



COMMITTEE WORK SESSION JUNE 6, 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
Fire Chief Mike Schultz
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, June 6, 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 reflection.

General Topics of Discussion:

Ward Boundary Adjustments

Dr. Cox indicated that the wards are off by about 500 residents. Dr. Cox suggested three (3) changes to the ward boundaries; move the northeast corner of Ward 2 into Ward 1. A small piece of the west side of Ward 4 into Ward 3, and south on Norton Avenue a small piece of about 80 residents move into Ward 3. Dr. Cox indicated that this is preliminary and wanted Council's feedback, he would come back to Council with more final revisions. Mr. Kostoff commended Dr. Cox on his research and plans and noted that the obvious goal is to have a minimal effect on the residents. This will need to be forward on to the Board of Elections and the residents will need to be notified. Mr. Kostoff indicated he would need the final map with a complete description of each ward in addition to the registered voters/residents information affected in order to prepare legislation. Mr. Kostoff noted this does not require a public hearing, however he would like to have three (3) readings with emergency language. Mr. Kostoff suggested the City place a small notice in the local paper as well stating the proposed map is on file in the Clerks office for inspection. Mr. Pelot moved to place this on Council's next agenda after all information is updated and received by Dr. Cox, seconded by Mr. Zita.

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

Motion passed 7-0.

Bath Salts Resolution of Support

Mr. Nicolard stated this seems to be a new epidemic and turned the discussion over to Chief Schultz. Chief Schultz stated he is really not having such a big issue with it, he cannot locate any of these products within the city, and it's sold mostly at head shops. Akron General Hospital has received numerous cases. Chief Schultz indicated that State is already working on this and they may do some or all of the work for us. Mr. Pelot stated some communities are already looking into this and he wanted Norton to be proactive with it. Mr. Pelot complimented Maria Prinzo (reporter from the Barberton Herald) on her recent articles on the bath salts. Mr. Kostoff indicated that he has been discussing this with the Barberton Law Director and they are drafting legislation, he should be receiving a copy of that soon and would forward it onto Council. Mr. Kostoff stated that at some point you may ask me to prepare something, it might be best for now to let the State address it. Mr. Nicolard asked if a formal resolution of support was necessary and Mr. Kostoff stated he felt the letter already sent to the sponsor of the Bill was sufficient, and the Clerk of Council could follow up on the status of that Bill. Mr. Pelot asked Chief Schultz to notify Council if these products become available within the City. Mr. Lino, a Norton resident, stated he felt this idea of trying to do it city by city won't work, you just need to let the State handle it.

Planning Commission Resolution #14-2011

Mr. Braman stated this rezoning is at the former Barberton Glass on Gardner Blvd., and they want to rezone it for an auto repair facility; it was a Firestone store prior to the glass business. Attorney Gipson, representing the applicant was present and stated this business would be only for light repairs; no paint or bodywork would be done. Mr. Nicolard expressed concerns with the small parking area and cars waiting to be serviced. Mr. Gipson noted they have four (4) bays inside, parking along the front and sides, it should be adequate. Mr. Bergstrom noted that we need to be looking at the zoning and down the road with the overall big picture here to change this zoning. Mr. Bergstrom stated that the concerns from Mr. Nicolard about the parking do have merit. Mr. Pelot asked what types of businesses does a B3 zoning permit? Mr. Braman stated that the property directly behind is already a B3. Mr. Braman stated he worked in a similar business of this size for over thirty (30) years and we never had more one (1) or two (2) cars out at night. Mr. Braman also noted that no one in attendance at the Planning Commission hearing raised any objections. Mr. Braman stated that when he discussed this with Russ Arters, he thought it was listed in the Comprehensive Plan as a B3. Mr. Ryland reminded everyone that in 2013 Cleveland-Massillon Road will be widened and that a few years ago we made changes to remove B3's along this area, this seems a lot like spot zoning to him. Mr. Braman stated this is what the Planning Commission agreed to and what they wanted to see. Mr. Braman stated that this is another business sitting empty and there really is not much else this building could be used for.

