



**COMMITTEE WORK SESSION
FEBRUARY 5, 2018**

The Committee Work Session convened on Monday, February 5, 2018 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Joe Kernan, Vice President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Roll Call:	Jack Gainer	Also Present:
	Dennis McGlone	Robert Fowler
	Dan Karant	Ron Messner
	Paul Tousley	Justin Markey
	Charlotte Whipkey	Kerry Macomber
	Joe Kernan	
	Scott Pelot - excused	

General Topics Of Discussion

A. Tax Incentive Review Council (TIRC) Appointments - Mr. Tousley explained that Council is charged with naming two individuals to this Council. Mr. Markey offered that the establishment of the TIRC is required as part of the abatement that was given to KDA a couple of years ago. The TIRC will be made up of volunteers that are appointed by City Council, the Mayor and Summit County. The TIRC is responsible for ensuring that the company has met the obligations as identified in the tax abatement agreement.

Mr. Kernan clarified that this is separate from the Tax Review Board. Mr. Markey explained that the Tax Review Board is a completely different board that reviews and gives residents due process for appealing income tax questions on what they owe the City. The TIRC is required to meet every year and needs to be filled soon. Ms. Whipkey questioned which Board the potential candidate was applying for and Mr. Kernan noted it was for the Tax Review Board. The Council needs to appoint two to the TIRC and then questioned what the qualifications are other than they are a resident of the city. Mr. Tousley asked if the applicants needed to be registered voters and Mr. Markey replied he did not believe so, but that the requirements are statutory so he will send a follow-up email. Mr. Tousley encouraged the Council members to forward names of those that may be interested. Item was referred to next work session.

B. Water Project Nomination to OEPA - Ms. Whipkey remarked that she does not have any idea what this is about because there was no information provided as well as with item C. She said not having information prior to the meeting is unacceptable. It is impossible to discuss this item

or asking anything without having a clue as to what this is about. Mr. Kernan asked if Ms. Whipkey would like the item to be held over to the next work session. Ms. Whipkey said yes, both Items B and C. Mr. Kernan asked Mr. Fowler to provide information before the next meeting. Mr. Fowler said that instead of giving a draft ordinance to City Council as has been done historically, he thought it better to have an initial discussion to determine if Council is in favor of moving forward instead of wasting time creating ordinances. Last week we had created ordinances and then didn't move forward so instead of creating ordinances he thought we would have the discussion on applying for grants. He has received mixed signals from various Council people, which makes it difficult for the Administration to move forward. Mr. Kernan said his preference is to have the background information so that they can make a decision as to whether an item can move forward. Ms. Whipkey agreed. Mr. Fowler responded that first he needs to know if Council is interested in applying for grants to which Mr. Kernan stated Council is always interested in getting grants for projects. Mr. Kernan stated that if there is no information at the beginning, there is no place to start the discussion and then come back with an ordinance. He asked if somebody wants a different approach, let it be known so a procedure can be determined as to how Administration should bring items forward. Ms. Whipkey agreed and added she would not move something forward without the information.

C. Ohio Public Works Commission Application for 2018 - Item held over to next Committee Work Session.

D. Purchase of Police Cruisers - Mr. McGlone indicated that the Chief would like to purchase two vehicles and they are budgeted and will replace car numbers 69 and 64. The Chief provided proposals from three different dealers with Fred Martin presenting the best price. He would like to purchase two Dodge Chargers in the next couple of months and use them as marked police vehicles. Mr. Messner indicated that the Chief did say he wanted to replace two vehicles now and then later in the summer, replace the Detective vehicle. The trade in is very good for the City and will come out of Fund 140. Mr. Fowler noted this fund is strictly a charge for the rental of the police car at a cost per hour (police car out directing traffic on I 76), plus the towing fees, that accumulate to purchase these vehicles. The trade in price allows us to purchase two vehicles for the price of one. The turnover time frame is consistent with how often police cars should be replaced and they are under warranty for the three-year period. Mr. Tousley asked if these were the most worn vehicles in the fleet. Mr. Fowler indicated these were the best choices for the replacement. All of the equipment from the old vehicles will transfer to the new vehicles. Mr. Tousley asked the Chief to provide a listing of the current fleet age. Ms. Whipkey asked if we were purchasing two vehicles – yes, there are two ordinances. Mr. Kernan asked when they would be delivered. Mr. Fowler indicated they planned on three readings so 4 to 6 weeks. Mr. Messner indicated this purchase still has to go before Board of Control. Mr. McGlone moved to add Ordinance 5-2018 to Council's next agenda, seconded by Mr. Tousley.

