



COMMITTEE WORK SESSION AUGUST 17, 2009

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
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, August 17, 2009 at 7:01 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, 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:

Mr. Dennis Pierson, a Norton resident, spoke about the definition of public servant; you work for the public, electorate that gave you the seats where you are sitting now. It appears in this community that folks in the executive branch and our Council forgot that. They seem to confound any issue where a petition is brought before the community. The fire station has been back and forth all over the place, with a lot of loose meaning statements made by the Mayor and Council. Issue 26 was from over 800 people who voted to remove two (2) Council At Large seats. And what does the Mayor do, you guys used the city's money to hire an attorney to fight the will of the people. Now we have another issue with the income tax for the sewer projects. It's the same thing and this is ridiculous. Mr. Pierson stated this is basically telling us on that particular issue, although the County certified, that for the 703 people your opinion does not matter. Your going to do it your way, be it because of your egos, or the Mayors ego, or because you want to have some great memorial of what you did while you were in office. At least 486 of these folks would be willing to sign a recall petition if it were for the three (3) Council At Large seats or for the Mayor. If you are telling me that my opinion does not matter, he would be happy to sign it. Mr. Pierson reminded everyone that you work for the people of Norton and if you feel that a sewer project is right for this community, then let it go to the ballot. If the people think its right then they will vote to approve it.

But when you know it won't pass, don't try and jam it down their throats. If you look at it nationally and the mood of the country, and the electorate as a whole you know it would have tough time passing. Mr. Pierson stated he talked to about eighty (80) residents in Ward 3 and certain people on Council and the Mayor are not held in the highest light. You may think you are but you are out of touch with your constituents and you know the people that you are representing. I don't quite understand that, but let's see how this last issue pans out because there might be a recall in this community, and it's very likely. You serve the people of Norton, not your interests, not other people's interests, and to spend \$20,000.00 on Issue #26 to the law firm is totally out of control. It's ridiculous, yet I heard the remark on the water in Columbia Woods Park it could cost the city over \$75,000.00 and we could not afford it. However, you spent over \$100,000.00 in legal fees to Roetzel and Andress, that's ridiculous. You have spent more money in legal fees with Roetzel and Andress in one (1) year than you did in the last five (5). What's going on down here with you people. Like I said you serve the people, petitions are easy to start and recalls are not that hard either.

Mr. Gary Johnston, a Norton resident, spoke regarding Ord #48-2009 and circulated the attached documents to Council. Mr. Johnston thanked Mr. Jones, Mr. McGlone and Mr. Mowery for giving them the opportunity to circulate this referendum petition by voting against Ord. #48-2009. If one of you had voted the other way, we would not have had this opportunity. Mr. Johnston explained that the documents he distributed are called a part petition and is what was circulated as a whole. On the front you will see in all caps it states 'REFERENDUM PETITION' and below in red ink it states "*NOTICE-Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution*". In the middle of the page it states "*The following is a full and correct copy of the title and text of the proposed Ordinance #48-2009*". And at the bottom is attached a certified copy of that ordinance and we received that from the Clerk of Council-Karla Richards. You can also note that on the second page it does have the City of Norton seal on it. You will also see two (2) signature pages with room for thirty eight (38) signatures. Mr. Johnston stated this is exactly how we presented the petition to the voters of Norton. The letters were displayed in red and a copy of the ordinance was attached at the bottom. We talked to each of the voters, and allowed them to read through the ordinance, and we showed them it was signed by Council President Mike Zita and Mayor Koontz. On June 9, 2009 a total 822 signatures were turned into Mr. Moss with one (1) cover page and a copy of the ordinance attached to each person's signatures. He had 18 pages of signatures that went with his cover page and copy of the ordinance. Of these 822 signatures that we turned in as a group 708 were approved by the Board of Elections, that's 146% of the 485 that were required to get that on the ballot. Even in the Norton Post on June 28, 2009 article the it stated "*The documents withstood the review of city Law Director, Peter Kostoff*". He was quoted as saying : "*I find no fault with the petitions*". However, based on my meeting with Mr. Moss last week, he has decided that there is not going to be any need for a special meeting tonight because he is rejecting two thirds of these signatures. Mr. Johnston stated that Mr. Moss believes they are in violation of Section 731.31 of the Ohio Revised Code.

