



COMMITTEE WORK SESSION APRIL 6, 2009

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

Also Present: Mayor David Koontz-Excused
Rick Ryland
John Moss-Excused
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, April 6, 2009 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Public Comment-Agenda and Non Agenda Items:

Ms. Whipkey stated she noticed in the packet there is a new batch of Council Rules and questioned if our Solicitor made up this new batch of Rules, and if so at what cost?

General Topics of Discussion:

Council Rules

Mr. Pelot discussed the recent draft and opened this up to the other members of Council for discussion, he also noted this latest version was not made up by the Solicitor. Mr. Pelot stated Mr. Kostoff reviewed the Rules to make sure they complied with all of the legalities and added a few points of interest. Mr. Jones questioned Rule 103 and 601 and stated he felt this was a conflict. Rule 103 requires a majority vote and Rule 106 requires a two-thirds vote. Mr. Kostoff stated this was not a conflict, Rule 103 relates to the adoption of the Rules and Rule 601 relates to amending the Rules. Mr. Kostoff stated if you wished to have these consistent with each other, then you could change it if you want. Mr. Kostoff added that he did review these Rules during his office hours here at city hall, in addition to discussions he held with Mr. Zita, Mr. Pelot, and Mrs. Richards. Mr. Kostoff indicated there has been no charge for this. Mr. Kostoff stated it was his preference to adopt these Rules by ordinance and attach the Rules as an exhibit. Mr. Kostoff explained by adopting them with legislation you give them the enforcement of the law.

Mr. Kostoff stated it was his opinion that these Rules are by which you operate and there are also some Rules that you are asking the public to abide by, so in order to enforce them you need to have the enforcement of the law behind them. Mr. Jones stated this would be the first time we have done this since we have had Council Rules, and Mr. Kostoff stated he believed so. Mr. Kostoff stated the Rules also relate to other Codified Ordinances and you need to be able to enforce those laws. Mr. Zita stated one item that came up during discussion was with the public using certain Council member's names, and he intends not allow for this to continue and in discussing this with Mr. Kostoff, this was one of the items suggested. Mr. Jones discussed the DRAFT being on every page and Mr. Kostoff stated if legislation was called for all, the cleaned up version would have this removed in addition to all strike outs and bolded text. Mr. Jones discussed Rule 106 and the mandatory requirement, and stated that he and Mr. McGlone had issues with this earlier. Mr. Jones questioned what was the recourse of this rule because he was not aware that members of Council did not attend Work Sessions regularly. Mr. Pelot stated this is no different than a Council meeting, all of you are required to be here, its just putting it in writing. Mr. Jones stated the Charter refers to a penalty for not attending three (3) consecutive Council meetings only, so what would be the recourse? Mr. Jones also questioned how long we should continue discussing this since Mr. McGlone was absent, noting the last time we decided not to act because Mr. Mowery was absent. Mr. Pelot stated everyone has had enough time to look these over and to his knowledge Mr. McGlone has not raised any concerns with the Clerk or himself. Mr. Pelot also reminded Mr. Jones this would be going through as an actual ordinance and Mr. McGlone would have time to review that as well. Mr. Jones discussed Rule 202 on page #7 and the five (5) minute stipulation which would give the public only ten (10) minutes twice a month, that's just wrong. Mr. Pelot stated that is has always been this way during the Public Comment section, nothing has been changed here. The residents still have the ability to comment later on in the meeting. Mr. Jones stated we had a lot of conversation on this back on January 5, 2009, January 20, 2009 and again on February 2, 2009. Mr. Jones took exception with the corrections/changes made by Mr. Kostoff because there are no notations or a memo explaining the changes. Mr. Kostoff stated he was doing as the Council President directed him to do. Mr. Pelot stated that is the purpose of tonight's discussion, to review the corrections, additions, changes, etc. with everyone. Mr. Jones stated a lot of changes have been made between the last version he has and this one. Mr. Jones stated Rule 203 has been changed dramatically and questioned what does the phrase personal reflections mean? Mr. Kostoff replied he would have to go back and look at his notes, and he was not sure this was something he inserted himself. Mr. Jones noted a typo in Section 203; the word *be* needs to be removed in the seventh (7) line down. Mr. Kostoff stated this paragraph is a standard Roberts Rules of Order and that you have a right to appeal the decision of the Chair. Mr. Pelot stated he interprets that to mean the Council President/Presiding Officer is to keep everyone on track and may need to reel the members back to the discussion. Mr. Kostoff suggested that if this is an issue it could simply be deleted. Mr. Jones discussed the thirty (30) minute limit stipulation on page #11 under Rule 702 and asked how would this apply? Mr. Kostoff stated if you have one hundred (100) residents signed up to speak for their five (5) minutes, that would be a very long evening if not a couple of days. Mr. Kostoff stated that you would need to suspend the rules and give each resident two (2) or three (3) minutes each, but not exceed thirty (30) minutes overall.

