



## COMMITTEE WORK SESSION AUGUST 15, 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  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Monday, August 15, 2011 at 7:00 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:**

#### **Bath Salts Legislation**

Mr. Nicolard stated that Chief Hete is satisfied with the State's recent legislation and that there is really nothing more that needs to be done as far as creating something under the Norton Codified Ordinances. There was discussion about removing this from the Matters Referred listing, to which there were no objections.

#### **Appoint Assessment Equalization Board**

Mr. Pelot stated the City has received four (4) letters of protest related to this project and we need to move forward with appointing the members for the Board to hear their objections. Mr. Pelot stated that we are working on the names, which will follow later this week. Mr. Pelot moved to place this legislation on Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Braman.

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

Motion passed 7-0.

Budget Issues

Mrs. Hlas stated that Mr. Moss has requested transfers from Fund #107-EMS-Capital which needs increased by \$47,000.00. Fund #450-Capital Storm Sewer needs to be increased by \$21,000.00. Mrs. Hlas stated that this is all within the 2011 Budget. Mr. Moss stated the additional revenue requested is for concrete work and an antenna tower behind the Police Department. There was brief discussion about the antenna tower, and the distance is an issue for proper radio broadcast and it appears we need to go forward with an additional tower. Ms. Moss stated it's more of a time of travel not such a distance issue, and we need a tower that is closer to the building. 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, Zita, Pelot  
Nays: None

Motion passed 7-0.

Assessing Ordinances (3)

Mrs. Hlas stated we have before us three separate assessment ordinances. The first one is Ord. #65-2011 which for the Greenwich Road sewer line project, Ord. #66-2011 is for the Oak Street & Columbia Avenue sewer line project and Ord. #67-2011 is for the Gardner Blvd. Phase III waterline project.

Mrs. Hlas moved to place Ord. #65-2011 on the next Council agenda, seconded by Mr. Nicolard.

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

Motion passed 7-0.

Mrs. Hlas moved to place Ord. #66-2011 on the next Council agenda, seconded by Mr. Nicolard.

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

Motion passed 7-0.

Mrs. Hlas moved to place Ord. #67-2011 on the next Council agenda, seconded by Mr. Nicolard.

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

Motion passed 7-0.

Various Note Renewal Ordinances

Mrs. Hlas stated that we have five (5) notes that need to be rolled over and renewed before our next regular Council meeting and she would be moving to add these to tonight's Special Council Meeting agenda. Mrs. Hlas listed the following notes as follows: 1). Ord. # 68-2011-Greenwich Road waterline project, 2). Ord. #69-2011-Gardner Blvd. Phase II waterline project, 3). Ord. #70-2011-The purchase of the Beldick property, 4). Ord. #71-2011-The new Fire Station 5) Ord. #72-2011 the purchase of the Lindeman property. Mrs. Hlas moved to place Ord. #68-2011 on the Special Council agenda, with emergency language and waiving the second and third readings, second by Mr. Nicolard.

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

Motion passed 7-0.

Mrs. Hlas moved to place Ord. #69-2011 on the Special Council agenda, with emergency language and waiving the second and third readings, second by Mr. Nicolard. Mrs. Elaine Tompkins, a Norton resident, discussed the slight increases in the amounts for Ord #68-2011 and #70-2011. Mr. Moss stated that they are written as not to exceed those amounts, and allows some extra room for various costs. Mrs. Tompkins asked if there are other outstanding notes relating to the Fire Station and Mr. Moss replied yes, there is an \$900,000.00 note from last year that goes away, in addition to a long term note for construction.

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

Motion passed 7-0.

Mrs. Hlas moved to place Ord. #70-2011 on the Special Council agenda, with emergency language, waiving the second and third readings, seconded by Mr. Nicolard.

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

Motion passed 7-0.

Mrs. Hlas moved to place Ord. #71-2011 on the Special Council agenda, with emergency language, waiving the second and third readings, seconded by Mr. Nicolard.

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

Motion passed 7-0.

Mrs. Hlas moved to place Ord. #72-2011 on the Special Council agenda, with emergency language, waiving the second and third readings, seconded by Mr. Nicolard.

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

Motion passed 7-0.

#### New Liquor Permit-Dollar General Store

Mr. Pelot stated that Chief Hete had reviewed this application and he has responded back that he has no issues with this request. After a brief discussion on Council, there was no desire to object to the application or hold a hearing. The application would be approved and mailed back to the State Liquor Agency for processing.

