



## COMMITTEE WORK SESSION JULY 1, 2013

Committee Members Present: Dennis McGlone  
Charlotte Whipkey  
Scott Pelot  
Bill Mowery  
John Conklin  
Todd Bergstrom (Arrived at 7:02)  
Don Nicolard

Also Present: Mayor Mike Zita  
Rick Ryland-Excused  
Laura Starosta  
Karla Richards  
Ann Campbell-Excused

The Committee Work Session convened on Monday, July 1, 2013 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:**

#### **Request for New Liquor Permit-Casa Del Mar**

Mr. McGlone briefly discussed this new application and is formerly from the 3Sons Restaurant at 3725 S. Cleveland-Massillon Road, Norton, Ohio. Mr. Nicolard stated what is required is for Council to decide if they wish to hold a public hearing or not. Ms. Whipkey questioned if 3Sons had a license previously and Mr. Nicolard replied yes they did for beer and wine and this being a Mexican restaurant margaritas would be served. Mayor Zita commented that this is a good addition to the area. Mr. Nicolard discussed the fact this owner already had this business established and that regretfully it was sold. There was further discussion and Council determined there was no need for a hearing. McGlone moved to accept new application without a public hearing, seconded by Mr. Conklin. Mr. Mowery noted that Mrs. Nancy Seal who owns the plaza and this building, was ver instrumental in getting another restaurant to come to this location.

Roll Call: Yeas: Mowery, Conklin, McGlone, Whipkey, Pelot, Bergstrom, Nicolard  
Nays: None

Motion passed 7-0.

Support Summit Kids Month-August

Mr. Nicolard asked Mrs. Richards to explain this in detail. Mrs. Richards stated this was a request from Mr. Russ Pry-Summit County Executive for communities within Summit County to support this program for the summer month of August. Mr. Nicolard noted that this Resolution needs to be adopted before our summer recess, and moved to add this to July 8, 2013 Council meeting agenda, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot, McGlone, Whipkey, Pelot, Mowery, Conklin, Bergstrom.  
Nays: None

Motion passed 7-0.

2013 Budget Changes:

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that she has several changes to be adopted before return of summer break. In the General Fund we had paid out \$26,479.20 for an inheritance tax refund. In the Parks Dept., there was an increase of just over \$6775.00 for the sewer connection costs at the Historical House. Mrs. Starosta explained that in the Service Dept. we had various increases such as \$4,458.095 to repair the Grade All, \$8,814.00 for a trail for the excavator, \$12,410.43 for engine overhaul on a service truck and \$12,410.43 for a new truck bed. Mr. Nicolard asked if this could be addressed at the next Council meeting of July 8, 2013, and Mrs. Starosta replied yes. Ms. Whipkey asked why the Time Warner Fund is not supporting this Parks Dept., expense for the Historical House, and Mrs. Starosta explained that that Time Warner Fund is for parks and park land improvements and the proper use would be for General Fund. Mrs. Starosta explained the recycle fund is asking for us to expend the entire amount awarded to the City, not to exceed \$10,721.85. Mrs. Starosta explained the change into the Road Program Fund is an increase in an amount of \$59,524.02 Mrs. Starosta indicated we have received a refund of \$59,524.02 from the Eastern Road resurfacing project and this would now be appropriated for additional road repairs this year. Mr. Pelot questioned the expense for engine work for the Service Garage was this in for a new engine or a rebuilt engine? Mrs. Starosta explained this was for a rebuilt. Ms. Whipkey asked if these repairs were done in house, and Mrs. Starosta replied no, we contracted with a diesel repair shop in Barberton. Ms. Whipkey asked where the new truck bed came from and Mrs. Starosta replied she could not recall but this is not the same company. Mr. Nicolard stated we keep our Maintenance Mechanic busy with all of the general day to day maintenance and upkeep, however this work is beyond that. Mr. Nicolard moved to add this to Councils July 8, 2013 Council meeting, with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Nicolard, Pelot McGlone, Whipkey, Mowery, Conklin, Bergstrom.  
Nays: None

Motion passed 7-0.

Approve SWSCOG Public Safety Answering Point -911

Mr. Nicolard turned this discussion over to Mayor Zita for the details. Mayor Zita stated each of the participating communities have access and use the 911 service.