Mr. Pelot stated he would like to see this on the next agenda, but in the meantime wanted all Council members to review the Comprehensive Plan, let's not hold up this business owner either way. Mr. Braman noted there would be a Public Hearing at the second reading on June 27, 2011. Mr. Kostoff referenced Charter Section 6.02(D) and that Council must act on this Resolution within ninety (90) days from the time it's introduced. Mr. Nicolard asked about the number of employees, and Mr. Gipson replied there would be two (2) initially, it's a family operation. Mr. Braman moved to place this on Councils next agenda for a first reading with emergency language, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

2011 Road Program

Mr. Mowery asked if the 2010 Road Program was successful and Mr. Ryland replied yes, the roads did hold up well other than Hartzell Drive, and Mr. Lytle of Lytle Construction has corrected that. Mr. Pelot asked about the situation with corrections to Summit Road and Mr. Ryland stated that is not resolved, we may end up in court over that one. Mr. Ryland stated that we are very limited with funding this year and the amount of roadway that we can do, so we went out for bids to get the pricing for roads (10,000 ft at 20 ft wide). We did not choose specific roads, we wanted to see pricing, but he can make recommendations to Council. We can use the 405 paving process on 2 miles of roadway for \$252,000.00. Mr. Ryland indicated there would be no "listing" of roads to be repaired, we are talking about just a few roads here. Mr. Pelot asked about Maco and Mr. Mowery commented that we have so many roads in the City that have no road base like Maco. Mr. Bergstrom clarified that the \$202,000.00 option was to do Clubside Drive and Mr. Ryland replied yes. Mr. Ryland also suggested putting up large signs stating "Travel At Your Own Risk" on Maco. Mr. Zita discussed the pending situation with Parkway Blvd., and asked if we are going to address that this year, its what we have promised these residents. Mr. Zita reminded everyone we had a town meeting with these residents last year, many options were outlined and discussed. Mr. Ryland stated that the best option for repair is to grind and repair all the way through. Mr. Zita stated that no matter what you do fifty (50) percent of these residents will not be happy. Mr. Ryland stated that when we do Parkway, none of the residents would be happy. Mr. Mowery stated at the town meeting he thought we were going to resurface this road with the proper grading. Mr. Zita stated there was to be a second town meeting, and we never had that. Mr. Ryland stated we still have residents either stopping in or calling saying that they want other solutions. Mr. Nicolard stated that if there is a safety issue, as statesmen, we need to make it safer by making it a one way road or widening it. Mr. Zita stated this roadway is falling apart, and we told these residents it would be addressed one way or another. Mrs. Hlas asked how long Parkway is and Mr. Ryland replied about 2,000 ft. Mr. Kostoff noted that the City Engineer should have a set standard for street repairs, and that is what should be followed. Mr. Nicolard asked if we are salvaging liability by making it a one way road? Mr. Kostoff stated he would like to have the time to look into that. Mr. Mowery stated that no matter what gets done it's only a temporary fix.

Mr. Mowery asked Mr. Ryland for a list of the roads in the worst condition. Mr. Ryland asked that Council authorize for him to enter into a contract not to exceed \$205,000.000 for the 2011 Road Program. Mr. Mowery moved to place legislation on Councils next agenda for authorizing a contract for the 2011 Road Program not to exceed \$205,000.00 seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Proposed Charter Amendments

Mr. Pelot noted that each of these will required a separate piece of legislation and that Mr. Pekarek, the Chairman of the Charter Review Commission was present for any comments. Mr. Kostoff noted that the bulk of these are of a housekeeping nature brought forward either by the Clerk of Council, or the Administration.

Section 3.06-Vacancies: Mr. Pelot moved to place this item on Councils next agenda for a first reading, seconded by Mr. Braman.