It states that each part of any referendum petition shall contain the number and full and correct copy of the title of the ordinance or other measure sought to be referred. Mr. Johnston stated that is exactly what we had as we presented these to the voters. I testify to you that we were totally in compliance with 731.31 in the presentation of the petitions to the voters and he is willing to appeal this in court if necessary. Mr. Johnston asked the Council, and specifically the At Large Council members and Mr. Braman if they are going to listen to this one legal opinion, and once again ignore the many voters who elected you to office? Are you going to take the taxpayers money of the 708 voters who signed these petitions, and use our hard-earned money and fight against them in court? I urge you Council to represent your constituents this time, and not the special interests of the Administration by demanding that this language be drawn up in an ordinance to get to the Board of Elections by the deadline of this Thursday, August 20, 2009 in order to be on the ballot for November. I hope that you as a Council will have a say in this matter. As it sounds from the conversations I have had with Mr. Moss, this is a done deal. Based on what Mr. Moss and Mr. Kostoff have decided, you don't have a say in the matter. If that's the case, we will have an idea how we feel as the voters where we don't have a say in a matter that affects thousands of people.

Ms. Charlotte Whipkey, a Norton resident, stated Mr. Johnston did such a fine job there is no sense in going over the numbers on the petitions. What she will go over is the newspaper article of June 28, 2009. It was stated by our Law Director, Solicitor, or whatever you care to call him, that the petitions were in order. Ms. Whipkey stated she also had July 5, 2009 and July 12, 2009 editions of the Post. Now we are hearing that these petitions are not good. There was never at any time a retraction made on that statement. The people of Norton, 11,000 plus, were deceived into thinking that those petitions were good and they were going to ballot. No steps were taken to let them know that anything was wrong. I know for at least two weeks, I stood here and asked why aren't those petitions sitting at the Board of Elections now? If anybody thinks for two (2) seconds that I am going to believe that this was not contrived, planned and it was well known before, that the people would have been made aware of if in August...bull. There are a whole bunch of people in Norton that is not going to buy that one either. These were turned in on June 9, 2009, the paper came out stating that these were correct on June 28, 2009. And they do not get turned in until July, a month later and then we do not hear until August about how bad they are. They have no recourse, you have eliminated their time. You did not want to have your constituents calling you up at home and hearing your complaints. Nor did city hall want to be getting the onslaught of what they would be hearing. I agree, I have been hearing a lot of talk. No, I did not instigate it but I'll back them 100%. There ought to be four (4) of you removed immediately. That might send a message, like some Judges sitting up in Akron thinking they're Gods also.

Mr. Gilbert Chaney, a Norton resident, spoke about the petitions, and he did 119 of those petitions, that was a lot of work. When he took them out he had 2 pages at a time and when they were filled up with signatures he put them in his car to protect them. Then he put another new one out with the cover pages, he did not do anything wrong.

He was sure that Mr. Johnston did not do anything wrong either, he is a Certified Public Accountant with a big corporation and his wife has known him for years, they are very good friends. We have a lot of dirty deals going on here its just a continuation of the same thing. I do think we need to recall a large portion of you people out of here, not all of you, but most of you. Most of you who have this cartel going, the family and friends cartel that tried to sneak this thing through. You want the people that work outside the city to pay more on taxes so that you the people that work down here would not have to pay anything. Mr. Chaney asked why is it that every time he comes up here, this police officer gets behind him, what does he think, that I'm going to yell or something. I would never be that stupid, I think that's intimidation. Its no big deal, I don't mind, I can deal with it, I can deal with a whole lot worse. Mr. Chaney stated he drove through Norton Plaza a couple of weeks ago and noticed six (6) businesses that were empty. That's just not a number; that's six (6) companies with people that worked there that are gone. Companies are shutting down and going bankrupt in the city, and the rest are on the brink of it. It's going to be a ghost town here pretty soon. The whole reason for this sewer thing is because you were worried about being sued by the EPA a year from now, just like Akron is now. Mr. Chaney stated he did not think that's going to be a problem because the rate things are going in Washington DC, we won't have a government or the EPA. Even if they do, and you're worried about cleaning up the sewers and septic run off; with all of these businesses shutting down and the residents moving out, there would not be any sewer going into the rivers. There will be very few people here, it will take care of itself. Mr. Chaney discussed the police force, and that we have 25-30 cops and under Ohio Law we are supposed to have 10-11 depending on how many residents you have. We are spending between \$3,000,000.00 and \$4,000,000.00. Most of the time these cops are ticketing the very people that are paying their wages. They are abusing the system as money is going in their pocket for overtime. They are mauling the city financially. Mr. Chaney stated he wished the Mayor was present because he would like to talk with him directly about that, he has the control on this. I like Norton, its much better than Akron, but I don't like to see all of this crap that is going on in this city.

