



COMMITTEE WORK SESSION NOVEMBER 18, 2013

Committee Members Present: Dennis McGlone
Charlotte Whipkey
Scott Pelot
Bill Mowery
John Conklin
Todd Bergstrom
Don Nicolard

Also Present: Mayor Mike Zita
Rick Ryland
Laura Starosta
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, November 18, 2013 at 7:00 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:

Crosswalk-Barber Road

Mr. Nicolard noted that the Safety Committee has recommended this crosswalk be put in place. Mr. McGlone stated this did not go through the Planning Commission as required in Charter Section 6.02 B Alteration of any public street, and asked Mr. Kostoff to advise. Mr. Kostoff stated after a quick review of that Charter section, he would need time to look at the term alteration and what past practice has been in the community. Mr. Nicolard stated we have installed two stop signs since he was on Council, and neither of them went to Planning Commission and went to the Safety Committee, that he believes controls that, and Mayor Zita concurred. Ms. Whipkey stated stop signs are for everyone, and this proposed safety walk is to be in the control of some one to push a button, and not in control by the City of Norton. Mr. Nicolard argued that this is a safety issue and a traffic control device and a potential for a hazardous situation for people crossing the street. Ms. Whipkey stated a stop sign is a permanent fixture and not subject to fluctuating at any given time. Mrs. Starosta stated she understands the concerns of Council and recommended listening to the business owner's presentation. Mr. Nicolard introduced Mr. Adam & Duane Huff-Fred Martin Motors for their presentation. The Huff's stated they have a new car wash facility and quick oil change facility. Mr. Duane Huff explained the need of having their employees using this crosswalk with over 100 people crossing each day.

Mr. Adam Huff stated we had a traffic study performed to determine a need. The Huff's stated that it became crystal clear to them and based on the numbers in the study that an accident could take place. We propose to pay for the entire cost and turn the entire package over to the city, with the city maintaining this area. Mr. Duane Huff indicated the maintenance costs are approximately \$3,000.00 annually **over a five (5) year time frame**. Mr. Duane Huff stated our insurance would not cover any damages because it is in the right of way. Mr. Duane Huff proposed the City also pay for the traffic control of approximately 40 hours during the construction. Mr. Adam Huff noted there would be approximately twelve (12) jobs coming with \$600,000.00 in payroll coming into the City from that particular project. Ms. Whipkey asked if we have to split some of this with Barberton? Mr. Nicolard replied, yes the area is in the JEDD. Ms. Whipkey pointed out that Norton foot the bill and Barberton gets to collect on it. The Huff's also asked to reduce the speed limit from 35 MPH to 25 MPH, and Mrs. Starosta asked if this was discussed at the Safety Committee and Mr. Duane Huff replied yes. Ms. Whipkey asked about the traffic back ups with this congested area? Mr. Adam Huff stated he felt this is not an issue and it was addressed a few years ago when we attempted to put a traffic light in this area. Mr. Duane stated there is room for eight (8) cars to queue up to the signal. Ms. Whipkey still felt there would be a bottleneck for those turning north off the I-76 intersection. There was discussion back and forth as to the location of the crosswalk and the entrance and exit ramps causing an impact on the local traffic. Mr. Duane Huff stated the crossing is already happening now, and their concern is to protect safety to the public and our employees. Ms. Whipkey questioned if the City needs to purchase special equipment to properly maintain and Mr. Adam Huff stated it should be very minimum for the costs involved and pretty common equipment. The equipment being put in was modeled off of a company is historically known for commercial crosswalks and the initial cost was about \$82,000 with an expected life of twenty years. Mr. Duane Huff indicated we had vastly understated our costs and so far we are about \$20,000.00 above the upfront costs anticipated. Mr. Nicolard noted our hands are tied this evening until our Law Director makes a ruling, so no decision would be made this evening. Mr. Nicolard noted if we have that feedback it could be addressed next week during Committee of the Whole.

Watershed Conservancy District Presentation

Mr. McGlone turned this discussion over to Mayor Zita for the details. Mayor Zita noted we have a Summit County Councilwoman-Sandra Kurt was here in the audience. Mayor Zita introduced Mr. Jim Rozelle P.E., P.S for his presentation and overview of Ohio Revised Code Section 6101 (see attached). He explained a conservancy district is established by a Court with the Court having the ultimate authority as to what the district does outside of the State itself. It can provide assessments against the benefiting properties within the district to fund the program. Mr. Rozelle stated he believes a water conservancy district can do anything dealing with water resources within the state. Ultimately we need a petition filed with the Court and have Barberton, Norton adopt an ordinance supporting this and with Copley adopting a resolution, thus being filed with the Common Pleas Court asking the Court to establish the district. A board of directors is appointed by the Court after a decree on the petition and is typically made up of influential citizens that prepare an official plan on what the district will do, how it will be funded, have hearings, and adopt the plan. The Court would then need to approve the plan.