Mr. Kostoff stated the whole point here is that Council is in control of your own Rules and you conduct the meeting under reasonable order. Mr. Zita stated the goal is to limit all public comment to a total of thirty (30) minutes. Mr. Kostoff stated he put all of the Public Comment information under one dedicated section in the Rules to keep it all together. Mr. Kostoff cited an example of meetings with Agricultural Districts and you have ten (10) with public hearings and ten (10) residents lined up to speak, you might want to suspend the rules to adjust that. Mr. Kostoff stated that common sense would have to dictate here. Mr. Jones stated that the public would not know about that until they got here and saw how many signed up to speak. Mr. Jones stated that overall he was not satisfied with the changes to the Rules. Mrs. Elaine Tompkins stated that since the public pays your salaries, the public should have some input with the Rules. Mrs. Tompkins discussed the lack of excused absences in the Rules or what the remedial action would be. Mrs. Tompkins stated that in Washington DC we have this same question and a lot of people don't show up to vote. Its time we address this at a local level particularly since it's going into an ordinance. Ms. Whipkey discussed the reference to the mandatory requirement to be present, and that it needs to be clarified, stating this applies to Regular Council meetings and the Charter. As far as making this an ordinance, what a crock of crap, we don't need that. We are a city of less than 12,000 people and she has been attending meetings for the last three (3) years. There is no problem with the people speaking or how long they speak, she has even waived her time to speak because it was already covered. Ms. Whipkey took issue with limiting public comment to thirty (30) minutes, stating that's bull, we pay your wages, and to sit there and tell us we can't speak is another crock of crap. Ms. Whipkey stated that you just got the latest version of the Rules on Friday, you need to take the time and read this. Ms. Kathy Dean, a Norton resident, wondered if we want Norton to grow, why would we want to limit what a new resident wants to come and question? If they have questions as a new taxpayer and citizen that would be a real turn off, instead of saying welcome to Norton. Mr. Kostoff added that the question of mandatory meetings was discussed in prior committee meetings and did not come from him. Mr. Kostoff indicated he was comfortable with the Charter and how it addresses the qualifications and removal of any Council members, it rates supreme to anything else. Mrs. Tompkins argued that it may address the legal action, however the Council Rules does not state how many times you can legally excused and still represent your Ward or At Large. Mr. Kostoff stated the Charter is your only basis for removing a Council member or Mayor. If Council approves an excused absence that is in their purview, if the voters find that they have missed a lot of meetings, even if they are excused, they have the right to vote them in or vote them out. That basis for removing them is defined in the Charter, not in Council Rules. Mrs. Tompkins stated she was not looking at removal, more like a financial penalty or something of that nature. Ms. Whipkey stated our Charter does not address Committee sessions, it only addresses Regular Council meetings, and that is why we are saying you need to have this in here. Mr. Pelot moved to add this to Councils next agenda with all of the changes discussed with an ordinance, seconded by Mrs. Hlas. Mr. Jones stated we are premature on acting with Mr. McGlone being absent this evening. Mr. Pelot stated we are just placing this on the agenda to be voted on. Ms. Whipkey questioned if this needed to be two (2) different steps? Mr. Pelot stated this would be an ordinance and Mrs. Richards clarified the ordinance would have the Council Rules as an exhibit attached.

Roll Call: Yeas: Pelot, Hlas, Mowery, Braman, Zita

Nays: Jones

Motion passed 5-1.