We all have contracts currently individually and we are essentially taking all three separate contracts and merging into one new contract. Mr. Pelot asked when is the time line to get this all rolling? Mayor Zita stated we hope to up and running by first of the year. Mr. Nicolard moved to place this on Councils July 8, 2013 agenda with emergency language and waiving the second and third readings, seconded by Mr. Conklin. There was discussion as to whether this would be a Resolution as requested or an ordinance and Mr. Kostoff stated he would most likely be preparing this as an Ordinance. Mr. Nicolard moved to add this to Councils next agenda, with emergency language and waiving the second and third readings, seconded by Mr. Conklin.

Roll Call: Yeas: Nicolard, Conklin, McGlone, Whipkey, Pelot, Mowery, Bergstrom  
Nays: None

Motion passed 7-0.

#### Potential Impact-Passage of Issue #1

Mr. Nicolard explained that we need to discuss this in the event Issue #1 passes and this cannot wait until our return from summer recess. Mr. Nicolard noted that if this passes our summer break would be cut short in order to have meetings to address this. Mr. Nicolard explained the anticipated loss of revenue of approximately 3.3 million dollars and asked Council where do you think we will find that kind of money? Mr. Bergstrom asked what would we have to find immediately, regardless of future projects. Mrs. Starosta stated on an annual basis we would need at least \$200,000.00-\$250,000.00 for paying off existing special assessments or a total of 3.3 million dollars. Mayor Zita commented on the language in the proposed amendment and any assessments still on the books, we as a city are on the hook for the remainder. Mr. Nicolard noted these are general obligation bonds for over 20 years. Mr. Pelot questioned what this impact would do to our loan ratings, and Mrs. Starosta stated she could not say for sure. Ms. Whipkey wondered if we were just sitting up here beating on our chests, so to speak, as she is convinced that if this were to pass she expected our legal firm would be filing some sort of legal action in addition to whatever the City of Barberton might do. She would think an injunction would be put in place and stop the movement for a period. Mr. Kostoff commented about the Ohio Revised Code and the process to challenge the action of an initiative. We first have to allow the public the opportunity to vote. He would have preferred to challenge this before it gets to a vote but that is not what ORC states. As the Law Director he would come to Council at some point and declare this could be challenged and would seek direction from the Mayor, Council or both. This has happened in the past and the Courts have ruled in our favor that prior petitions were unconstitutional. The City would then have the opportunity to decide on many factors, such as costs, process in court, etc. People may feel frustrated with this process, and again the court has ruled them as unconstitutional. Mr. Kostoff noted he did not draft this petition and the person who did draft this did not come to him prior to submitting, nor is he required to. Mr. Kostoff noted that these people have the right to vote on this issue one way or another. Ms. Whipkey clarified that nothing can be done until the vote takes place, nor did we have any foresight this was to be discussed tonight. This seems premature to try and state how or where this money would come from, it's just pressuring the public. Mayor Zita stated there would only be two (2) ways to fix this if it passes; it's either raise revenue or decrease city services. It is not a threat, these are the consequences.