We need a regional approach to operate and work together to resolve some of the flooding issues. Mr. Bergstrom asked for a more detailed discussion for the costs involved and what we get for that. Mr. Rozelle discussed the costs and services for the Dayton area and explained that each parcel or tract of land would be assessed for the benefits received as a maintenance assessment although the property would not have to be directly flooded. We are talking about the Wolf Creek water shed, which includes Hudson Run and Pigeon Creek, and it is about 77.5 square miles of area and roughly 41,000 parcels in the area covered under various jurisdictions. Mr. Rozelle relayed that there has been a group working on this for several months and more talks are needed with Medina County and Norton, Barberton, and Copley Township to adopt resolutions for a petition to the Court. All the water shed area problems need to be addressed in order to alleviate the flooding problems. Mr. Rozelle stated if you have business property that is repeatedly flooded you will have FEMA money that covers 75% of the expenses, Ohio would pay 12.5%, and that would leave 12.5% paid through the conservancy district. Mr. Bergstrom asked if they have taken into account how much has been spent on flood damages for Norton and Barberton. Mr. Rozelle stated for the Norton, Barberton, Copley flooding in 2013 he stated that \$2 million was estimated for the last flood, and private money being added is more. Mr. Pelot asked about the eminent domain measure and has this been used? Mr. Rozelle stated that is there only for a last resort and in the 35 years he has been involved it has never been used. Mr. Pelot inquired as to how the project would be initiated if by petition or automatically? There was discussion of the petition process and then if the Court were to approve said district, there is a 2 year period that a plan that must be prepared with all estimated costs involved and breaks down with over 30 yrs for financing collected through some sort of assessment. That official plan comes back to the public and Council and you can either agree with the plan or not. Mayor Zita explained the problem with the flood is that all of this water enters the city and we need to take care of this before the floods arrive. Mayor Zita discussed past practices of pumping out basements in the White Pond area and our own communities. Mr. Rozelle stated the issue is to keep the water from coming here by storing it elsewhere. Mrs. Starosta asked who is responsible for obtaining the funding to prepare the plan? Mr. Rozelle stated the Ohio Water Development Authority, which is basically the bank for water projects, would be approached by the District to loan the money. Ms. Whipkey asked if the plan is completed, it's the legislative body not the public that says either yea or nay? Mr. Rozelle clarified the plan is officially filed with the Court and every citizen has a right to appeal the Court. The City could then file and say whether they agree or not and the Court could change the plan or discard the district and start over. Ms. Whipkey asked if the plan is not approved who then pays for it? Mr. Rozelle explained that you still have to have some type of assessment to pay for the plan. Ms. Whipkey stated this would be all of the property owners within this area, not just the ones impacted, and Mr. Rozelle concurred. Ms Whipkey asked how the parcel is determined, if it is by the size of the parcel, and Mr. Rozelle explained the method used for the Hocking Conservancy was based on both the area of the parcel and the impervious area of the parcel. It uses both the impervious areas and a runoff factor for all of the properties and this is a two phase process. Mr. Bergstrom asked who sets up this Board and what staff size is needed, and Mr. Rozelle stated it's the Judges from Medina and Summit County that appoint the Board. Mr. Rozelle used Maumee District as example of 2 staff, 1 admin assistant and 2 field agents. Hocking is about the same, and in the Miami District he had 75 people working for him.

Mr. William Paluch, 3740 Shellhart, Norton, Ohio stated we are fed up with assessments, go out and look for grant money. We have sewers and permit assessments coming to us at \$25,000.00 to \$30,000.00, we are tired of assessments and this town becoming a dictatorship. We are still going to have floods, and he is saying no. We have a school levy that just passed and we don't need another one.

Mr. Paul Tousley, 4536 Garrett Drive, Norton, Ohio asked what kind of guarantee or assurance that your plan would actually do the job? Mr. Rozelle stated he has never seen a plan fail once implemented that he was involved in. The State of Ohio has standards we must follow in whatever system we design. You will have engineers signing off stating this will would and the State as well. Mr. Tousley asked who is responsible for this if it does fail and Mr. Rozelle stated the District is ultimately responsible and we also have insurance to back us up.

