



## COMMITTEE WORK SESSION MAY 4, 2009

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

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

The Committee Work Session convened on Monday, May 4, 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.

Mr. Zita thanked our AudioVisual Intern student; Angel Robertson for her time served taping our meetings and congratulated her on her graduation from High School.

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

Mr. Jeff Case, a Norton resident, stated he was thankful for the new waterline installation in front of his home on Hazelwood Avenue. Mr. Case stated that he is being charged extra for his water by Barberton because he is a Norton resident, and questioned the rational of the income tax credit because he would be paying again. Mr. Case stated that he just took a 20 % pay cut at work and now his property taxes just went up the last half by \$174.00. Mr. Case stated that he just can't do it, he can't sell his home or he would do it, and out of the 16-17 homes in his neighborhood 3-4 of them are already empty. Mr. Case complained about not going to a vote of the people, and that it only affected two (2) or three (3) of you on Council. Mr. Case stated that this is absolutely the wrong time to do this. Mr. Zita clarified Mr. Case's comments that it does affect more than just a few on Council; it does affect him because his wife works outside the city.

Ms. Charlotte Whipkey, a Norton resident, commented on the taping of meetings, and that it is in your Council Rules and even the past Mayor had said that all past tapes were supposed to be put onto DVD's and stored. Ms. Whipkey stated she wanted to know what

is going to be done about this, she would still like to be able to get a copy of the tapes in the future. Ms. Whipkey stated if she can't get a copy on tape, she would bring in blank CDs or DVD's and get her copies that way. Ms. Whipkey stated that this is an avenue we cannot shut down, the public has already been denied enough of knowing what is actually going on. Ms. Whipkey discussed the Council Rules being put into a city ordinance, and that she understood this has happened a total of thirteen (13) or nine (9) times in the past. Ms. Whipkey stated that since we have been a city they have been put into an ordinance only twice, not continuously. Ms. Whipkey stated that is not exactly the best odds out of forty one (41) years since we have been a city. Ms. Whipkey stated it is already this far along in the year, let it go, and let the next bunch figure this out.

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

#### **Fire Hydrants-Materials Bid for Cleve-Mass. Waterline Project**

Mr. Jones turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated the recent bidding process was very successful. The Engineers estimate of \$1,333,000.00 got bid out at \$1,132,000.00 and that does not include the twenty-eight (28) fire hydrants. These will be going out to bid in a couple weeks, and the advertising is going out shortly, he was just wanted to inform Council. Mr. Ryland indicated that initially he thought legislation might be required, however after reviewing Ord. # 46-2007, #72-2008, and #19-2009 they all are in line and authorize the bidding for the fire hydrants. Mr. Ryland indicated we are looking at roughly \$60,000.00 for the costs of the fire hydrants, however there is nothing more required from Council at this time. Mr. Jones inquired as to how soon this would take place, and Mr. Ryland replied probably about 180 days. Mr. Jones inquired about the paving project on Cleveland-Massillon Road from I-76 North, and if this would still be done this year? Mr. Ryland replied yes, and the northern end of this project is to be completed before school starts and he would like to say the entire project would be done, but we will have to wait and see. Mr. Pelot asked if the water lines would be under the road or off to the side? Mr. Ryland replied it would be under the road in portions, it does cross under Cleve-Mass. Road twice and one section of another parcel. Mr. Ryland stated that when the road gets widened, all of this would be under the pavement. Mr. Zita stated he was present for the bidding process, and it was very interesting to watch the process.

#### **Community Center Fees**

Mr. Zita stated that we need to take a look at the cleaning fees. Mr. Ryland indicated we need to look at all of the fees, we have been running in the negative for some time, and the fees have not been updated since 1998. Mr. Jones asked Mr. Ryland what type of increase was he looking at, perhaps \$25.00 extra? Mr. Ryland stated he would propose a 3% increase for each year since they have not increased, in addition to increasing the cleaning fee to \$60.00 for each event that occurs for everybody. Regardless of the use this building has to be cleaned before the next use, and we need to start to recover some of these fees. Mr. Pelot asked when was the last time we looked at the cleaning company contract and Mr. Ryland replied just this year. We had reviewed three (3) companies and the lowest one is a Norton business and is our current contractor. Mr. Ryland asked Council for their direction, if they wanted him to restructure the fees, or leave it alone?

