



## COMMITTEE WORK SESSION JANUARY 22, 2008

**Committee Members Present:** Ken Braman  
Brenda Hlas-Excused  
Tom Jones  
Dennis McGlone  
Bill Mowery  
Mike Zita  
Scott Pelot

**Also Present:** Mayor David Koontz  
Rick Ryland  
John Moss  
Mike Lyons  
Jeff Pritchard  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Tuesday, January 22, 2008 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Scott Pelot. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

### **Committee Work Session General Discussion**

#### **Mosquito Abatement District-Letter of Protest:**

Mr. Mowery stated that this discussion was a continuation from last week. Mr. Mowery stated that he felt the way it was formed is wrong, however he stated that there is nothing wrong with the service. Mr. Mowery stated the way the Courts did this and took the money out of the citizen's pockets is also wrong. Mr. Mowery stated that we need to put a stop to this and that he has no problem with a letter of protest. Mr. McGlone stated that he agreed with Mr. Mowery, and felt that the people should have been able to vote on this. Mr. McGlone stated that we were paying \$12,000.00 for this and then next year we will be paying \$75,000.00. Mr. McGlone stated that a lot of the residents don't really look at their tax bills, and a lot of tax bills go to the mortgage holder. Mr. McGlone stated that now more and more people are taking a look and are getting upset about it. Mr. McGlone stated that most of the communities approached have filed oppositions to the expansion. Mr. McGlone stated that Akron sprays 144,000 parcels of land for \$200,000.00 and Norton and Barberton are spraying 21,000 parcels for \$180,000.00 and that just does not equate. Mr. McGlone asked Mr. Lyons to explain his memo and draft of a letter of protest, (see attached).

Mosquito Abatement District-Letter of Protest continued:

Mr. Lyons indicated that he did a draft for Council but he needs to have an idea on how to approach an opposition. Mr. Lyons stated that Council needs to give him clear direction on this issue. This is not a final form and needs more work, but it is an idea and a start, and helpful for Council to make a decision. Mr. Lyons indicated that the strongest issue is that there is an argument that the procedure in the Ohio Revised Code allowing for the creation of the district violates Home Rule under the Ohio Constitution. Mr. Lyons stated the other issues deal more with if MAD services the areas properly, and it there are other options to obtain coverage elsewhere. Mr. Lyons indicated that Council still has a policy decision to make regardless of a challenge. Mr. Lyons stated that the Constitutional issue is more of a legal situation and just because you may have the grounds to oppose this does not mean that you are required to oppose it. Mr. Jones agreed with the comments made by Mr. Mowery and Mr. McGlone. Mr. Jones stated that some of the people he talked with stated that they did not have a chance to vote on this and is the way he felt about this as well. Mr. Jones asked Mr. Lyons about his memo and questioned if it needs to be tweaked a bit? Mr. Lyons stated that he would need to do more work on this before he would send it to the Court and he needs clear direction from Council. Mr. McGlone stated that you cannot eliminate the MAD this year because they have already taken out the taxes, the question is what will happen next year? Mr. Pelot questioned what would prevent the City of Norton from doing this in-house, it's four (4) months out of the year? The City has staff that is trained to handle chemicals, it is an option to look at and so is looking into Summit County. Mr. Braman stated that as the city's representative to the Norton Health Advisory Board and he felt that we cannot just stop spraying, it is a health issue, however how we do it is another option. Mr. Zita stated that if we bring it back in-house he would support this, other than that he would prefer to stay where we are. Mr. Mowery asked Mr. Lyons if he needs more time to prepare, and Mr. Lyons stated that he needs to have a sense of direction from Council on how they want him to proceed. Mr. Lyons stated that he understands Council has concerns on how this was created, and if challenged is this an outcome you want to see happen? If we are successful in disbanding the MAD, then what is the outcome and are you really prepared for that. Mr. Lyons indicated that other options are not in place at this time and you need to be ready for that. Mr. Jones asked Mayor Koontz for his comments. Mayor Koontz stated that we need to have a plan in place without question. Mayor Koontz stated that this comes down to accountability and the right for a voice in that, adding that this is a City wide problem. Mayor Koontz stated that the burden was placed on the taxpayers and was not requested by them. Mr. Lyons suggested that Council continue the discussions, and he could make his appearance at the hearing and raise the issues at that time. Mr. Pelot stated that the overall cost is also an issue. Mr. Lyons stated that there is a practical and a legal side to this issue. Mr. Jones asked if we had to decide tonight, Mr. Lyons answered no, there is no time limit to prepare a letter to the Court. Mr. Lyons stated that what he is hearing from the consensus from Council is to challenge something here. Mr. Ryland questioned Mr. Lyons on the chances of the Court overruling the previous order of if this was common?