Mrs. Whipkey asked if his company is the one preparing the plan and Mr. Rozelle replied no, not necessarily, he can or another company could do the preparations as well. He is only here to help set up the conservancy; he could do it, but it is ultimately up to the conservancy.

AMATS Projects Funding

Mr. Bergstrom stated we have three (3) potential areas for grant applications, two (2) on Cleve-Mass. Road and one on Medina Line. Mrs. Starosta stated the two (2) on Cleve-Mass relate to the widening project. Mr. Bergstrom asked about the one on Medina Line and is a joint venture with Medina County. Mr. Bergstrom asked if this a joint venture with them and Mrs. Starosta replied she was not sure, we are just applying for the grant. Mrs. Starosta stated we need this passed at the next meeting in order to file by the December deadline. Mr. Bergstrom asked if there are any changes to the Cleve-Mass Road costs and Mrs. Starosta replied no, that is still funded at 90% by AMATS. Mayor Zita noted that Mr. Dave White-Municipal Engineer was present for the discussions. Ms. Whipkey asked about the costs of the Medina Line Road project and she totals the costs of about \$200,000.00 for Norton's part and asked where is this money supposed to come from? Ms. Whipkey stated she added Sections 1, 2, and 3 and by rounding up our share that's over \$200,000.00, is that coming from the Road Program? Mrs. Starosta stated at this point she has not determined the funding source until we know if we have the grant. Ms. Whipkey stated she realizes we don't have a road program for 2014, which is her point, as we have no road program to address roads inside the City. She balks at the idea of repairing roads to go around the City. There was discussion that these projects would not come before 2015. Mr. Bergstrom indicated the problem with these kinds of grant applications is the roads addressed are not always the ones we feel need addressed. We need to first find out if we are awarded the grant, then figure out if we can afford our share later on. Mayor Zita noted the inner streets are not where you will find the funds being available. Ms. Whipkey stated she understands what Mayor Zita and Mrs. Starosta are saying and she asked Mr. Kostoff if we find out we cannot afford to do this are we legally bound to take it? Mr. Kostoff indicated he was not sure without looking at the grant application and that would be a good question to ask the City Engineer. Mr. Kostoff noted if this grant funding is received you just cannot use it anywhere, and he also suggested when the time comes you could also look at your permissive tax funding and this could be used as a local share. Ms. Whipkey noted she wants to have Mr. White-Municipal Engineer look into this and the permissive tax issue.

Mr. Kostoff stated part of the examination was just taking a look at the historical amounts received in permissive tax dollars and applying that over a period of time and perhaps borrowing over a short period of time to be repaid from the permissive tax monies. Mr. Bergstrom suggested between now and next week we have these answers and we only get one time a year to get applications. Mr. Conklin asked if we backed out would Medina County back out. Mr. Bergstrom moved to put Cleve-Mass Road-Shannon to Greenwich Road, with emergency, seconded by Mr. Conklin.

Roll Call: Yeas: Bergstrom, Conklin, McGlone, Whipkey, Pelot, Mowery, Nicolard
Nays: None

Motion passed 7-0.

Mr. Bergstrom moved for legislation for Cleve-Mass from Weber-Shannon, with emergency, seconded by Mr. Conklin.

Roll Call: Yeas: Bergstrom, Conklin, McGlone, Whipkey, Pelot, Mowery, Nicolard
Nays: None

Motion passed 7-0.

Mr. Bergstrom moved for legislation for Medina Line with emergency, seconded by Mr. Conklin.

Motion passed 7-0.

ORD. #82-2013-Me Too Clause-Non Bargaining

Mr. Mowery indicated we have discussed this several times and asked Mayor Zita about his concerns, and everyone on Council has seen this drafted legislation that addresses the three employees affected. Mr. McGlone stated he would rather see that we make sure Council address the non-bargaining people and create the proper legislation, rather than doing automatic raises right off the bat. Mr. Bergstrom and Mr. Pelot agreed, Mr. Pelot stated this could impact the bargaining units and put us in a bad situation. If the Council and Administration are doing their jobs we could address as Mr. McGlone. Ms. Whipkey asked if those raises have been approved and Mayor Zita stated this he would address this later in the evening. Ms. Whipkey asked how can we address this now since the Clerk of Court position has not been addressed? Mr. Mowery moved to let this die in committee, seconded by Mr. Pelot.

