



COMMITTEE WORK SESSION OCTOBER 5, 2009

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

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

The Committee Work Session convened on Monday, October 5, 2009 at 7:01 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, Vice President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Public Comment-Agenda and Non Agenda Items:

Ms. Charlotte Whipkey, a Norton resident, asked for clarification on the effective date on the tax credit was it July 1, 2009 or January 1, 2010? Mr. Pelot reminded Ms. Whipkey that this is not a question and answer session, and perhaps an answer may be provided later on. Ms. Whipkey stated that since the people were told that their next attempt would be an initiative petition, she questioned if they would be able to get any input from city's Solicitor. Perhaps he would like to write it up for them to make sure they get it correct this time and not charge them \$175.00 per hour.

General Topics of Discussion:

Mr. Pelot adjusted the agenda and adding the Assessment Equalization Board Report for Gardner Phase III to the agenda as item G. The Board submitted their final decisions which was just received today. Mr. Pelot moved item C. 2009 Budget changes after G.

P.C. Res. #28-2009 Ohio Plumbing Code

Mr. Braman stated that Mr. Arters is here tonight to help explain, however this legislation is basically to ask the State to allow the city to do our own plumbing inspections. Mr. Arters stated that ever since the Building Dept. has been established, the City of

Barberton has been doing our inspections for us. Mr. Arters stated the fees would remain the same and it would be a one-stop place for the residents. Mr. Arters provided an information sheet with a breakdown of all of the fees (see attached). Mr. Mowery questioned who would be doing the inspections? Mr. Arters indicated he would have to hire an inspector to do them, and would have to go through the State approval process and would probably not happen until sometime next year. Mr. Jones asked Mr. Arters if he was certified, and he replied not for plumbing. Mr. Jones asked about the cost for an inspector and Mr. Arters replied that it could vary by inspector; some charge per inspection, some charge per day, it just depends on the contractor. Mr. Arters added that if anything it may generate more revenue for the city, and that the fees we currently charge do cover the cost for the inspections. Ms. Whipkey commented about Section 1 where it states all three code sections and asked why? Mr. Arters replied this is a repetitive paragraph, we are already certified in the first two codes and we are adding the plumbing code. We are just adopting the State Plumbing code, we are already under State regulations and codes now and have been all along, its just to accept the Ohio Plumbing code. Mr. Braman stated the only change is that it allows for us to do our own inspections instead of paying Barberton to do them, and it simplifies it for the residents. Mrs. Hlas added that it just keeps more things in house for us. Mr. Braman moved to add this to Councils next agenda, waiving second and third readings, as an emergency, seconded by Mrs. Hlas.

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

Motion passed 6-0.

EPA Report-Failure to Implement Plans & Procedures

Mr. Jones stated we spoke about this back on September 28, 2009 and asked Mr. Ryland if he had anything new to report or discuss? Mr. Ryland replied that he really had nothing new, he has spoken to the EPA as of late last week and they were fine with the 10-day extension. Mrs. Hlas concurred that Council would receive a copy of the letter Mr. Ryland is preparing to send to the EPA and Mr. Ryland agreed all would be copied on that. Mr. Pelot asked if all of the issues outlined by the EPA have been addressed and Mr. Ryland replied yes. Mr. Jones discussed removing this item from the agenda until there is any new information coming from the Administration in the future.

Create New Fund-Tax Credit Reduction Revenue

Mrs. Hlas stated that Mr. Moss is requesting this new fund and turned the discussions over to Mr. Moss for the details. Mr. Moss indicated that when we passed the Ordinance there was a provision that stated the used of the monies would be restricted. Mr. Moss indicated he has looked at the funds structuring and we have nothing that is appropriate. Mr. Moss stated we need a specific fund to finance the capital projects, and engineering that would be appropriate. Mrs. Hlas moved to add this to Council's next agenda waiving the second and third readings, with emergency language seconded by Mr. McGlone.

Roll Call: Yeas: Hlas, McGlone, Jones, Mowery, Braman, Pelot
Nays: None
Motion passed 6-0.

Accepting County Rates And Amounts

Mrs. Hlas turned this discussion over to Mr. Moss for the details. Mr. Moss stated the city recently received the attached exhibit from the Summit County and this adopted legislation must be received at the Summit County Auditors Office by November 9, 2009. Mr. Moss stated that the chart on the exhibit explains all of the various tax levies within the city. Mr. Moss indicated the County reviews all of this information against the tax budget that was filed earlier. They conclude if the levies are still appropriate with the needs of the city and will either keep the levies as they are or roll them back. This information before you today demonstrates all of the levies are reinstated exactly as they were last year. Mrs. Hlas moved to add this to Council's next agenda, waiving the second and third readings, as an emergency, seconded by Mr. McGlone.