Roll Call: Yes: McGlone, Tousley
No: None

Motion passed 2-0.

Mr. McGlone moved to add Ordinance 6-2018 to Council's next agenda, seconded by Mr. Tousley.

Roll Call: Yes: McGlone, Tousley
No: None

Motion passed 2-0.

E. Walking Path Grant Applications - Mr. Kernan noted that there was some information provided and asked Mr. Fowler to elaborate. Mr. Fowler distributed a map depicting the Columbia Woods Park and the proposed walking trail that he had just received this morning. The plan is multi-phased with the first phase of the project would provide disability access to the baseball field from the Kiwanis shelter. The overall plan is to have over a one mile walking trail. There are three grant applications to fund this project: CDBG from Summit County, a Natureworks grant and a private foundation grant. Mr. McGlone asked if the trail is asphalt. Mr. Fowler said most of it is, but the portion of the trail paid for by CDBG would be concrete because it is for disability access. Mr. Kernan asked about the city match. Mr. Fowler explained the Natureworks grant requires 25% and can be in-kind. For example, the Street Department labor to remove trees may be used for the match. No match for the other grants. Mr. Gainer asked if the \$50,000 grant plus our 25 % in-kind would cover it all. Mr. Fowler indicated the cost is approximately \$112,000 for the first phase, which includes our portion. Mr. Gainer said the map doesn't show it, but that at the southeastern portion of Columbia Woods drive there is a building at the dead end behind the baseball field in the Acme complex. Diagonally to your left, behind the building – approximately 80' – there is a path worn through about 3' wide. He suggested that handicapped accessible grants include a sidewalk in conjunction with the apartment owners and Acme. He suggested Administration talk with apartment owners and Acme to see if they would be agreeable to contributing to a new sidewalk. They are both good corporate citizens and would likely participate. Plus, it would be added incentive for the apartment complex for rentals and hopefully add to Acme business. Mr. Kernan inquired about deadlines and Mr. Fowler responded that the Foundation Grant is April; ODNR is May 1, but would confirm that; and CDBG is June. Mr. McGlone asked if this would come out of Parks Fund and Mr. Fowler said his intention is to use in-kind services as labor for the match. Mr. Kernan moved that Ordinance 7-2018 be placed on the Council's next agenda and Ms. Whipkey seconded.

Roll Call: Yes: Kernan, Whipkey
No: None

Motion passed: 2-0

Mr. Kernan moved that Ordinance 8-2018, be placed on the Council's next agenda and Ms. Whipkey seconded.

Roll Call: Yes: Kernan, Whipkey
No: None

Motion passed: 2-0

Mr. Kernan moved that Ordinance 9-2018, be placed on the Council's next agenda and Ms. Whipkey seconded.

Roll Call: Yes: Kernan, Whipkey
No: None

Motion passed: 2-0

F. Amend Appropriations in Planning & Engineering - Mr. Messner said this is an amendment to appropriate additional funds in the 126 line and to revise the budget from \$3,000.00 to \$75,000 to pay for waterline design. Mr. Kernan asked if we knew about this when the budget was decided. Mr. Fowler indicated no, it is preliminary engineering work to score better on the grants that were to be discussed tonight and will be discussed at the next work session. Mr. Kernan moved this item to the next Committee Work Session along with items B and C.