Roll Call: Yeas: Mowery, Pelot, McGlone, Whipkey, Conklin, Bergstrom, Nicolard
Nays: None

Motion passed 7-0.

Resolutions of Appreciation-Conklin, Mowery, Nicolard

Mr. Pelot stated that since Mr. Nicolard, Mr. Conklin and Mr. Mowery will be leaving us at the en of the year, he felt this was appropriate to address now.

Mr. Pelot moved to place a Resolutions of Appreciation for Mr. Conklin, on Councils next agenda, seconded by Mr. Bergstrom.

Roll Call: Yeas: Pelot, Bergstrom, McGlone, Whipkey, Mowery, Nicolard
Nays: None
Abstain: Conklin

Motion passed 6-0-1.

Mr. Pelot moved to place a Resolution of Appreciation for Mr. Mowery on Councils next agenda, seconded by Mr. Bergstrom.

Roll Call: Yeas: Pelot, Bergstrom, McGlone, Whipkey, Conklin, Nicolard
Nays: None
Abstain: Mowery

Motion passed 6-0-1.

Mr. Pelot moved to place a Resolution of Support for Mr. Nicolard on Councils next agenda, seconded by Mr. Bergstrom.

Roll Call: Yeas: Pelot, Bergstrom, McGlone, Whipkey, Mowery, Conklin
Nays: None
Abstain: Nicolard

Motion passed 6-0-1.

Establish Hearing Date Assessment Equalization Board

Mr. Conklin stated we have come up with the names and we need legislation according to the Ohio Revised Code to set the date of December 4, 2013 at 5:30 PM Mr. Conklin moved to add this to Councils next agenda with emergency language and waiving the second and third readings, seconded by Mr. Bergstrom.

Roll Call: Yeas: Conklin, Bergstrom, McGlone, Whipkey, Pelot, Mowery, Nicolard
Nays: None

Motion passed 7-0.

2013 Budget Amendments

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that you have her memo for the amendments for the Council Clerk and Admin. Assistant wage increases, the advances for recycling fund, and asked for emergency language and waiving of the readings. Ms. Whipkey asked if we have a use for the recycling grant and Mrs. Starosta replied yes, we plan to put concrete pads and fencing where the recycle bins are currently located. Mayor Zita stated the program we have with Summit County will no longer be in place for next year.

Right now Summit County is paying for the bins to be there for the community. The original plan we had for the nicer collection containers, but it was too costly with the current vendor. With that money available to us this year, part of that was reimbursable and we were encouraged to use those funds this year before. Mayor Zita stated that if we don't use the remainder of the funds this year, we will lose it, it does not roll over into next year. Mayor Zita stated we still get a credit for the recycling done in the City. Ms. Whipkey asked if this \$3,306.00 is enough and Mrs. Starosta replied no, we have \$8,000.00 remaining from previous years and she can use other funds from a prior grant to combine enough for the project at no added cost. Mayor Zita concurred there would be no additional funds needed and this would all be done before December 31, 2013. Mr. Nicolard moved to place this on Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Mowery, Bergstrom, Conklin
Nays: None

Motion passed 7-0.

2013 Advances

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that she needs to have the advance for the recycling from the General Fund for to the Recycle Fund in the amount of \$3,306.75 and would be repaid within the one year requirement under the Ohio Revised Code. Mr. Nicolard moved to place this on Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Mowery, Conklin, Bergstrom,
Nays: None

Motion passed 7-0.

Close Out Fund-Gardner Blvd. Phase III

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta stated we are no longer using Fund 503 which is the Gardner Phase III Fund and further explained that this project is complete. The Ohio Revised Code requires us to move any remaining funds into the Debt Services Fund. This legislation would close out that fund and move the remaining balance of \$4,614.82 into the Debt Services Fund #772. Mr. Nicolard moved to place this on Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Mowery, Bergstrom, Nicolard
Nays: None

Motion passed 7-0.

Creation of Funds 507-508

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that in the 2014 Budget there are two (2) new funds, 507-Wads. Road Sanitary Sewer and 508, for Nash Heights East and receive we will be receiving OPWC Grant funding for both. Mr. Nicolard moved to place this on Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Mowery, Conklin Nicolard
Nays: None

Motion passed 7-0.

