



COMMITTEE WORK SESSION JUNE 7, 2010

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

Also Present: Mayor David Koontz
Rick Ryland
Pete Kostoff
John Moss
Russ Arters
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, June 7, 2010 at 7:00 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:

Ward Boundary Presentation by Dr. Cox –Akron University

Mr. Zita turned the discussion over to Mr. Cox. Mr. Cox indicated that although the 2010 Census results are not yet available for few more months, there are two (2) options to review. Mr. Cox indicated that he has looked at city records for building permits, foreclosures records, and taken into account the mortgage crisis and reviewed the 2000 Census data. Mr. Cox indicated that Wards 1 and 4 are outside the allowable range according to the City Charter. Mr. Cox introduced his research assistant Jonathan Ackerman and thanked him for his work. Mr. Cox indicated that Ward 2 may indeed be the largest, but will have to wait to concur with the Census figures which should be available on August or September. Mr. Cox indicated if that is the case, we may need to shift about 180 residents from Ward 2 into Ward 1 to balance things out. Mr. Bergstrom asked when you are counting total populations are you including kids, voters, everyone? Mr. Cox replied yes. Mr. Pelot questioned when the new numbers come in from the Census results how much more work would this be to recalculate? Mr. Cox replied he would have to rework the numbers, but the changes would show up very quickly.

Ms. Charlotte Whipkey, a Norton resident questioned counting children and how that affects your voting ability. Mr. Cox replied it does not. Ms. Whipkey asked Mr. Cox how he came about being asked to do this study? Mr. Cox stated that he was initially contacted by the Clerk of Council and asked to submit a proposal, and this was approved. Mr. Kostoff indicated that he agreed with the findings in this report and that the University of Akron-Dept. of Urban Studies has been involved with these types of studies for other communities for many years. Mr. Kostoff indicated that this was necessary because if there was ever a challenge to our boundaries we have this study to back it up. There was further discussion as to the various ways the boundaries could be adjusted and Mr. Kostoff indicated that he would be carefully reviewing this study to see if there should be any recommendations to Council in addition to waiting for the 2010 Census results. Mrs. Hlas noted that ward boundaries have nothing to do with voter registrations, it has to do with population only, and Mr. Kostoff concurred. Mr. Jason Sams, a Norton resident, stated that from what Dr. Cox presented, it sounds to him that instead of eliminating Council members, we need to hire more. Mr. Sams stated he is willing to serve and hoped more thirty (30) something year olds like himself were more willing to step up and serve.

Zoning Text Amendment

Mr. Braman stated this is for the exterior maintenance code and is nothing earth shattering and is similar to other communities. Mr. Arters stated this is very generic and a common sense approach to the maintenance code and relates to structures only and nothing else. Mr. Braman stated that the Planning Commission has to review this tomorrow evening, and Council would like to address this before our summer break. Mrs. Richards discussed the time line for a legal public hearing and the deadline for placing the ad was today at noon, so the public hearing would have to fall in conjunction with the third reading. Mr. Bergstrom questioned the penalty phase, and Mr. Arters stated it would be a misdemeanor and comes to the Mayors Court process. Mr. Mowery asked if this is mostly driven by a complaint from neighbors and Mr. Arters replied yes. He would respond and leave a notice at the residence for the owner to contact him to discuss the issues. We would meet, work out a solution and a time frame to correct the issue and if ignored it would go to a letter stage, then a fine would be issued. Mr. Braman noted one change from the draft that was circulated; on the last page item I- the word *in* is now *on* so that it relates to strictly to exterior. Mr. Pelot questioned the appeal process and Mr. Kostoff replied it would be through the Mayors Court. Mr. Arters indicated this code originally came from Middleburg Heights and has been copied throughout many other communities. Mr. Bergstrom stated he liked Mr. Arters comments on working with the residents to resolve their issues, he would rather see a set time frame spelled out. Mr. Arters disagreed, adding each situation is unique and does not require the same amount of time to remedy, would rather have the flexibility to determine that. Mr. Kostoff indicated that he would take Mr. Bergstrom's comments into consideration and in between the readings if there is something he could address he would bring to Councils attention for a modification. Mr. Braman moved to add this to Councils next agenda as long as the Planning Commission concurs with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Proposed Charter Amendments