Expense Reimbursement by Mr. Jones

Mrs. Hlas asked Mr. Jones why he has asked Council to look at this? Mr. Jones replied that Mr. Moss indicated to him his next recourse for reimbursement was to take it up with Council. Mrs. Hlas stated you are asking for \$495.65 and Mr. Jones stated that is exactly what he spent. Mrs. Hlas stated that Mr. Jones revamped his Campaign Finance Report to show it as an "in kind" donation and questioned how can we reimburse something that was an "in kind" donation? Mr. Jones replied he would not go into all the details in this because he knew it would come up like this tonight. Mr. Jones stated with Mr. Moss not being here, we could act on it, or leave it lay but he was not going to argue with Mrs. Hlas. Mrs. Hlas stated she was not arguing, and that Mr. Moss basically told Mr. Jones no. Mr. Jones stated that Mr. Moss did indicate that to him in a memo on March 19, 2009. Mrs. Hlas stated that so now you have brought this to Council for us to give Mr. Moss permission to pay this, correct? Mr. Jones stated that in conversations with Mr. Moss it was indicated that he could take it to Council for approval for payment, instead of taking it to Mr. Kostoff at the rate of \$175.00 per hour to look into it. Mrs. Hlas stated she was confused because Mr. Jones' report shows this as an "in kind" donation, which is exactly that it's a donation, it's a donation to the committee. Mr. Jones disagreed, stated you need to check with the Board of Elections because Rose at that office instructed him to list it this way. Mr. Jones stated that he loaned the committee or spent the monies, this was out of pocket monies. Mrs. Hlas stated that when she does the report she loans her committee money and when she receives donations from individuals into the committee above and beyond expenses, she can chose to pay herself back. Mr. Jones stated that there was no money in his campaign committee to pay him back. Mrs. Hlas stated that she read somewhere that an "in kind" donation is of certain value to some person but of no value to another. Mr. Mowery stated that he as also talked to the Board of Elections and maybe the wording could be different here. Mr. Mowery stated the point of the matter is that we need to get through this and get this settled once and for all. Mr. Moss does not have the authority to pay Mr. Jones, so that is why it is before us now. Mr. Mowery stated we need to repay the candidate and get this resolved, this should have been addressed long ago. Mr. Zita stated that there is nothing in the law that states we are obligated to spend the citizen's money to reimburse Mr. Jones. If we choose to do this by Ordinance we are giving the Finance Director an ultimatum to do so even though he is not authorized to do so. Mr. Zita stated that since the law does not dictate us to refund the money, he personally does not feel we owe Mr. Jones the money. Mr. Mowery stated the bottom line is lets do what is right and get this over with. Mr. Zita asked what is right because we are spending the citizen's money here and he was not sure that is right. Mr. Mowery stated if we don't feel we owe it to him, then lets take it off of the agenda. Mr. Jones discussed a comment made previously as stated in the minutes by Mr. Moss that a purchase order was already drawn up to be signed. Mr. Jones stated he believed that would need to be signed by the Mayor and Mrs. Hlas corrected Mr. Jones, it would be signed by the Council President. Mr. Jones read from a letter to Mr. Moss dated February 27, 2009: Enclosed please find a copy of the addendum report of my Annual Post Special (recall) report dated January 26, 2009 along with the receipt from the BOE dated January 29, 2009. As