2014 Annual Appropriations

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that there is a memo prepared by her for the budget work book and update for the return of advance of recycle fund, wage increases, Nash Heights East corrected from 506 to 508. Mr. Nicolard moved to place this on Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Mowery, Conklin, Bergstrom
Nays: None

Motion passed 7-0.

2014 Transfers & Advances

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that her memo explained these transfers are listed in your budget workbooks, and the drafted legislation and the exhibit listing each transfer/amount. Mr. Nicolard moved to place this on Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot. Ms. Whipkey asked if we had given the Fire Dept. \$500,000 last year and was this repaid back? Mrs. Starosta replied this was addressed sometime last year and is scheduled to be returned and must be done within 365 days of the initial transfer; she doesn't remember the exact date, but it would be in the first half of the year.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Mowery, Conklin, Bergstrom
Nays: None

Motion passed 7-0.

2014 Summit County Advancement of Funds

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that we have done this the last couple of years. It allows the County to submit property tax advances more than twice a year. Mr. Nicolard moved to place this on Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Mowery, Conklin, Bergstrom
Nays: None

Motion passed 7-0.

2014 Annual Food Ordinance

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that we do on an annual basis and requested we pass the same for 2014 and it provides for any food related expenses for safety meetings and is suggested by the Ohio Attorney General Office. Ms. Whipkey asked about the expenses for Mr. Ryland's party and Mrs. Starosta replied that no city funds were expended for that event. Mr. Nicolard moved to place this on Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Mowery, Conklin, Bergstrom
Nays: None

Motion passed 7-0.

Land & Land Improvement Projects Fund

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that Mr. Conklin had asked for this request. Mr. Conklin stated the Community Center needs a new roof, a furnace and air conditioning unit, and the downstairs bathroom at the Historical House needs repaired. Mr. Conklin stated he found no other way to fund he repairs and requested we use these funds. Ms. Whipkey asked if this is the Time Warner Fund and how much is in that fund currently? Mrs. Starosta replied yes, at the end of 2013 it's projected to have \$105,000.00 and we have not spent the \$100,000.00 that was budgeted for this year. Ms. Whipkey stated she thought we already had \$20,000.00 already budgeted for roof repair at the Community Center? Mrs. Starosta discussed the recent contract for roofing and Ms. Whipkey replied no that was for the Administration Building. MS. Starosta stated that should be under page #14 and Ms. Whipkey stated no she was looking at page 46. Ms. Whipkey asked about the \$11,000.00 for repairs in 2012, and Mrs. Starosta replied that was for inside repairs to the new ceiling and painted the walls. Mr. Kostoff noted when first asked to address the legislation; it was felt it beneficial to have the flexibility for operations and maintain parks and buildings throughout and you would not have to raid the General Funds in the future. Mr. Kostoff noted other communities do this to maintain their parks while freeing up more funds in the General Fund. Ms. Whipkey stated we could also do it another way and say lets take money out of there and apply to a specific project without writing an ordinance saying it's going straight there. Mrs. Starosta stated you cannot do that; you cannot take money out of there unless the purpose is dissolved according to the Ohio Revised Code. You can amend your original legislation allocating money to come out of this fund. Ms. Whipkey asked about the time in the past when we managed to take \$50,000.00 out of this fund? Mayor Zita explained we diverted the funds being deposited before going into that fund and it was done with legislation in the past. Ms. Whipkey asked if this way would be better than they way we are doing things now? Mrs. Starosta replied this would help and is more for clarity as it expands the use of funds for operations and maintenance of parkland facilities.

Ms. Whipkey asked if the Community Center is considered a part of parks and Mrs. Starosta replied that it is. Ms. Whipkey also noted this could be used to purchase land and Mrs. Starosta concurred that it currently allowed for parkland acquisition and development. Mr. Conklin stated currently the way legislation is written you cannot repair the roof. Mr. Conklin moved to place this on Councils next agenda, and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Conklin, Barnstorm, McGlone, Whipkey, Mowery, Bergstrom, Nicolard
Nays: None

Motion passed 7-0.

Recycling Grant Application

Mr. McGlone turned this discussion over to Mayor Zita for the details. Mayor Zita explained that this request was done Res. #15-2008 and the Summit Akron Solid Waste Authority and has now had a name change to ReWorks and its been requested this needs updated and approved by Council. Mr. McGlone moved to change the name in Sections 1 and 2, seconded by Mr. Bergstrom.

