



COMMITTEE WORK SESSION FEBRUARY 22, 2011

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

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

The Committee Work Session convened on Tuesday, February 22, 2011 at 7:01 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer. Mr. Pelot amended the agenda to add a presentation by Christine Croce-Clerk of Courts for the Barberton Municipal Court.

General Topics of Discussion:

Presentation by Christine Croce-Barberton Clerk of Courts

Ms. Croce distributed a full report (see attached) and expounded on some of the Courts highlights over 2010 and goals for 2011. There was a new drivers license amnesty program this year where defendants could pay ½ of their fines and set up a payment plan for the remainder and get their license reinstated. This program will continue again this year from March 1, 2011 to April 29, 2011. Ms. Croce stated the court personnel no longer handles credit card payments for criminal/traffic divisions, its now being done online to free up employee time. Ms. Croce stated they are currently working on getting the civil division on line with the same by June 1, 2011. Ms. Croce discussed the addition new office hours for Saturday's from 8:00 AM-4:00 PM instead of 8:00 AM to 12:00 PM Ms. Croce stated the court has recently joined the Ohio Courts Network which reports daily to the Ohio Supreme Court case management system. This system is a valuable tool providing continuity on case entry and disposition, and for all of the arresting agencies to review case files at the click of a mouse. Ms. Croce discussed another new program called N-Court, which allows for bonds to be posted online.

Ms. Croce discussed the backlog of warrants issued and the lack of officers resources to serve these warrants and collect the fines, let alone the jail space needed if required. A new program called Warrant Block will be implemented later this summer. This program will place a hold on your driver's license, vehicle plates registration and title transfers until that warrant is paid and or cleared. Mr. Zita expressed his concerns with the potential of lost/stolen credit cards being used and Ms. Croce assured Council that the transaction is declined if that's the case or if the funds are not there. Mr. Nicolard asked about the credit card processing fees the courts are being charged, hoping they are getting a good rate. Ms. Croce indicated as a Municipal Court they are permitted to charge a transaction fee of \$6.00 on each credit card transaction, which helps offset their processing fees charged by their bank.

Re-appointments to Various Boards & Commissions

Mr. Pelot discussed the various Resolutions of Appreciation and Resolutions of Appointments to the various Boards & Commissions. Mr. Pelot moved to place all eleven (11) items on Council's next agenda, waiving the second and third readings as an emergency, seconded by Mr. Braman.

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

Motion passed 7-0.

Internet Café's

Mr. Braman turned this discussion over to Mr. Kostoff for the details. Mr. Kostoff distributed a drafted ordinance proposed to lift the current moratorium. Mr. Kostoff asked the Clerk when the moratorium will expire and Mrs. Richards replied April 14, 2011. (*Note-After further review this date was misstated-the correct date is actually April 9, 2011*). Mr. Kostoff cautioned Council about placing this draft on their next agenda; he wanted to provide more time for further review. Mr. Kostoff instructed the Clerk to obtain a copy of Summit County Council's recent legislation on this subject and to provide all of Council and the Administration a copy to compare with. Mr. Kostoff stated that in drafting this legislation he did poll comments from the Police & Fire Chiefs, and Russ Arters for their feedback and comments on the enforcement aspects. Mr. Kostoff noted one item to consider that is not in this draft is possibly limiting the total number of such establishments in the City. Mr. Arters had indicated to him that we currently have five (5). Mr. Kostoff stated some communities have limited the numbers and no more new ones would be permitted to come in. Mr. Kostoff stated if this would be Council's intention, the five (5) already here would be grandfathered in. Mr. Kostoff noted a 500-ft. restriction from schools as noted on page #6 under Section 858.05. Mr. Kostoff noted the hours of operation are more restrictive than Summit County's. Mr. Kostoff asked all of Council to carefully study and review this and welcomed any phone calls or emails with your questions or concerns. Mr. Kostoff stated Council could even hold a separate Planning Committee for discussion in this topic alone if need be, and if so you might want to have both Chiefs and Russ Arters present for comments. Mr. Braman asked to keep this on the Matters Referred list for now. Mr. Michael Moneypenney, a Norton resident asked about the material handed out earlier and if this was new information?

Mr. Kostoff stated this is a public record now and he could file a public records request with the Clerk of Council. Mr. Moneypenney stated that he is an expert on these machines for over twelve (12) years and that he would like to have future opportunities to comment.

PC Resolutions #6 & #7-Trash Dumpsters

Mr. Braman turned this discussion over to Mr. Nicolard since he originated this. Mr. Nicolard stated this is more of a housekeeping matter and makes for cleaner appearances to our businesses and would raise property values by having them stored out of sight. Mr. Braman noted that this legislation does not include any recycle bins. Mr. Braman noted this is a zoning issue, which does require that Council hold a public hearing, which is scheduled for March 14, 2011. Mr. Zita concurred that this is not just for new businesses, it applies to all commercial, and Mr. Nicolard agreed. Mr. Mowery discussed the Business Development Task Force and asked if this was where it came from? Mr. Nicolard stated that they have not discussed this issue. Mr. Braman cited a good example of what these trash dumpster corrals should look like at the new Akron Savings Bank. Mr. Pelot raised some concerns with a business that may not have the available lot size to make this improvement. Mr. Kostoff stated that they would have a right to appeal to the BZA. Mr. Kostoff stated that our biggest effort here would be to educate the business owners on what would be required, noting that enforcement would also be key here. Mr. Braman moved to add new code Section 1296.20 to Councils next agenda, first reading only, and to go all three readings, seconded by Mr. Bergstrom. Mr. Bergstrom stated we should not look so much into the new business portion, we need to concentrate on our existing businesses.

