



COMMITTEE WORK SESSION JANUARY 19, 2010

Committee Members Present: Todd Bergstrom
Don Nicolard
Brenda Hlas
Bill Mowery
Ken Braman
Scott Pelot
Mike Zita

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

The Committee Work Session convened on Tuesday, January 19, 2010 at 7:00 PM, in the 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.

General Topics of Discussion:

City Wide Trash Service

Mr. Bergstrom stated that he has submitted some research he recently found on the City of Kent, which recently implemented a single carrier for trash service, and turned this discussion over to Mr. Ryland for any further information. Mr. Ryland stated the purpose is to try and protect our residential roads. Mr. Ryland related to a report he had from the City of Fort Collins, Colorado and the University of Oregon. These reports reference the term of equivalent single axle load, which means the weight of a vehicle going down the road. The calculation is $x \div 18,000 \times 4$. A single garbage truck fully loaded going down the street is the same as 34,000 cars making the same trip. Roads currently in Mt. Vernon are designed for twenty years, with this type of truck traffic this is additional wear and tear on our streets. We do not have a road levy to pay for the paving of our streets, although we are doing a pretty good job of keeping up the roads by paying out of the General Fund. However this does not stop the deterioration that is taking place. We are also approaching a point where we will be on a do not plow listing for some roads in the future. Mr. Ryland acknowledged there would be some pros and cons to this issue and asked Council for the authority to advertise for bids, which he felt would be in the best interest of the residents. Mr. Bergstrom indicated that from the information he read from

Kent, their residents were able to save between 10-40% from their current billing. Mr. Bergstrom stated he could not recommend just doing this for a cost savings factor to the residents, you have to look at the big picture here. There are many other benefits, less traffic, less accidents, etc. Mr. Bergstrom stated he we need to spend more time on this before we get to the bid stage to make sure we have everything in our contract that we want for our city. Mr. Bergstrom indicated he would like to hold a few more Committee Work Sessions to streamline this contract issue. There was discussion on what or construction design standards are for new roads and if they are sufficient enough to handle these heavy trucks. Mr. Ryland indicated that our road standards were upgraded some time ago to address that. Mrs. Hlas suggested we review the contract we did with J & J Refuse as a comparison. Mr. Bergstrom suggested we invite some officials from the City of Kent to attend one of our Work Sessions for some input. Mr. Pelot felt we could wait on that idea until we had a better handle on what we wanted within our contract, then invite them. Mr. Mowery asked how many trash haulers we currently have in the city and Mr. Ryland replied between 9-11. Mr. Mowery stated the problem when we first brought this forward and will be again, is that the residents want the ability to have the right to decide what's best for them and make their own choices. Mr. Ryland understood Mr. Mowery's comments, adding that we cannot continue to let these roads fall apart and if we cannot get voters to support a dedicated road levy what other options are there? We try our best to keep up with the roads and patching with the Durapatcher, but keep in mind that is not a road paving machine-it's just to repair the roads and it does a great job. Mr. Zita agreed, adding that the Durapatcher is not a road program, it never was presented as that, its just a road repair program. Mr. Mowery stated it was presented at the time as a money saver and a time saver for the city. Mr. Mowery asked isn't this a little extreme saying we need to repave roads because of trash trucks? Mr. Ryland replied no. Mr. Bergstrom stated we need to show the residents we have a plan to make our community better to draw in new residents and businesses here. Mr. Nicolard stated this is no different than if the city invested in the trucks and hired 5-6 new employees to do this ourselves, and Council would mandate that. It's no different than with a contractor, it's simply cheaper for the city to hire that service out. Mr. Bergstrom moved to continue this to the next Committee Work Session.

