



COMMITTEE WORK SESSION APRIL 4, 2011

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

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

The Committee Work Session convened on Monday, April 4, 2011 at 7:06 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:

Nash Heights Engineering

Mr. Bergstrom distributed the recent engineering proposal from the Floyd Browne Group (see attached) adding that we will need to move forward with the approval for engineering in order to keep the project moving. Mr. Ryland stated this project is for 32,000 feet of sewer lines and 9,000 feet of trunk lines. The engineering cost for the whole project is about \$405,000.00 and that is 5% of the estimated construction cost, which is \$8,700,000.00. Mr. Ryland stated that is quite a deal at 5%, as most engineering firms would charge more than that. Mr. Ryland noted that Council has already approved a contract for the first \$100,000.00, we need the approval for the additional expense. Mr. Ryland noted that most of the pump stations would be located in Ward 4. Mr. Pelot asked when the payments would be due and Mr. Ryland indicated that it's done in phases, \$200,000.00 due this year. Mr. Kostoff stated he reviewed Ord. #92-2010 which approved the first \$100,000.00 and with Council's direction he could draft what is needed for the next Committee Work Session and then it could go to the next Council Meeting after that. Mr. Moss stated we would borrow the money with the low interest funds that are available out there, and then roll that loan into a construction loan which is also at low interest. Mr. Moss stated that we do have the funds available now to pay for this up front.

Mr. Bergstrom stated he would like to provide the approval of funds in stages, not all at once. Mr. Moss indicated we would manage it to fit the loan program we end up with. Mr. Bergstrom stated that after we get the preliminary engineering done we should then look at possibly doing a design build project, where you can save money if we were to end up going that route. Mr. Moss stated that we did get less than half of the normal costs for the engineering fees at 5% and if we were to switch over to the design build method, they might pull that lower rate. Mr. Bergstrom stated he wants to see the legislation prepared with the approval in two steps. Mr. Ryland stated that a simple addendum to the contract would take care of that. There was more discussion on the terms of the contract and Mr. Kostoff suggested Mr. Bergstrom work on those details with Mr. Ryland while he prepares the legislation. This item will be on the April 18, 2011 Committee Work Session agenda for discussion.

Ord #37-2011 Transmission Agreement

Mr. Bergstrom stated that during the last discussion we had some questions and concerns regarding the numbers. Mr. Bergstrom stated that everything seems to be in order, but needs to be fine-tuned before we vote. Mr. Ryland stated we have reviewed the numbers three or more times and they were all correct, it's the bulk rate that was not there. Mr. Ryland stated its fine to move forward with a first reading on this for Monday's Council meeting. *(Note-Ord #37-2011 was tabled at the March 28, 2011 Council meeting before having its first reading.)*

Ord. #36-2011 Entertainment Café' Moratorium

Mr. Braman stated last week there was an Attorney present with concerns for his client's business (Tradewinds on Barber Road) relating to the hours. Mr. Braman stated that Mr. Ryland and Mr. Kostoff have worked on a proposal and asked Mr. Ryland to elaborate. Mr. Ryland stated that Attorney Malarcik had asked Council to consider allowing Tradewinds to be open until 2:00 AM on Friday and Saturday nights and Sundays until 12:00 midnight. After discussions, Mr. Ryland stated that they decided to drop the request for 12:00 midnight on Sundays. Mr. Ryland read the following proposal to Council: ***An operator shall be able to extend its hours of operation on Friday and Saturday night to 2:00 AM of the Operator supplies security approved by the City of Norton Chief of Police or his designee from the hours of 10:00 PM to 2:00 AM on Friday and Saturday night.*** Mr. Kostoff indicated that this is something that the Chief of Police will have to monitor and should report back to Council periodically. Mr. Kostoff stated that if the operators cannot comply with the security provision, they won't be open until 2:00 AM. This legislation could be amended in the future if necessary. Mr. Zita asked if now would be a good time to address the license fees. Mr. Kostoff stated that we have discussed this legislation enough, it's time to move ahead with it. Mr. Bergstrom stated that after the last meeting he had emailed Attorney Markey with some questions or concerns he had with the regulations and reviewed these with Council and Mr. Kostoff. There was discussion on Chapter 858.02 B8; and that B8 should be B7, this was just a typographical error, which Mr. Kostoff agreed. License fees should these be \$400 or \$200, and Mr. Kostoff stated that its set at \$200.00 now and that time would really tell or dictate that in the future.

Ord. #36-2011 Entertainment Café' Moratorium Continued:

There was also discussion about adding churches to Section 858.059(a) and some felt that maybe churches are not technically a public building. Mr. Kostoff stated he does not have the time to review this for tonight since it just came up. There was further discussion and Council asked Mr. Kostoff to research the legalities of adding this reference in the future. There was discussion about the change from 50 square feet per machine, which is what the County has, to 15 square feet, and why we reduced ours. Mr. Zita stated he met with Russ Arters about that and he felt that 15 square feet was fine and is more than enough space, and the building capacity limits would also play a part in this. Mr. Bergstrom mentioned the reporting of Internet time as being on the 15th of each month. This might be a problem with the 15th possibly being a Saturday or Sunday or even a holiday and suggested the 2nd Tuesday of each month instead. Mr. Copen, a Norton resident, expressed concerns with the proposed change to the hours, adding that you have been discussing this for 2-3 months. An Attorney shows up one time at the last meeting and now you want to modify this? Mr. Copen stated the hours should remain as they are now. Mr. Copen questioned the security at these locations, would they be licensed and armed guards or just someone in plain clothes with a gun? Mr. Copen discussed Section 858.03(a) the fees of \$1,000.00 and \$200.00 semi annually, questioning what's the first fee? Mr. Copen stated that 15 square ft. is more than adequate. Mr. Zita asked Mr. Copen how many machines are typically in these establishments and Mr. Copen stated between 20-30. Mr. Bergstrom stated he thought we had agreed on the hours in our last discussion and wanted to leave them as they are. Mr. Kostoff stated this is a proposal, Council sets the hours not the Administration. Mr. Kostoff stated he recalled asking Attorney Malarcik if he was satisfied with the legislation other than the hours and Mr. Malarcik had replied yes. Mr. Kostoff stated that approved security is not going to be some fly by night outfit, its not going to be a cheap fix for these businesses to comply with. Mr. Michael Money Penny, a Norton resident stated that he sees the requirement of licensed security as an opportunity for Norton Police officers to earn a little extra money. Mr. Dan Grether, a Norton resident discussed the comments made by Mr. Money Penny adding that anything after 12:00 midnight is nothing but trouble. Friday and Saturday nights are very busy times for our officers with OVI's and other issues, just leave it as it is. Mr. Braman stated he felt this would give more protection and is in favor of this. After further discussion Mr. Braman moved to add the language to Exhibit A for Ord. #36-2011, seconded by Mrs. Hlas.

Roll Call: Yeas: Braman, Hlas, Pelot
Nays: Bergstrom, Zita

Motion failed 3-2, a majority vote of Council (5) is required to amend Ord. #36-2011.

Unfinished Business:

None

New Business:

Mr. Zita discussed the sewer line benefits at Loyal Oak extending North on Cleveland Massillon. Mr. Moss stated we only had so many benefits available. A homeowner would only need 1 benefit. The answer is to build a trunk line off of Barber Road and up, which would allow them to get service. Mrs. Hlas stated that's probably the reason those that did purchase the benefits in the past never extended it because of the cost involved.

Public Comment-Agenda and Non Agenda Items:

Ms. Sue Kedrowski, a Norton resident complained about her ditch being dug too deep many years ago. Ms. Kedrowski stated she was told for years so many different things about getting this fixed. Ms. Kedrowski stated that now she is being told that her driveway culvert is collapsing and she needs to replace it at her expense. Ms. Kedrowski stated she has been complaining to the city about this for 8-10 years and nothing gets done. Ms. Kedrowski stated this just isn't right and asked for consideration on the costs to replace the culvert. There is no way for water to move and it only creates a mosquito trap, nothing is flowing and it doesn't go anywhere. Mr. Pelot stated that he would come out and take a look at but wasn't sure why she felt this is a city issue. Mr. Ryland stated the city has been out there to take a look at this area, that whole area is totally flat. It really needs to be opened up to Wolf Creek. Mr. Ryland added that a driveway culvert is always the homeowner's responsibility, regardless of the situation.

Topics for the next Work Session:

Ohio Public Works Commission Grant
Nash Heights Engineering

Adjourn

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