Mayor Zita stated this amendment was so poorly written with respect to the \$35.00 limit, where does Barberton get this difference for anything over that \$35.00 and does the City pick up the difference? Ms. Whipkey stated she understood and stated all this last week that this crosses municipal boundaries and you cannot have something like this in our Charter, and is why she did not support this. Unfortunately, it is just the sad fact as to how it was written. Ms. Whipkey stated that to increase revenue just means nothing more than to raise taxes or levies that must be passed by the people, and we just cannot cut back in any of our safety services. We owe our non-bargaining units raises that are way overdue. Mayor Zita stated he never said the non-bargaining and clerical staff is not deserving of raises. Ms. Whipkey stated but we could lay off people and still give raises; she pointed out Mr. Gainer had suggested closing parks and that is what we need to do before we lose any safety forces. Ms. Whipkey stated we are just jumping the gun and won't have answers tonight. Mr. Kostoff noted that the court would ultimately be looking at the intention of this proposal. It's been stated in the past that "it was my intention", but that has been all thrown out the window here. Mr. Kostoff commented about the "intention" and affidavit filed stating so relating to the televised meetings, and the fact this did end up in court. Mr. Kostoff stated that this would ultimately be deduced by the Court on what was the proposal, not what was the intention. If passed it's up to him to guide Council and if so directed report if this is constitutional or not and why. It would come from the four (4) corners of the proposal. In his history with the court, they will look at if this is constitutional and for the city to act on that or not. Mr. Kostoff stated his only agenda is to uphold the law and that is his job as your Law Director. Mr. Mowery stated we have discussed the what if's if this passes, we have not discussed what we will be doing if it does not pass. Are we going to help these citizens with their septic and what about the residents in Mt. Vernon with their water meters? Ms. Whipkey stated this is a better plan to tell the people we are going to help, whether it's to rework the JEDD agreement with Barberton, or whatever. Residents knowing that we are working to help, they would be more likely to vote accordingly. Mr. Mowery complained the JEDD contract seems to be more like only one city has the advantage. Mr. Pelot stated this JEDD contract has been reviewed and approved by both cities and approved by both Councils and it was all agreed to in the past and we do not have a voice in it. Mr. Pelot stated that to say we have not looked at this from time to time is an incorrect statement. Contracts are a binding agreement between two parties and we will continue to look at. Ms. Whipkey asked about an end date on the contract. Mr. Pelot stated it was perhaps 25 years or 99 years. Mr. Nicolard noted that without the JEDD we would not have any sewers or water now, it was a boom to the City when this happened several years. It takes two (2) entities to sign the contract and that's exactly what happened. Mr. Kostoff noted that he has first hand knowledge that we have filed for various grant money and those comments from the County that there is no real grant money out there isn't the case. There are multi jurisdictional grants that gather more points and they are granted that way. Perhaps the State of Ohio wants to see communities working together. We may not have been so successfully in getting grant money on our own, however we have tried to negotiate our own sewer lines from the county, as this would reduce our rates. The ownership of the lines would be undertaken and we would have negotiations with Barberton and that reduction would be passed on to the residents. We have brought this to Council several times and its gone nowhere, and that is something you could be doing to help the residents. Secondly there was concern that the County never properly maintained our utility lines. If we have control, we could go out for contracts and requests for proposals to see what better rates we could get for maintenance of the systems.

Lastly the County would not even acknowledge the maintenance issued for Norton because their program is so large and complicated. Mr. Kostoff noted in the past when a line was developed in the City of Norton, we had to sign over that ownership of the line to Summit County. Mr. Kostoff noted if you have a developer interested in this city, they are not coming to areas if you don't have utilities and lines would help bring business in. Ms. Whipkey understood what Mr. Kostoff had said on the potential, but to buy those lines we would have to come up with \$200,000.00 that we cannot come up with now and that does not include the maintenance. Mr. Bergstrom clarified this was discussed earlier this and it was shown that this is revenue neutral due to the savings offset this would realize. Mr. Kostoff stated there are other communities that have done this and they are seeing savings already. Ms. Whipkey stated we still have to pay someone to do the maintenance and pass the cost to the citizens. Mr. Pelot stated we could get it done cheaper because you are cutting out a middleman because we are already paying for the service to begin with. Ms. Whipkey disagreed that it would be cheaper for the people. Mayor Zita stated if we acquire the system from the County we already have assessments coming in that would be paying for this. Ms. Whipkey stated she had asked if the tax credit dollars would pay for the sewer lines and was told yes. Ms. Whipkey stated she still does not see how we would come out ahead. Mr. Nicolard stated this comes down to owning to renting. Ms. Whipkey stated if that was the case, then the landlord would be the one paying for the assessment and repairs would be the landlord's problem. Ms. Whipkey stated the purchase of the sewer line should not enter into being either for against the Charter amendment issue. Mr. Bergstrom stated we are ultimately trying to save the citizens money, and this is a definite tool to manage and litigate of how to manage the costs for sanitary sewer. Mayor Zita stated this is something that you can do for the citizens. Mr. Kostoff stated that the County does not do continual on going maintenance, they would only address emergency situations. Mr. Kostoff discussed if the County were to accept our agreement and the average property tax being now paid to Summit County, that money would then come directly to the City of Norton. Its been proved examples in other cities, this money would be for ongoing, and continual maintenance that they deserve. Its not a question of paying more, it's a question of getting something for what you pay for. Mr. McGlone said he was against the purchase and discussed his enormous costs he is already paying for water and sewer and realized after that engineers presentation we had, his costs are going to go up for him and he cannot support this. This would be a rate increase for not only him and but also for many other residents. If we are going to purchase a system, most people would support that if they knew a decent bill would be coming in the mail. Mr. Nicolard agreed with Mr. McGlone because he is on Barberton sewer. Mr. Nicolard stated with this program his rates would actually go down, while Mr. McGlone's fees would most likely increase. Mr. Conklin stated there was a lot of discussion about this MOU and we never got off the floor with this. Without moving ahead with that we do not have the access to get to the true figures because we cannot get to the MOU passed. Mr. Conklin stated this is all a guessing game and that's where we are now with the costs in Nash Heights. Mr. Rick Rodgers, 4034 Wadsworth Road, Norton, Ohio, asked about the age of these sewer lines and Mr. Pelot stated he was not sure, possibly upwards of 50 years. Mr. Rodgers asked if we have a sewer department and Mr. Pelot stated no. Mr. Rodgers asked about other communities as Green and Copley and asked if the have sewers and county sewers? Mr. Bergstrom noted that Green has businesses that support this. Mr. Rodgers stated the City of Norton cannot even handle the roads, what are you going to do when residents sewers back up in their basements? If Council and Administration had listened to us in the first place, none of this would be happening. Where does it state Barberton in the petition, it states only the City of Norton is prohibiting.

