



## COMMITTEE WORK SESSION MARCH 17, 2014

Committee Members Present:        Scott Pelot-Excused  
   Dennis McGlone  
   Danny Grether  
   Dennis Pierson  
   Paul Tousley  
   Charlotte Whipkey  
   Rick Rodgers

Also Present:                            Mayor Mike Zita  
   Valerie Wax Carr  
   Laura Starosta  
   Russ Arters  
   Karla Richards  
   Ann Campbell

The Committee Work Session convened on Monday, March 17, 2014 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

### **General Topics of Discussion:**

#### **P.C. Res #3-2014 Skill Based Arcades**

Mr. Grether stated the Planning Commission and Mr. Arters have made some changes due to the laws changed by the State. Mr. Grether noted the change throughout Chapter 856 of deletion of the Director of Public Service changing to Administrative Officer. Mr. Grether noted two (2) major additions in Chapter 856 that has made up parts of Chapter 856.04. Mr. Grether noted that Chapter 858 originally had a 1,000 ft. buffer for these arcades and now Chapter 856 has reduced that to 500 ft. On page #5 there are several replacements from a letter to a number. Page #6 there again is change in reference to the deletion of the Director of Public Service to Administrative Officer. Mr. Grether noted that because of the location to our schools relating to the 500 foot barrier this is not something he is in favor of. Mr. Rodgers echoed Mr. Grether's comments adding that his concerns are that we want to protect our schools. He also does not want to take a piece of development and have arcades there, like with the widening of Cleveland-Massillon Road. He would rather see that development become more attractive development with other types of businesses here. Mr. Grether stated that the center of town will not be an issue with the 500 ft radius and Mr. Arters added that you also have the issues of alcohol.

Mr. Grether noted Mr. Pelot was not present and questioned if this has to go back to Planning Commission if we want to take that back to 1,000 feet? Mr. Arters indicated this is Council's decision and Mr. Markey concurred. Mayor Zita asked Mr. Arters what the Planning Commission's thought process was behind changing this from 1,000 ft to 500 ft? Mr. Arters commented they felt 1,000 feet was a little too much in certain areas. It does limit a lot of the possible locations because of where alcohol sales are permitted. Mr. Arters also noted you have establishments at just about every corner and intersection that sells alcohol. Mr. Grether clarified the instance when a business is sold they lose their grandfather standing and Mr. Arters clarified that. Mr. Grether noted past discussion about one agency being late on making their payment. Mr. Arters indicated he usually works with them and there was one that was two (2) weeks late. Mr. Arters stated there is no provision to make them pro-rated. Mr. Arters stated he goes in to these establishments a couple weeks before they are due and rarely has an issue with them. Mr. Rodgers discussed the total numbers allowed and Mr. Arters explained in detail. Mr. Rodgers discussed the list of new establishments and Mr. Arters stated there are six (6) on the list now and once this is passed he notifies them to apply within thirty (30) days. Mr. Pierson asked if we have ever considered a late fee and if it's the same people that are late? Mr. Arters replied no, the latest anyone has been is two (2) weeks. Mr. Rodgers stated some of these neighbors have complained about them and it is unfair for them to have one move in with the traffic at late hours. Mr. Arters stated that these residents do live in an industrial area. Mr. Arters stated this is all due to residential units in a non-conforming area. Mr. Arters noted it's no different than those living near JR Wheel or on Barber Road, and hearing the noise and lights at all hours of the day and night. Mr. Arters stated the issue with lights was something that should have been in the zoning code back when those businesses went in and was in the 2004 zoning code before it got voted out. Mr. Arters stated this is something for the Planning Commission to keep their eyes on for future developments as there are areas of residential areas being in back of future business development. Mr. Grether asked Mr. Markey about being able to revoke their license if not paid on time, as it seems we have nothing in the code to protect us here. What recourse do we have here? Mr. Markey stated he believes it's in the Chapter 856 to revoke the license if fees not paid. Mr. Pierson suggested a bond should be put in place like a performance bond. Mrs. Carr suggested a set deposit instead of a bond. Mr. Markey stated that could be done, but staying on top of this is also an option. The risk of the owner losing their license because they are late should be a significant deterrent particularly with a waiting list for the licenses. Mr. Arters stated he has never gone beyond the two (2) weeks; it's like a grace period. Ms. Whipkey noted they are supposed to be paying in advance and Mr. Arters noted that is for the next six (6) months. Mr. McGlone asked how many arcades we have now and Mr. Arters replied four (4) with a maximum of seven (7) allowed. Mr. Arters stated he usually gets out to them randomly and inspect the number of machines and at various hours. Mr. Pierson stated he would be in favor of a discount for paying early, and that they really should be paid on time. Mr. Grether discussed the change for I-1 being included and he questioned do we really want to give up industrial businesses to these locations? Mr. Arters noted that the I-1 was added from 858 and there are existing buildings there that could be used. Mr. Grether stated in the past the Planning Commission did not follow the plan as much, we need the Planning Commission to define where these areas better.