Mosquito Abatement District-Letter of Protest continued:

Mr. Lyons stated that the whole process to establish the district is not common and he was not sure how far we would get if we challenge that. Mr. Ryland asked if it would be more effective if the residents petitioned the Court? Mr. Lyons stated that the City of Norton is in a better standing to challenge and that this is viewed more as a utility provided to the community. Mr. Moss stated that one of the advantages of a MAD is to spread the costs to all residents, and with the expansion you divide the cost base by all communities. Mr. Moss stated that the question is will the net result be more or less. Mr. Moss stated that another issue is that we do not get the right to say no to an increase. Mr. Lyons discussed sewer and water utilities and that the legislative authority has the right to approve increases in those fees, with MAD there is no mechanism for the legislative authority to be involved on increases. Mrs. Elaine Tompkins, a Norton resident, stated that she has been opposed to this from day one along with the fact that the Court imposed this on both communities. Mrs. Tompkins stated that there is a real problem when we allow officers of the Court to run around the statutes and pick up not even ten (10) of the signatures from the public, and the Court imposes the law. Mrs. Tompkins stated that she discussed this petition issue with an Akron University Law Professor and she was advised that it would be inappropriate for the citizens to oppose this, it should come from the city. Mrs. Tompkins stated that most of the residents did not even know what we were getting into, she also opposed the name of Barberton-Norton MAD. Mrs. Tompkins stated that she opposed the expansion, and felt we need to get Norton out of the district. She opposed the charges to property owners for all of 2005 when the MAD was not established until June of 2005 and feels this should be prorated to the residents. Mr. Steve Kyer, Information Specialist for MAD, spoke and stated that he has visited with many residents and spoke at various communities and was surprised that no one from Norton called to invite them to attend and provide needed information. Mr. Kyer stated that Council needs to hear from both the Summit County Health Department as well as MAD to field questions and concerns. Mr. Kyer reflected back to the polio vaccine from the 1940's and that it is working and no one is trying to stop that vaccine. Mr. Kyer gave various examples of West Nile Virus in Jackson Township, and the two (2) cases of this in horses in Tallmadge. Mr. Kyer stated that MAD could and does address equine encephalitis, heartworm, etc. Mr. Kyer stated that the County Health District does not address animals, only humans. Mr. Kyer stated that most of the people who signed the petitions because mosquitoes are a nuisance. Mr. Kyer cited 2006 statistics for the County Health District and their average trapping was just under twenty-two (22) mosquitoes. Mr. Kyer stated that this represents twenty-two (22) mosquitoes in an average yard. Mr. Kyer stated that MAD showed seven (7) for that same time frame. Mr. Kyer stated that the State of Ohio states that anything over twenty (20) is a nuisance. Mr. Kyer stated that Fairlawn does their own spraying program. Mr. Kyer stated that the City of Akron spends \$200,000.00 a year and this does not include the labor, trucks, equipment, that is just the spray. We spent just under \$40,000.00 for our spray, and that when you compare you need to compare apples to apples. Mr. Kyer stated that Summit County should have been spraying the same time they were trapping.