Mr. Jeff Case, a Norton resident, spoke about the petitions, stating that he did not have much else to add. Mr. Case stated that as a petitioner he spent five (5) hours a day for four (4) days getting signatures. He got 100 or some signatures, not very many said no, maybe less than five (5). He would have had more signatures if people would have been home, but a lot of them were not. We did not have a whole lot of time to do what we did. For somebody to tell me that it doesn't count; well the next time the t's will all be crossed and the i's will be dotted, and someone else will be looking for a job.

Mr. McGlone called for further discussion on this issue. Mr. Moss stated he does recognize all of the effort that went into the petitions. Unfortunately he does not have the right to decide what is best, he is not allowed that choice. He has to decided based on what was submitted and the law as he has been advised as it is. He set that out in a letter to Mr. Johnston and he just has to do his job, and he realizes this is very upsetting to people. He does not have the choice to do what he thinks will make people feel good, he has do what the job is. Mr. McGlone asked why wait so long?

Mr. Moss replied he did not wait at all, he worked on it, he got it ready, he went to file it and the Board of Elections advised him that there was a concern. Which, by the way Ms. Whipkey is why Mr. Kostoff did not know about it. They (the Board of Elections) brought it up, I brought the petitions back. I said wait a minute there is a concern raised, I started looking into it. When it was done, actually last week is when I was aware that this is what I was going to decide. I was waiting to see if anything new would come in or different that I could go the other way. I had nothing to change that and I did make people aware that it was coming. Mr. McGlone asked if they say it was invalid why did Marijean Donofrio say that they were 708 verified signatures? Mr. Moss stated there is a statutory process which, and sometimes statutory processes drive him nuts because they take up time which they don't need to take. In order for me to make the decision that I have to make, I first have to go through the process of having them to review the signatures. So they have the review irrespective of the result of whether they are sufficient or not, which is rather silly. If they are not valid signatures what do you have to go through all of the trouble to count them, but that is the process. Mr. McGlone asked once they do the referendum and they don't have enough valid signatures, do they have a chance to go back and get more when this happens or not? Mr. Moss stated he really does not have information to advise on how to do that. Mr. McGlone stated that this would have to be in by Thursday if that's the case correct? Mr. Moss stated the reason we have this done now, there is actually time to decide its not up, it's a ninety (90) day window. To do it now to be on the ballot it's required to be on the filed by Thursday. That is why now is important, not because it's the time is up to decide. Mr. McGlone asked if the Mayor is still thinking about starting this in July because he had heard rumors about the first of the year? Mr. Ryland replied the Mayor has intentions of coming back to Council and asking to change the date to January 1. There are a number of reasons for this such as seeing how the referendum was taking place, and the other was having six (6) months of trying to recalculate taxes, so the idea of moving the date was the least resistant path to take. Mr. McGlone stated that even though we have over 700 signatures and for reasons we thought they knew what they were signing for, we as Council have no reason to vote on this or say this could be valid? Mr. Moss stated what he is saying is that it is his job to review on the legal sufficiency of the documents and based on what he has and the advice he received from counsel, his review is no, they are not sufficient as stated in his letter. Mr. McGlone asked where do we go from here now? Mr. Moss replied he is not referring it to you for legislation where you have to send it up to the Board of Elections. Mr. Mowery asked what kind of a time line are we working with here because these people here have no recourse? Mr. Moss replied the time to file a referendum petition is thirty (30) days from when Council adopts it, and they filed it one (1) day before the time line was up. Mr. Johnston stated that we turned them in one (1) day early and he would have thought with Mr. Moss's expertise as a lawyer he would have noticed the simple fact the cover sheet was not attached to every two (2) pages of signatures. He could have let me know they were not attached and I could have corrected that by the next day and this would not even be an issue. Mr. Mowery stated so that is the bottom line, all 708 signatures got kicked out because of the cover sheets? Mr. Moss replied not all of the 708 signatures got kicked out, but the reason they are out is because the cover sheet is not there, the mandatory notice is not there and the required information relevant to the ordinance that Council past is not there.