Mrs. Hlas stated that most of those who use the facility, are either non profit or civic organizations, and if we start charging everyone \$60.00 for a cleaning fee, we are basically asking them to leave by forcing them out. Mrs. Hlas stated most of them are Boy Scouts, Girl Scouts, Soccer Clubs, etc. and they wont be able to pay to have it cleaned. Mrs. Hlas asked what is the purpose of a Community Center if non-profits can't use it? Mr. Ryland stated he was not saying they cannot use it, but Mrs. Hlas stated your intent is to charge them to use it. Mr. Ryland stated that this is up to Councils discretion. We are running in the red and we have repairs that are necessary to make. Mr. Zita noted that we have been running in the red for a number of years and Mr. Ryland added yes, to the tune of about \$50,000.00. Mr. Pelot asked if we are still paying \$1261.00 a month for the cleaning contract and Mr. Ryland replied yes. Mrs. Tompkins reminded everyone that this figure is to clean three (3) city buildings, not just the Community Center. Mrs. Tompkins agreed with what Mrs. Hlas stated, what is the purpose if we have to charge our people to use this. Mrs. Tompkins stated that \$50,000.00 does not seem like a large amount, considering all of the other monies spent throughout this city. Ideally, there should be monies set aside for things like maintenance, and repairs to the roof, electrical, etc. Mrs. Tompkins stated she objected to charging all of the groups the \$60.00 fee, which would put them out of business. Ms. Whipkey stated she agreed with the previous speaker and Council, it is called a Community Center for a reason. These non-profits should be able to use this facility and should not have to pay. We have already paid for it, and we should be grateful to have these groups that are willing to come in and do these things for the children, the seniors, and the others. Mrs. Hlas asked for details for the past two (2) years on how many other groups that are paying, actually use the facility. There was discussion about covering damages to the facility and Mr. Ryland stated this is recovered by a security deposit or the organization gets billed. There was also discussion regarding using Mayors Court community service workers to help clean, and Mr. Ryland indicated that has been used in the past from time to time. Mr. Pelot stated he was ok with the three (3) % increase, but not the \$60.00 cleaning fee. Mr. Zita stated that if the paying renters are hardly coming in now and we raise the fees, they still won't be coming, and that won't be making up any difference here. Mr. Alex Stavarz, a Norton resident, commented on the three 3% increase and that it may sound good, but in comparisons to other hall rentals it may be too high. Mr. Ryland stated that was already looked into and that the 3% is not excessive. Mr. Stavarz stated this is a community center and to charge the community to use it is not right. Most of those who use it are volunteers and donate their time to the community, and he personally has not witnessed any damages to the building. Mr. Zita stated this would be continued to the next Work Session agenda for further discussion.

#### M.A.D.

Mr. Jones stated that now that we are going with Summit County effective June 1, 2009, is there any way we can get out of this program with the MAD since we have the two? Mr. Ryland indicated that is what prompted the discussion on the agenda, as of June 1, 2009 we will have a duplication of services because we will be paying for this with the contract with Summit County. Mr. Ryland stated there are three (3) possible options: #1 is to petition the Court to remove us, #2 is to petition the State Legislators to pass new laws, and #3 is to file suit.

Mr. Ryland stated that all of these options will eventually cost the city extensive legal fees. Mr. Ryland asked Council how hard do you want the Administration to push this and in what direction? There was a lengthy discussion on the cost comparison and spraying schedules between MAD and Summit County. Mr. Pelot brought up the idea of the city doing our own spraying and Mr. Ryland advised against this due to the fact that we do not have the training, expertise, equipment or funding. Mr. Zita stated that even if Council decided to take either direction with this, nothing would take place until next year sometime. Mr. Jones stated that until that time we would at least be receiving double coverage for mosquitoes. Mr. Alex Stavarz commented about the City of Green being brought into the MAD and that a State Legislator was trying to get the laws changed, and asked if anyone was looking into this? Mr. Stavarz also suggested having our Law Director provide the city with a quote on what this might cost, it should not be that complicated to figure out. Mrs. Elaine Tompkins discussed the audit for MAD from last year and the management letter, and that she still believed the manner in which it was done was completely wrong. Mrs. Tompkins stated she takes issue with the court, contrary to what anyone says to take 617 signatures in 2005, and present them to a court and that a city only needs 500 signatures to form a district. And because we were a so called district at the time, they used 200 from one community and 300 from another to come up with a total of 500, which was all together wrong in the first place. The point is there was a lot of problems that happened when this district was born. Mrs. Tompkins stated she would not discuss the quality of work or the services they perform at this time. Mrs. Tompkins took issue with the fact that this special assessment was imposed on the residents for a three (3) to four (4) month period of service that might carry West Nile Virus. Mrs. Tompkins discussed the reports from the CDC on the West Nile Virus and they admitted the facts were overstated. Mrs. Tompkins stated the City of Norton is paying an estimated \$40,000.00 a year in assessments in addition to the contract with Summit County Health District. Mrs. Tompkins stated if nothing else, you go to court for every other little thing that comes up, so why don't you take it upon yourselves to remove this city from the district based on the fact it was not imposed correctly. Mrs. Tompkins reminded everyone that Council did not agree to this, and that some on Council may have signed the petition not realizing that this was going to this length. They thought it was going to be put on a ballot. Mrs. Tompkins stated that if this got done by an initiative petition then it should be able to get removed by an initiative petition, and generated by our own city Council, and it might even be found to be constitutional. Mr. Jeff Case stated that if Summit County is supposed to be doing it as well, we might need to monitor who is actually doing what and when. Mr. Moss stated that the city does not actually have a "contract" with the MAD, they decide when and how to do the spraying in Norton. Ms. Charlotte Whipkey stated that with the MAD when we have dry weather, they wont spray, however we still pay and we cant get a refund because its on our property taxes, and now we are going to be paying Summit County for the same thing. Ms. Whipkey stated she thought this was one of the reasons we had problems with Barberton because they were doing the same thing, and now were are still stuck with more money. Mr. McGlone stated that Summit County is spraying other communities besides Norton, he didn't understand why Norton has so many mosquitoes. Mr. McGlone stated we should go to the voters and let them vote on it, we would stand a better chance with the judge and winning the battle in court.

