



## COMMITTEE WORK SESSION MARCH 19, 2012

**Committee Members Present:** Charlotte Whipkey  
Dennis McGlone-Excused  
Scott Pelot-Excused  
Bill Mowery  
Todd Bergstrom  
Ken Braman  
Don Nicolard

**Also Present:** Mayor Mike Zita  
Rick Ryland  
John Moss-Excused  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Monday, March 19, 2012 at 7:01 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Don Nicolard, 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:**

#### **Internet Café' Legislation**

Mr. Bergstrom stated that this all goes along and ties in with the Community Developer position and was originally discussed about a year and half ago. Mr. Bergstrom stated he wants to be cautious about adding more without taking a good look at our comprehensive plan first. Mr. Bergstrom asked about the revenue of the ones we have now and Mr. Ryland stated he did not have exact amounts, but revenue has been steady. Mr. Braman stated he thought the end of year report had something like \$45,000.00 in revenue. Mr. Bergstrom stated that where we place them is very important. Mr. Nicolard stated that they are all above board and the only types of businesses on a waiting list. Mr. Bergstrom stated he doesn't want to have the wrong look for our city and wants to look into this more before making any decisions. Mr. Mowery stated his first concerns were if we were going to have problems with these businesses, however it's been just the opposite. All of them seem to be well kept and a great source of entertainment for our residents. Ms. Whipkey stated she is all in favor of pushing back the operation times one hour to continue having police coverage. Ms. Whipkey stated she does like the 1,000 foot restrictions near a school, but felt it was a waste of revenue to have others complying, and she has only heard of two (2) complaints. Mr. Braman stated he is in favor of changes to the setback requirements.

Mr. Braman stated that fees are at \$200.00 per machine now and some of these businesses have over thirty (30) machines. We might want to check other communities to see what they charge. Mayor Zita stated last week he did have one resident contact him about the most recent café that went in. That area is more residential, there are homes on both sides, however it is properly zoned for that. Mr. Ryland noted that all of the café owners are good corporate citizens, and they step up and support this city. Mr. Don Fox, 1275 Norton Avenue and Manager of the Tropical Winds Café strongly opposed adding more café's. Mr. Fox stated that competition would make the rest of us struggle. Mr. Fox stated that the seven (7) of us can now pay your fees, but if you add more, we will all struggle and may become delinquent. Mr. Fox stated he didn't want to see us looking like Canton Road looks, and wants to continue to support the city with hiring the Norton Police Dept. for security. Mr. Nicolard asked Mr. Fox if he has seen a drop in income with the latest café' operating, and Mr. Fox replied yes. Mr. Mowery asked about the different types of machines from business to business, and Mr. Fox stated customers know that and they like to hop from location to location. Mr. Fox stated that he has to get creative to lure customers in like with special jackpots, etc. Mr. James Gamble, 2818 Wadsworth Road, Norton, and owner of the new Pirate's Cove on Greenwich Road, spoke noting that his other café' was the very first one in the city. He is not in favor of this; the existing business owners should be offered the first crack at new licenses first. Mr. Gamble stated he would rather see more regulation by the city because you already have two (2) running with slot machines on Barber Road. Mr. Gamble stated he would not be in business in six (6) months if you raise the fees. Mr. Gamble stated you need to have testing, and he knows for a fact the Coppermine and the Goldmine café's submitted false testing reports. Mr. Gamble stated you should close these two businesses. Mr. Gamble stated that a while back he had a license that was thrown away by Russ Arters, and contemplated having an attorney look into that. Mr. Gamble stated that the test was proper for those two (2) businesses, just not for the machines they possess, and no wonder they have two hundred (200) cars sitting there from time to time. Mr. Bergstrom stated this is all good discussion and it's really all about where we put these businesses, as it does have an impact on our economic growth. We are not seeing any problems now because we have not added any yet. Vicki, owner of Tropical Winds on Barber Road, commented about her concerns with parking because we have people running across Barber Road late at night. She stated that by adding four (4) more might seem like more revenue for the city, but it could come at a price. Vicki stated that you need to be concerned with safety and overall competition. Mr. Charles Reed, also of Tropical Winds discussed the moratorium and that initially you wanted ten (10) but now we are at seven (7). Mr. Reed stated had he known that he would have sold his business a while back. Mr. Nicolard briefly discussed the conditions of that moratorium. Mr. Nicolard asked if we send this back to the Planning Commission would there be public hearings, and Mr. Ryland replied yes. Ms. Deb Seabeck, 3973 Wadsworth Road, Norton, owner of the property where Tropical Winds is located expressed her concerns about Mr. Gamble's application being destroyed. Ms. Seabeck stated it seems like you can't control the ones you have before opening up to more. Bringing in more won't really increase your revenue, because half of them will probably end up closing. Mr. Bergstrom moved to send this back to the Planning Commission to obtain more information, seconded by Mr. Mowery.

Roll Call: Yeas: Bergstrom, Mowery, Whipkey, Braman, Nicolard  
Nays: None

Motion passed 5-0.