That is why the information was given to you by Mr. Johnston, he is saying it was attached, it was taken off before it was filed. Mr. Jones asked Mr. Moss when you accepted these on June 9, 2009, Mr. Moss stated he did not know then that they were wrong. Mr. Jones stated that when you accepted these petitions back on June 9, 2009 you signed off on all of these petitions, correct? Mr. Moss replied, I do not know what you mean by I signed off on them, I receipted them. I provided a receipt and I initialed them so it would be clear on what was in fact filed because it is important on what is filed. I also numbered every page in order to account for every page that was filed. Mr. Jones asked you signed on every page, correct? Mr. Moss replied yes, I acknowledged that I received them, and I don't think there is any doubt on what was filed. Mr. Jones stated that was on June 9, and Mr. Moss concurred. Mr. Jones stated you did hand these over to the city Solicitor, Pete Kostoff to look at them correct? Mr. Moss replied at some point and in fact I showed them to a number of people. Mr. Jones stated the Norton Post got a hold of Pete Kostoff and he said they were all well and good. Mr. Moss stated he cannot speak to what Pete may or may not have said to the Norton Post. Mr. Jones asked why did you wait for such a long period of time and now we are at the deadline of Thursday, to do anything? Mr. Moss stated he was not holding them, just doing my job. When I took them to the Board of Elections, I thought I was filing them and that they were good. Mr. Jones asked when did you take them to the Board of Elections the first time, and Mr. Moss replied he did not recall that date. Mr. Jones stated it had to be after June 28, 2009 right, Mr. Moss stated he did not know the exact time line. Mr. Jones asked what was the term for him to keep these and Mr. Moss replied ninety (90) days, which is up in about a little less than a month. Mr. Jones stated this cannot go on the General Election in November because it has to be there by Thursday, is that what you are saying? Mr. Moss replied it cannot go on the General Election in November because it is not properly filed. Mr. Jones stated you work for the taxpayers of this community, the people pay your wages as well as ours here on Council. Mr. Moss replied yes I do. Mr. Jones stated this is a travesty that you as our Finance Director and the person responsible for taking these petitions and not letting Mr. Johnston have the time or the courtesy when he presented them to you on June 9. Mr. Moss stated he did not know on June 9. Mr. Jones stated that with you being an attorney. Mr. Moss questioned what, that I should have known, that I should have done a legal opinion? Mr. Jones replied in your position as city auditor, I would think that you would have, and you have been advised by counsel to draw up this letter to give it to Council tonight on August 17. Mr. Moss stated that he was told by the attorney's that this was important enough that he should put the reason in writing. Mr. Jones stated he would have thought that we should have gotten a letter like this long before tonight, this is last minute stuff. Mr. Moss replied ok. Mr. Ryland stated those petitions were turned in and it is not the city's position to counsel or advise what is going on. The city's function is solely to receive those petitions as filed by the head petitioner or any of the petitioners. In John's defense, he made two (2) trips to the Board of Elections; one (1) to take them down to file them when it was pointed out that there may or may not be an issue; and two (2) was for the official count. Mr. Ryland stated there was whole lot of things going on with this that had to be taken care of. But to say that John should have advised when they were filed, that is not his job. His job is not to advise, his job is to take the petitions as they were presented to him, mark them and identify them and go with the process from there.

It is not to tell them they are insufficient at that time, its not to tell them they don't have the attachments, its not to tell them the red lettering is incorrect, its not to tell them the ordinance is not there. Our position as a city and John's position in particular, is to simply receive them, in an orderly fashion, to number them and put his initials to them, its not a guidance type of thing. That is not his position and to chastise him for that is uncalled for. He did his job at the time the petitions were filed, and that is to accept them, to mark them and register that he had them in his possession. Not to tell them whether or not they were being improperly filed, whether he knew or he didn't know is not the consequence in this. His job is to take the petitions from the petitioner. Mr. McGlone argued that on July 20, 2009 the Board of Elections said they were ok. Mr. Moss stated the Board of Elections does not say whether they are ok or not, they simply count the valid signatures. They go through and check each one, and they concluded there were 703 valid registered voters that signed the petition. Mr. Zita stated it sounds like all the Board of Elections does is validate signatures. Mr. McGlone stated no, because when he ran for his last election, they saw that one of his petitions was wrong, they did not even look at the names. They said that petition was thrown out because it was wrong. Mr. Mowery agreed they also threw out two of his petitions also for the same reason. Mrs. Hlas reminded everyone that referendum petitions are completely different than a petition for running for public office. The petitions are different, the process is different, the petitions do not go the Finance Director, they go to them (the Board of Elections). Mrs. Hlas stated enough has been spoken on this and its time be done with this and she would like to move on. Mr. McGlone stated of course you would and Mr. Jones agreed. Mrs. Hlas stated the issue is not in our lap, it's an issue with the Finance Director. Mr. Jones stated you have over 708 people that are going to be upset about this. Mrs. Hlas asked how about the 11,000 that did not sign it? Mr. Pelot reminded everyone that we did this before where the petitions were all invalid because it did not have the letters in red. Mr. Moss concurred, he pulled a copy of that referendum in his review, and it was not in red, however in this case the notice language was not attached at all. Mr. Pelot stated it is not the first time. We have no say in this, once everything is finalized through the Board of Elections and Administration and passed on to us, then we pass legislation and send it on to the ballot. But in this case we are being told they are invalid and there is nothing that we as Council can do on it. Mr. McGlone stated it's just the way it was handled, that's all he is going to say. Mr. Mowery stated this is a horrible situation, In all of the ten (10) years on Council, he has never....Instead of a recall, I think we all ought to resign if we cannot represent the people any better in their voice. If this is going to be an example of what has been going on now for how long, what else? You can see you have the public backed into a corner. Its not going on the ballot, it looks to him like it was a time line issue. It was mishandled, it was misrepresented, the people spoke. They signed the ballots, the paperwork issue, the Board of Elections, etc. It's just a farce. Mr. Mowery stated it should be discussed further, it should not end here, it's just the beginning of more things. Mr. Jones stated he did not believe it would end here. Mr. Mowery stated that as Council if we do not nip this in the bud, then what is the need to have a Council, what is the need to vote for any of us. Mr. Pelot asked what do you propose? Mr. Mowery stated it's a well planned dead end issue, there is nothing you can do. Everything has gone to the people where their voice has not been heard.

