



COMMITTEE WORK SESSION MAY 7, 2012

Committee Members Present: Charlotte Whipkey
Dennis McGlone
Scott Pelot
Bill Mowery-Excused
Todd Bergstrom
Ken Braman
Don Nicolard

Also Present: Mayor Mike Zita
Rick Ryland
John Moss
Pete Kostoff
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, May 7, 2012 at 7:02 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Don Nicolard, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent reflection.

General Topics of Discussion:

Bond Refinancing

Mr. Nicolard turned this discussion over to Mr. Moss for the details. Mr. Moss stated we are in a window of opportunity to refinance bonds from 2003. Mr. Moss proposed addressing everything still owed from 2003. Rates are lower now than they were in 2003 and is a standard savings of 3% or \$66,000.00. Mr. Moss stated he would like to move ahead in the preparations as long as we meet the necessary thresholds, and he would come back to Council later with a full report and then ask for required legislation. Mr. Pelot asked about the length or term for these bonds and Mr. Moss replied he is not looking to change the original length or term, only the interest rate and our long-term costs. Mr. Pelot discussed doing others bonds now at this lower rate; it would be great if we could. Mr. Moss replied not at this time. Mr. McGlone asked if this was a fixed or a variable rate and Mr. Moss replied all city investments have a fixed rate only. Ms. Whipkey inquired if this process would require the use of a bond counsel and if so how much is that going to cost? Mr. Moss replied this would require that service and he was not sure on the total costs involved, but would advise when he does know.

Bond Refinancing Continued:

Mr. Nicolard discussed the transition of Mr. Moss to the Director of Community Development soon and would he be comfortable leaving that to someone else to finish? Mr. Moss indicated he has no intentions on leaving this unfinished. Mr. Pelot inquired as to the status of a replacement Finance Director. Mr. Moss stated that since the legislation did not pass with emergency language it does not take effect until this Wednesday, May 9, 2012. Ms. Whipkey stated she understood Mr. Moss was not to leave as Finance Director until the audit was done. Mr. Moss stated he is staying on until that audit is done and some backlog work is resolved. Mr. Moss also noted he is confident that his replacement would be able to handle these issues.

Fire Code

Mr. Nicolard turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated this is boilerplate legislation and that the State Fire Marshall updates the code periodically. The last time we adopted this was in 2005. Ms. Whipkey asked for clarification on this, are we adopting under state law and is this something that is mandated? Mr. Kostoff answered that if you are to uphold your fire protection this needs to be in place. Mayor Zita stated that in most instances of a fire the State Fire Marshall's office usually appears to assist in the investigation and finding the cause. Ms. Whipkey discussed a concern a constituent brought to her attention about pending legislation in the State where residential inspections would be permitted to inspect your home for clutter before any problems arise. Mr. Kostoff noted he knew of no such legislation. Mr. Kostoff suggested Council move forward with a first reading only and ask your Fire Chief to attend a meeting and provide more details before adopting. Mr. Nicolard stated he would like to have the Fire Chief present at our next work session. Mr. Kostoff urged Council to move forward soon with this because he has concerns with our legislation being so out of date and if it's even enforceable. Mr. Nicolard moved to place this on Council's next agenda for a first reading only with emergency language, seconded by Mr. Braman.

Roll Call: Yeas: Nicolard, Braman, McGlone, Pelot, Bergstrom
Nays: Whipkey

Motion passed 5-1.

Unfinished Business:

Mr. Bergstrom discussed the process for mowing weeds as he has received a resident's complaint a while back that has not been addressed, indicating that maybe it's just poor timing or something. Mr. Ryland stated that it's not poor timing, we were only able to recruit two (2) seasonal laborers this year and we are down one laborer, which will be replaced here shortly. Mr. Nicolard asked the Clerk of Council to read a letter to Mayor Zita signed by all Council regarding the concrete pad for Safety Town (see attached). Mr. Nicolard noted this letter was not timely served to Mayor Zita and he had questioned the procedure of the Board of control on this issue. Mr. Nicolard stated he did discuss this with Mr. Kostoff and as he understood any contract under \$25,000.00 does not have to go through the Board of Control.