Roll Call: Yeas: McGlone, Bergstrom, Whipkey, Pelot, Mowery, Conklin, Nicolard
Nays: None

Motion passed 7-0

Mr. McGlone moved to place this on Council's next agenda with emergency language, waiving the second and third readings, seconded by Mr. Bergstrom.

Roll Call: Yeas: McGlone, Bergstrom, Whipkey, Pelot, Mowery, Conklin, Nicolard
Nays: None

Motion passed 7-0.

6 Month Moratorium Skilled Based Amusement Arcades Chap. 856

Mr. McGlone stated we received a memo from Russ Arters (see attached). Mr. Nicolard stated last year we had eight (8) or nine (9) and now we are down to three (3). You cannot open a new one until we work our rules and regulations. This is not right to ask these three (3) businesses to close their doors until we do. Mr. Kostoff indicated this would not apply to those that are currently operating in compliance with the law or the three that have applied. The State is going issue rules, but in the interim we need to promulgate some of our own rules and regulations to operate because we have nothing right now and it would be wide open for anyone else applying to be grandfathered in. If you allow for emergency language and it passes Monday night, and it if fails to pass then you allow everyone else to be grandfathered in. Mr. Nicolard indicated we would not know if they are compliant or not because we don't know what compliance is. Mr. Kostoff stated its better to have some reasonable regulations than to have no regulations at all.

Ms. Whipkey stated what Mr. Kostoff is saying is that all of the regulations we did have in place are no longer any good and Mr. Kostoff concurred that was correct. Ms. Whipkey noted those few that are operating now would be able to continue to operate under this proposal. Mr. Kostoff stated as long as they comply and one business must comply with inspection of the equipment. Mr. Kostoff noted one of the applicants submitted suggested names of business to be used to for independent testing to check on the equipment, and after Mr. Arters did some checking found non of these independent testing businesses are licensed in Ohio. Right now we have no regulations and if you want to keep it that way then don't vote for the moratorium. Mr. McGlone moved to place this on Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Pelot Ms. Whipkey stated this is a status quo and they can continue and Mr. Kostoff replied as long as they comply with the State of Ohio and Ms. Whipkey commented we don't really know what that is. Mr. Pelot stated that we had regulations in place before and a free for all would be ridiculous, and without some type of regulations we would open the city up for some real issues. Mr. Nicolard stated he understood these were all outlawed by the State and now they are allowed? Mayor Zita stated earlier they were called Skilled Based and now they are not. Mr. Kostoff stated it's really just a mess. Mr. Kostoff stated he felt we did a pretty successfully job of coming up with reasonable regulations, instead of going in and shutting them down. Had we done that all of you would be involved in a Federal law suit that could go on indefinitely, and your successors could also be involved in a lawsuit if we don't act Council could be named in future lawsuits and that would include the newly elected. Mr. Kostoff indicated he is suggesting we come up with some reasonable regulations.

Roll Call: Yeas: McGlone, Pelot, Whipkey, Mowery, Conklin, Bergstrom, Nicolard
Nays: None

Motion passed 7-0.

Unfinished Business:

Mr. Conklin discussed Item O-Land & Land Improvements Fund on the agenda and realized his original motion did not include the emergency language, and asked if this would be a problem with progressing forward? Mrs. Starosta stated that the drafted legislation does have the emergency language in it. Mr. Conklin moved to amend his original motion this item to add emergency language, seconded by Mr. Bergstrom.

Roll Call: Yeas: Conklin, Bergstrom, McGlone, Whipkey, Pelot, Mowery, Nicolard
Nays: None

Motion passed 7-0.

Ms. Whipkey asked about the bids for the sale on the Service Dept. older trucks and Mrs. Starosta explained we sold the trucks to a scrap company and those funds go back to the Service Dept. Ms. Whipkey asked what that amount would be and Mrs. Starosta she could not recall the exact figure.

Mr. Conklin asked about the new roof construction at the Administration building and Mrs. Starosta replied the HVAC unit has been replaced. Due to the weather we have asked the contractor to hold off on the roofing until next spring.