Mr. Pelot stated the City of Norton has no sewer department. Mr. Rodgers stated and that's his point exactly. Mr. Rodgers asked about the income tax supposed to be paying for sewers? Mr. Rodgers stated then there is no need to be threatening the residents with the cuts in services. If these are not the facts then you need to explain this to the residents. Mr. Pelot asked about Green being a growing city and why do you think this is so? Mr. Rodgers stated its location, location, location. We cannot play catch up here and these other communities have been doing this over the last 20-30 years. You are trying to catch up in 5-10 years. The grass roots citizens will do what is necessary come November. Mr. Tom Kornas, 3771 Brookside Drive, Norton, Ohio, stated he has asked Mayor about his citizens task force, and he has his answer (see attached). This same information was mailed to all of Council over a year ago, it's all about engineering firms, construction, surveyors, etc. Mr. Kornas stated if you want to bankrupt the City just keep doing what you are doing. Mr. Kornas stated there are 14 communities in this documentation and the citizens are not going bankrupt. Mr. Kornas stated that we are dead set against this being a moneymaker for the City. As far as the vote in August, we can write editorials every day. This is going to pass, but let's just fix the problem, let's fix the sewers, septic tank issues. Take a look at this information and concentrate on this and get together and sit down to discuss a solution so we can get some businesses in here. Mr. Paluch, 3740 Shellhart Road, Norton, Ohio, stated that we had over 3,000 people who voted to have televised meetings. Mr. Paluch stated have spent a ton of money on engineering and you should have targeted areas that would be bringing in businesses. Nash Heights is not going to solve your sewer problems. You could have put in a lot of sewers with that \$400,000.00 to \$600,000.00 we have spent for engineering. Mr. Paluch stated you need to hold off on these sewers until you get grant money, not interest free money, grant money. Our taxes could be doubled and someone on a fixed income cannot handle that. Mr. Nicolard asked if the Council members if they own their home? If so, we all received tax bills the other day, and we are not apart from you as citizens, we still get tax bills and we still have to pay for them just like you do. We up here on Council try and do everything as whole for the good of all of you.

**Unfinished Business:**

Mr. Conklin discussed addressing some of the older matters referred items, and Mr. Nicolard mentioned this would be addressed at next Monday's meeting. Mr. Mowery noted that in 2005 he moved to make English language as the official language for the City of Norton. Mr. Mowery noted it did pass 4-3, and that Mr. Conklin, Mrs. Hlas and Mr. Pelot voted no. Mr. Mowery stated that Mayor Kernan vetoed this and the votes failed to override that veto. As 4<sup>th</sup> of July comes around he really wished this had passed, and he is still is proud of that legislation.