UNFINISHED BUSINESS

A. Paving of Brookside, Little, and Shellhart - Mr. Karant asked Mr. Fowler for an update. He said they are in the process of drafting contracts with more definition, which will include a warranty requirement for the contractor. There is an urgency to get the paving completed. Mr. Kernan reiterated that it was the Council's decision to move ahead with the paving. Mr. Karant asked if the numbers were still valid. Mr. Fowler added a 10% contingency so they won't have to come back if there are slight changes. The Street Department has on their agenda to do full depth reclamation of foundation for the 1600 feet of Shellhart and significant street work preparation. The Street Department may not have time to do the same for Brookside and Little. Mr. Gainer said there was discussion about installing a lateral on the North side of Shellhart over to Little and Brookside. He felt that we are missing an opportunity to do something with sewers at this time because there will be future expansion. If that happens, it will mean tearing up Shellhart at that time. Laterals on the West side of Little and East side of Brookside would enable people to tap in. Mr. Fowler believes that is called stubbing in the line and he will look into it. Ms. Whipkey said she believed we already have a lateral on the Little Cul-de-sac. Discussion continued to clarify the existence of laterals. Mr. Kernan remarked the time factor prohibits us from making significant changes at this point. Mr. Fowler agreed and that a stub or "t" would be a possibility. That would accomplish what Mr. Gainer is requesting. Mr. Tousley asked if the idea is to use Rudznick to do these three roads. Mr. Fowler said they have a subcontractor. Mr. Tousley asked if we could do another quote. Mr. Fowler agreed to get two more quotes. The item was moved to the next Committee Work Session.

B. Chapter 258 – Employee Benefits - Mr. Tousley noted that a lot of the changes are grammatical so the substantive will be explained by Mr. Fowler. 258.01 – Mr. Messner contacted our insurance carrier and they offer Dishonesty Bonds for all employees, so they decided it was prudent to bond the people that handle money and a blanket for all others. Mr. Tousley asked if there was a savings – Mr. Messner said yes, and we still have good coverage. Mr. Kernan asked if most Cities do it this way. Mr. Markey said that the bonding requirement is

that the person handling the money is capable of receiving a bond. 258.02 – Overtime compensation was discussed at last meeting. Service Department, summer help, would all be paid a straight 40 hour a week. 258.03 - Longevity Compensation - Police will continue and Fire will get same as AFSCME. Just reducing language. Mr. Kernan asked if this is basically a “me too clause” and Mr. Fowler responded that it was basically and is simplified. Mr. Fowler continued explaining the language and changes. 258.04 - Holidays – If there is a change in the CBA, these would have to be changed for non-bargaining personnel. This now mirrors the AFSCME Holiday schedule. So this makes it consistent. Mr. Tousley asked if this was just semantics. Yes, it eliminates the work excluding. 258.05 - Sick Leave – going to hours instead of days. The OML is making changes to accumulation and until that is finalized, it will stay the same. Upon death or state retirement, the accumulated sick leave will be paid out on a prorated basis. Also, allows the time worked for another governmental agency to transfer accumulated sick time. However, there would be no pay out on the hours transferred in – only the time earned while employed at the City of Norton. 258.06, 258.07, and 258.08 - No substantive changes in bereavement or special leave. Vacation is the same. Accrual of vacation and allows employees to keep one while accruing the next. Also, it added a prorated vacation leave for part-time employees and a provision of taking leave after six months. 258.09 - Injury leave was basically grammatical changes. 258.095 Military leave was minor changes and corrections. 258.10 Absence Without Leave says it is required one hour before start of shift to call off. This does not supersede CBA. 258.11 Jury Duty – grammatical changes. 258.12 - Tuition reimbursement – Mr. Gainer asked why Satisfactory is 100% and Mr. Fowler explained that some classes are pass/fail and letter grades are not provided so it was designated as a satisfactory grade. 258.13 - Travel allowance is to be consistent with GSA per diem. 258.14 - Affirmative Action – under g. includes the clause “and/or designee,” in case there is an EEOC compliance officer. 258.15 - Ohio Deferred Compensation - just cleaned up the language. 258.16 – Pensions... clarifies language removing ambiguity. 258.17 -OPERS - same intent to clean up language. 258.18 - Cell Phone – eliminating city cell phones and offers a stipend for a personal cell phone used for City business and the employee will be responsible for all maintenance costs of the device. 258.19 - Direct Deposit - all compensation is to be done by direct deposit. Mr. Tousley moved to the next Council meeting, seconded by Mr. Karant.