Unfinished Business Continued:

Mr. Kostoff clarified that what he told Mr. Nicolard was that if the expenditure was within the approved budget, it was not required. Mr. Nicolard noted the key words here are “if it’s within the budget”. Mr. Nicolard questioned why do we even have a Board of Control in the first place? Mr. Bergstrom expressed his issues with the Board of Control. Mr. Kostoff explained that prior to the last Charter change, that limit had a lessor amount. Mr. Kostoff explained that with the Charter change to Section 5.03 approved by the voters in November of 2011, it reflects the same as in ORC Section 735.05 which states: *“The director of public service may make any contract, purchase supplies or material, or provide labor for any work under the supervision of the department of public service involving not more than twenty-five thousand dollars. When an expenditure within the department, other than the compensation of persons employed in the department, exceeds twenty-five thousand dollars, the expenditure shall first be authorized and directed by ordinance of the city legislative authority”*. There was brief discussion on the competitive bidding process and the language in the Charter, and that perhaps there were changes to that section that has not been updated yet. Mr. Kostoff noted that there was not Charter change to the competitive bidding section. Mayor Zita commented on the fact that it took this Council 6 weeks to pass legislation to officially adopt all of the ordinances from last year, so no wonder everything might not be updated. Ms. Whipkey asked for clarification and asked this does or does not have anything to do with the Board of Control Charter change? Yes, Mr. Kostoff replied, that if the more restrictive old limitations remained then this would have been required to go out for bids. Ms. Whipkey asked then why did the last two items under \$25,000.00 go through the Board of Control? Mr. Moss replied because those were for professional services. Ms. Whipkey said so basically what you are saying is that it really just depends on the Administration. They get to choose what they want to bring to Board of Control, in light of the fact they were aware that Council and the Parks Board were not in agreement with it. Ms. Whipkey discussed a copy of the purchase order for \$24,990.000, which was requested by Ted Weinsheimer and stated she wanted a copy of that contract with Brogan Concrete. Ms. Whipkey asked who actually asked for this? Mr. Moss stated it was not intended that Mr. Weinsheimer was the one asking for this. Ms. Whipkey asked then who was it? Mayor Zita stated it was decided upon by his Administration. Mr. Bergstrom stated he thought the whole reason for the Charter change was to be able to move forward without having to micromanage issues, but that is not what is happening here. The perception here is that we are trying to sneak it through the system. We need to change the way we are doing things here in our process; otherwise we can’t trust what is going on. Mr. Ryland stated that Mr. Conklin publicly stated at the last meeting that he failed to make contact with Mr. Moss about this issue. Mr. Bergstrom argued that Council needs to be informed, and that’s your job. Mr. Ryland argued it’s not my job to feed you information, Council needs to get up and walk over to Administration and find out what is going on. Mr. Bergstrom stated information could be emailed. Mr. Ryland stated that if they didn’t have so many public information requests they probably could. Mayor Zita commented on the fact that we don’t even have 25 pieces of legislation and it’s nearly the middle of May. Nothing is getting done, and with all of the recent public records requests, it’s just impeding the process. Mayor Zita noted when he was on Council in the past on any given year there was over 100 pieces of legislation adopted.

Unfinished Business Continued:

Mr. Bergstrom stated we all may have faults but our biggest problem is that Council is not getting the information we need. Mayor Zita stated that after the last meeting he did speak with Mr. Conklin and after a walk about in the parks Mr. Conklin did agree this was the best location. Mayor Zita stated the Parks & Recreation Board and others are a recommending body, and we did get 3 bids. Mr. Bergstrom stated this should have been a simple process here and it wasn't. We need more transparency. Mr. Bergstrom suggested each Committee hold a monthly meeting regardless if they have something on their agenda, just to ask Administration what is going on. Mayor Zita stated that as Council members you do not need to file a public records request to get documents, if you want something call or come into city hall and ask for it. Mr. Nicolard stated he did instruct the representatives from the Parks Board to come and speak at the last meeting because one of the members contacted him about this issue. Mr. Nicolard questioned the statement about not enough legislation for this year. Mr. Nicolard called attention to the Matters Referred listing and just how many items are still sitting there because we are waiting on information from Administration or discussions to continue. Mr. Nicolard stated he feels he does his best to get legislation passed when it's presented to Council. Mr. Nicolard stated he also feels this Council is doing a good job. Ms. Whipkey took issue with the comment about email information requests and she will continue to submit hers in writing because this way it eliminates any questions of what she is asking for. Ms. Whipkey also took issue with the comment on lack of legislation and that some pieces we did pass had to go back for amendments, so to say that Council isn't passing enough is not right and she refused to have that all put on Council. Ms. Whipkey stated that the \$24,990.00 is not a small amount of money, in fact she had asked for \$25,000.00 to be set aside in the budget so we could get televised meetings back up but was told we didn't have the money. But now all of the sudden we can spend nearly that same amount on a concrete pad. Ms. Whipkey stated that the Administration knows what they are up to on a daily basis, how is Council supposed to know, do we just show up once a week or so and ask what's cooking?