#### Sewer Connection Fees for Wooster Rd. West

Mr. Bergstrom stated that this item really originated from Mr. Braman and is a good subject to make it affordable to residents to be able to connect. Mr. Braman stated that someone interested in connecting in that area approached him. However they were concerned as to why other residents got a break with their connection fees and they didn't. Mr. Braman referred to the recent one-year grace period for connecting that was granted on two recent sewer line projects. Mr. Bergstrom stated that we do need to look at this and wanted to have more detailed discussion at the next Committee Work Session. Mr. Bergstrom discussed waving connection fees altogether and what kind of an impact this might have on revenue for the city. Mr. Nicolard stated that when we are waiving the fees we need to be fair and equitable to all. Mr. Pelot agreed but cautioned that some on Wooster Road West may have already tapped in, and questioned how to handle that. Mr. Bergstrom stated he would work on some ideas with Mr. Moss and Mr. Ryland over the next few weeks and encouraged any Council members to forward their suggestions to him. Mrs. Hlas asked about any other sewer projects that are older and completed where people have not tapped in yet. Mr. Ryland cited Barber Road, Loyal Oak area, Cleveland Massillon Road. Mrs. Hlas stated that she recalled we already gave a huge break for Barber Road several years ago for something like \$290.00 or \$590.00 to connect. She was not in favor of offering another discount for that project to those that refused to connect, it's too late in the game for that now. Mr. Bergstrom asked to place this on the agenda for the September 6, 2011 Committee agenda. Mr. Pelot asked Mr. Moss to prepare an updated total of funds in that account for that meeting. There was discussion about possibly approaching Barberton Utilities to see if they would be willing to adjust their fees as well. Mr. Richard Easterling, a Norton resident, commented about the fees Barberton charges; he was not sure what their fees are really for. Mr. Easterling stated that it seems like a cost for a service that is not performed.

#### ODOT Consent Legislation St. Rt. 21 Repairs

Mr. Mowery asked Mr. Ryland if any of the repairs have begun yet and Mr. Ryland replied no.

Mr. Ryland stated that this repair work is due to older storm water damage to a culvert, which blew out. This construction work is to be completed within 180 days from passage. Mr. Mowery moved to place legislation on Councils next agenda, with emergency language, waiving the second & third readings, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

#### Director of Planning & Economic Development Position

Mr. Pelot stated that our Economic Development Committee held a meeting back on August 4, 2011 to discuss this position in detail. The person in this position would be aggressively going out promoting and contacting businesses in attempts to take the financial burden off of the taxpayers. The idea is to move Mr. Moss to this position/Dep. Director of Finance and hire a new Finance Director. Mr. Bergstrom liked the idea in general, and looking over the attached proposed job description he had a few concerns. One item was the Assistant to the Administrative Officer. Mr. Ryland stated that in his absence, Mr. Moss as been taking over his duties. Mr. Bergstrom questioned the education requirement and the term “or related field” and felt this was too vague. Mr. Bergstrom stated it should be more specific or remove it. Mr. Ryland cautioned doing this or hamstringing it with listing a Masters degree or something. Mr. Bergstrom stated he would still like to see someone with more experience in the field in this position, in addition to open advertising for the benefit of both sides. Mr. Nicolard stated that he is aware an ad already ran earlier this year, and was not sure how many responses we received if any. Ms. Gayle Brenner, a Norton resident suggested the term “related field experience”. She also stated that you really don’t want or need to advertise, you should just fill the position from within, it’s less expensive and is just a waste of time to advertise. Mr. Bergstrom stated that it’s nothing against Mr. Moss, he just doesn’t want it said later that we never advertised for this position. Mr. Ryland pointed out to Mr. Bergstrom that is exactly why the Committee of the Whole is done the way it is. We just spent nearly an entire hour last week discussing this same issue. Mr. Kostoff stated that the Charter dictates the Mayor submits a candidate to Council for confirmation of his appointment. It’s Councils decision to confirm that appointment or not. Mr. Bergstrom stated that how we go about this position is very important because in January we will have a new Mayor. Mrs. Hlas reminded everyone that we are not discussing who to appoint to the position, but the position itself. Mr. Kostoff offered to look into a better terminology for the “or related field” and would get back to Council/Administration on that. Mr. Dale Nelson, a Norton resident, praised Mr. Bergstrom for presenting his concerns and facts, and that Council should be listening to him and not Administration. Mr. Ryland disagreed with Mr. Nelson, the Administration works for the Mayor and the taxpayers. Council legislates; they do not have anything to do with the day to day operations of the city. Ms. Charlotte Whipkey, a Norton resident, agreed that it’s the option of the Mayor to select a name and send it to Council. However, since he is leaving soon this may be premature. Ms. Whipkey stated she does not recall seeing any legislation on the job description and would like to have a copy.

