



## COMMITTEE WORK SESSION JUNE 21, 2010

**Committee Members Present:** Todd Bergstrom  
Don Nicolard  
Brenda Hlas  
Bill Mowery  
Ken Braman  
Scott Pelot  
Mike Zita

**Also Present:** Mayor David Koontz-Absent  
Rick Ryland  
John Moss  
Pete Kostoff  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Monday, June 21, 2010 at 7:01 PM, in the 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.

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

#### Non-Bargaining Salaries

Mr. Pelot stated he has been working with Mr. Ryland on this and unless Mr. Ryland has something new to add, he doesn't have anything else to report, this is still not ready to move forward at this point. Mr. Ryland indicated he had nothing new to add.

#### Tree City USA Status

Mr. Bergstrom stated he has been talking with Ms. Neva Gibson as to where we need to be in order to keep this moving forward and to make sure that the city applies in time this year. Mr. Moss indicated we need legislation establishing a Tree Board, a resolution establishing an official Arbor Day. Mr. Ryland noted the application is due later this fall. Mr. Kostoff indicated when Council comes back from summer recess he would have the prepared legislation ready for consideration. Mr. Pelot suggested that someone from our Parks Dept. should be a member on the Tree Board. Mr. Kostoff indicated he needs time to review the details to make sure there are no hidden costs to the city in any way. Mr. Moss noted there are some costs involved, such as attending a tree seminar and the tuition of \$400.00 has already been set aside for that.

Mr. Bergstrom moved to have three (3) pieces of legislation drafted for the August 16, 2010 Committee Work Session; a Tree Care Program, a Tree Board and the Arbor Day, seconded by Mr. Pelot.

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

Motion passed 7-0.

#### Energy Conservation Project

Mr. Zita stated that we are looking for Request for Qualifications (RFQ's) at this point and Mr. Ryland added he is looking for Councils direction to choose an engineer for the energy audit. Mr. Ryland stated the only cost involved would be for the advertising, there really is no commitment from the city at this time. Mr. Bergstrom stated that the presenter from our last meeting proposed two (2) options, a design/build or to bid the project out. Mr. Ryland stated he is not in favor of the design/build idea for a number of reasons. Mr. Bergstrom stated he could invite some engineers to discuss the assessment side of things to Council. Mr. Ryland welcomed the idea of having a chance to know what a true energy engineer has to say. Mr. Bergstrom stated unless there were objections from Council he would try and get someone here for the next Committee Work Session to discuss this.

#### Alternative Tax Budget

Mrs. Hlas turned this discussion over to Mr. Moss for the details. Mr. Moss stated this is something we do every year, and its merely a formal process and a certificate of the City's resources. Mr. Moss stated in preparations he likes to be as realistic as possible with the attachment he is working on as part of the legislation. Mrs. Hlas moved to add this to Councils next agenda for a first reading only, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

#### Note Legislation

Mr. Moss stated that initially we had discussed pushing these issues back, however due to the various assessment projects now is a better time to address them. Mr. Moss indicated that in addition to the note legislation we would also need to address one for a budget change legislation. Mrs. Hlas moved to add legislation for various purpose notes to Councils next agenda, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Mrs. Hlas moved to add legislation for the special assessment projects to Councils next agenda, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Mrs. Hlas moved to add legislation for the bonds for the assessed projects to Councils next agenda, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Mrs. Hlas moved to add legislation for the bond for the new Fire Station to Councils next agenda, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Mrs. Hlas moved to add legislation for the budget changes to Councils next agenda, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

PC Resolution #8-2010 Rezoning B2 to B3

Mr. Braman stated that this is for the rezoning of a vacant building at the northern end of Loyal Oak for an auto body garage, which would employ eleven (11) people, and change the zoning from B2 to B3. Mr. Bergstrom stated that he has reviewed this and in comparison to the Comprehensive Plan this is not the direction indicated when looking at the overall picture when we change to B3 and open the door here. Mr. Pelot asked if we could change this zoning conditionally for this application only and Mr. Kostoff replied that he was not aware of anything in your zoning code that would permit that. Mr. Mowery questioned the existing businesses nearby and Mr. Braman replied there is Loyal Oak Service Garage, which is already a B3. Mr. Braman noted the owner was previously located in Copley, Copley Car Care and was very community oriented and had reportedly donated over \$10,000.00 to the Copley artificial turf project.

Mrs. Hlas asked if he would be modifying this building and Mr. Braman indicated he would need to put in some garage doors. Mr. Mowery asked if he would be leasing the building or buying, and Mr. Braman replied if approved he would be purchasing the building and property. Mr. Pelot stated if we could do something to fill the vacant buildings, he is all in favor of it. Mr. Kostoff reminded everyone that the applicant is entitled to have legislation drawn up and the right for a public hearing process. That is when all of your issues can be addressed. Mr. Bergstrom stated that we all need to spend some time going over the Comprehensive plan to make sure this is the picture we want to see here in this location. Mr. Nicolard stated that although he is all in favor of following our Comprehensive Plan, filling a vacant building would be an improvement. Mr. Zita stated this has nothing to do with the type of business being proposed here, if this gets rezoned to B3 it will remain that way long after this owner is gone. Mr. Braman stated that this still has to go through the site plan review stage before final approval. Mr. Mowery asked about the utilities and Mr. Ryland indicated there is well and septic on site. Mr. Braman noted the owner indicated he uses Dupont water based paint products, which are less toxic to the environment. Mr. Braman moved to add this to Councils next agenda for a first reading and the public hearing would occur at the second reading, and he would be waiving the third reading, seconded by Mr. Pelot. Mr. Pelot indicated he would be reviewing the Comprehensive Plan just to make sure we are not making any adverse affects with our decisions.