Mr. Jones stated that obviously there are enough people out there willing to sign a recall petition, I think that's what they are eluding to. Mr. Mowery stated you hate to see your city go through all these recalls, it is as simple as what they want, what they voted on and people put their time and effort to live in this community. It's a travesty, a farce, it's a three-ring circus and the people are getting tired of it, they have been getting tired of it.

General Topics of Discussion:

Amend Posting Location Ordinance 3 Sons Restaurant

Mr. Pelot stated that Charlie's Restaurant is now 3 Son's Restaurant and that we need to amend our posting legislation to reflect that change. Mr. Zita noted that the restaurant is not open, he was there last week and that the Clerk of Council is already posting notice in the exact same location as before. Mr. Pelot moved to add this to Council's next agenda waiving second and third readings as an emergency, seconded by Mr. Jones.

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

Motion passed 7-0.

Discussion on Status of Red Flag Identity Theft Policy

Mr. Pelot stated that we have already adopted an ordinance however there may be some changes coming relating to this and turned the discussion over to Mr. Moss. Mr. Moss indicated that one of our vendors has suggested some different language from what we have already adopted. He will be assessing the two in order to determine if their suggestion is truly necessary and may be bringing something to Council in the future if that is the case. There is no action necessary by Council at this time.

Amend Hospital Transport Ordinance

Mr. Mowery turned this discussion over to Mr. Ryland for the details. Mr. Ryland indicated that we need to add the new Akron General Health And Wellness West facility to the list of hospitals that we transport patients. Mr. Ryland indicated this new facility is now open and fully operational. Mr. Mowery moved to add this item to Council's next agenda, waiving the second and third readings as an emergency, seconded by Mr. Braman.

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

Motion passed 7-0.

Establish Assessment Equalization Board Gardner Phase III

Mr. Braman indicated this ordinance is to re-appoint the past members to the Assessment Board; Jim Bennett, Mike Wronkovich, and Bob Adams. Mr. Braman asked Mrs. Richards if she has set the date for the Public Hearing yet? Mrs. Richards replied, no she is waiting to confirm with the members and the Law Dept. Mr. Braman indicated that he was comfortable moving ahead with this.

Mr. Pelot asked about the alternate, and Mrs. Richards indicated that Mrs. Sandy Chrisant has volunteered to serve as alternate. Mr. Zita discussed waiving the readings with emergency language in order to keep this project moving along. Mr. Braman indicated we discussed waiving the readings later on since we don't have the Public Hearing date secured. Mrs. Richards suggested doing a first reading only on Monday for now until she can get confirmation from the Law Dept. and we can address that issue on Monday. Mr. Pelot asked how many letters of protest were received? Mrs. Richards replied four (4), and we have two (2) letters that were returned by the Post Office. Mrs. Richards indicated that this would now require a public notice to be placed in the Barberton Herald. Mr. Braman moved to place this item on Council's next agenda for a first reading only with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Discussion on Boundary Adjustment