Council Rules

Mr. Pelot stated that each year Council reviews the Council Rules and makes any changes if necessary, and asked Council if they have any suggestions? Mr. Nicolard submitted his suggestions in writing (see attached). Mr. Zita noted a change on page #6 under Rule 202-Committee Work Session Meetings relating to "*and sign in on the public comment form*". Mr. Zita stated in the past we have not done this and it's not necessary to require it now, this section should be removed. Mr. Zita commented on Rule 204 page #6 & #7 relating to "*no Council Member shall speak more than twice on any question*". Mr. Zita stated that he felt we really don't limit Council members reply and the Council President could limit this. Mrs. Hlas commented about the service of notice on Special Council Meetings Rule # 108, page #4 & #5 relating to "*shall be personally served to the Mayor and Council Members or left at their usual place of residence by a Norton Police Officer*". Mrs. Hlas asked where this came from or if this was also in the Charter?

Mrs. Richards stated she could not recall for sure. Mrs. Richards read the section of the Charter which states: *"..written notice of any such meeting shall be personally served upon each Councilperson and the Mayor or left at the usual place of residence at least twelve hours prior to such meeting. Service of notice of any special meeting shall be deemed conclusively to have been waived by the Mayor or by any Councilperson who shall be present at such meeting"*. Mr. Nicolard stated that there could be a state of emergency at some point and we may not have normal communications, so service by Police Officer may be necessary. Mr. Nicolard suggested leaving this as is. Mrs. Hlas stated we used this twice over Christmas break and felt service by a Police Officer was unnecessary. Mrs. Hlas stated we could even sign something when we pick up our notice or something. There was discussion to modify this section to match what the Charter states and Mrs. Hlas stated since the Charter says it must be personally served, and however we accomplish that should be sufficient. Mr. Kostoff stated he agreed it should mirror the Charter. Mr. Mowery discussed the five-minute rule for the public and the fact we have no time peace to display for the public showing them the balance of their time. He would like to see something in place as other communities have something to address this. Mr. Braman stated that he has said all along and was even quoted about it, that he was not in favor of changing agenda items only at a Council meeting. Mr. Braman stated he felt the people should be able to speak on whatever they want to at either meeting. Mr. Braman stated we would be best served if we left that part as it is now, he would not support changing that as proposed this evening. Mr. Pelot discussed Rule 202, Addressing Council, page #6 and felt that when we have a special provision for the agenda allowing certain groups reporting to Council or giving a presentation, to give them first opportunity after Roll Call. Mrs. Hlas stated that is within the authority of the President of Council and he or she usually knows ahead of time that they are attending. Mr. Pelot directed Council to continue to look over these items and note any other suggestions and we would continue this for the next Work Session in attempts to get a final draft.

Sale of Municipal Property-Lahr HVAC

Mr. Zita explained that previously a resident approached the Council asking to purchase the heating and air condition units from the Lahr house before it was torn down. Council did approve that transaction by a vote of Council and gave the resident permission to do so. Since then a question has come up as to whether legislation needed to also be adopted for this transaction and he turned this over to Mr. Kostoff for the details. Mr. Kostoff explained the details of the newly adopted and voter approved Charter Section 5.10, which states: *"When determined by Council that property of the Municipality is no longer needed for municipal purposes, such property may be sold and disposed of in a manner determined by Council to be in the best interest and financial advantages of the Municipality"*. Mr. Kostoff stated that he would like Council by motion tonight, approve language stating that this property is no longer needed for municipal purposes. Mr. Kostoff stated he was asked if we needed legislation for this and his initial inquiry was with the Finance Director and what the Auditor required. Mr. Kostoff stated the Auditor did not come back with direction that they wanted legislation or anything like that. Mr. Kostoff stated these items were more of scrap value in nature in terms of the costs.

If we were talking about something in value of \$100,000.00 or more he would be asking Council to consider proper legislation for that. Mr. Zita moved that the property that came out the Lahr House was no longer needed for municipal purposes, and we had an opportunity to dispose of them and we did so, specifically the HVAC and the furnace, seconded by Mr. Pelot.