Roll Call: Yes: Tousley, Karant, Gainer
No: None

Motion Passed: 3-0

C. Appointment to the Mosquito Abatement District Advisory Council (DAC) with supporting legal opinion clarifying membership eligibility. Mr. Tousley stated that this has come up at previous meetings and he thought Mr. Gainer was agreeable to serving. Mr. Markey said that he sent an email quoting statute that it needs to be a paid employee not just a board or commission member. Mr. Gainer read the rules of the MAD District and it states there must be a city employee of Barberton, Norton or Health District. Ms. Whipkey said the Health District had asked to be removed from the MAD District. Mr. Gainer said presently the requirement is not being met. He questioned how an Advisory member would advise them that they do not meet minimum ORC requirements of having an employee from one of the cities. Mr. Kernan asked for clarification as to why Mr. Gainer would not be considered an employee and Mr. Markey

discussed the Council was making an appointment to the Advisory Committee. Mr. Gainer described the responsibilities as an advisory member and asked for corrective advice from Mr. Markey. Mr. Markey said he could advocate his position but they most likely have their own counsel and any problem should not be discussed here. Mr. Tousley motioned to appoint Mr. Gainer, seconded by Mr. Karant.

Roll Call: Yes: Tousley, Karant, Gainer, McGlone, Whipkey, Kernan
No: None

Motion Passed: 6-0

Ms. Whipkey shared the draft letter regarding ORC Section 6115.321, giving the City the right to remove itself from the Mosquito Abatement District. She encouraged Council members to review and if in agreement, to sign and it will be forwarded to State Legislators. Mr. Kernan suggested that the original be put in folder outside the office and allow members to sign in the next couple of days.

Mr. Gainer referred to an ABJ article said that Akron uses Green Leaf family centers for drug abusers. He contacted Judge McKinney and he indicated that he uses Green Leaf, as well. Mr. Gainer would like to invite him to present to City Council and the public about how his Drug Court works. Mr. Kernan agreed that would be interesting and asked the Clerk to contact the Judge and find out what his schedule would fit in over the next few Mondays and coordinate with Mr. Pelot.

Mr. Gainer requested a Wolf Creek Watershed Update – Mr. Markey did not have details. Mr. Fowler said it was filed in court and is still pending. An update will be provided.

Mr. Gainer explained that a resident contacted him with concern that a business that owns a property on edge of Wolf Creek and has been working on a Corp of Engineer permit to fill in an area. There are criteria on how the work was supposed to be carried out. Mr. Gainer concerned they have encroached on the creek, and it appears that the creek has been narrowed at 261 and Barber Road. Mr. Gainer asked if Mr. White could follow up on that project. Mr. Fowler agreed.

Mr. Karant said that since Aug 2009, he has served on the County Board of Health and has provided Council with quarterly reports. He would like to address Council with the current report. Mr. Kernan suggested he coordinate with Mr. Pelot to provide the report under Reports from Boards and Officers.

Mr. Gainer asked Mr. Fowler the status of the house on Haynes Street. Mr. Fowler reported that it was demolished the day after Christmas.

Topics For Next Work Session – Tuesday, February 20, 2018

A. Appointments to Boards and Commissions

Public Comment - None

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:21 PM.



Scott Pelot, President of Council

NOTE: THESE MINUTES ARE NOT VERBATIM

**ORIGINAL SIGNED AND APPROVED MINUTES
ARE ON FILE WITH CLERK OF COUNCIL.**

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