Mr. Braman stated this has to do with the City of Norton and the City of Barberton and that Barberton wants to build a new school in this area. Mr. Braman turned this discussion over to Mr. Ryland for the details. Mr. Ryland apologized for Council receiving this information so late, as it did not come to us until late July. Mr. Ryland indicated that the Barberton Board of Education owns six (6) parcels of land; PPN # 4603881, #4603882, #4603884 #4605817, #4605818, #4605819 and #470020. Mr. Ryland indicated all of this land is located where the old Terrace Gardens used to be located on Shannon Avenue. Mr. Ryland stated that Mayor Bob Genet and Barberton School Supt. John Hall were present for the discussions. Mr. Ryland stated that Barberton recently learned they qualify for funding through the Ohio Building Association to build a new elementary school and would like to build on this location. They are asking to work together with us on a boundary adjustment to fit their needs. Mr. Ryland stated that if fits the criteria to be passed by Council because according to the Ohio Revised Code the number of voters it affects, it does not require this to go out to a vote of the people. Mr. Ryland stated we are still looking in to confirming that fact, but this does appear to be the case. Mr. Ryland indicated that this affects two (2) parcels of Norton property owners, and one (1) parcel which is an easement owned by East Ohio Gas. Barberton Board of Education is negotiating with these owners to purchase these parcels. Mr. Ryland stated this does not affect Hopocan Gardens or Rt. 80 Express Trucking Company. Mayor Genet stated this is another opportunity for our communities to work together. Mayor Genet stated during the disclosure and discussions we found that half of this area actually is in Norton. Mayor Genet indicated that we are going down from nine (9) school buildings to four (4) and we are really land locked. Mr. Ryland stated that in exchange for this adjustment, the City of Barberton has agreed to a moratorium on the tap in charges and water impact fees for the Brentwood residents, should we tap into the sixteen (16) inch water main. Mr. Ryland calculated these potential savings of excess \$232,000.00 to our residents in that Brentwood area. That may be a sizeable savings, not so much when you consider all of the well problems we experience in that area now. Mr. Ryland stated that he and Mayor Koontz recommend Council consider approving this adjustment.

Mayor Genet stated the Utilities Director and the Service Director would continue to meet and work with Mr. Ryland and the city in order to help make this happen, and appreciates the opportunity to work with all of you on this. Mr. Pelot asked how many acres this was and Mr. Ryland stated he did not have the exact number, it is the area where Highland football field is currently. Mrs. Hlas discussed the issue of the City of Norton losing any revenue from property taxes, and Mr. Ryland concurred that we are not losing anything. Mr. Jones stated that he saw no problem and this was a step forward in working with Barberton. Mr. Braman asked if the Ohio School Commission has given you a date they want this to happen? Mr. Hall stated they would like to see this happen as quickly as possible and they have modified their Master Plan from four (4) elementary buildings to two (2). The longer we wait the longer the delay and the more it could cost the taxpayers. Mr. Mowery asked if we could advise the Brentwood residents in writing of the potential savings for each individual home? Mr. Ryland indicated that it's possible to do, however we are talking about over two-hundred (200) homes. Mr. Ryland stated that we cannot provide fire protection with the water coming out of that well in Brentwood. Once we connect to the sixteen (16) inch main we could then provide hydrants for the residents. That in of its self will provide the residents with a saving on their homeowners insurance. Mr. Mowery asked if this is possible to do a mailer, he would like to see that happen. Mr. Ryland stated that he would be happy to do that. Mr. Ryland gave a brief background on the poor conditions of the well in Brentwood and that we recently did a collar on the casings to hold it together. Mr. Moss commented on the water flow coming out of this well, and that it's not fast enough to fill the water trucks. Mr. Pelot asked about any costs associated with changing the boundaries, and Mr. Ryland indicated if there are any costs, it will be handled by the City of Barberton. Mr. Pelot asked are there any State laws that prevent us from doing this? Mr. Ryland stated the only one is what he mentioned earlier which is if this adjusts a certain number of voters then it must go before a General Election. Mr. Ryland indicated we are still verifying that this is not the case and that it is something these two (2) Council's can legally agree to. Mrs. Hlas discussed the two (2) houses closest to Highland Field and that one of the students there goes to Norton Schools. There was some discussion about open enrollment and the fact that school districts don't follow city boundary lines. Ms. Charlotte Whipkey clarified that this process does not involve any Norton voters, and Mr. Ryland concurred. Mr. Jeff Case stated that he has Barberton water and it does not affect him one way or another, other than the fact he pays more for his water than a Barberton resident does. Mr. Case stated that recently he got a waterline replaced in front of his home and a hydrant. He called is insurance company (State Farm-Agent Ron Sabo) to see about a discount and he was told it did not affect his insurance rate, he did not get a discount because of the new hydrant right in front of his house. Mr. Ryland agreed with that because the insurance industry does not do their ISO Ratings formula until the end of this year. Mr. Case argued that his agent told him that they go through the area and it has no effect on any savings, and you should not be giving residents false hopes here. Mr. Ryland stated he would not argue with what Mr. Ron Sabo told him, however a lady on Wadsworth Road actually called to thank us because she received a twenty-two (22) percent reduction on her insurance rate for a hydrant near her home. Mr. Jim Lino, a Norton resident, asked if the Brentwood Estates central water system comes directly from a well and Mr. Ryland replied yes.