Roll Call: Yeas: Zita, Pelot, Bergstrom, Nicolard, Hlas, Mowery, Braman
Nays: None

Motion passed 7-0. Mr. Pelot questioned for future reference, at what amount would legislation be required for something like this \$5,000-\$10,000? Mr. Kostoff replied that is really up to the judgement of Council and at any point if the majority of Council asked or if he or the Finance Director felt it was necessary, legislation would be prepared. Mr. Nicolard also questioned if at a certain value wouldn't we be auctioning or accepting bids? Mr. Kostoff answered it could be the awarding of a contract by the Board of Control.

Re-appointments to Boards & Commissions

Mr. Pelot stated Mayor Koontz has proposed Mr. Don Welch as a replacement for Todd Bergstrom on the BZA for the unexpired term of February 29, 2012. Mr. Welch was present in the audience. Mr. Nicolard stated Mr. Welch is an upstanding resident in our community and felt he would do a wonderful job for us. Mr. Pelot moved to add this to Councils next agenda, waiving the second and third readings with emergency language, seconded by Mr. Nicolard.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Mowery, Braman, Zita
Nays: None

Motion passed 7-0.

Mr. Pelot stated Mayor Koontz has proposed Mrs. Nancy Delnay to a reappointment on the Norton Health Advisory Board, as her term expired on December 31, 2009. Mrs. Delnay has expressed interest in serving a second term ending on December 31, 2013, and Mrs. Delnay was present in the audience. Mr. Pelot stated he has had the opportunity to have one meeting with Mrs. Delnay so far and was pleased with everyone's performance on the Health Advisory Board. Mr. Pelot moved to place this on Councils next agenda, waiving second and third readings with emergency language, seconded by Mr. Nicolard.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Mowery, Braman, Zita
Nays: None

Motion passed 7-0.

Resolution of Appreciation-Bergstrom

Mr. Pelot stated Mayor Koontz has asked for a Resolution of Appreciation for Mr. Bergstrom's service on the BZA. Mr. Bergstrom served an unexpired term from October 18, 2004 to February 28, 2006, then a full term from March 1, 2008 until December 31, 2009 when he won the seat on Council. Mr. Pelot thanked Mr. Bergstrom for his commitment and time served on the BZA. Mr. Pelot moved to place this on Councils next agenda, waiving second and third readings with emergency language, seconded by Mr. Nicolard.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Mowery, Braman, Zita
Nays: None

Motion passed 7-0.

Approve Union Contracts

Mr. Pelot stated the Clerical and Service unions have come to an agreement and tonight Council is asked to approve executing and delivering the agreement with the AFSCME units. Mr. Ryland asked Council to accept that agreement as proposed. Mr. Ryland indicated a wage increase of 2% for 2010 and 1.0% from January 2011 to July 2011 with a wage re-opener. Mr. Ryland stated he asked for a wage re-opener because the health care is to be reviewed at that time. Mr. Ryland stated that Council President has a redlined copy of each contract for review, as there are so many pages to make individual copies for everyone. Mr. Ryland stated that some people might ask why didn't we ask for a wage freeze for this year? Well, all employees last year took a wage freeze, no one received a pay increase. This speaks well to the collective bargaining employees who recognize the limited funding and reduction of resources; it shows they really care about what takes place in the city. Mr. Ryland stated that with this being his first round of negotiations, we have three of the contracts completed before their expiration date, and the other two are forthcoming. Mr. Ryland stated with sixty (60) percent of the contracts reaching tentative agreements, we have spent twenty (20) percent less of the attorney costs for labor negotiations. Mr. Ryland commended Attorney Gina Coleman of Roetzel and Andress for her hard work, and this saved the city a lot of money. It was a good decision to have all of our eggs in one basket with having Roetzel and Andress here. Mr. Pelot asked with the 2% increase, what is the total dollar amount? Mr. Moss replied he did not have that figure with him but would provide that at the next meeting. Mr. Pelot asked how many employees this covers? Mr. Ryland replied ten (10) in the Service Dept. and fourteen (14) in the Office-Clerical. Mr. Pelot moved to place an ordinance authorizing the City Administrator to execute and deliver a collective bargaining agreement between the City of Norton and the AFSCME Office and Clerical Workers on Councils next agenda, waiving second and third readings as an emergency, seconded by Mr. Nicolard.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Mowery, Braman, Zita
Nays: None

Motion passed 7-0.

