



## COMMITTEE WORK SESSION MARCH 21, 2011

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

**Also Present:** Mayor David Koontz-Absent  
Rick Ryland  
John Moss  
Justin Markey-Attorney (Roetzel & Andress)  
Fire Chief Mike Schultz  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Monday, March 21, 2011 at 7:02 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 reflection.

### **General Topics of Discussion:**

Mr. Pelot modified the agenda with Council's agreement to permit Norton resident and business owner, Mike Meden to give a presentation to the City. Mr. Meden presented a donation to the City of a 49 x 52 stained glass window insert for the new Fire Station. Mr. Meden explained the history of the artwork as being Patron Saint Florian, who is the Patron Saint of Firefighters. Mr. Meden gave credit to his assistant Lori Bryant who helped him put over 500 pieces of all hand cut stained glass into the artwork. Mr. Meden estimated they have over 350 hours of their time in creating this window and he plans to install the window tomorrow hopefully before 12:00 noon. Mr. Dave Spice-Beacon Journal reporter asked about the value of such a work of art and Mr. Meden estimated a retail value of well over \$5,000.00. Chief Schultz came forward and thanked Mr. Meden and Ms. Bryant for the all of the work that went into this artwork.

### **Unison cell Tower Discussion**

Mr. Bergstrom turned this discussion over to Mr. Moss for the details. Mr. Moss stated the tower is located directly behind the city building and the proposal is to lease the tower for a five (5) year term, with renewals again in five (5) years.

Unison cell Tower Discussion Continued:

The fees would be \$22,000.00 annually or \$1,899.07 a month. Mr. Moss questioned the details of the renewal in addition there is also an option for a lump sum payment of \$170,010.00. Mr. Pelot asked if this could include additional antennas and Mr. Moss replied that they could add other services to that tower. Mr. Pelot stated he had pulled this company up on line and did a little research and found them to be a leader in the industry. Mr. Pelot stated he had tried to look at the contracts from other communities but was not able to get that far. Mr. Pelot stated that a lump sum is for the life of the tower and may be a bad idea in hindsight. Mr. Bergstrom commented that Unisom is more of a management company, they currently do not own towers. Mrs. Hlas asked if we are co-locating on the tower now and Mr. Moss replied yes. Mr. Bergstrom stated he felt the lump sum is better than leasing for long term. Mr. Moss stated that he does not see this tower coming down any time soon, and long term is best, there could be seven (7) years or more left on the contract. Mr. Moss also stated that having \$170,010.00 cash now is also better than getting it over time, its all a gamble. Mrs. Hlas discussed our last piece of legislation on cell towers and recalled it stated they have to look at city owned property first, she was not in favor of leasing this, and Mr. Pelot also seemed uneasy about it. Mrs. Hlas asked Mr. Moss about the financial impact to the Local Government Fund and Mr. Moss replied we would see a loss of \$150,000.00 in revenue in the first year of impact. Mr. Ryland stated that as technology changes in the future it would probably make cell towers obsolete, it's a risk and you have to evaluate your gut feelings. Mr. Bergstrom stated he still likes the lump sum and we should negotiate for a better percentage for future years. Mr. Nicolard stated we should take the money and run. Mr. Braman stated it is a gamble, he felt we should take the money and negotiate a better percentage on the royalties. Mr. Mowery asked about other cities or if they have their towers removed. There was discussion on how many towers are currently in the city and Mr. Moss was not exactly sure on the numbers. Mr. Pelot stated this is just the first round, lets go back to them with a counter offer for maybe a ten (10) year lease instead. Mr. Markey stated legislation could be prepared to authorize Mr. Moss to negotiate an agreement, not setting out the specific parameters as this would be tipping off our hand. Mr. Nicolard suggested we might be missing the boat here by not going out to bid and let the market open up. Mr. Moss stated he was not sure how he could package all of this into a bid proposal. Mr. Pelot stated if we end up with the lump sum he wants to ear mark that revenue for something specific, something that we can see. Mrs. Hlas stated with the hit on the Local Government Fund that revenue would need to go back into the General Fund. There was further discussion on the process and Council having the final control. Mr. Bergstrom moved to place legislation on the next Council agenda giving the Administration the authority to negotiate in the best interest for the City on a lump sum payment, with emergency language, seconded by Mr. Nicolard.

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

Motion passed 6-0.

Transmission Agreement With Summit County

Mr. Bergstrom turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated its an intermittent contract with Summit County that allows for us in the meantime to tap in to Summit County's sanitary sewer lines for transport. Mr. Ryland indicated that it took a lot of doing to get it this far and this agreement would place the tap in fees into an escrow account until we can negotiate the terms of ownership. Mr. Ryland stated he fully expects this to be a short-term agreement with Summit County. Mr. Bergstrom expressed some concerns with the numbers and if they would change, to which Mr. Ryland replied no. Mr. Bergstrom moved to place this on Councils next agenda, seconded by Mr. Nicolard. Mr. Pelot stated he wanted to see that the calculations are double-checked before the final adoption. Mr. Ryland stated that these are County figures you are looking at, and are not Barberton's which you are accustomed to seeing.