you can see, I filed a form 31-J-1, which related to “in kind” contributions. Form 31-J-1 is used to report “items or services purchased by the candidate” and “for which reimbursement is not requested or desired”, otherwise considered “out of pocket” expenses. Those expenses were paid by me, or my wife, and not the committee. Mr. Jones asked Council if they had read this letter completely? Mr. Pelot stated the bottom line here is Mr. Moss feels he (the city) is not obligated to pay this reimbursement. Mr. Pelot stated he was not about to spend the citizen’s money without some direction or opinion from our Law Director and asked Mr. Kostoff for his input. Mr. Kostoff stated he has reviewed the information in the packet and at no cost has researched this issued briefly and found an Attorney General Opinion 89-050 dated July 25, 1989 (See attached). This opinion states 705.92, although not on the exact same facts and in the absence of any case law on it, Charter municipalities that adopt a recall provision, Section 705.92 does not apply. It only applies to statutory cities; Norton is not a statutory city. Mr. Jones argued that this law was passed in 1995 and Mr. Kostoff replied that this opinion cites ORC 705.92 as a reference. Mr. Kostoff stated that he did not do an exhaustive search and if Mr. Jones has something else he would be happy to look at that. Mr. Jones asked for Mr. Kostoff to supply him a copy of this opinion. Mr. Pelot asked for all of Council to have a copy of this Attorney Generals Opinion for the record. Mr. Mowery stated that we have had other recalls such as a Mayors recall, and he did not recall any problems or requests for reimbursements then, and questioned if this was the first reimbursement request we received. Mrs. Hlas stated that it was not requested then and Mr. Pelot stated this is the first time a reimbursement has been requested. Mr. Kostoff stated that if you put something into your Charter that allows for a reimbursement, then you would be able to pay them. Mr. Mowery asked if Council has the power to do or not to do a reimbursement? Mr. Kostoff stated that Section 705.92 does not apply. Mr. Jones discussed putting something into the Charter where the people who presented the recall in the first place would be responsible to repay that portion? Mr. Kostoff stated he understood what Mr. Jones was asking; however this would be a very difficult constitutional question, and would require a lot of research. Mr. Kostoff stated the implications could be a lawsuit because there could be those who think you are constricting their ability to hold their public officials accountable. There was discussion about what is going on with the City of Akron’s Mayor with the recall pending. Mr. Braman stated he agreed with Mr. Mowery on this and we are looking after the citizens best if we settle this without extensive legal actions. We would be better off ahead if we can legally give him the money and be done with it. Mrs. Hlas stated there is saying that states choose your battles wisely, and she does not like the fact that Council was threatened by Mr. Jones to either pay him or he would sue the city. Mrs. Hlas stated she wants to get rid of this and move on to other city business, basically pay him and shut him up. Mrs. Hlas moved to reimburse Mr. Jones, and how the Administration handles it is a whole different story. Mr. Ryland stated do not put this on the back of the Administration. We as a city cannot write a check to the Committee to elect Tom Jones. If you as Council want to repay Tom’s money, which is fine, your instructions are that the check is written to Tom Jones and not the Committee to elect Tom Jones. Mr. Kostoff clarified he answered the question as to whether you can legally pay him. As to whether or not you can pay him by some moral claim proviso, he has no opinion on that this evening. Mr. Kostoff stated there is no legal basis for the Mayor to sign the voucher.

Mrs. Hlas clarified her motion to state to pay Mr. Jones and see how it falls seconded by Mr. Braman. Mr. Pelot stated he we have no legal authority to pay it he is against, he cannot vote for this. Mr. Mowery stated we are taking it upon ourselves without legal approval to pay Mr. Jones and end it once and for all. Mr. Zita asked Mr. Jones if this money came out of the Committee to elect Tom Jones, and Mr. Jones replied no, it was money he used that came out of his own pocket. Mr. Ron Shaffer, a Norton resident, stated he agreed with keeping this out of the courts, a lawsuit would be ridiculous. It's already cost the residents more that is should have. Mr. Shaffer stated bad decisions breed bad results. Mr. Shafffer stated Mr. Jones should be paid if you can do it legally, and from what he heard from Mr. Kostoff, you can do it. Lets get it off the books and move on. Mrs. Tompkins cautioned Council because you are setting precedence here and we need to look at this carefully. Mrs. Tompkins stated she has no problem with paying this but the key is what we are establishing for the future. Mrs. Tompkins stated she agreed with ORC 705.92 and has read this several times and would like to see it done and off the books and be done with it. Mr. Ryland stated Legal Counsel just said you have no legal precedence to do this, what are you going to do when a citizen files a suit against you for misuse of their funds? Mr. Blankenship, a Norton resident, asked if this would possibly open it up to retroactive reimbursements for past recalls, because we have been down this road before? Mrs. Tompkins discussed the new two (2) year law on statute of limitations and asked if this would also apply?

Roll Call: Yeas: Mowery, Braman
Nays: Hlas, Pelot, Zita
Abstain: Jones

Motion failed 3-2-1.

Income Tax Credit Reduction

Mrs. Hlas discussed a memo just issued by Mayor Koontz this afternoon, (see attached). Mrs. Hlas stated she was not comfortable moving forward without Mayor Koontz or Mr. Moss being present. Mr. Ryland explained the Mayors wishes to move ahead in his absence in addition to consider an ordinance to reduce the surcharges for water and sewer fees in the future. Mr. Ryland indicated that Mayor Koontz was looking to have Councils support on the income tax credit reduction to 1.5% with legislation on next Monday's agenda for a first reading. Mr. Pelot asked how much of a reduction on the surcharges the Mayor was looking for and Mr. Ryland indicated he was leaving this up to Council. Mr. Ryland indicated that currently the rate is 2.25 % and generates roughly \$150,000.00 between the two and is specifically earmarked for utility improvements. Mr. Pelot stated this would need to be addressed as separate issues and would bring it back at a later time. Zita discussed some concerns a resident raised with the funds being used for infrastructure and the resident questioned if they could be used for roadways. Mr. Zita stated that from what he understood the term "infrastructure" only referred to that part of the road that gets torn up to put in the water or sewer line, it cannot be used to pave other roads. Mr. Ryland concurred it is not to resurface other roads in the city. Mr. Zita also stated another question raised is what could happen to this legislation down the road with different Council members and Mayors, and if they could make changes to it or how the money gets spent.

Mr. Zita stated that if this were to go to the voters to start with then it would have to go back to the voters to make changes to it. However, if we have stipulations within the legislation that would address it. Mr. Ryland indicated that this adjustment enables us to go out for debt for a certain time frame and once we go into debt you cannot change it. Mr. Kostoff concurred that the bond legislation would be part of the conditions. Mr. Jones stated that one of the comments made at the recent town meeting was that the Fire Levy passed and then the Administration turned around and tried to use the Community Center for the new station. Mr. Jones stated he was concerned with future Council changing the terms of the legislation. Mr. Kostoff replied that if they did try and change it, the city would be in default on the bond, and the bank would come to collect. Mr. Jones questioned the term of infrastructure which includes roadways, suggesting we define this more so it cannot be used to pave other roads. Mr. Kostoff assured Council that legislation would be prepared that would tie the hands so that you could not do that. It would have to relate to a specific sewer or water project; it would only apply for that reason. Mrs. Hlas questioned when would we want this to take effect, could it be done by July 1, 2009, or whether or not you can implement a change in the middle of the year? Mr. Kostoff stated that he was not sure this was a question for Mr. Moss. Mr. Stavarz questioned if the surcharges would also be addressed at the same time, as the Mayor requested? Mrs. Hlas stated that this is not what Council is discussing at this time we are only discussing the credit issue now, however we can discuss the surcharges later. Mr. Jim Lino, a Norton resident questioned if those who work outside the city, do the taxes get taken out every month or at the end of the year? Mr. Pelot stated at the end of the year when you file your taxes you would show the half percent and would pay it at that time. Mr. Lino stated he trusts the city undoubtedly not the Federal government. Mr. Lino asked what happens later on, within the twenty-five (25) years and there is money left in the till? Ms. Whipkey stated it was mentioned before the possibility of using these funds to address the flooding in the business area on Barber Road and Newpark Drive. Ms. Whipkey asked if there would be any type of stipulation to keep this tax money from going to the businesses? This is money is supposed to be used to bring sewers to all of us eventually. Ms. Whipkey asked about Columbia Heights area and if this was to be included? Mr. Jones clarified Ms. Whipkey's concerns about money being used to address the flooding in existing areas, this money is not to be used for that purpose. Mrs. Hlas stated this all relates to installing new trunk lines. Mr. Ryland added that the flooding areas along Newpark Drive already have sanitary sewers. Mrs. Hlas moved to place this tax credit reduction to 1.5% on Council's next agenda with emergency language, to go all three full readings, seconded by Mr. Pelot. Mrs. Hlas indicated Council would address the surcharge fees at another time.

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

Motion passed 6-0.

Health District Contract

Mrs. Hlas introduced Mr. Robert Hasenyager, Director of Environmental Health and Ms. Gillian Solem, Director of Nursing of the Summit County Health District.

Mrs. Hlas indicated the North Health Advisory Board held their meeting this past Saturday and they recommended the city contract with the Summit County Health District. Ms. Hlas stated that she decided to go with Summit County and this was a very, very, hard decision. Mrs. Hlas stated Barberton does a great job on the C & D's and she is very concerned with this issue. Mrs. Hlas indicated the Norton Health Advisory Board's main concern was with the septic issues not being addressed in a timely manner. Mrs. Hlas indicated that on March 22, 2006 Mr. Harrison reported that businesses would have 90 days to connect if sewers were available to them or they would appear in court. At that time there were approximately thirty one (31) and by the end of 2006 ten (10) businesses had tied in, leaving approximately twenty one (21) more to connect. Mr. Ryland indicated Mr. Dan Karant, Chair of the Norton Health Advisory Board, was present and he wished to make some comments. Mr. Karant stated it was a heart wrenching decision based on several factors, it was not just about the money. Mr. Karant read a statement he provided, (see attached). Mr. Karant recommended making a one (1) year commitment or two (2) at the most and then re-evaluate their performance at that time. Mr. Pelot asked if there were any pending cases that the Barberton Health Dept. is handling through the courts? Mr. Karant indicated they just brought retired Judge Mike McNulty as an independent decision maker. Mr. Karant stated as he understands it, they have the legal right to go in and post notices, quarantine, or shut down prior to going into court. Mr. Jones discussed the eighteen (18) businesses that still have not connected and that one third of them have now closed. Mr. Jones questioned how Summit County would be addressing this? Mr. Jones discussed the access fees; Summit County charges around \$12,000.00, Barberton charges around \$9,000.00 and Norton charges around \$6,000.00. Mr. Jones stated that's over \$25,00.00 and does not include a connection fee to connect to a sanitary sewer. This amount could run someone out of business. Mr. Jones asked if there was a way we could take the access fees and make it easier for people to hook up. Mr. Karant stated this has come up many times in discussion and something has to be done for people to be able to connect, however we don't have anything in place. Mr. Jones suggested these communities need to get together and come out and offer something to help them hook up rather than have these businesses just close their doors and walk away. Mrs. Hlas stated this was a had decision to go with Summit County, and yet two (2) years later we are still waiting for seventeen (17) or so businesses to connect. Mrs. Hlas discussed other previous minutes where these issues and others were addressed (see attached). Mr. Ryland stated that the Barberton Health District has done an admiral job and since Ms. Kline has been on board they have been very responsive to our needs. The fact of the matter is we are still sitting on orders issued back from 2006 for businesses that have not connected. As of last Monday, only seventy-one (71) septic systems have been inspected, and we have over three thousand 3,000 systems in this city that need to be inspected. Mr. Ryland suggested Council consider a contract for the remainder of 2009 with Summit County and an additional one (1) year contract for 2010. Mr. Hasenyager discussed the possibilities of financial assistance with the WCPLF loan program with the Ohio EPA to tie in connections to sanitary sewers. Mr. Hasenyager indicated this program is for repairs, and or connections to sewers. Mr. Hasenyager indicated these funds could be used on a 5-10-15 year basis where the owners can pay it back on the property taxes, or as a loan repayment to the County. Mr. Ryland asked about an inoculation program for seniors and children, and Ms. Solem replied they would accommodate the city with a program and would come to Norton.