Mosquito Abatement District-Letter of Protest continued:

Mr. Kyer stated that Summit County was spraying the exact same areas that MAD wants to expand to. Mr. Kyer went on to explain that Mr. Harrison did follow the laws of the State of Ohio when forming the MAD. Mr. Kyer stated that if what Mr. Lyons is saying about the MAD being unconstitutional, then when about other utility districts? Mr. Kyer explained the entire four (4) step process required for the formation of a MAD. Mr. Kyer stated that the City of Norton does have a voice, it is Mr. Conklin who is on the Advisory Council and they install the Board Members. Mr. Kyer stated that if the MAD expands there would take into account the new appraisal together with Norton and Barberton and we would come up with an effective rate to provide the continued level of service for the entire area. Mr. Kyer stated that we anticipate that this would lower the amount we have to ask for or increase the amount of service for such things like water runoff. If we can, then we can address water issues, then we would not have to spray in that area. Mr. Kyer stated that they have calculated that the MAD would recoup their investments in five (5) years, which helps not just Norton but the whole district. Mr. Kyer stated that if you decide to disband the MAD, residents would expect the same level of service if you went elsewhere. Mr. Kyer reminded Council that there are no full time employees at MAD and that he is paid \$400.00 a month for his services. Mrs. Elaine Tompkins commented on the statute and the difference in MAD services for approximately five (5) months and the utility districts which are 365 days a year. Mrs. Tompkins stated that the MAD has had money problems, used the least expensive chemicals and reduced spraying to every other week, not to mention the errors on the tax billing. Mrs. Tompkins stated that this whole MAD seems to have taken on a life of it's own. Mr. Kyer stated that there are a lot of things in life that are seasonal, and that we do not sit idle during the winter. Mr. Kyer explained the reasons to cut back on the spraying; one reason is because it was drier. They were also concerned with estimated revenues running short by as much as \$20,000.00. Mr. Kyer stated that was the reason to adjust to every other week. Mr. Kyer stated that later on they realized that they were under estimating what they were going to have, which is why they can address the water drainage for Norton. Mr. Alex Stavarz, a Norton resident, stated that mosquitoes are no different where he lives on Clark Mill Road. When in rains a lot they are bad, when it is dry there are no mosquitoes. Mr. Stavarz stated that the only difference he sees is on his tax bill. Mr. Stavarz stated he resents having a tax imposed without the resident's say so either way. Ms. Charlotte Whipkey, a Norton resident, stated that two (2) weeks ago she said that by imposing this upon 75,000 households it would increase the MAD revenue to \$750,000.00. The Director, Treasurer and Attorney (Mr. Harrison) stated that some of us are inflating the prices, and we are being lead into this by politicians. Ms. Whipkey stated that she is not being led by politicians, it is just simple mathematics. Ms. Whipkey stated that two (2) days later the Akron Beacon Journal's article stated that the cost would not be \$10.00 but more like \$15.00 and perhaps even more. Ms. Whipkey still questioned why the MAD needs \$1,000,000.00 plus a year?

Mosquito Abatement District-Letter of Protest continued:

Ms. Whipkey stated that she agreed with Mrs. Tompkins statement that this was put on us unjustly. The residents had no idea, they thought this was going to the ballot. Ms. Whipkey stated that she is not sure this program works that well. She did not have any mosquitoes until after the rain came in August and since then when its wet they are bad and when its dry there is none. Ms. Whipkey stated that she knows bugs and mosquitoes are not being killed unless they are hit directly. Ms. Whipkey discussed the issue regarding ticks and fleas, and that this spraying would not to anything to get rid of them. Ms. Whipkey stated that if it does, she would gladly give back the \$45.00 it costs her for Frontline for her animals. Ms. Whipkey stated that she has a problem with the money is not being reported to us correctly and when things are shoved down her throat. Ms. Dalia Spisak, a Norton resident and member of the Norton Health Advisory Board spoke about this being an emotional issue. Ms. Spisak stated that she elected this Council and wanted them to look at all of the issues that Mr. Lyons brought up, and stated that this needs a lot of research long term. Ms. Spisak stated that you need to understand how and why this MAD was formed. Ms. Spisak stated that we have Boards that can help and can discuss the issues with you. Ms. Spisak stated that emotions would be hot and dramatic. Ms. Spisak stated that you need to discuss the ramifications that Mr. Lyons mentioned. Ms. Spisak stated that as a nurse she knows what happens once you are bitten.