#### Correction to Charter

Mr. Mowery discussed the need for the correction due to the Cemetery & Parks Board name change that was approved by the voters. Mr. Ryland stated he did not feel that legislation was necessary as the Law Director has authority to make changes. Mrs. Richards stated she had concurred with Mr. Kostoff and he felt this change must go through Council for approval. Mrs. Richards referenced Charter Section 5.04 (A) which states: *The Solicitor shall make necessary editorial corrections and changes in the form of the Charter, but such changes shall relate to matters of form only, shall in all cases be approved by resolution of Council and shall in no event affect the construction, meaning, substance or intent of the Charter as adopted and amended by the people.* Ms. Whipkey asked what exactly is being changed and Mrs. Richards replied, page #24, Section 6.02 (A) in the first two (2) paragraphs where it states Recreation, that would be corrected to state Cemetery. Mr. Mowery moved to place this on Councils next agenda, seconded by Mr. Braman.

Roll Call: Yeas: Mowery, Braman, Whipkey, Bergstrom, Nicolard  
Nays: None

Motion passed 5-0.

#### Waterline Replacement

Mr. Braman stated this was discussed at the recent Utilities Committee meeting and is the source of many problems. Mr. Ryland indicated this is a temporary line at 17<sup>th</sup> Street and Long Drive, and runs across the street. It is a 16-inch water main and was installed so far back in time we have no as-built drawings. Mr. Braman stated this would also include a few additional fire hydrants. Mr. Bergstrom asked about any funding from Ohio Public Works Commission (OPWC) and Mr. Ryland replied there is none and we would not score high enough points to get any. Mayor Zita stated this temporary line also runs along side of a sanitary sewer line. Mr. Ryland stated he is asking Council to authorize an RFP (Request for Proposal). Mr. Braman asked if it would be assessed to the property owners, and Mr. Ryland replied no because these are all current customers. Mr. Ryland stated that he believes this would be the last temporary waterline in Norton. Mr. Braman asked if Barberton would be involved with this project and Mr. Ryland replied yes. Ms. Whipkey stated she understands we would be going under Norton Avenue to get to the new main line, and questioned if we would need to run more lines. Mayor Zita clarified that if there are twelve (12) houses that are affected there would be twelve (12) lines that would cut across Norton Avenue and make the connections made into that main line. Ms. Whipkey asked about the residents along Park Drive and Mr. Ryland replied that we will put the laterals in the right of ways for them, and its up to them to extend it to their home. Mr. Braman moved to place this on Councils next agenda, seconded by Mr. Bergstrom.

Ms. Whipkey asked what if the residents decided they want to do away with the privatization of their road? Mr. Ryland replied it takes a process by offering it to the city as a dedicated road. We could run a line along side of it and it would have to meet current road standards. Mr. Whipkey stated that either way it is going to cost them.

Roll Call: Yeas: Braman, Bergstrom, Whipkey, Mowery, Nicolard  
Nays: None

Motion passed 5-0.

**Unfinished Business:**

Mr. Bergstrom announced he was holding a Service Committee this Thursday, March 22, 2012 at 10:00 AM. For more discussion on the 2012 Road Program, and where it's best to spend the funding that we do have.

**New Business:**

Ms. Whipkey discussed the recent Norton Health Advisory Board meeting where the MAD (Mosquito Abatement District) and Summit County Public Health were present. The members came to no conclusion about the MAD, it ties into whatever the City of Barberton decides. If either one of our two (2) cities decide to pull out they (MAD) are done. Ms. Whipkey encouraged the residents that feel strongly about this issue either way to contact herself, someone else on the Norton Health Advisory Board or the Administration and let them know. Ms. Whipkey stated that you really are sort of paying twice for this service. It comes through the County on your taxes and you are also assessed through the MAD district as an assessment also on your tax bill. There are benefits to both services and it is your money and is something you need to decide where you are getting the best bang for your buck from. Mr. Nicolard stated that considering the mild winter we had, we may be overrun with mosquitoes and may need to look at something more on demand.

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

Ms. Sharon Burnett, 5120 Holly Avenue, Norton, Ohio, commented about the Fire and EMS levy and that most of the residents are on fixed incomes or laid off. Ms. Burnett suggested the city look more at adjusting the shifts to provide better coverage.

Mr. Keith Easterling, 4590 Roop Avenue, Norton, Ohio, also commented about the levy failing. Mr. Easterling stated he and his brother own Easterling Automotive and are very concerned with lack of coverage after 10:00 PM. Mr. Easterling asked what happens if there is a fire at his business, is someone going to respond? Mr. Ryland answered that we will respond, an "all call" would go out in addition to a call for mutual aid. Mr. Ryland stated that what would change for you is our response time.

**Topics for the next Work Session:**

Nothing new to add at this time

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 7:51 PM.

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Don Nicolard, President of Council

**\*\*NOTE: THESE MINUTES ARE NOT VERBATIM\*\***

**All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.**