Mr. Pelot stated we have two proposed Charter amendments that have been submitted for our consideration. The first item pertains to recall elections and the percentage of signatures required is being bumped to up to twenty-five (25) percent of registered voters. This is obviously due to the cost of the recall it only makes sense that the citizens have the support to actually have the recall and not just the expense of the election. Mr. Moss stated the last time we had a recall it was in a single ward and the cost to the city was approximately \$4,500.00. A citywide recall would be more expensive, and would be at least four times this amount. Mr. Bergstrom asked Mr. Kostoff what is the proposed change, and Mr. Kostoff read the old and the new language and that the proposed new language basically clears up the ambiguity of the number of signatures required because the current language is a potentially debatable issue. There was discussion as to the potential costs of a recall election and Mr. Kostoff estimated it could be \$20,000.00 or more. Mr. Kostoff stated that there have been changes to Ohio law that now permit the Board of Elections to pass on costs of overtime, personnel, printing, etc. Mr. Nicolard stated that we could end up with two (2) separate potential recalls with signature gathering and we could be facing costs of over \$40,000.00. Mayor Koontz stated that he did not initiate this proposal. Mayor Koontz stated that Akron recently went through this same issue and this time there have been some questions as to the exact number of signatures that are required. Mayor Koontz stated that the rules would not change for this time around. It looks like a good idea, however he is not going to comment too much about this now. Mrs. Elaine Tompkins, a Norton resident, stated she was pleased to hear of Mr. Kostoff's analysis and it agrees with her analysis of the Charter. Mrs. Tompkins stated we sometimes only get 4,000 residents out to vote, when we might have 8,000 registered voters. Based on that it can open up a whole new can of worms. Mrs. Tompkins stated she would like to see the whole section on recall completely removed from our Charter, it serves no purpose. Mrs. Tompkins discussed the cost, and that in the past Mrs. Richards had been quoted from the Board of Election approximately \$2,000.00 per precinct. At that time we had twelve (12) precincts, for a total of approximately \$24,000.00 for a special election. Mrs. Tompkins asked when did the Ohio Revised Code change to pass on additional costs to the communities? Ms. Charlotte Whipkey, a Norton resident, stated she agreed with Mrs. Tompkins comments. One of the concerns with Issue #26 was they felt the people were losing their vote and now here you want to bring in 4,000 people who have not voted to reflect on all of us what they want. Ms. Whipkey stated what you are really doing here is penalizing the people that actually exercise their rights to vote. Ms. Whipkey noted that other change is where the filings are now filed with the Director of Finance instead of the Clerk of Council and asked why? Mr. Kostoff explained after consulting with the Clerk of Council and the fact that within the Charter all other initiative and referendum petitions are filed with the Finance Director, the intention here was to be more uniform.

Mr. Pelot moved to place the proposed recall amendments to the Charter on Councils next agenda for a first reading only, seconded by Mr. Nicolard.

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

Motion passed 7-0.

Mr. Pelot discussed the second Charter amendment for Executive Sessions-Sunshine Law, which gives Council the rights to go into an Executive Session only for the reasons authorized by the Ohio Revised Code. Mr. Nicolard noted when he served on Council earlier they did have this provision, it was used occasionally and it was never abused, you have to have faith in your elected officials and by not allowing Council to use this is hamstringing city functions. Mr. Mowery stated the key here is that this will go to the public and they will decide. Mr. Kostoff stated in the past Council did not have the five (5) votes required to send this to the ballot. Mr. Kostoff added for those concerned, it will be enumerated within the Charter. Mr. Kostoff called attention to #3 "Conferences with Attorney for the City" and explained this is no different than a citizens right to have a private consult with his or her own attorney. Mrs. Tompkins questioned Mr. