



COMMITTEE WORK SESSION MAY 2, 2011

Committee Members Present: Todd Bergstrom
Don Nicolard
Brenda Hlas-Excused (Arrived at 8:09 PM)
Bill Mowery
Ken Braman
Mike Zita
Scott Pelot

Also Present: Mayor David Koontz-Excused
Rick Ryland
John Moss
Police Chief Thad Hete
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, May 2, 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:

Reconsideration of Ord #36-2011 Entertainment Arcades –New Ord. #43-2011

Mr. Braman stated that the last time this was voted on some members were absent and we were one vote shy of passing the amendment. Mr. Kostoff stated he has concerns since that time because an operator has contacted the city regarding the restrictive hours. Mr. Kostoff stated he has invited Chief Hete here tonight for comments. Mr. Kostoff stated that at the April 4, 2011 meeting the moratorium was about to expire and there was an urgency to address it and that did pass, there just was not enough votes to amend the hours of operation. Mr. Kostoff indicated that he would now like all of the members present to have the opportunity to address this again and has prepared the draft as indicated in Exhibit A. Mr. Kostoff stated that a proposed security plan would need to be submitted to Chief Hete and approved and requested that Council place this legislation on the Special Council agenda for later this evening. Mr. Braman asked if Summit County was taken to court on this? Mr. Kostoff replied they entered litigation on several issues. Mr. Kostoff stated that Summit County has jurisdiction of townships and unincorporated jurisdictions. Mr. Kostoff stated we treated our legislation as a license issue and at no time would there be any more than seven (7) in operation.

Chief Hete stated he would have no objection as long as security provided is a trained police officer, either a Norton Police officer, or some other department. Mr. Nicolard questioned if we can require this type of business to set specific hours? Mr. Kostoff stated that we did pattern our legislation after Summit County's. Mr. Kostoff stated that the law does not actually set restrictions here, the State does like they would with a liquor permit, so in absence of that the State has not spoken in this area. We can set reasonable regulations on these types of businesses. Mr. Bergstrom stated that on this same thought process, we need to keep on track with a planned community and you need a little regulation. We need to be smart enough here to attract other businesses. Mr. Kostoff stated that he felt it was appropriate to have all of Council being able to weigh in on the time restrictions, and it was mostly a parliamentary procedure at the April 4, 2011 meeting. Mr. Bergstrom expressed his concerns about now wanting to change the hours and what type of a security plan was the Chief interested in seeing? Chief Hete stated that in the past we provided security for the bingo hall, which was up to 250 people at a time and involved larger amounts of winnings. One officer would be appropriate and it's really more of a deterrent than anything else. These officers would also have the latest technology in radio equipment available to them. Mr. Bergstrom stated he would like to see a written out plan before approving. Chief Hete stated that as time goes on with these businesses it would dictate the need for any changes to the plan if necessary. Mr. Mowery stated he would like to keep things plain and simple as possible and that gambling is just that. Let's focus on getting them established first and give them a good opportunity of making a go of it first. Mr. Zita reminded everyone that when we originally discussed the hours it was at 10:00 PM then we changed it to 12:00 midnight on the weekends. Mr. Ryland stated that back in June of 2004 Council set security measurements for other late night establishments, and felt this really was no different. Mr. Robert Copen, a Norton resident, expressed his frustration with Council and Administration considering the change in hours and questioned who was pulling the strings here? Mr. Copen noted a recent ad in the J B Dollar Stretcher by one of these operators that stated they would be open as late as necessary, and that they are thumbing their nose at the laws we have already put in place. Mr. Copen noted recently there were seven (7) cars in one of these establishments after hours and a cruiser was there also. Mr. Copen stated he did not see the need to hold a Special Council meeting for this, or the need for waiving the readings or emergency language in the legislation. Mr. Bergstrom asked cant we both be flexible here? Mr. Kostoff explained the need to get this on the books makes sense, and this would apply to all that would qualify if the business wants to stay open until 2:00 AM and complies with the security plan. Mr. Bergstrom stated we should have a written plan in place before we say yes, and if the business can't wait for that to take place then there is something wrong there. Ms. Charlotte Whipkey, a Norton resident, stated she didn't care if they wanted to stay open all night, they are a legitimate business. It's just not right for you to condemn them and then set them up like that. Mr. Kostoff stated that some may feel there is not enough restriction here and some may feel there is too much. This really does give them more time to operate their business; it's just that they must fall under the security plan. Mr. Nicolard asked about a penalty clause if they violate the hours, as he did not see it on the legislation. Mr. Ryland stated that you may not have the full law in front of you but there is a penalty clause, it is a minor misdemeanor.