Mr. Arters stated if you take I-1 out you have to adjust the boundaries to B-1, B-2 and B-3. The Commission felt it is best to put the I-1 back in to keep them from being in the center of town and there were buildings in those areas where they had been located before such as the Firemen's bingo hall. There was discussion to the I-1 zoning along Barber Road, and Mr. Arters noted that is also a flood plain area. Mr. Tousley asked of the four (4) how many are using the later hours, and Mr. Arters replied he did not know as the Police handle that and they could tell you. Mr. Arters stated he spoke to Chief Hete today and he indicated of the four (4) there have not been any issues late at night and he could only recall one instance in the last four years where they had been called out to one. Mr. Markey stated the new State hours of operations prohibit being open from 2:30 AM to 9 AM. There was discussion on the two (2) separate fees; the annual license fee of \$1000 and the \$500 per machine fee. Mr. Arters noted once the past year he has had an establishment that was late for each of their two (2) fees. Mr. Grether discussed having something in writing about a grace period other than Mr. Arters giving a two (2) week extension. Mr. Markey stated he is not sure why you would want it stated that way. You have the zoning code with an option to enforce with when a violation does occur. The determination of the enforcement of the zoning code is always at the discretion of the Administration, you would not want to provide a grace period. If you have someone that is repeatedly late, you might not want to give them a grace period. Mr. Rodgers asked if we lost any payments the last time the State shut things down and Mr. Arters replied no, they were all paid up at that point. Mr. Grether moved to amend 856.03G established 500 ft to change it back to the 1000 feet throughout. Ms. Whipkey asked where in the area of the schools could this come into play and Mr. Arters replied in the Loyal Oak area and in the center of town. Mr. Grether stated he felt we have establishments serving alcohol that could be too close to our schools and our children. Mr. McGlone suggested using the 500 ft for the schools and leave the rest at 1,000 for everything else. McGlone asked what we could lose by making this change and Mr. Arters stated he did not feel you would lose anything. There was discussion on how these chapters even came about and the history of what was in place at those times. Mr. Grether rescinded his original motion, and moved to state no license shall be granted to a skill basked amusement arcade that will conduct business at its location within 1,000 feet from the boundaries of a parcel of real estate having situated on it a school, public library, or public playground, and 500 feet requirement from any establishment that has been issued a liquor permit by the State of Ohio, seconded by Mr. McGlone. Ms. Whipkey asked if we also need to make changes elsewhere, and Mr. Markey noted he would make all incorporated changes throughout.

Roll Call: Yeas: Grether, McGlone, Pierson, Tousley, Whipkey, Rodgers  
Nays: None

Motion passed 6-0.

Mr. Grether moved to place this amended version on Councils next agenda for a first reading only, seconded by McGlone.

Roll Call: Yeas: Grether, McGlone, Pierson, Tousley, Whipkey, Rodgers  
Nays: None

Motion passed 6-0.