New Business:

None

Public Comment-Agenda and Non Agenda Items:

Mr. Tom Kornas, 3771 Brookside Drive, Norton, Ohio, commented about all of the discussion on the concrete pad and wished everyone had as much compassion about the sewer issues. Mr. Kornas stated he would like to see some plans like a timetable, and the costs so that the residents are not so blindsided by all of this. Mr. Kornas discussed the comments made about "the sins of our fathers" adding that he really doesn't understand why we are the ones to pay for that now. He would like that comment explained and the financial hardship on the citizens is too much at this time.

Mr. Alan Ando, 3216 Greenbriar Drive, Norton, Ohio, stated he agreed with all of the previous speakers' comments. Mr. Ando stated he would like to see the EPA's agenda for these so called mandates and what is mandatory and not mandatory.

Public Comment-Agenda and Non Agenda Items:

Mr. Ando talked about the two (2) types of water run off and gave examples of each. Mr. Ando suggested the city hold a large town meeting like at the high school before the vote to inform the residents on the facts. Mr. Ando stated this is just bad timing, and is something that could have been done 30-40 years ago as a village when it was cheaper. Mr. Ando stated he did not feel the residents are being told the whole truth on this issue.

Topics for the next Work Session:

Mr. Bergstrom discussed the Brentwood estates group of residents that are working on a petition to present to the city to self assess the residents for proper road repairs. Mr. Bergstrom stated if they are serious they will want the city's involvement with their engineering and we need to have discussion on this. Mr. Pelot noted that even if they do a petition this is still handled by the Administration, not the residents. Mr. Bergstrom stated we need to be in tune with these residents and suggested having their chairperson of the group attend our meeting so we all get the facts at the same time. Mr. Ryland stated there is a mechanism in place that does require 51% participation of the residents involved. Ms. Whipkey asked about the status of the previous contractor's quality of work and Mr. Ryland stated he did come and inspect the area and agreed there was a problem on Driftwood and it would be redone at no cost to the city.

Mr. Ryland stated he placed a proposal from Solar Planet for all of the city buildings to go green in Councils mailboxes and asked to have discussion at the next work session.

Mr. Nicolard briefly discussed some changes to the Council Rules in regards with requests for legislation from Administration. He would like all legislation directed to him and then he would assign that to a separate committee for them to hold a meeting and discuss before coming to Council floor. Mr. Nicolard stated he did not want to have issues in the future with other non-committee members not attending those meetings and having to completely repeat the process during Committee of the Whole. Mr. Nicolard stated if this gets approved, you all need to have faith in your fellow committee people for their research and work on the subject matter. Mr. Nicolard stated he has been working with the Clerk of Council on the drafted changes and would be fine tuning this. Mr. Pelot stated he would not be at the next meeting and offered his suggestions. Mr. Pelot stated Council needs to be very careful not to micromanage the Administration or prevent them from doing their jobs. We need to be careful not to let the legislative process get in the way. Mr. Pelot stated that Administration staff has slimmed down in all areas and everyone is wearing many more hats than before. Mr. Pelot stated that when you take a public position, you expect things that are normally private to become public. Mr. Pelot stated that is, except your medical information. Mr. Pelot stated he owes it to his constituents to keep them informed. Mr. Pelot stated he has been diagnosed with lung cancer and will be missing some meetings but he would continue.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:10 PM.

Don Nicolard, President of Council

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

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