



## COMMITTEE WORK SESSION MARCH 7, 2011

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

**Also Present:** Mayor David Koontz-Absent  
Rick Ryland  
John Moss  
Pete Kostoff  
Police Chief Thad Hete  
Fire Chief Mike Schultz  
Karla Richards  
Ann Campbell-Excused

The Committee Work Session convened on Monday, March 7, 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.

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

#### **Nash Heights Engineering-Jim Demboski (Flyod Browne Group)**

Mr. Pelot indicated this topic has been cancelled for this evening's discussion.

#### **Internet Café's**

Mr. Braman stated we have been working on this for over nine (9) months now and gave his comments for suggested changes to the draft legislation presented: Fees \$5,000.00, They are only \$1,000.00 in most other communities and he was fine at leaving them at \$1,000.00. Mr. Braman stated if you keep it at \$1,000.00 that would still cost these business owners over \$13,000.00 in their first year of operation in fees alone. Mr. Braman discussed the creation of a Commission and felt that at least one member should not be affiliated with the city in any manner. Mr. Braman discussed the hours on page #7- they are too restrictive, they should be able to be open until midnight Monday-Fridays and 10:00 PM on Sundays. Mr. Braman stated he had the opportunity to visit one of the establishments and mostly older residents were enjoying themselves.

Internet Café's Continued:

If they were are not here they would probably be on a bus going to West Virginia or down the street buying scratch off tickets. Mrs. Hlas discussed the square foot requirement on page #7 of 15 ft and felt maybe 50 ft would be better. Mrs. Hlas discussed the photo ID requirement for winnings of \$600.00 or more and questioned if this a one time win or a combination of wins that total \$600.00? Mr. Braman stated while visiting one of these establishments he had the opportunity to look inside one of the machines. They can track from day one how much money has been paid out, and you cannot reset or tamper with them. There was discussion on limiting the number of establishments within the city and Mr. Ryland suggested leaving it at five (5), which is what we currently have now. Mr. Kostoff stated if that's the case then a waiting list would need to be established for when one closes, they would be next to file an application. Mr. Braman stated he would like to increase it to eight (8) because we have several that have been waiting to apply since the moratorium went into effect. Mr. Nicolard agreed with the change of hours, but if we leave the number at five (5) then we should leave the fee at \$5,000.00. Mr. Pelot asked Chief Hete for his comments on the hours. Chief Hete stated he has concerns for later hours as the hours increase, so would your criminal activity because customers could be carrying large amounts of cash. Mr. Pelot named the businesses in operation and their current hours, most of which were open to 11:00 or 12:00 PM through the week and 10:00 PM on Sundays. Mrs. Hlas noted that some of these allow for smoking and asked if that was legal? Mr. Kostoff indicated he was not clear on that and would look into it. Mr. Braman stated he thought the rule was that unless there is a complaint it is permitted. Chief Hete stated that in the past there had been some robberies at the Barber Road businesses, in addition to alcohol consumption in the parking lots at some. Chief Hete stressed with the shorter staff that it is very difficult to investigate and enforce these businesses if we extend their hours. Mr. Zita asked about the five (5) already in operation, and if this law passes would they be grandfathered in? Mr. Moss replied, yes, their location is however, they would still have to comply. Mr. Moss expressed his concerns with taxes with these types of operations and felt that we should add a condition of the licensing should be that their taxes must be up to date. Mr. Nicolard expressed concerns with limiting the number of establishments might make a similar situation with liquor licenses that stay with the property. Mr. Kostoff indicated that would not be the case; it is spelled out here that the license is non-transferable. Mr. Pelot discussed the 500 feet distance limitation near a school, library or other public park and wanted to increase this to 1,000 feet. Mr. Braman stated he was fine with this and by doing so this could also limit how many can come into the city. Mr. Pelot questioned Section 858.04 Complaints and stated this should not be limited to a resident, anyone should be able to file a complaint. Mr. Pelot noted a typo on page #5 Section D-2 it references township. Mr. Pelot discussed Section E-Prohibition as a Result of Conviction on page #4 and asked if the reference to a convicted felon would also apply to subcontractors? Mr. Kostoff replied-no this means it is limited to those who would be associated with the business license and operations. Mr. Pelot stated that it just doesn't make sense to allow someone with a criminal conviction to be allowed to come in and work on those machines.

Internet Café's Continued:

Mr. Mike Money Penny, a Norton resident, stated that he does have a felony conviction and that Summit county has given him permission to work on their machines, the past has nothing to do with him working on the machines. Mr. Robert Copen, a Norton resident, commented on the picture ID for \$600 in winnings. Mr. Copen stated that it's an IRS rule that a W2-G with photo ID must be filed with any winning of \$599.00 at any one time. Mr. Copen stated he liked the reduced fee of \$1,000.00, because if you stay at \$5,000.00 you won't get any businesses to apply. Mr. Copen commented about a recent Beacon Journal article that stated Summit County has collected over \$86,000.00 on the thirteen (13) they currently have operating. Mr. Copen took issue with filing taxes before licenses are granted because once its filed with the city it would become a public record and anyone would have access to that. Mr. Copen stated that Mr. Ryland is a very busy man and the requirements of record keeping would be too much to handle, you need to hire someone for this and find a storage building to store the records. Mr. Moss stated that if a public record request is filed with the Finance Dept. we do not supply any tax ID numbers, that information would be redacted. Ms. Alice Wagner, a Norton resident, stated she would not get into this business, there is not enough business to even pay the utilities, let alone all of the fees involved. Mr. Kostoff discussed the Creation of a Commission section and suggested that you could increase this to an odd number of five (5) if you want to add a private citizen to the Commission. Mrs. Hlas stated that these Commission members should not be a business owner or an arcade owner. Mr. Ryland stated that the Administration is in favor of limiting the number of businesses allowed in, we don't want to become a Las Vegas here in Norton. Mr. Ryland stated the Barber Road businesses are very busy at night and they do generate problems that our Police and Fire have to address. Mr. Braman stated most of our language is in line with Summit County, and may be stricter in some areas. Chief Hete stressed again the concerns he has with the time consuming investigations and that fact that later hours will fuel more criminal intent. Chief Schultz stated our concern in the Fire Dept. is mostly with occupancy issues, it's not really too much an issue with the current staffing. Chief Schultz stated that he routinely checks the number of occupants at different locations. One issue at a location was with them locking the doors with patrons inside, which has since been corrected. Chief Schultz stated later hours is an issue that we don't want. Mr. Emil Teichman, a Norton resident and former club owner, stated that after midnight all you have are people that are drunk or messed up at that hour, midnight is late enough. Ms. Wagner stated that when we ran the bingo hall we had maybe 30 people in there at 1:00 or 1:30 AM, and if something is going to happen its going to happen regardless of what time it is. Mr. Kostoff suggested making the revisions as Council discussed and present that legislation on Monday. Mr. Zita discussed the time line before the expiration of the current moratorium expires on April 9, 2011. We could have this read at two Council meetings and waive the third reading on March 28, 2011. Mr. Braman asked Council if they have a problem with limiting the number of businesses to seven (7) and there was no objection. Mr. Nicolard stated he wasn't sure of limiting them to a certain number was constitutional. Mr. Money Penny stated that if you decide to change the distance from 500 feet to 1,000 feet as discussed, this alone would limit where they can go and you probably won't have to worry about the number of them coming in.

Internet Café's Continued:

Mr. Kostoff stated he is confident that we can legally defend this legislation with limiting the number of businesses permitted to come in. Ms. Gayle Brenner raised the idea for those establishments that remain open to 1:00 AM or later you require them to provide their own security as a deterrent. Ms. Wagner stated that if you close these places down at 10:00 PM the customers will just go into Barberton, Wadsworth or elsewhere. Mr. Pelot suggested that we stay with 12:00 AM closing time M-F and if Chief Hete sees this as becoming a big problem he could come to Council and asked for this to be discussed and possibly amended. Mr. Braman moved to incorporate all of the changes as discussed and place this on Councils agenda on Monday for a first reading with emergency language, waiving the third reading, seconded by Mrs. Hlas. Mr. Braman did note that he had discussed the 15ft. sq. ft. issue with Russ Arters and he was fine with that distance as it is.

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

Motion passed 6-0.

Add Section 642.18 to Codified Ordinances

Mr. Zita stated that this has to do with the penalty phase relating to the trash dumpster/corrals legislation. Mr. Zita noted that we have a Public Hearing on that legislation scheduled for March 14, 2011 at 7:15 PM. Mr. Ryland indicated that this legislation is a means to enforce the trash dumpster/corrals legislation. Mr. Zita stated we could put this on Monday's agenda for a first reading, pending the passage of the trash dumpster/corrals legislation, and so moved, seconded by Mr. Nicolard.

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

Motion passed 6-0.

Chief Hete reported that the Norton Police Dept. has received a grant for \$25,000.00 from the Ohio Dept. of Public Safety for a new police cruiser, which was something he expressed to Council earlier that the city desperately needs more of. Chief Hete stated that we are the only division in Summit and Medina County that received this grant. Chief Hete stated that this was the result of Officer Jay Nagy's due diligence, and that so far Officer Nagy has secured over \$1,000,000.00 in Federal & State grants since 2001. Chief Hete gave kudos to Officer Nagy for his efforts and we will continue to send him to the grant writing school.

Unfinished Business:

Mr. Mowery stated that some very concerned residents in Brentwood Estates have contacted him about not letting their issue die, and Mr. Mowery assured everyone that he would continue on with this. Mr. Mowery discussed the Grubb property that was talked about in the past where the city was interested in buying.

**Unfinished Business Continued:**

Mr. Moss stated that the owner was asked if they were interested in selling and they have not heard anything more from them. The city is not pursuing this option, however it is an open possibility in the future to expand parking for the Community Center or Administration.

**New Business:**

Mr. Kostoff indicated he has been working with Mr. Ryland on a Transmission Agreement with Summit County and hopes to have the draft ready for the next work session. This agreement between Summit County and Norton relates to sewers and has two (2) elements to it and will ensure a mechanism to be in place, which will prevent delays. Mr. Moss indicated that in light of receiving the grant for the cruiser and new revenue from the impound and towing legislation, he would need to adjust the 2011 Budget at the next meeting.

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

Ms. Wagner commented about the trash haulers and the reference recently made about “trophies”. Ms. Wagner stated with the layout of her property she had no other way but to put their trash dumpster out front, it was not as a trophy. Ms. Wagner stated that Council should be more concerned with all of the so-called home occupations that have chemicals coming in and out, not to mention the increase of all the permits for pole barns.

Mr. Dennis Pierson, a Norton resident, waived his comments until the Mayor and the representative from Floyd Browne Group were present at the next meeting; his comments would have more impact then.

**Topics for the next Work Session:**

Transmission Agreement with Summit County & City of Norton  
2011 Budget Adjustments

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:17 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.**