Mr. McGlone stated he was all for taking it to court no matter what the cost is, \$40,000.00 a year is way to much for the residents to pay. Mr. Pelot agreed, adding that we should begin with our State Legislators hopefully minimizing our costs, and then if this does not work we move to taking it to court. If a judge eventually rules that we have to pay for the duplication of service, then so be it. Mrs. Hlas stated she has not had very many residents, if any, complain to her about paying for this. One resident told her it is cheaper paying for the assessment than buying a couple cans of Off or Yard Fogger. Mrs. Hlas stated she has no problem with this, her area in Frashure is very wet and there are lots of mosquitoes. Mrs. Hlas stated that when we had Summit County doing the spraying they only sprayed once a month and MAD sprays every other week, they spray along the creek, they even back the trucks up on the dead end streets and spray. Mrs. Hlas stated she is against doing this, but if Council decides to do something, the least expensive way would be to have the State Legislators try and change the laws, but this can be difficult to do because every two (2) years you have to start over. Mrs. Hlas stated that to just say you want out because you don't like the way it was formed in the first place is no reason, it was done according to the way the law was written, it is a law and that's what needs to be changed. Mrs. Hlas stated that she recalled that Council had decided to do nothing on the vote, we did not vote against it, so to say that we turned it down was not a true statement, it was not even voted on. Mr. McGlone stated that maybe the reason some of the residents don't complain about the assessment is because they really don't see their tax bill or understand them because everyone pays their taxes with the mortgage bill. Mrs. Hlas stated she believes the resident do know, reflecting to last year when each of us received a notice of either being over billed or under billed. Mr. Jim Hrubik, MAD Board of Appraiser, was present and stated that he was in charge of setting the assessments and yes there was an increase for this year. The increase was .6 ¢ for every \$100,000.00. Mr. Hrubik stated that a lot of misinformation has been stated here this evening. Mr. Hrubik stated that in 2006 the cities of Green and New Franklin was petitioned and that over 1100 residents signed to join the expansion of the district. These residents were not happy with Summit County and they knew that they would be assessed 3/10 of a mill. Mr. Hrubik stated that this Council hired attorneys with your tax dollars to fight that expansion. Mr. Hrubik discussed the presentations at that hearing made by Mr. Tuttle of the Summit County Health District relating to the amount and number of trappings they do. Mr. Hrubik commented about the state of Maryland and their program, which is similar to the MAD program. Mr. Hrubik stated that the MAD is currently attempting to add two (2) blocks of area in Coventry Township, they are already being sprayed and the taxpayers from the adjacent community are paying for that which is not fair. Mr. Hrubik stated that now Coventry Township is actually fighting this expansion. Mr. Hrubik discussed the judges ruling of denying the expansion and the fact that only one (1) landowner appeared in support of the expansion. That is because by state law, the hearing is specifically for those objecting to the expansion. Judge Kelly ruled that because only one (1) person appeared, he denied the request because of the opposition. Mrs. Tompkins discussed the initial ruling of Judge Bond in 2005, where the residents didn't have the right to object, and the one (1) and only proponent in 2006 that Mr. Hrubik was referring to was Mr. Harrison's sister-in-law. Mr. Jones asked Mr. Hrubik about the number of West Nile Virus cases in Norton, and Mr. Hrubik stated we have actually shown more positives cases because we actually trap for them and Summit County does not.