Mr. Pelot moved to place an ordinance authorizing the City Administrator to execute and deliver a collective bargaining agreement between the City of Norton and the AFSCME Service Workers on Councils next agenda, waiving second and third readings as an emergency, seconded by Mr. Nicolard.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Mowery, Braman, Zita
Nays: None

Motion passed 7-0.

Purchase of Real Property-Lindeman Parcel

Mrs. Hlas stated that in late 2009 we adopted Ord #109-2009 authorizing the purchase of the Lindeman property for \$190,000.00. Tonight we need to authorize and approve legislation for a note to process the required paperwork. Mr. Moss stated this is simply the financing and we do not have the cash to pay it off. We need to finance that over a period of years, and would like to reserve the time to see what the interest rates, maybe in the five (5) to maybe seven (7) year ranges. If we say up to \$190,000.00 no more than seven (7) years, he would be fine with that. Mr. Moss stated the draft legislation prepared states 240 months, which is twenty (20) years. When we look at the fire station we would need a longer period of time, but not for the purchase of this land. Mrs. Hlas moved to add the issuance of the note for \$190,000.00 not to exceed seven (7) years on Councils next agenda, waiving second and third readings with emergency language, seconded by Mr. Bergstrom.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Mowery, Braman, Pelot, Zita
Nays: None

Motion passed 7-0.

Establish New Fund

Mrs. Hlas explained we need to set up a new fund for highway planned construction for grants coming in for Greenwich Road. Mr. Moss added that this is Stimulus money, which we did budget for, but as a requirement of the grant we need to establish a separate fund and this is more of a housekeeping issue. Mrs. Hlas moved to add this to Councils next agenda waiving second and third readings with emergency language, seconded by Mr. Bergstrom.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Mowery, Braman, Pelot, Zita
Nays: None

Motion passed 7-0.

Unfinished Business:

Mr. Zita reminded everyone that next week we will have the third reading on the additional funds requested by the architect for the new fire station. Mr. Zita stated that prior to that he wanted to have a discussion.

Mr. Zita stated that some site work was done already by another company and he is in favor of deducting the \$45,000.00 that is being requested. Mr. Ryland stated that it is standard in the industry that architects are paid at seven (7) percent of the construction costs. We did contract with GPD Group and some site work and storm water run off. Mr. Ryland stated that although more work was done that may have been necessary, he would not pay that \$45,000.00 more like \$30,000.00 would be fair. Mr. Moss stated he felt when the 7% was calculated it did not include the site work, so we should not be paying him something he did not do. Mr. Bergstrom stated he had a problem paying this without knowing what his actual scope of services are, not that he was arguing that he deserves more, he just wants to see the scope of services. Its simple math here and he wants to see the original contract, the changes, you add and subtract, and it should be real simple for him to provide that to us in writing. Mr. Ryland stated we could ask for a modification and backup. Mr. Nicolard asked if we received a bill? Mr. Ryland replied no, he has not provided a bill, he has come back to us and said he has done work in excess of \$120,000.00 and wanted to know if we would modify the contract. Mr. Mowery stated we have legislation and a contract for \$120,000.00 and the simple part of this should just be no. Mr. Bergstrom stated if he submitted a modification request Council could review that and make a decision. Mr. Nicolard asked if this was like a tip? Mrs. Hlas and Mr. Pelot agreed with Mr. Bergstrom's comment. Mr. Mowery stated the way the economy is and in this community, it should remain at the agreed contract of \$120,000.00, we can review the modification but the answer may remain the same. Mr. Nicolard asked if there are any legal ramifications if we follow Mr. Mowery's suggestion of saying no and holding to the \$120,000.00 as agreed. Mr. Kostoff preferred not to respond, in lieu of possibly jeopardizing our position. It's my responsibility to defend and protect you and this is exactly one of the reasons I have asked you to consider executive sessions. Mr. Kostoff stated that Mr. Bergstrom's comment was a good one, as a professional vendor he should provide documentation to shed some light as to how he came to make these changes. Mr. Zita asked to have this information to Council before the vote of Council next week.