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

Motion passed 6-0.

2011 Budget Revenue Adjustments

Mrs. Hlas turned this discussion over to Mr. Moss for the details. Mr. Moss indicated that the City has received a grant for \$25,000.00 for a new cruiser and we need to accept the grant and spend it accordingly. Mr. Moss discussed the trade in of the two (2) older police cars for the purchase of the 2004 model and the additional costs associated with retrofitting the brand new cruiser. Mr. Moss discussed the new revenue source coming in from collecting the administration/impound fees which are averaging \$1,000.00 to \$2,000.00 per month now, and will continue at that pace. Mr. Moss indicated a budget increase of \$10,000.00 from March-December 2011for that new revenue. Mr. Moss discussed the costs for the recent codified updates for \$2,535.45, which was not in the 2011 Budget. Mr. Moss discussed the Law Enforcement Trust Fund and the need to add \$2,100.00 for the purchase of two (2) new taser guns. Mr. Moss stated that with all of these adjustments that is a total of \$44,635.45 and is an overall of \$14,000.00 in new spending. Mr. Pelot briefly discussed the new taser guns and if Mr. Moss felt they were the right purchase for the department, which Mr. Moss felt it is the proper equipment for the money. Mrs. Hlas moved to add the budget adjustments totaling \$44,635.45 to Councils next agenda, waiving the second and third readings, seconded by Mr. Nicolard.

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

Motion passed 6-0.

Nash Heights Engineering

Mr. Bergstrom continued this discussion until the next Work Session, pending more details on the figures.

### Oriana House Agreement

Mrs. Hlas stated this is something we do every year and this year there is an increase in the fees. Mr. Ryland concurred adding that we usually do not end up having to pay for the billing. Mrs. Hlas moved to place this on Councils next agenda with emergency language and waiving the second and third readings, seconded by Mr. Nicolard.

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

Motion passed 6-0.

### Unfinished Business:

None

### New Business:

Mr. Nicolard discussed some recent activity with someone begging for work with a sign at Williams Park. Mr. Nicolard reviewed the current Code Section 852 as it relates to canvassers, peddlers and solicitors. Mr. Nicolard stated that Code Section 852 also refers to Traffic Code Section 416.06. Mr. Nicolard stated he would like for the Law Dept. to review this and see if we need a separate section to address this as he feels we will be seeing a lot more of this with the bad economy. Mrs. Hlas read Code Section 416.06 (b) (1) where it states "*Except as provided in division (b)(2) of this section, no person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.*" Mrs. Hlas stated that it appears to her that what Mr. Nicolard witnessed is not permitted and the law already exists. Mrs. Alice Wagner, a Norton resident, questioned if this was going to stop the children from doing school fundraisers, etc, or other businesses from promoting at the main intersections? Mr. Nicolard stated his main concern is the safety of all and that he is not trying to take anything away from the kids or our local businesses. Ms. Gayle Brenner, a Norton resident stated that maybe this should be addressed, especially when this area is so close to our elementary school. Mr. Markey stated he could look into this, however he sees the issue as addressing it within the City and 416.06 already dictates its not permitted on a highway. Mr. Pelot suggested we check with Mr. Kostoff to see if this request would fall within his normal contractual duties. Mr. Pelot suggested that in the meantime, we need to work with the Police Dept. to make sure where this issue really belongs and if they feel its already covered. Mr. Bergstrom asked Mr. Markey if he felt we needed a piece of legislation that outlines the rules within the contract with J & J Refuse for the citywide trash? Mr. Bergstrom stated that it's not specific especially to the residents pertaining to how to opt out if you are a Norton business owner. Mrs. Hlas suggested doing a FAQ fact sheet instead of creating legislation. Mr. Bergstrom stated that he felt the contract is a very gray area, and questioned if it was legal to refer to that or the bid proposal for the details? Mr. Markey stated that contract is for the exclusive license with the City and that legislation really is not necessary. Mr. Bergstrom stated he only wants to point the residents in the right direction, he does not want to create unnecessary legislation.

**New Business Continued:**

Mr. Markey stated the contract as it is, is perfectly legal and ok as it is. The city followed the necessary procedures to enter into a contract and that is what is being followed.

**Public Comment-Agenda and Non Agenda Items:**

None

**Topics for the next Work Session:**

Nash Heights Engineering

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:14 PM.

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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.**