Amend 2014 Budget

Mr. Pierson turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that there are three (3) general changes. One is in the General Fund to health care cost increase. Mrs. Starosta explained we will be having three (3) Civil Service testing done this year; police, account clerk and service. Mrs. Starosta noted that we no longer employ dispatchers as they are now paid through SWSCOG. Mr. Pierson moved to place this on Councils next agenda for a first reading, seconded by Mr. Grether. Mrs. Starosta asked for consideration of waiving readings. Mr. Pierson and Mr. Grether rescinded their original motions. Mr. Pierson moved to place this on Councils next agenda with emergency language and waiving the second & third readings, seconded by Mr. Grether.

Roll Call: Yeas: Pierson, Grether, McGlone, Tousley, Rodgers, Whipkey  
Nays: None

Motion passed 6-0.

**Unfinished Business:**

Parks Maintenance & Capital Expenditures 2012-2013

Mr. Rodgers discussed moving this to our workshop later this month for more discussion. Ms. Whipkey stated she would still like to have this for the next Parks Board meeting this week, as they need to talk about it then. Ms. Whipkey stated the Parks Board needs to know the balance of their Budget for this year. Mrs. Starosta indicated she could provide this information in time for their meeting.

Storage Pods

Mr. Rodgers stated that at this point the Administration is looking at other municipalities for sample legislation, and that Mr. Markey is looking into this. Mrs. Carr noted this must also go through the Planning Commission first. Ms. Whipkey asked what brought this all about to begin with? Mr. Pierson stated it was brought to his attention in his ward there is one property that has had a pod in place for over four (4) months. Mr. Pierson stated he had observed the situation for himself and believes the residents have a right to expect their neighborhood to look a certain way. Mr. Pierson stated these residents feel certain pods and trash should not be left in the yards for months on end. Mr. Pierson indicated he had asked Mr. Arters to look into this as it appears there is nothing on the books for this and if it had wheels on it would have been out of there as opposed to a fixed pod. Ms. Whipkey stated they are portable, only moved by the company supplying it. Ms. Whipkey added she herself has had one and has also been looking at other communities regulations and some seem to be quite restrictive. The general size is about 16 ft. long by 8 ft tall and 8 ft. wide. Some communities request that these be pods be placed behind the house or on concrete or asphalt pads, and some of us do not have concrete or asphalt, and we cannot put them out of sight. Ms. Whipkey stated she realized that there would be some people taking advantage of a situation.

Ms. Whipkey stated there may be some situations where you are not remodeling when these are needed and the legislations are geared for basically remodeling or damage repairs. Ms. Whipkey stated she is still is going through boxes of items from her mother after she passed away. Mr. Pierson stated he does not believe the spirit of this is to pick on or abuse people. However, when what you are doing begins to affect me or my neighborhood then it can become a problem. Mr. Pierson stated that he would hope the Planning Commission would see to adjusting the time period for these to be in place. Mr. Pierson stated that he believed four (4) to six (6) months is more than adequate time. If there is nothing in place to enforce this, they could probably sit there for a year or better. Mr. Pierson stated we have junk cars that are sitting around in people's yards that are mobile and he doesn't want those sitting in his neighbor's front yard. Mr. Pierson suggested we let the Planning Commission do their best with it. Mr. Pierson encouraged the residents in Brentwood Estates area to attend the Planning Commission meeting when this is discussed, and bring their comments forward. Mr. Pierson stated we need to have some zoning that we can enforce that is equitable to all parties and keeps our community looking a certain way as we want to attract business and people driving through our community are not inclined to come if things are not attractive. Mr. Tousley stated we need to be very careful putting our nose in their private business. Mr. Tousley knows there are some neighborhoods that make their own rules on how things should look, and he would prefer something to this rather than a zoning rule. Something that fits for Brentwood Estates does not necessarily fit into farm land. To make it a one size fits all could be potentially harmful to certain individuals where it might help others. Mr. Tousley stated that we have so many restrictions on all of us now, we need to free people more than being restrictive, and this is just something we need to be really cautious about. Ms. Whipkey stated she agreed, and if a particular neighborhood wants to set its own standards and have it a certain way, not so much like a gated community but if they want it stated and all agrees she would be fine with that; but when you take all of us and put us in the same basket, she does not appreciate that. Mr. Pierson stated asked what if he wanted to put a dairy cow in his back yard, is that something he should expect his neighbors to just allow it? Ms. Whipkey stated that there are ordinances already in place relating to having dairy cows in your back yard. Ms. Whipkey added she felt we get carried away with this type of legislation and if those in a specific neighborhood wanted this with all their houses painted the same way with the type of plants and what color to be used let the people decide and sign to agree to it. Mr. Grether asked Mr. Arters what we have on the books for roll off dumpsters in residential areas and he was not sure. Mr. Grether stated there isn't anything on the books for this and that's the problem that we have. Mr. Grether stated this is not something we are trying to dictate or rule with an iron fist. We are just trying to put legislation in place that allows for enforcement. Mr. Grether commented about a property where he sees roll off dumpsters that have been there for three years. They exchange them periodically, but they are still there. Ms. Whipkey pointed out that dumpsters and pods are two different animals. Mr. Pierson noted past legislation created to have construction containers in their back yards; you need to have some standards to allow them to be used, and then out within a certain time frame. Mr. Pierson stated it's not to punish people, we just need some standards and that's what these residents are asking for.