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

Motion passed 6-0.

Res. of Consent 4-Way Stop at Medina Line & Greenwich

Mr. Mowery turned this discussion over to Mr. Ryland for the details. Mr. Ryland indicated he has been meeting since early August with Mike Salay of the Medina County Engineers office regarding this intersection due to the many accidents in this area. We had 2 accidents that occurred within 10-minutes of each other. We concluded that this area is in need of a 4-way stop at least and the county engineer did come in and conduct a complete traffic study. Mr. Ryland stated he had a complete copy of the study if anyone wished to review it, it notes various detailed information. Mr. Ryland stated the plan calls to erect signs and post a notice for the public at least two weeks in advance to enact this by November 1, 2009. Mr. Mowery asked about the cost to the city and Mr. Ryland stated the only cost is for the signs. Mr. Mowery asked when does Medina County want our reply and Mr. Ryland stated they are just waiting for us to say yes we agree with you, to go forward with this resolution. We still have to follow the law with notification to the public. Mr. Jones asked about installing a flashing light in this area like we have at Reimer Road and Medina Line, to warn the motorists and possibly ask Medina County if they would share the costs with us. Mr. Ryland stated that this is a very prudent suggestion and he would discuss this with the county. Mr. Jones commented that this flasher works very well at the intersection of Reimer Road and Medina Line. Mr. Mowery asked Mr. Ryland if he would get those figures and report back to Council. Mr. Braman asked if there was any chance for a full stop light here and Mr. Ryland stated that results from the traffic study did not warrant it at this time. Mrs. Hlas stated if the school ever moves to this area that would change in the future. Mr. Braman stated he has other residents concerns about traffic Wooster Road West and Eastern and also at Hametown and Wooster Road West. Chippewa Township is supposed to be discussing doing something there also.

Mr. Braman stated that area is near the Old Stone Jail and suggested Mr. Ryland look into that as well. Mr. Robert Copen, a Norton resident, suggested the city look at the solar power light at the Lorain County Speedway, you can see those lights for more than a mile away. He was not sure how much they cost, but it might be something to look into. Mr. Jim Lino, a Norton resident suggested that if you are talking about doing this better later on with a flashing light, why not just do it all now and do it the best possibly way from the start? Mr. Ryland stated that this area has now been identified as a “dangerous intersection” and it is Council’s and the Administrations duty to act now and act quickly with the 4-way stop signs. Mr. Pelot added that regardless of whether or not we can add the flashing light later one and share the cost possibly, these 4-way stop signs will remain in place. Mr. Mowery moved to add this item to Council’s next agenda, waving the second and third readings, as an emergency, seconded by Mr. Braman.

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

Motion passed 6-0.

AEB Report for Gardner Blvd. Phase III

Mr. Jones opened the discussions up to Mr. & Mrs. Thomas of Long Drive who were present to discuss the decision from the Assessment Equalization Board regarding their parcel. Mr. Long stated they own 2 separate lots that are side by side, and pay 2 separate property taxes; one is on 100 ft of frontage and they are not disputing. The second lot is 35 ft of frontage, which they did dispute to the Board. According to the letter they received from the city, it states “*All lots and lands fronting on the Improvement, a list of which lots is attached hereto as Exhibit A and incorporated herein by reference, which lots and lands are hereby determined to specially benefited by the Improvement*”. Mr. Thomas stated the only way we could benefit is if we could build a structure on that lot that would benefit both parcels, and he not think they are legally permitted to do so. There is no way we could build any structure on that little lot that would take advantage of a water line. Mr. Jones asked that basically you just mow this lot, and Mr. Thomas replied yes. Mr. Pelot asked if the 35-ft parcel is along Long Drive and if both parcels were 155 ft wide and Mr. Thomas replied yes. Mr. Pelot concurred if they went before the Board and asked about their decision. Mr. Thomas replied yes, they did come before the Board, and one member agreed with us, the other two stressed the point that we still owned a total of 135 ft. of continuous property. Mr. Mowery asked if these parcels were deeded separately and if these had separate parcel numbers? Mr. Thomas replied yes, the parcel numbers are #4601115 with 35 ft of frontage and #4601116 with 100 ft. of frontage. Mr. Mowery stated he felt this is two individual lots, it is land locked and you could sell it as two individual parcels. Mr. Mowery stated if you wanted to adjust the parcels and combine them into one lot you could do that but you would probably have to take it to the courts in order to do that. Mr. Ryland asked how far the house sits from the property lot, and Mr. Thomas replied it’s about in the middle. Mr. Ryland asked how far from the south line, and Mr. Thomas replied its not that far, there is a driveway and then our house, from the edge of our house its probably 10 ft. There was discussion on the city’s requirements for building a home, which is a 40-ft minimum lot requirement.