Mr. Mowery stated he was not ready to give the Mayor the ok to do anything just yet, he wanted to talk with the former Planning Director-Jeff Pritchard first.

**Unfinished Business:**

Mrs. Hlas discussed the Key Man Insurance item on the Matters Referred and asked Mr. Moss for the details on this. Mr. Moss stated that we have few key employees and if a death were to occur and we need to replace someone immediately, we need a policy in place to set the funds aside. If we do not have such a policy in place then we need to decide on another way to set money aside for this purpose. There was discussion on how long this matter has been sitting and Mr. Hlas decided to remove it until the Administration is prepared with more information. Mrs. Hlas asked about the status of the basketball courts and Mr. Ryland indicated the bids are out and are scheduled to be opened next Thursday at 10:00 AM. Mr. Bergstrom asked about the FEMA funding for the flooding issues and Mr. Ryland replied that all of Summit County was denied funding by FEMA. Mr. Ryland discussed Ord. #6-2010 Nuisances within the City and the property located at 1275 Norton Avenue. Mr. Ryland indicated that he has instructed the Police Chief to notify this owner that from now on extra calls will be billed, and if not paid they would be assessed on his property taxes. Mr. Ryland displayed a large file of records illustrating the numerous calls by the Norton Police and Fire Departments just this year alone.

**New Business:**

Mr. Pelot discussed the procedure regarding the Mayors Veto on Ord. # 50-2011 for the rezoning application on Gardner Blvd. Mr. Pelot explained that the Charter dictates that Council must reconsider the veto and that a vote of 5 years would be required to override the veto. Mr. Bergstrom discussed the recent well drilling going on in the city and that as he understands it ODNR has the jurisdiction over these wells. Mr. Ryland concurred adding that we do get a written notice from ODNR. Mr. Bergstrom stated his neighborhood had their first annual block party last weekend and it was a great success. He gave a special thanks to the Norton Police Dept. and Officer Jason Sams who was there and really interacted with the kids. It was well received and well respected and encouraged other neighborhoods to do their own block parties and take advantage of our Police Dept.

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

Jeff & Leslie Evans, 2047 Wadsworth Road, commented on the detrimental impact they are getting from a neighboring business (Impact Irrigating 2055 Wadsworth Road) from raising the elevation of their land. The are now getting so much water runoff onto their property, and they have spent a lot of their own money trying to stop it They are asking for someone to help with their situation because they cannot find where this is permitted. The Charter states you are to take care of and protect the residents. They have been told it's a civil matter, but asked why should they have to pay to hire an attorney?

Mrs. Elaine Tompkins, a Norton resident, commented about various issues (see attached). Mrs. Tompkins also expressed her concerns that there was no letter of intent on record from either Copley or Norton regarding the joint dispatch center.

Mr. Jim Lino, a Norton resident, spoke regarding the mosquito spraying and that the MAD is supposedly out checking ponds and spraying, but he never sees them. Mr. Lino stated that Summit County also sprays and they told him the taxpayers pay for that service. Mr. Lino stated it seems like we are being double dipped here for the same services.

Ms. Charlotte Whipkey, a Norton resident, spoke about the Barber Road property and that as of August 10, 2011 the City of Norton is now the proud owner of that parcel. So why are the Fred Martin cars still parked there and what are our liabilities now that we own this? Ms. Whipkey asked why hasn't anyone on Council brought this up, and what are you going to do about it?

Mr. Dale Nelson, a Norton resident, stated that Norton does not enforce its own zoning code so he really doesn't expect to see any action with that Barber Road parcel. Mr. Nelson stated that November 11, 2010 was the last time we had any minutes from the BZA, Board of Control or Planning Commission. Mr. Nelson stated he called the Governors office about this and they told him to contact the Ohio Ethics Commission. Mr. Nelson stated that when he contacted that office they told him to hire an attorney and sue the city, so he guessed that's what he is going to have to do.

**Topics for the next Work Session:**

Sewer Connection Fees for Wooster Road West  
Comprehensive Study on Zoning Codes

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:35 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.**