New Business:

Personnel Matters

Mayor Zita addressed Ord. #74-2013 and #75-2013 the salary increases for the Clerk of Council and Administrative Assistant. Mayor Zita indicated he has three (3) options to sign it, to veto it, or to allow it to wait ten (10) days to allow it to become law without his signature. (see attached). Mayor Zita indicated it was his intent to address the Administrative Officer and Finance Director position at the same time these were addressed. The vote of Council for the first two positions will become law on November 20, 2013. Mayor Zita handed out the attached documents supporting the pay raises for the Administrative Officer and Finance Director both at an 11.886% increase, and is the same increase given to the Administrative Assistant. Mayor Zita noted the original salary survey proposal was much higher than what he is proposing now and the projected carryover balance would not support the higher amount. The estimated increased cost is approximately \$17,000.00. The General Fund is estimated to have a carryover balance of 18.2 percent at the end of 2016. Mayor Zita asked for legislation at the next Council meeting, waiving the second & third readings with emergency language. Ms. Whipkey asked so what you are proposing is like an \$8,000.00 every year? Mrs. Starosta stated that if you look at base wages in the first page indicates \$7,222.95 & \$7,041.10. Mr. Bergstrom stated we need to address these positions lined up to where they should be and this is a great start, and that he is not opposed to making a motion for these positions. Mr. Nicolard stated he was under the impression that when we talked about the non-bargaining he thought it would cover all of them, and the part time police officers. Ms. Whipkey stated we don't even have the other two (2) positions of the Council Clerk or the Administrative Assistant in effect nor have we addressed the Clerk of Courts. Mayor Zita stated his intention was to have all four (4) of these increases go into effect as close to the same time and would be retroactive to January 2013. Ms. Whipkey asked how this would also affect how the Mayor is currently getting paid for the positions of the Administrative Officer and the Mayor? Mayor Zita indicated this does not apply. Mrs. Starosta noted on page #2 of revised Budget 2013 it does not show an amount for Administrative Officer because we do not have anyone in that seat. Mr. Bergstrom stated this is a good plan for the Mayor to come forward with for now. Mr. Bergstrom moved prepare legislation to increase Administrative Officers salary to \$67,992.95 per year, waiving readings and with emergency for next Council meeting, seconded by Mr. Nicolard.

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

Motion passed 6-1.

Mr. Bergstrom moved to place the increase for the Finance Directors salary to \$66,281.10 per year on Councils next agenda, waiving readings with emergency, seconded by Mr. Nicolard.

Roll Call: Yeas: Bergstrom, Nicolard, McGlone, Pelot, Mowery, Conklin
Nays: Whipkey

Motion passed 6-1.

Mayor Zita requested Council make a motion to authorize the Finance Director to make such revisions to Item K-2014 Annual Appropriations Exhibit. Mr. Bergstrom moved to amend 2014 Budget Exhibit A for Item K for the Councils next agenda, seconded by Mr. Nicolard.

Roll Call: Yeas: Bergstrom, Nicolard, McGlone, Pelot, Mowery, Conklin
Nays: Whipkey

Motion passed 6-1.

Mr. Bergstrom moved to amend Item H-2014 Budget Exhibit A for Councils next agenda, seconded by Mr. Nicolard.

Roll Call: Yeas: Bergstrom, Nicolard, McGlone, Pelot, Mowery, Conklin
Nays: Whipkey

Motion passed 6-1.

Mayor Zita stated that the Law Director came to him in Early October to resign and he had asked Mr. Kostoff to remain until the election due to family issues. Mayor Zita asked Council to entertain a motion to replace Mr. Kostoff with his associate Mr. Justin Markey, also of Roetzel & Andress. Mr. Conklin moved to place this on Councils next agenda with emergency and waiving readings, seconded by Mr. Pelot. Mayor Zita stated he would like to continue the services of the same law firm and he feels Mr. Markey would continue to provide excellent services. Ms. Whipkey stated we could also go another way here. Mr. Pelot stated he felt the experience and knowledge with Roetzel & Andress is important and he is confident in their abilities. Mr. Nicolard gave some background history of a former law director in the past that every time we had a serious issue, he had to hire special counsel to handle the matter.

Roll Call: Yeas: Conklin, Pelot, McGlone, Mowery, Bergstrom, Nicolard
Nays: Whipkey

Motion passed 6-1.

Mr. Kostoff stated hopefully over time the City would feel the background of Mr. Markey you would say that maybe he will end up being a better law director than he has been. Mr. Kostoff stated he felt his years of experience in the private sector would have been a benefit. Mr. Kostoff explained their unblemished record for this city and we did not seek any of the lawsuits that were brought to this City. Mr. Kostoff noted that everyone has to follow the law and it's not the position for a law director to follow politics and he has tried not to do this in his time here. Mr. Kostoff stated he can appreciate all of the time you as elected officials have put into your positions and the sacrifices you all make with taking time away from your families. Mr. Kostoff noted he has indicated to the Mayor that he has responsibilities along with his siblings to attend to the ailing health of his aging parents.