Capitalization Threshold:

Mr. McGlone tuned this over to Mr. Moss for the details. Mr. Moss stated that we have always had a \$500.00 threshold. The reality of this is anything the City purchases above \$500.00 is capitalized and put on the City's books. Mr. Moss indicated that other cities have already increased their threshold to \$5,000.00. Mr. Moss indicated that there are some negative and positive points in increasing this threshold. A negative point would be the smaller items are reviewed as part of the audit and there would be less oversight. Mr. Moss had suggested that the City form an Audit Committee to review these items and look into the details beyond the actual audit requirements. Mr. Moss stated that the positive side is that we would save money, improve our financial statements and we would be standardized. The savings would be nominal and you probably would not see it. Mr. Moss stated that he does not have this recommendation for the increase in writing, however it has been a subject of statewide training and this \$5,000.00 figure has been used. Mr. McGlone moved to place this on Councils next agenda, seconded by Mr. Zita. Mr. Moss stated that if adopted this would take effect with the next financial reporting, which is for the year of 2007. Mr. Pelot questioned if Mr. Moss discussed this with other communities our size, and Mr. Moss replied no. Mr. Jones asked if this is just for two (2) years as indicated in the drafted resolution? Mr. Moss stated that he was not sure this was true, and that it reflects the life expectancy of the item as far as reporting. Mr. Moss stated that if the item is on the books less than two (2) years you may not want that item to remain on the list, and currently we use one (1) year. Mr. Moss concluded that this does not change any stewardship process for anything that we buy or use, it only changes the financial presentation.

Capitalization Threshold continued:

Roll Call: Yeas: McGlone, Zita, Braman, Jones, Mowery, Pelot  
Nays: None

Motion passed 6-0.

Council Rules:

Mr. Pelot stated that everyone has had the draft of the most current Council Rules with the suggested changes, and asked if there were any additions, objections, which there were none. Council Rules were approved as submitted and Mr. Pelot asked the Clerk of Council to circulate the final version.

CRC Res. #10-2007 Non-Partisan Elections:

Mr. Pelot stated that Mrs. Hlas had done some research a while back on other communities, (see attached). Mr. Pelot stated that lot of other communities are capturing the popular vote of all of the residents no matter that their party lines are. Mr. Pelot stated that we have no immediate elections this would effect and there is plenty of time to discuss this, if necessary. Mayor Koontz stated that this is a Charter issue and a ballot issue for the voters to decide. Mayor Koontz stated that this proposed change follows the City of Green and that a primary election could occur. There was further discussion and all members present agreed to have a runoff. Mr. Pelot asked Mr. Lyons to draw something up to be discussed at the next Council Work Session for further discussion.

Set Annual Workshop Date:

Mr. Pelot stated that most responses indicated February 2, 2008, which is quickly approaching and he was not sure if there was time for Administration to work on agenda items or a speaker. Mr. Ryland stated that he has discussed items with Mayor Koontz and that time is too short for the February 2, 2008 date. Mr. Jones stated that he discussed the possibility of the fifth Monday in March, March 31, 2008 with Mr. McGlone, and asked if this was possible? Mr. Braman indicated that the MetroParks is having their meeting on February 2, 2008 and he would like to attend that meeting. There was no objection from Council for the March 31, 2008 Work Shop date. Mr. Pritchard suggested of the Storm Water Management as a possible topic for that date since we are entering into our second year for the NPDES permit process.

Unfinished Business:

Mr. Jones asked where we are with Pride One Development? Mr. Pritchard stated that they have one phase that they would like to reconfigure, however they are anxious to get moving due to the housing market. Mr. Pritchard stated that at this point they can and could move forward, however it is in their hands. Mr. Jones commented that last year they were stalling with the City. Mr. Pritchard added that they would have to go back through Planning Commission and Council because that phase is a change in the overall plan.

**Unfinished Business continued:**

Mr. Pritchard stated that most developers are cautious to move too quickly at this point. Mr. Pelot questioned the status of the Johnson Meadows Project and Mr. Ryland indicated that they talked last week and their attorney is currently working on dividing the properties as required. Mr. Pritchard added that they submitted revised plans subject to our Engineers review and approval, and they have done a nice job so far.