Roll Call: Yeas: Braman, Pelot, Nicolard, Hlas, Mowery, Zita  
Nays: Bergstrom

Motion passed 6-1.

Approve AEB Report-Greenwich Road Sewer Project

Mr. Braman stated that the Board met and four (4) people had signed up and three (3) attended the meeting. One resident has asked for 1/3 discount because the sewer line is partially on his property and the Board agreed with his request. The other objections were denied. Mr. Braman moved to add this to Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Pelot.

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

Motion passed 6-1.

Unfinished Business:

Mr. Pelot discussed the pending legislation Ord. #63-2010 changing the composition of Council members back to seven (7) regardless of the misinformation in the local papers, what is proposed in the legislation is not to vote on the President or Vice President of Council. Mr. Pelot stated the main objective is the importance of seven (7) members of Council and to have a fair and equal representation for all of the residents in the City. Mr. Pelot stated he does not believe you would have that with five (5) members on Council.

Mr. Pelot stated that things could be manipulated very easily with a five (5) member Council. Council and he wanted to clarify this and bring this back up for discussion before Council. Mr. Nicolard stated he was all in favor of the citizens electing the President of Council and Vice President. If we stay at five, the citizens only get to vote for forty percent of representation. If we do elect a Council President, the citizens would get to vote on fifty percent of their representation. Mr. Nicolard stated that with electing a President of Council and having six (6) members of Council, that would be better than five (5). Mr. Bergstrom stated he is a firm supporter of going back to having seven (7) Council members, but is not convinced in the idea of why electing a President or Vice President is such a good idea. Mr. Nicolard explained the reason it's a good idea is because the voters would have better representation. Mr. Bergstrom stated the Presidents job is to run the meetings and keep us in order. Mr. Nicolard stated that in the city's history we have found ourselves without a Mayor for whatever reasons at least six (6) times and more than one Mayor has never even served on City Council. Mr. Nicolard stated it's a democratic process to be able to elect your President of Council. Mr. Pelot stated that if something were to happen to our Mayor, the President of Council does not have to accept that position and you have to have a plan. Mr. Mowery stated the position is spelled out in the Charter, this is overkill. The President of Council has only one (1) vote like the rest of us; he just gets paid \$1,000.00 more than we get. It was a cost cutter for going down to five (5) and the voters have spoken and they will get more representation from their Ward Council members. Mr. Braman stated that the people decided once they wanted five (5) Council members and if it goes back to them again that's probably what we will end up with again. Mr. Pelot decided we would leave this ordinance as it is and discuss it again at the next Committee Work Session.

**New Business:**

Mr. Bergstrom reminded everyone about his town meeting this Wednesday, June 23, 2010 at the Community Center from 7-9 PM. Mr. Mowery discussed the noxious weeds throughout the city and asked where to report these to and Mr. Ryland replied residents should contact city hall and they would be address. Mr. Mowery discussed the mosquito spraying for the summer and if you had any issues Mr. Ryland indicated residents should contact the MADD for assistance.

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

Ms. Whipkey brought up a comment made at the last Council meeting about the Ohio Revised Code Section 705.52 as it related to the size of Council. Ms. Whipkey stated that if you really go by that there are a whole lot of you up there that should be on a two (2) year term. Ms. Whipkey stated that code section does not apply to us and if it did she was sure our Law Director would had told us so, and handed out some research she had done (see attached). Ms. Whipkey stated she received her trash survey and felt it was not so much about trash but more relating to recycling, there was not one question relating to trash. Mr. Bergstrom stated he also was surprised to the questions on the survey as not a single one of the ones he turned in were on there. When he contacted the County about that he was told the surveys were already printed. Mr. Bergstrom stated the survey intent was to capture what service the city wants, and the County is also using other techniques.

Mr. Bergstrom indicated he was disappointed he never was given a draft of the survey before it went out to the residents. Ms. Whipkey commented on the speakers at the podium and how it gets reported that they are Norton residents. Many of these citizens that are supportive of the decisions that you make also collect a paycheck from the City or work on a Board or a Commission. Ms. Whipkey felt this should be pointed out to the citizens since these people are using their opinions to influence the public.

Mrs. Elaine Tompkins, a Norton resident, initially wanted to waive her comments until the Mayor was present because they were relating to the CIC. Mrs. Tompkins stated last week she was unable to attend and had requested her written statement be read aloud, which it was not. Although it was submitted into the official minutes of record, Mrs. Tompkins read her statement. (see attached). Mrs. Tompkins questioned the values of the stated property and if the Administration has appraisals for these parcels to support those values?

**Topics for the next Work Session:**

Mr. Ryland indicated he would need ODOT legislation for bridge repairs on along Van Hyning Run. Mr. Bergstrom stated he would like to have discussion on the City's percentage share on sewer and water for every project. Mr. Mowery stated he would like to have discussion on the MADD. Mrs. Tompkins suggested that Council get a Mission Statement from the Norton Business Development Task Force and from the CIC. Mr. Zita reminded everyone about the Summer Concert Series in Columbia Woods Park this Saturday; the band is La Flavor playing from 6:00 PM to 9:00 PM.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:19 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.**