, 2008 Road Program, Resolution of appreciation for George Tomko, and a deposit resolution. Mr. Moss asked to add Fund #107 for the 2007 Fire Levy Capital Fund to the agenda as well.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:40 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.