Mr. Lino asked why do they have to pay a tap in fee to Norton? If they would become exempt from Barberton fees, then some other residents might have a problem with it. Mr. Braman moved to place this on Council's next agenda waiving the second and third readings as an emergency, seconded by Mr. Pelot. Mr. Zita asked Mr. Ryland to provide Council with the acreage information by Monday.

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

Motion passed 7-0.

Dare Grant

Mrs. Hlas stated this is something we do every year to apply for the grand and accept it, and turned the discussion over to Mr. Moss. Mr. Moss concurred adding that the grant is usually a 50/50 split as done in the past. The only thing that changes from year to year would be the officer's salary. Mr. Jones asked who is our current DARE officer since Officer Davis resigned in July? Mr. Ryland stated our DARE Officer is Larry Lane. Mrs. Hlas indicated that our DARE officer was replaced before Officer Davis resigned. Mrs. Hlas moved to add this item to Council's next agenda waiving second and third readings with emergency language, seconded by Mr. McGlone.

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

Motion passed 7-0.

Establish a Fund for CDBG Revenue

Mrs. Hlas turned this discussion over to Mr. Moss for the details. Mr. Moss stated that we have not received any revenue for this, however we need to establish a fund for it and when we do in order to have the grant process completed. Mr. Moss stated that in the event we do not get this grant, this fund would just sit unused. Mr. Ryland announced that we have been informed that we have cleared step #1 in the grant process, which is promising. Mr. Jones asked if this was something Mayor Koontz had asked for the sewers in Columbia Heights? Mr. Moss replied yes, that Columbia Heights is our most likely candidate for the funding because of the income levels, although there are other areas as well. Mrs. Hlas moved to add this item to Council's next agenda, seconded by Mr. McGlone.

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

Motion passed 7-0.

Discussion on Accepting Amounts & Rates from the County

Mrs. Hlas turned this discussion over to Mr. Moss for the details. Mr. Moss stated that we have not received the required paperwork from the County, however when it does arrive, the turnaround time to adopt it by Council is very short.

Mr. Moss indicated each year the city files a tax budget, which was done earlier this year, and was filed with the County. As a result of that filing, the County issues a document stating the amounts and rates of our various levies. We then have to adopt an ordinance accepting that and filing that ordinance with the County. Mr. Moss stated we need to start this process now, however he has no documents to present at this point. Mrs. Hlas asked if this ordinance is due at the County on September 1, 2009 or October 1, 2009? Mrs. Richards stated she believed it is due on October 1, 2009 and that Council only has about ten (10) days to act on it from when you receive it. Mrs. Hlas suggested leaving this on Matters Referred until the documents come in from the County, and we could waive readings if necessary.

Discussion on General 2009 Budget Changes

Mrs. Hlas stated that Mr. Moss had suggested some Budget changes, although she does not have any paperwork from him yet. Mr. Moss indicated he has no documents to present, it has become a little more complex than he anticipated. There are two factors as a result; one is the revenue is off pace with expense which means there is less money available, and the other is that he is working on budget reductions and so he is preparing new documentation for all of this. Mrs. Hlas suggested we hold off on any further discussion until we have the detailed documentation. Mr. Jones asked if this is something serious we need to address prior to the end of the year? Mr. Moss replied in the sense that you need to change the 2009 Budget, yes. Mr. Jones asked if it means employees would be affected by it as far as any layoff's? Mr. Moss replied he did not think this would affect any employees.

Unfinished Business:

Mr. Jones discussed a memo he sent to Mr. Ryland about the road crumbling at 3278 Easton Road, and asked Mr. Ryland if we could address this now that Wadsworth Road is done? Mr. Ryland replied yes, we are looking into this now and it is a curbing issue and we have to figure something out relating to the ditches. Mr. Jones discussed the flashing lights at Creekside Drive and Easton and that the top light is out. In addition, the southbound traffic cannot see it because of the tree limbs hanging over it. Mr. Ryland indicated this would be addressed.