Mr. Braman stated he sees this amendment as lessening an attempt of being challenged later on. Mr. Kostoff explained that Section 838.02, which regulates late night establishments, has worked very well for many years. We are not talking about an insurance office from 8-5 here, and having nothing on the books is not a good thing. Mr. Pelot stated that we discussed this issue in detail at the April 4, 2011 meeting and because of the emergency clause we did not have enough votes to pass it. The whole idea is to work with businesses, and most of us here on Council swore we would work to change the bad image Norton seems to have as it relates to businesses. Mr. Pelot stated he felt this was important enough that he has asked Mrs. Hlas to come back later this evening for a Special Council meeting so that all of Council would be present for the vote. Mr. Nicolard stated he is willing to support a healthy compromise and had concerns with the penalty clause and repealing Ord #36-2011. Mr. Kostoff stated all he is amending in Ord. #36-2011 is Section 858.06, all other portions of Ord. #36-2011 will remain the same. Mr. Dan Grether, a Norton resident, stated he was present at the April 4, 2011 meeting and recalled the opposition to the changes now and then. Mr. Grether stated that as Mr. Copen pointed out, these businesses have been thumbing their noses at us ever since, lets give them time and lets enforce the law first before changing the hours. Mr. Grether stated he has no doubt that Chief Hete can enforce this law. Mr. Grether stated he was opposed to the change then and the fact that the attorney walked in and offered to fix the solution of extending the hours with placing a police officer at their door. Mr. Kostoff explained the full process of the new law and that they must all apply for a license to continue to operate and they would need to be evaluated properly. Mr. Kostoff stated he is only trying to navigate this in a way that is fair and saves the city money. Mr. Braman clarified that a security officer would not be pulled off the roads and Chief Hete concurred this would not be the case. Mr. Jim Lino, a Norton resident asked if anyone has gone to other communities to see how they handle the late night hours or discussed their fees and rates? Ms. Gayle Brenner, a Norton resident discussed Mr. Copen's comment earlier about cars in the lot after hours, and they could be there legitimately for clean up details. Mr. Braman moved to add this to the Special Council agenda, seconded by Mr. Nicolard.

Roll Call: Yeas: Braman, Nicolard, Mowery, Pelot, Zita
Nays: Bergstrom

Motion passed 5-1.

Resolution for Summit Soil & Water Conservation District

Mr. Braman stated that we have been asked by the County to go back to the budget and State funding levels. Mr. Ryland concurred and that this is basically a Resolution of Support and that we do use them for our Phase II water issues. Mr. Nicolard reminded everyone that we are not State Legislators and we elected them to balance the budget. When we do this its like we have wasted our vote and our time. Mr. Braman stated that he feels we are asking them to reconsider. Mr. Braman moved to add this to Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

Entertainment Device Arcade License Review Commission

Mr. Braman noted that Ms. Alice Wagner and Ms. Joan Kernan have shown interest in serving and are present this evening. Ms. Wagner thanked Mr. Braman for his support and confidence that she could do a good job. Ms. Wagner stated she wanted to do a good job and help keep them legal. Ms. Wagner stated she had a business in Norton for over forty (40) years. Ms. Wagner stated since she has shown interest she has received a lot of complaints about these businesses, and hoped that Council's appointment is up to the task. Ms. Joan Kernan stated that since she had heard about the Committee and the fact she is now more available and closer to home, she would be honored to serve. Mr. Bergstrom asked Ms. Kernan how she envisioned her role on the Commission? Ms. Kernan replied since this is a new Commission, we need to be focused on where they will be located especially around our schools. Mr. Kostoff explained the duties of the Commission and the appeal process if addressed by any operator in the future. Mr. Pelot stated that since it appears that Ms. Wagner has declined, he questioned if legislation was necessary? Mr. Kostoff replied no legislation is not necessary, just a roll call and then she would need to be sworn in. Mr. Mowery stated that he felt Ms. Kernan would bring a lot to the table. Mr. Braman thanked Ms. Wagner for offering to serve and all of her comments and suggestions on this subject in the past. Ms. Whipkey asked if this was a paid position, and Mr. Kostoff replied no. Ms. Whipkey asked about the other members on the Commission or their Designees. There was some discussion as to those members and who would serve in those capacities. Mr. Braman moved to appoint Ms. Kernan as Council's appointment to the Commission, seconded by Mr. Zita.

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

Motion passed 7-0.

Unfinished Business:

None

New Business:

Mr. Moss asked for discussion at Monday's Council meeting to provide a Finance Dept. report to Council.

Public Comment-Agenda and Non Agenda Items:

There were no public comments this evening.

Topics for the next Work Session:

Mr. Bergstrom stated he had recent discussions with Mr. Ryland about extending a sanitary sewer line along St. Rt. 585 east to the corporation line. Mr. Bergstrom stated that we need to reconstruct the existing line to provide lateral connections for the businesses in this area. Mr. Moss asked to have discussion on key man insurance policy for the next work session.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:15 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.