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

Motion passed 7-0.

Mr. Braman moved to add amending Section 1257.04 to Councils next agenda, first reading only and to go all three readings, seconded by Mr. Bergstrom.

Update Chapter 250-Streets Index

Mr. Mowery turned this discussion over to Mr. Ryland for the details. Mr. Ryland indicated that this is a housekeeping item and was something overlooked when Stonewyck Phases I & II were completed and dedicated. Mr. Ryland stated that those streets need to be added to our official street listing. Mr. Kostoff noted that these streets have all been officially dedicated and accepted by the city with the proper legislation, this was just an oversight that the listing was not updated. Mr. Mowery moved to add this to Councils next agenda for a first reading only, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Fulltime Firefighters Contract

Mr. Pelot turned this subject over to Mr. Ryland for the details. Mr. Ryland stated that the binding conciliation agreement needs to be approved by Council. Mr. Ryland stated the terms of salary increases are 3% retro to January 2011, 1% increase in July of 2011 and 1% increase in January 2012. Mr. Ryland stated he hesitates for Council to accept this, however we have no other choice. Mrs. Hlas stated that basically they are getting a 4% pay raise in 2011, and Mr. Ryland concurred. Mrs. Hlas asked if they had received a pay raise last year and Mr. Ryland replied no but they did get a raise the year before. Mr. Nicolard asked Mr. Moss if we have the money in this years budget to pay this and Mr. Moss replied no, there would have to be an adjustment in the budget to accommodate this which he estimated at \$6,000.00 or more. Mr. Ryland stated that because of this hit, it would reduce our carry over balances. Mr. Kostoff stated that this is a final non-appealable action and that the city is bound by it, however it does not require legislative action from Council. Mr. Ryland stated he would be instructed by Mr. Kostoff to sign the contract, and if he refuses this would incur further expenses to the city with legal fees and litigation. Mr. Pelot stated that he heard the costs for this arbitration and conciliation was to be split 50/50 between the two (2) Firefighters and the city, and Mr. Ryland concurred. Mr. Nicolard stated he was not happy that Council does not have the right to vote and really gets no say in this whatsoever.

Rescind Insurance Fund # 600

Mrs. Hlas indicated that we no longer use this fund and turned the discussions over to Mr. Moss for the details. Mr. Moss indicated that health insurance is now fully funded, we no longer have a use for this and its already planned within the 2011 Budget. Mr. Moss stated we need to return those funds from where they came from in the first place. Mrs. Hlas moved to place this on Councils next agenda waiving the second and third readings, seconded by Mr. Nicolard. Mr. Zita reminded everyone that this is not new found money, its simply being distributed back to the departments where it came from.

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

Motion passed 7-0.

Unfinished Business:

Mr. Mowery asked Mr. Ryland how many residents on Oak Street have tied into the new sewer line, and Mr. Ryland replied two (2). Mr. Mowery asked how many actually had failed septic systems in that area? Mr. Ryland stated out of nineteen (19) homes, three (3) had totally failed systems. Mr. Mowery asked about the requirements to connect to a new sewer line and Mr. Ryland stated if you have a failed system, you are to connect immediately. Mr. Ryland stated its failing without any orders from Summit County, we will waive the tap in fees if you connect within the first year of completion. Mrs. Hlas asked if Greenwich Road is officially completed and Mr. Ryland replied yes. Mr. Zita had questioned the restorations to driveways in this area, and Mr. Ryland stated that in the spring those are to be addressed. Mr. Mowery asked Mr. Ryland about the number of failed septic systems on Greenwich Road, and Mr. Ryland replied none.

Mr. Mowery asked about the number of failed septic systems in Nash Heights and Mr. Ryland replied that is very hard to determine because many homes have no connection or inspection port, it goes into closed ditches. Mr. Mowery stated he would like to have a copy of this list. Mr. Pelot raised the issue of waiving the County's \$75.00 inspection fee to those residents who want to connect immediately and do so. Mr. Ryland indicated that it has been discussed, and may be an option in the future.

New Business:

None

Public Comment-Agenda and Non Agenda Items:

None

Mr. Ryland commented about the recent snow storm and that St. Rt. 76 being closed was not just a Norton issue, it was closed all the way to I-71. We moved over 200 cars off of I-76. Our crews were busy pulling people out of ditches, and they even left our city jurisdiction to assist in other communities and help stranded motorists. Mr. Ryland stated they did an extraordinary job and showed their willingness to help others in need. Mr. Ryland also reminded everyone that the City of Norton does not plow or salt I-76, but we were there to help wherever we could.

Mr. Pelot asked Mr. Ryland about the draft letters J & J Refuse will be sending out and if he has seen it yet? Mr. Ryland replied the he has not seen their letter, however the city is working on one going out to all of the other trash haulers, and he looks forward to a smooth transition. Mr. Nicolard indicated some residents are calling him and asking what to do with the balance of their bills with other contractors. Mr. Nicolard indicated he advised these residents to contact J & J refuse directly.

Topics for the next Work Session:

Internet café' legislation

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:09 PM.

Scott Pelot, President of Council

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

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