New Business:

Mr. Bergstrom discussed a Quality Based Selection Process, which is a process used by most municipalities and counties when selecting professional engineers, architects. Normal process of selection is based on qualifications, abilities, and the approach to each specific project. Negotiating the scope is the biggest part of this process, which could have helped in our discussions with the current architect situation. Mr. Bergstrom stated he would like to have this discussion at the next Work Session. Mr. Bergstrom discussed our road conditions and the need for a road paving rating system. Mr. Bergstrom stated he wanted to know how it is determined what road gets paved first, last, etc. Mr. Ryland stated that we do have a complete inventory of our roads, and some are in bad shape. The roads we do first are the ones we can get AMATS or other grant money for. We do not have enough money in a road program to complete much of a road program. Mr. Bergstrom asked about the FirstEnergy opportunity with the mines, and if there was anything we could do to facilitate this process?

Mr. Ryland answered at this point, we just need to sit back and do nothing. The legal teams on all sides are reviewing the contracts regarding this and will advise accordingly.

Public Comment-Agenda and Non Agenda Items:

Mr. Brian Adair, a Norton resident, commented about being a new resident to Norton since last August, and discussed the one trash hauler idea. Mr. Adair stated that the damages you claim by garbage trucks are not the only big trucks, you have septic trucks, Home Depot and Lowe's, etc. This is just a band-aid approach, and questioned what roads were paved in Norton this year? Mr. Adair stated he works for a trash hauler, he drives a tandem axle truck and hauls six (6) tons of trash out of Norton every Thursday. He is fighting for his job once again; he lost his job a few years ago because of the auto industry. Mr. Adair asked about the income tax that these various trash haulers are paying? Who is going to do the billing, and have you thought about all the costs associated with that? Mr. Adair stated he was all for a road levy, we should have done one a long time ago. One contractor a day will only just bring in the biggest trucks they can and collect as much as they can in one day. Mr. Adair stated it seems like you have already made up your mind, and then he would lose his job. Mr. Adair questioned if you do this, would his road be any better next year?

Mr. Mike Meden, a Norton resident, asked Council to help in a fund raising for next years Cider Festival in addition to other events, such as the concert series, etc. Mr. Meden stated it was very rough on his own doing it this year, although he did have the help from Mr. Moss and Mr. Ryland. Mr. Meden stated he even had two (2) men who came from Florida just to help, they were thrilled with the help from our citizens setting up and tearing down the equipment. Mr. Meden stated if we could get city officials involved in a golf outing fund raiser, it would be a great benefit. Mr. Meden suggested we strive to rival what the Portage Lakes does every year, and its all by donations. Mr. Meden stated he had talked with Mayor Koontz about this and he is considering setting up a committee to get this moving. Mr. Meden briefly touched on the trash hauler issue, adding that an ounce of prevention is worth a pound of cure. We need to be proactive instead of reactive here, and he would also like to see a recycling program.

Mr. Dan Karant, Member of the Norton Business Development Task Force, spoke relating to their request for the City to prioritize funding and efforts to guide the City planners and Council for future directions. Mr. Karant read a report to Council (see attached).

Topics for the next Work Session:

Council Rules, Quality Based Selection Process. Mr. Moss indicated he would be ready to discuss Gardner Blvd. Phase III, and general discussion for the financing of the new Fire Station.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:49 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.