This has now become somewhat of a burden of trying to do both and assured Council that Mr. Markey is an excellent lawyer, person and a man. Mr. Nicolard thanked Mr. Kostoff for his services and moved to have a Resolution of Appreciation for Mr. Kostoff placed on Councils next agenda, seconded by Mr. Conklin.

Roll Call: Yeas: Nicolard, Conklin, McGlone, Whipkey, Pelot, Mowery, Bergstrom
Nays: None

Motion passed 7-0.

Ms. Whipkey stated she has a problem with the videos being aired and asked Mr. Kostoff if he was aware of this? Ms. Whipkey stated she understood the video of the meetings are to be aired on line continuously until the minutes are approved, as stated in the affidavits by Mr. Ryland and on file in the Paluch court case. Currently they do not get put up online until Friday evening or the next Monday. Ms. Whipkey stated when we state continually it's supposed to be done after the live airing of the meetings and should be done Tuesday. Mr. Kostoff stated he would be happy to look at the filings and the timing of the airings and that the Administration has made arrangements for twice weekly airings. Mr. Kostoff noted he would address this if the City is not in compliance he would happy to look at it and ensure the City is in compliance.

Topics for the next Work Session:

Mr. Pelot discussed the 2014 Budget as a whole. Ms. Starosta stated she had asked for concerns to be brought to her before today. Ms. Whipkey asked to have a hard copy of the 2012 CAFR made available to all Council members as well as the newly elected officials. Mrs. Starosta replied this is possible and asked if Ms. Whipkey is making a records request for how many copies? Ms. Whipkey stated yes for the current Council and the Council elect. Mrs. Starosta reminded Ms. Whipkey this is available on line in a PDF format and Ms. Whipkey stated she understood that, however felt a hard copy should have been provided. Mrs. Starosta asked to have any budget concerns or suggestions to her by this Wednesday to have prepared for Monday.

Public Comment-Agenda and Non Agenda Items:

Mr. Jack Gainer, asked about the exit and entrance of the Law Directors and the number of pending lawsuits, will Mr. Markey completely take over? Mr. Kostoff noted that there at least four (4) and that Mr. Markey will take over completely and he would assist if necessary, and that this transfer would be seamless. Mr. Kostoff indicated that as long as Roetzel and Andress are representing this City, he personally assured that they will give full and complete diligence to ensure that the City is protected.

William Paluch, 3740 Shellhart Road, Norton, Ohio, stated he is putting up his signs and there are many residents still confused over this sewer issue. What are the hidden fees, can Mayor Zita at least come up with a listing of all of these fees, like \$2,700.00 in permit fees from various agencies, is it still for 20 years, can the permit fees be slapped onto their assessments? Mr. Paluch stated he knows the cap is \$5,000.00. Why couldn't the Law Director use a deposition of Mr. Ryland for the court instead of wasting the taxpayer's money?

Mr. Kostoff stated he would try and simplify it for Mr. Paluch, but the method Mr. Paluch suggested for Mr. Ryland's testimony is not that easily obtained. Mr. Kostoff stated it is assuming if you take a deposition from a person as a party of the lawsuit and being on your side. Mr. Kostoff explained the expense of Mr. Ryland to participate would be limited in the particular case being spoken on. Mr. Paluch stated that's still a 50/50 chance you will lose the cases. Mr. Kostoff stated he did not create these cases, Mr. Ryland's participation is essential; we are hired to represent this city and that you are chopping off the legs of the people representing the City, makes it difficult to represent and he would think even a layman could understand that.

Dennis Pierson, 3793 Easton Road, Norton, Ohio, discussed Item A-Crosswalk on Barber Road and that Mr. McGlone brought up a good point to send this through the Planning Commission first. MS. Whipkey also pointed about the JEDD and that fifty percent of the taxes are going to Barberton and he would like for this to also be addressed. If we are to maintain this then maybe Barberton should pay half of the costs. Mr. Pierson stated there are two (2) members of Council that receive financial interests by receiving donations from Fred Martin or have family working for them and they should recuse themselves from voting on this issue. Mr. Pierson discussed talked about the proposal to use the funds from the parks and agreed this should be used for repairs and maintenance to the parks and buildings, but not for the purchase of land.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:42 PM.

Scott Pelot, President Pro-Tem

NOTE: THESE MINUTES ARE NOT VERBATIM

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

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