Mr. McGlone asked Mr. Ryland if there was anything new about the Eshlich expansion. Mr. Ryland explained that first of all they are not expanding, that is not the purpose for the additional property they bought on the east side of the creek. They are using some of that soil to cap the existing dump area. They are working on doing some retention and water quality in that area.

New Business:

Mr. Jones discussed the C & D on Wadsworth and asked if there was anything we can do about mud and standing water being brought out onto the newly paved roadway? Mr. Jones stated if Mr. Ryland can't do something he would call the State and see if there was something they could do. Mr. Ryland said O.K., and lets look at the driveway ordinance about the first fifty (50) feet requirement of being a hard surface. Mr. Ryland stated he would entertain any suggestions and if Mr. Jones calls the State then God bless you.

Mr. Moss discussed a matter requiring two (2) separate ordinances, they are called a then or now certificate ordinances. Mr. Moss stated all expenses in the city are required to have a purchase order, which includes a certification of resources. A then or now certificate is an alternative process which he can use to issue up to \$3,000.00. Anything above \$3,000.00 that does not have a purchase order, he cannot use a then and now certificate and under State Law requires a different process, which is to bring it to Council and let them decide whether or not to pay it. Mr. Moss stated that he has two items that fit this situation. The first item is the road striping on Clark Mill Road for \$3,549.00. This bill came in after the contract was complete, the final bills were received and all purchase orders were closed. A week later we got this bill for \$3,549.00 and the work was already completed, there was a purchase order in place, but now that it has been closed he cannot use it. Technically he has to come to Council with this process to get authority to pay it. Mr. Moss explained the second item was for storm water engineering relating to Easton Road extension and the potential site for the fire station. It included an increase to do some calculations and the wrong number was picked up and it was not sufficient to cover that expense. Mr. Moss explained that amount was \$7,624.85. Mr. Moss stated that was in excess of \$3,000.00 for the actual cost for the engineering. Mr. Moss stated he would like to submit an ordinance to Council for each one of these items with the certificates asking for your authority to pay, with a copy of the invoice. Mr. Moss said its not an issue of whether or not we had the money, its because one purchase order is already closed and the wrong amount was picked up on the other item. Mrs. Hlas suggested we continued this for the next Work Session to address along with the Budget changes.

Mr. Ryland stated we are in need of a Resolution of a sanitary sewer line of roughly 600 ft. on Oak Street between Cleveland-Massillon and Long Drive. We have several failed septic systems and they do not have sufficient property size to replace them. A resolution of necessity would dictate for Council to make a judgement on how much of this project, all, or none of this project would be assessed. This project is a city initiated project, there is no Public Works money coming for this, only from the Utility Budget and or assessment. You will need to decide prior to adopting the resolution of necessity. Mr. Jones asked about the dollar amount for this project, and Mr. Ryland indicated it would have to be bid out and that figure is not known right now. Mr. Ryland stated the Engineers estimate was \$221,000.00, and includes approximately 10-12 houses. Mr. Ryland stated there are three (3) to (4) failed systems and one border war going on where someone's failed system is running off into their neighbors. Mrs. Hlas asked if the city has talked to Summit County because they recently received more funding for projects just like this? Mr. Ryland indicated we talk nearly on a daily basis, but will discuss this new information. Mr. Zita asked if this can be done this year, and Mr. Ryland indicated yes. Mrs. Hlas indicated that she couldn't decide on the percentages until she can look at some numbers and how many residents this actually affects, and Mr. McGlone agreed. Mr. Pelot also stated that he needs to know exactly what is in the Utility Fund. Mr. Ryland indicated that he does know that he can't be off any more than \$4,000.00 on that Engineers estimate he stated earlier. Mr. McGlone asked to have a copy of the current tap in fees the residents pay on Oak Street for the next discussion.

There was further discussion and it was decided to continue this item over to the next Work Session for more detailed information.

Mr. Zita discussed a letter some residents are receiving from First Energy and if they are in the aggregation program. Mr. Ryland clarified that if you are in our program you do not need to do anything to stay in the program. Mrs. Hlas stated she believed the letter was just to inform the residents there has been a change in the electric supplier. Mr. McGlone discussed the natural gas aggregation and asked Mr. Ryland about the status of striking a rate. Mr. Ryland stated that he has been working with the broker on this for the past four (4) months and if he asked them to strike a price now they are quoting is about \$7.30 per MCF, and he is still working in this.

Topics for the next Work Session:

Oak Street Sewer Assessments, Then and Now Certificates, Accepting County Rates & Amounts

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:35 PM.

Mike Zita, President of Council

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

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