Mrs. Hlas discussed the three parcels that the Board removed because they pull their water from a line on Perry Street, and she thought of asking Council to consider legislation so if they don't tap into Perry Street we could assess them when they connect to Wilbur in the future. Mr. Pelot questioned if we could approve the report with a contingency approval and he did agree with Mrs. Hlas on her suggestion for a conditional approval. Mr. Ryland stated you are Council, you can do what you want, you can attach to the parcel numbers and it would be like a capital recovery plan and handled in the future. Mr. Mowery asked the Thomas's how long they lived there and Mrs. Thomas replied 12 years. Mr. Pelot asked about the cost per lineal foot, and Mrs. Richards replied it was \$55.82 per foot. Mr. Jones moved to allow Mr. & Mrs. Thomas a full exemption of the 35 ft of frontage for a total of \$1,956.40 parcel #4601115 until their parcel is either sold or their boundary line is adjusted, seconded by Mr. Pelot. Mrs. Richards indicated she would get with Mr. Justin Markey and discuss Council's recommendations and obtain an amended report for Council to consider and approve. Mrs. Richards indicated when you are approving the Assessment Equalization Board report, it will come to you as one piece of legislation and the Board's initial report would be attached as an exhibit to the legislation. Mrs. Richards also stated she felt that was possible that whatever Council's additional recommendations that were discussed tonight might also be included with that report.

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

Motion passed 6-0.

Mr. Jones moved to accept the same on the parcels #4605416, #4605417 (Mendenhall's); #4602743 (Madonia's) adding if they would connect from another line in the future they would pay the full assessments, also accepting the adjustment of parcel #4603408 (Lightner's); approving the report for the 5 properties, passing it as an emergency and waiving the second and third readings, seconded by Mr. Braman.

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

Motion passed 6-0.

2009 Budget Changes

Mrs. Hlas turned this discussion over to Mr. Moss for the details. Mrs. Hlas indicated there have been several increases and decreases throughout all departments and funds. Mr. Moss stated Mrs. Hlas was correct and provided Council with a detailed packet (see attached) and that the first few columns explain that and the ordinance prepared will approve the total change, this is mostly moving money from one category to another. Mr. Moss reviewed several of the changes within the various funds and explained the reasons for the increases or decreases. Mr. Jones asked about the status on the Johnson Meadows Fund and Mr. Moss explained that the spending here is all done, and the interest will continue to accrue until it is all paid off.

This is currently with the Law Dept. waiting to be finalized before coming to Council and the expenses are close to \$200,000.00 and the city borrowed over \$500,000.00 to get the project going, which never occurred. Mrs. Hlas reminded everyone that the Johnson Church and not the city would pay this interest back. Mr. Pelot asked what is the bottom line net change and Mr. Moss replied over all it is \$3,379,899.93 in reductions. Mr. Moss discussed the Fire and EMS has an increase of about \$20,000.00 due to payroll costs going up for additional runs. There are some changes being proposed to cover these cost increases such as staffing 22 additional shifts a week to have more people at the station. They would have people out on a run and still have staff available for call outs. Now we do an all call and everyone comes in and some of them come in at over time rates, and the thought is that this change would save the city money. Mr. Moss discussed the Road Program Fund, which shows an increase of \$22,000.00 for engineering services. Mr. Jones asked about the boring under I-76 north if this was going to be done now, and Mr. Moss replied that it is being bid out now and that was the initial plan. Mr. Moss discussed the decrease in the Self Insured Fund was due to the fact that we originally expected to have revenue and expenses for 56 employees and we really only have 51 employees. Moss encouraged everyone that if they had any questions between now and when the legislation is adopted to please contact him at any time. Mrs. Hlas moved to add this item to Council's next agenda as an emergency, waiving the second and third readings, seconded by Mr. McGlone.

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

Motion passed 6-0.

Unfinished Business:

None

New Business:

Mr. Jones commended Mr. Tom Dayton on the new barn he is building at the nursery it looks really nice. Mr. Moss discussed comments made about the financing of Beldick property and stated the property itself is being purchased with General Fund money, and not levy money. The work being done on the land to make it useable for the Fire Dept. would me eligible for the use of levy money.

Topics for the next Work Session:

Resolution of Support for the Norton Schools Bond Issue. Mr. McGlone suggested we have conversation regarding the surcharges fees reduction for the next work session. Mr. Moss indicated he is currently working on the 2010 Budget and would hope to have that ready for the next work session for discussion.

Public Service Announcements:

Mr. Pelot thanked everyone who came out to the Norton Fire Dep. Pancake Breakfast on Saturday; they reported it was their best one ever. Mr. Pelot announced a new Ohio compact fluorescent light bulb (CFLs) program from First Energy (see attached).

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:31 PM.

Scott Pelot, Vice President of Council

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

All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.