**New Business:**

Mr. Jones asked Mr. Ryland if he has had any discussions with Mr. John Avery of ODOT regarding SR. 261 paving, and Mr. Ryland stated he has talked with someone else at ODOT. Mr. Ryland indicated that ODOT has revised their original plans, which would cost the City an additional \$124,000.00 because of the required base work east and west of the bridge over SR. 21. We are also looking at the bridge over Easton as to why this is heaving as high as it is during the winter. Mr. Ryland stated that he has asked ODOT to sell the project in July rather than in October and he is waiting for their reply. If it sells in July the project would be completed in the fall of this year, if not it would be early in 2009.

**New Business:**

Mr. Jones asked if they could also look at the speed bumps on SR 261 and Mr. Ryland stated that this problem is a base issue and ODOT realized this, which is why the project was altered. Mr. Pelot questioned the culvert on SR 261 about a quarter mile west of SR 261 and Cleveland Massillon Road, and if we have moved forward on cleaning that out? Mr. Ryland stated that there is nothing that dredges this type of thing and it also dumps into private property, and we are still looking into that.

Mr. Pritchard suggested an item for the next Work Session; the Ohio EPA for the NPDES Storm water permit issued in 2003 is about to expire. We need to begin the process of public involvement and education for the renewal of the permit. Mr. Pritchard stated that the City has worked with Summit County and we need to consider becoming a co-permittee and enter into an agreement with the County for this. This would make it easier for all phases of the requirements.

Mayor Koontz stated that some might have heard rumors that the City is interested in purchasing Lake Dorothy. Mayor Koontz stated that the City has entered into discussions with PPG for the purchase of Lake Dorothy. Mayor Koontz stated that this lake is in our City but we do not own it. Mayor Koontz stated that this would be a great asset for the City, it is two hundred fifty six (256) total acres, with fishing, hiking, and non-motorized boating. Mayor Koontz stated that the lake was created by PPG by a damn and was named for O. C. Barber's daughter Dorothy. Mayor Koontz stated that no price has been set yet, however this lake was noted in the official Comprehensive Plan and was suggested the city obtain the lake property.

**New Business continued:**

Mr. Ryland indicated that he has met with three (3) architects to discuss the design for the new Fire Station. Mr. Ryland indicated that he would be coming to Council soon with more details. Mr. Ryland stated that the construction prices ranged anywhere from \$80.00 to \$400.00 per square foot. Mr. Ryland stated that two (2) of the architects have agreed that the City's plan for \$1,600,000.00 is promising. Mr. Pelot questioned if we need to go out for bids, and Mr. Ryland replied for the construction yes, but not for the architects. Mr. Ryland stated that overall he is pleased and it looks very promising to stay within the budget. Mr. Ryland stated he has been served notice that the EMT's and Paramedics Union have started the negotiation process. Mr. Ryland discussed two (2) failed septic systems on residential property that will need to be addressed. Mr. Ryland indicated the property owners have made applications for off-lot discharge systems, which basically dumps onto the neighboring properties. Mr. Ryland stated that a request has been made to bore under our roadway to design the system, which he already denied. Mr. Ryland stated that the areas of concern are at Oak Point and Columbia and that the cost recovery is not going to be easy.

**Public Comment-Non Agenda Items:**

Ms. Whipkey stated that Council had mentioned revisiting the property maintenance code and she wondered what version would be discussed. Ms. Whipkey urged Council to please keep in mind the rights of the citizens and that this should not be a license to loot like the last time. Ms. Whipkey stated that she liked the idea of purchasing Lake Dorothy and that we should use the money for the gazebo in the park to help buy that property.

**Topics for the next Work Session:**

Mr. Moss discussed having the annual food ordinances on the next agenda, in addition to a Homeland Security grant for the Fire Department. Mr. Moss stated that this grant is for \$200,000.00 to purchase and replace equipment and needs to be budgeted for February. Mr. Pelot questioned if the Homeland Security Grant needs to have its own account established, and Mr. Moss stated yes.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:50 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. If you do not have access to Time-Warner Channel #15, you may request to view a copy of any VHS recorded meeting in Council Chambers. Please contact Ann Campbell in the Administration office to make the necessary arrangements at (330) 825-7815 ext. 14.