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

Motion passed 6-0. (Mr. Mowery was temporarily excused)

Section 3.13-Special Meetings: Mr. Pelot stated this addresses how members are served and changes the time from 12 hours prior notice to 24 hours. Mr. Ryland noted the Charter Review Commission wanted it to remain at 12 hours. Mr. Pekarek stated they felt 12 hours was fine especially in the event of an emergency. Mr. Kostoff stated he has no issue here, however the 24 hours is in compliance with the Ohio Sunshine Laws, and he cannot point to any case law regarding this. Mr. Kostoff stated after the Clerk brought this to his attention, he felt that it made sense to be in compliance with Ohio law. Mr. Kostoff suggested Council Rules could be changed for the manner in how service is made. It could be done via email with confirmation. Mr. Zita stated he would rather keep it at 12 hours. Mr. Pelot stated if we don't follow the Ohio Sunshine Laws we could open ourselves up to litigation. Mr. Kostoff suggested leaving this on the agenda for Monday and in the next week he would work with the Clerk to see if we can include 12 hours in there or something. Mr. Pelot moved to add this to Councils next agenda for a first reading, seconded by Mr. Braman.

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

Motion passed 7-0.

Section 5.03(B) Board of Control: Mr. Pelot stated this would bring the spending threshold in line with Ohio Revised Code. Mr. Kostoff stated you would not have to keep changing it every time the State changes the limit. Mr. Pelot moved to add this to Councils next agenda for a first reading, seconded by Mr. Braman.

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

Motion passed 7-0.

Section 6.02(A) Planning & Zoning: Mr. Pelot stated this removes the limitation of two consecutive terms. When residents are willing to serve we should not limit their time. Mr. Pekarek stated we all agreed that if you are doing a good job we should not get rid of them because of term limits. Mr. Kostoff added that time and experience can be valuable on these Boards & Commissions. Mr. Pelot moved to add this to Councils next agenda for a first reading, seconded by Mr. Braman.

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

Motion passed 7-0.

Section 6.05(A) Parks & Cemetery: Mr. Pelot stated the same applies as the previous discussion and moved to add this to Councils next agenda for a first reading, seconded by Mr. Braman.

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

Motion passed 7-0.

Section 8.03 Nominations: Mr. Pelot stated this extends the filing timeline from 75 days to 90 days to allow military personnel the additional time. Mr. Pelot moved to add this to Councils next agenda for a first reading, seconded by Mr. Braman.

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

Motion passed 7-0.

Mr. Kostoff noted that for whatever reason we have missed one other item for Section 6.03(A) Building & Zoning Appeals terms, it was omitted in the packet, the legislation was prepared, perhaps the Clerk did not receive it.

Section 6.03(A) Building & Zoning Appeals: Mr. Pelot moved to add this to Councils next agenda for a first reading, seconded by Mr. Braman.

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

Motion passed 7-0.

Mr. Kostoff thanked Mr. Pekarek and the members for their dedication and service. Mr. Pekarek stated that the Commission also reviewed Section 3.04-President & Vice President. It was discussed that anyone could run as a President of Vice President and that would only be ¼ of the vote of the city from a ward. If it's an at large, then all of the residents have a voice on that person. Barberton and Wadsworth elect their Council President, and it gives the power to the people. We all voted on this and only one member abstained. If this is accepted then the Council President would have to run the same time the Mayors position is up for election, in case something happens, and this would be a 4 year term. Mr. Bergstrom noted that we had similar discussions when we were going back and forth with the seven (7) versus five (5) Council members issue. It's Councils meetings and they need to be run as efficiently as possible. We feel we can decide who is best suited to be the President of Council. Mr. Nicolard stated that statutory cities normally elect their President of Council and he trusts the people on how they vote and recommends the people elect their President of Council. Mrs. Hlas asked what did the Commission recommend, and Mr. Pekarek answered to allow the residents to elect their President of Council, and it would not be until 2015. Mr. Zita stated he was concerned with having newly elected officials potentially being elected as Council President and Vice President. Mr. Kostoff stated this is a serious change in city government and Councils needs the time to flush it all out and would rather see this addressed next year. Mr. Ryland reminded everyone that the Charter review Commission is still seated until next April. Mr. Pelot thanked Mr. Pekarek and all of the Charter Review Commission Members for their time serving this year.