Mr. Hrubik stated that Norton and Copley Twp. are hot areas for West Nile Virus, and that Copley Twp. has huge areas of water where Summit County does not trap, and he believed a lot of the West Nile Virus comes from this area. Mr. Jones asked about the number of traps MAD has and uses, and Mr. Hrubik stated approximately forty (40) or maybe (50). Mr. Jones asked about the cost on a \$100,000.00 valued home, and Mr. Hrubik replied \$10.00 a year and a can of Off costs over \$7.00. with tax for an 11 oz. can. Mr. Steve Kyer, of the MAD district, stated that every one but one of the witnesses that spoke last year in court was an elected official. Mr. Kyer stated that Judge Kelly was not fully informed of all the facts at the time, and that one woman died of West Nile Virus from Cuyahoga County. Mr. Kyer reported that the State Legislators did present a bill, but it died, and has been resubmitted. Mr. Kyer suggested Council contact Rep. Bryan Williams, the Co-Sponsor of the bill. This new version of the bill would require a vote of the people for any new district. Mr. Kyer stated this is a health issue here, it is not a convenience or a governance issue. Mr. Kyer stated this MAD is no different than how a school board works, you have no control over how they operate or what they do either. Mr. Kyer stated that most residents are not concerned with spending \$12.00 to \$15.00 to get rid of mosquitoes each year, you pay more than that for salt on the roads for just 3-4 months each winter. Mr. Kyer stated that the MAD uses the safest, state of the art chemicals available, they only kill mosquitoes, they won't even kill a fly, and Summit County uses something else. Mr. Kyer stated that officials have approached him from several other communities, who are envious of the program that you currently have with MAD. Mr. Kyer stated the spraying schedule for Norton this year would be done all in one evening. Mrs. Karen Miller, the Norton representative for MAD questioned Mr. Ryland about the fees Summit County is charging and Mr. Ryland stated it is included in the contract. Mrs. Miller reminded Council that the mosquito spraying is not a mandated service and if the county has budget issues, it could be eliminated. Mrs. Miller stated that MAD would come out and do extra spraying at no charge if you are having an outside party, wedding, family reunion, etc. and last year 12-13 residents actually called for this service. Mrs. Miller stated you need to look at what the legal costs would be if you were to take this to court, and use that money more wisely elsewhere. Mr. Stavarz stated that he does not know of anyone that has died of the West Nile Virus, and that mosquitoes are present in his area when it is wet and rainy, and when it is dry we have no mosquitoes. Mr. Stavarz commented about the speakers from MAD, that it's their job to promote their program. Mr. Pelot had concerns regarding spraying in Columbia Woods Park on Thursdays and the concerts in the park. Mr. Joseph Harrison, of the MAD stated they would adjust the spraying schedule to accommodate these events. Mrs. Miller added that for the second year in a row, the MAD has contracted with Stewart Pest Control, a Norton business, which is a real plus for the community. Mr. Jones stated he would like to hear from the residents on how they feel, they are paying the bill, and hoped the press would put something in the papers. Mr. Jones asked the residents to either contact their Council member or city hall and tell them either yea to keep the MAD or nay-lets get rid of them. Mr. Jones stated this is coming out of the pockets of the residents, and he wants to hear from them. Mr. Zita suggested leaving this on the agenda for the next meeting.

Mutual Aid Agreement-Fire Protection

Mr. Jones stated this is boilerplate legislation, and moved to place this on Councils next agenda, with emergency language, waiving the second and third readings, seconded by Mr. Pelot.

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

Motion passed 6-0.

Cleve-Mass. Road Waterline Construction Financing

Mrs. Hlas stated that Council has received an updated spreadsheet from Mr. Moss, (see attached) and turned the discussion over to Mr. Moss for the details. Mr. Moss indicated that we need to create Fund #505, and to establish a Budget for the Cleveland Massillon Waterline project. Mr. Moss stated originally we did not have the exact total because the bid had not been completed. The original total was higher, the lowest bid was received at \$1,132,000.00, and the fire hydrant assembly went up to \$3500.00 per hydrant and we have 35 hydrants for this project. The idea is to have sufficient resources set aside to go forward and construct the project and then convert it to payment by OPWC and proper assessment. At this point the city's share is estimated to be zero, however that could change depending on the contract. Mr. Moss stated he also has talked with Bond Counsel to get the financing in place. Mr. Moss indicated we would need a total of two (2) pieces of legislation to get this done.