Mr. Rodgers indicated nothing is to be decided here tonight and this will come to Zoning Commission and there is public involvement at their meetings. Mrs. Karen Harley, 3432 Harper Avenue, Norton, Ohio, noted there is one parked on Johnson Road that has been there for more than (8) months and it's because they are completely gutting their home, which takes some time. Ms. Harley stated the Planning Commission needs to be aware that the circumstances can vary from person to person. Mr. Pierson stated he has constituents that felt this was important enough for him to bring this forward as their representative. Mr. Tousley stated this is being presented for one situation and asked about those already in place being grandfathered in even if we were to move forward with this? The new legislation would do nothing for that situation. Mr. Markey stated would be right, adding that right now you have nothing before you and you would be best to allow the Planning Commission to work on this and bring your recommendations to you. Mr. Rodgers noted he incorrectly stated this comes back to the Zoning Board and in fact that would be the Planning Commission. Mrs. Richards also noted when the Planning Commission does address it they will send it to Council, there would also be a public hearing for Council for the public to comment. Mr. Rodgers suggested the people could contact the members of the Planning Commission to voice their concerns.

#### Demolitions-Meth Labs-Abandoned Homes

Mr. Rodgers indicated we have nothing really begun on this and Mr. Markey needs the time to put something together for consideration. Mr. Pierson discussed his comments last week to the Mayor about the Summit County Task Force involvement with financial aid for meth lab clean ups. Mrs. Carr noted she has spoken with Chief Hete about this issue today. She understands the money that comes in from the time they come in to basically remove the meth lab equipment, it's not for clean up and is not for demolition. Mr. Pierson stated he understands if the Summit County Drug Task Force is involved in the apprehension, there would be Federal dollars available. Mrs. Carr indicated this not the way she understood it from Chief Hete. Mrs. Carr stated she believed there is some documentation relating to this that could be forwarded on to Council. Ms. Whipkey stated she also felt this issue is covered under Chapter 1478 that the costs go back to the owner of the property and that legislation could be utilized for this and Mrs. Carr concurred.

#### New Business:

Mayor Zita discussed a request for a Resolution of Support he recently received for Issue 1-Strong Ohio Communities to be placed on next week's agenda. Mayor Zita explained that he received a letter from the Executive Director last week asking for our support on this issue for the May 6, 2014 election. It is a renewal of the State Capital Improvement Program, it is not a new issue, and it's to be renewed every 10 years. There was discussion on the history of the projects that Norton has benefited from. Mr. Grether moved to place this Resolution of Support on the next council agenda, seconded by Mr. McGlone for all three readings.

Roll Call: Yeas: Grether, McGlone, Pierson, Tousley, Whipkey, Rodgers  
Nays: None

Motion passed 6-0.

**Topics for the next Work Session:**

None

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

There was no one signed up to speak.

Ms. Whipkey asked if anyone is attending the informational meeting on the Watershed Districts this coming Wednesday? Mrs. Carr and Mr. Rodgers indicated they would be attending, Mr. Pierson stated he would also like to attend.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:13 PM.

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Rick Rodgers, 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.**