Mr. Ryland asked if the County was considering a South Summit Clinic? Ms. Solem stated we have a location in Lakemore, and we will be looking to see how things will develop with Barberton to determine that. Mr. Pelot discussed the inspections that have already been done, and questioned if Summit County would require another inspection fee? Mr. Hasenyager stated this would not be an issue, we will not charge if they need to be re-inspected, which is about seventy one (71). Mr. Pelot asked how would the County address a situation where a resident has installed a septic system less than five (5) years old and a new sewer line is available, would they be forced to connect now? Mr. Hasenyager replied that they use a priority listing spreadsheet that determines the tie in requirements. Mr. Hasenyager indicated that short stop measures can be done in the meantime and they would work with the residents. Mr. Karant mentioned that with the Barberton Health District the City of Norton had no voice as a voting member, with Summit County they will have a vote. Mr. Pelot asked how long the WCPLF loan program has been around, and Mr. Hasenyager replied about twenty five (25) years. Mrs. Hlas inquired how the County would handle the transition of the prosecution cases, and Mr. Hasenyager indicated the Barberton Prosecutors would simply hand the files over to the Summit County Prosecutors for processing. Mr. Hasenyager indicated that any new complaints go through their due process. The first step is an immediate enforcement within sixty (60) days, after that would be an Administrative Conference, after that is a Nuisance Hearing, and then its turned over to the Prosecutors. Mrs. Hlas moved to place this on Council's next agenda, waiving the second and third readings with emergency language, seconded by Mr. Zita.

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

Motion passed 6-0.

Private Road Standards

Mr. Braman stated this was to mostly to clarify rather than to set any new standards and turned this discussion over to Mr. Ryland for the details. Mr. Ryland indicated this was to have the private road and the public road standards match. Our goal is for these to match the standards of the Engineer's specifications. Mr. Jones asked if this as directed at Pride One Developers? Mr. Ryland stated no, as a matter of fact they have withdrawn their application, and we have nothing new on the table. Mr. Braman asked what was the difference between public and private roads and Mr. Ryland stated he was not exactly sure, he did not have the specifications with him. Mr. Jones asked about the number of private roads in the city, and Mr. Ryland replied there were many, he did not know the exact number. Mr. Braman moved to place this on Councils next agenda, for a first reading with emergency language, seconded by Mr. Pelot. Mr. Braman indicated the Planning Commission would be having their meeting tomorrow evening to discuss this and they would be forwarding a resolution to Council for review. Mr. Braman indicated he would like to keep this on the agenda for the next Committee Work Session to continue this discussion. Ms. Whipkey asked for clarification that this would make all of the road design in the city the same, there would be no exceptions, and Mr. Ryland concurred.

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

Motion passed 6-0.

Unfinished Business:

Mr. Jones again stated his listing of roads he wants to be addressed for this year's road program for Ward 1 as; Carl, Harris, Lakeland, Clubside, Hillier, and Flesher. Mr. Pelot asked if a list of roads slated for paving would be put together soon? Mr. Ryland stated that we are already constantly patching roads all over the city this month. Mr. Ryland indicated that most of this year's budget would be eaten up by the resurfacing of Cleve-Mass. Road north, following the waterline project. Mr. Ryland stated the estimates for this area alone are at the \$500,000.00 mark and we will only be able to address one road this year, along with St. Rt. 261, and Mr. Jones reminded everyone this is in three (3) wards. Mr. Ryland stated that requests for the AMATS Stimulus money should be passing on April 21, 2009 and would be funded at an 80/20 split, with the 20 percent coming from the City of Norton. This is for the area of Greenwich Road-Norton Avenue and would be costing us about \$180,000.00 total. Greenwich Road is scheduled for completion in the spring of 2010 along with Wadsworth Road.

New Business:

Mr. Jones asked Mr. Ryland about his comments in the Plain Dealer relating to the closing of JR Wheel as stating it would have little or no effect on the income in the City of Norton. Mr. Jones questioned this with losing over one hundred and forty (140) employees. Mr. Ryland clarified that was correctly stated, it amounts to less to .4 percent of our income tax and less than .02 percent of all of our income. Mr. Jones stated it was reported that Comunale has approximately two hundred (200) employees, and he was under the impression they have seventy five (75) due to layoffs. Mr. Ryland disagreed, they are closer to the two hundred (200) figure. Mr. Jones discussed Comunale paying income taxes to other communities they work out of and asked for the total number of employees this affects. Mr. Ryland indicated he would have to get back to Mr. Jones back with that information. Mr. Ryland advised everyone there are a few Census workers collecting data and they are going door to door throughout the city. They have registered their ID badges with the city and this information will be posted on the web site.

Topics for the next Work Session:

Private Road Standards

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:18 PM.

Mike Zita, President of Council

NOTE: THESE MINUTES ARE NOT VERBATIM*

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

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