Mrs. Hlas moved to place legislation creating a Budget and establishing Fund #505 on Councils next agenda, waiving second and third readings, with emergency language, seconded by Braman.

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

Motion passed 6-0.

Mrs. Hlas moved to place legislation for financing the project with a bond, on Council's next agenda, waiving second and third readings, with emergency language, seconded by Mr. Braman.

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

Motion passed 6-0.

Authorizing a New Depository-Charter One Bank

Mrs. Hlas turned this discussion over to Mr. Moss for the details. Mr. Moss stated that previous Ord. #40-2006 had authorized Chase Bank and First Merit Bank, as depositories for the city and he would like to diversify financing and get better interest rates.

Mr. Moss added that we are expanding our FDIC coverage by splitting money out to separate funds. Mr. Moss stated he was looking to set up a CD and a separate cash account that is 100 % FDIC coverage. Mr. Moss stated we have some funds at First Merit that are not fully FDIC coverage, it has collateral but not fully FDIC.

Mrs. Hlas moved to add this to Councils next agenda, waiving second and third readings, with emergency language, seconded by Mr. McGlone.

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

Motion passed 6-0.

#### Fair Housing Grant

Mrs. Hlas tuned this discussion over to Mr. Moss for the details. Mr. Moss indicated that the city is in the position that it can apply for a Federal Housing grant, however it must adopt a Federal Housing Law before doing so, and have a budget in place, staff, etc. Mr. Moss stated the program would provide the ability for the city to be involved in CDBG programs, etc. Mr. Moss stated that he was bringing this to Council and leave it open for discussion for now. The program provides protection for the residents against being discriminated against in housing, handicapped issues, etc. The program provides for 100% of the cost of the program up to \$120,000.00 for the first three (3) years. After that is \$1200.00 per case. Mr. Moss reminded everyone that for any violations there are fees attached, and the city would keep those fees collected. Mr. Moss asked Council if there was any interest for him to continue to pursue this idea, and all of Council was in agreement for Mr. Moss to continue with his research.

#### General Budget Changes

Mrs. Hlas turned the discussions over to Mr. Moss for the details. Mr. Moss submitted a revised update from what was in the packet, (see attached) and explained the various changes necessary. Mr. Moss explained there are three separate pieces of legislation needed to accomplish all of the necessary budget changes; a transfer, and advance and a budget ordinance. Mrs. Hlas moved to place the advance ordinance on Councils next agenda, waiving the second and third readings, with emergency language, seconded by Mr. McGlone.

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

Motion passed 6-0.

Mrs. Hlas moved to place the Budget ordinance on Councils next agenda, waiving the second and third readings, with emergency language, seconded by Mr. McGlone.

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

Motion passed 6-0.

Mrs. Hlas moved to place the transfer ordinance on Councils next agenda, waiving the second and third readings, with emergency language, seconded by Mr. McGlone.

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

Motion passed 6-0.

**Unfinished Business:**

Mr. Jones stated that he brought this up in January about the house on Clubside Drive that caught on fire last August, well low and behold it caught on fire again last Thursday. Mr. Jones asked if we could claim anything on the our insurance, we sent our Fire Dept. out there, we put it out once? Mr. Ryland stated no, the residents pay their taxes for the fire levy, it's not their fault it caught on fire again. Mr. Jones complained that the residence was not secured, that was his question last January. So somebody got in there and set the place on fire again, right? Mr. Ryland stated he did not know that and Mr. Jones stated that is what he has heard, Mr. Ryland asked if this was true and Mr. Jones replied it's just what he has heard. Mr. Ryland indicated there is nothing standing on that site as of now. Mr. Jones asked if they went to Wadsworth again to get water, and Mr. Ryland replied yes. Mr. Jones stated that this property has been sitting there open since last August. Mr. Ryland disagreed, stating that this residence was completely secured when the city left it last august, it was boarded up.

**New Business:**

Mr. Jones thanked Mr. Ryland and the Service Dept. for the road repairs recently made to Wadsworth Road.

**Topics for the next Work Session:**

Mr. Braman indicated that he had a resident complain regarding stray cats in his ward and he has been working with Mrs. Ryan on possibly amending our code section 618.01 as it currently only relates to dogs. Mr. Braman indicated that Mrs. Ryan is working on something and she may have something ready for the next work session. Mr. Moss stated he is currently working on an employee dishonesty policy to have a bond in place in addition to the city's liability insurance coverage, and should have that ready as well.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:54 PM.

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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.