Newpark Drive Road Reconstruction

Mr. Pelot had submitted photos of the recent flooding (see attached). Mrs. Hlas turned this discussion over to Mr. Moss and Mr. Ryland. Mr. Ryland stated Council authorized him to bid to see the cost for construction, and he is now prepared to take a petition to the property owners and needs their 100% participation to make this project work. Mrs. Hlas stated the Administration needs authorization from Council to sign the contract with the lowest bidder, but questioned what is next if you do not get 100% of the business owner's signatures? Mr. Ryland suggested Council rejects the bid, goes back out and re-bids and continues on with a Resolution of Necessity and starts a full assessment process. Mr. Moss distributed a cost sheet (see attached) and explained that \$1,800,000.00 is covered for this year, and he would need authorization to establish a new fund and a construction note in the future. Mr. Moss indicated there is grant money for \$600,000.00 and we would borrow the remainder and would like to bring that forward for Monday's meeting. Mrs. Hlas moved to authorize the Administration to enter into a contract for the Newpark Drive contingent upon 100% participation added to Monday's Council meeting with emergency language, seconded by Mr. Nicolard.

There was discussion on what steps would be taken if the signatures are not sufficient, and Mrs. Hlas modified her motion to remove the contingency portion, seconded by Mr. Nicolard.

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

Motion passed 7-0.

Mrs. Hlas moved to add legislation to create a new fund and appropriate money for the Newpark Drive construction project, second by Mr. Nicolard.

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

Motion passed 7-0.

Mr. Moss also asked to have legislation authorizing for a construction loan and would have to submit the revised numbers for Monday. Mrs. Hlas stated we could do this in two weeks instead.

Fire Levy Ordinances

Mr. Nicolard stated we have already adopted the Resolutions of Necessity and now we have the figures from Summit County to place this on the ballot. Mr. Moss stated we currently have four (4) levies in place. Mr. Moss handed out information on the costs involved (see attached). The replacements will be only for two (2) levies that total 4.6 mils. Mr. Nicolard moved to place legislation on Mondays agenda for a 2.0 mil replacement levy for the EMS with emergency language, seconded by Mrs. Hlas.

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

Motion passed 7-0.

Mr. Nicolard moved to place legislation on Mondays agenda for a 2.6 mil replacement levy for the Fire Dept., with emergency language, seconded by Mrs. Hlas.

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

Motion passed 7-0.

Unfinished Business:

Mr. Nicolard removed Highway Cameras off of the Matters Referred listing. Mr. Nicolard discussed leaving the Street Lighting on the listing because he still would like to come up with a way to actually do this. Mr. Bergstrom removed Assessment Cost Share and Sanitary Sewer Projects-City Costs from the Matters Referred listing.

New Business:

Mr. Nicolard discussed the abuse of the traffic law at the center of town during school hours with no turn on red. There was discussion about installing enforcement cameras in this area to curtail this. Mr. Kostoff suggested the City meet with the Norton City Schools Superintendent and have the Safety Director conduct a study to see if it warrants this. Then you would need to educate the public if this is completed. Mr. Ryland commented that it might be cheaper to hire a crossing guard.

Mr. Larry Perkins, a Norton resident, stated he would really like to see a yellow caution light installed coming out of Norton Plaza onto Greenwich Road. If the school zone lights are flashing and you are exiting the plaza, you won't know it because you cannot see the blinking lights in either direction.

Mr. Zita discussed the status of the Joint Dispatch agreement with Copley and that he would like to hold a meeting between our Council members and their Trustees to get the details on an agreement or what they are going to do. Mr. Zita stated he wanted this to be a full public meeting with everyone from both entities involved. Mr. Pelot suggested the Clerk of Council contact Copley and see if they are open to discussions.

Mr. Nicolard noted we have a request to approve a new liquor license for the Houston Pub for next Committee and wanted to address this tonight. Mr. Nicolard noted that Chief Hete has already indicated he did not object. There was brief discussion on this issue and there was no objection from any Council members and no need to address this again at the next Committee meeting. Mr. Nicolard moved to approve the request, seconded by Mr. Zita. Mrs. Richards indicated the State Liquor Dept. would be notified by mail that the City approved this.

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

Motion passed 7-0.

Public Comment-Agenda and Non Agenda Items:

None

Topics for the next Work Session:

Service Dept. Stats & Goals-Ted Weinsheimer
Amend Council Rules 109 (Pelot-Rules)
Joint Dispatch Center Meeting with Copley (Nicolard-Safety)

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:23 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.