**New Business:**

None

**Topics for the next Work Session:**

Mr. Nicolard stated we would be returning from summer recess on August 19, 2013 for a Committee meeting. Mr. Mowery stated that we need to address non-bargaining employees and the part time police officer at that time.

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

Mrs. Karen Harley, 3432 Harper Avenue, Norton, Ohio, stated that she is getting tired of hearing the term of your not working for me, or for the people. Ms. Harley stated she believes that Council is working for her. Mrs. Harley stated she is opposed to this Charter amendment, and does not want to see the State of Ohio come in and take over by receivership. Mrs. Harley stated that no one from Citizens4Norton came to her to sign the petition. Mrs. Harley stated that she is definitely a citizen because she is paying taxes as a homeowner.

Mr. Paluch 3740 Brookside Drive, Norton, discussed the televised meetings and asked the Council to go home and examine their conscience. Mr. Paluch asked did you do what the people asked you to do, no you did not. You spend thousands of dollars defeating him, but he was working for the people. When you go out there to put petitions on the ballot you do that to make things better. What other solution is out there? Maybe in a few months we will go back out there and put better language in the ballot. Where does it stop, it stops when you start listening to the people.

Mr. Paul Tousley, 4536 Garrett Drive, Norton, Ohio, commented on the opinion in the papers from Council President who stated that the members of Citizens4Norton are self-serving. Mr. Tousley asked what is a member? He is here to defend the people here on both sides. More people have been attending these Council meetings and are paid nothing. What is meant by self-seeking, is this is what is meant? Mr. Tousley stated we have people here bantering as you stated, tired of being blackmailed, is this self- seeking? People who did not want trash service, multiple people have sought you out with their real concerns, and it has not worked. Mr. Tousley stated that in a weird kind of way he agrees with the comment of self-seeking, because that is what they are doing. If you feel strongly about something then you should advocate. Just because a citizen does not agree with something you are doing, it's wrong to call them names.

Lee Beaty, 3280 Aldon Lane, Norton, Ohio, stated that he had contacted Mr. Nicolard & Mr. McGlone about getting our own zip code, and this issue should not be ignored. Mr. Beaty commented about his military history, and knows first hand that once the government decides to make cuts they will follow through, we will lose our Norton Post Office. Mr. Beaty stated he has received some communication from the State Reps that this line of communication is still open. Mr. Beaty stated he had difficulty in acquiring a home equity and he was told the reason for it was related to the zip code. Someone needs to get out there and get this fight going because this Norton Post office is going to close. Mr. Beaty offered to share that email information with whoever is interested. Mr. Beaty stated he would be voting for this Charter amendment. It was stated earlier by Mr. Ryland this it's only a small group that would be affected in Nash Heights, and the fallout really affects the whole City, and so this really effects everyone.

Danny Grether, 2831 Brookfield, Drive, Norton, Ohio thanked anyone who takes an initiative to protect our Charter and or Constitution in place. People have issues that they stand on, and it's not always the same as the person next to them, that is why we have this great melting pot of a nation. Just because you have votes, it may not always be constitutional. Mr. Grether discussed one speaker's comments that this amendment does not even effect Barberton regarding that \$35.00 fee. Mr. Grether stated it's not right to take money from the pockets of residents that have already paid to address their property.

Mr. Grether stated he was proud to watch your meeting last week on his computer from Florida to see the 6-0 vote, although he wanted it to be 7-0. Mr. Grether stated we have petitions going around when people are not told the clear spirit or what was intended. We are not clear here tonight, and we have no idea now how much the City can charge. Mr. Grether discussed the previous speakers comments about the zip code, issue, and that he agrees 100% that we need our stand alone location and we should be able to find grant money for that. Mr. Grether stated he is tired of hearing “fixed income”. Mr. Grether stated that although he is employed, lives on a budget too and feels he also is fixed income.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:43 PM.

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Don Nicolard, President of Council

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

**\*\*ORIGINAL SIGNED AND APPROVED MINUTES ARE ON FILE WITH THE CLERK OF COUNCIL.\*\***

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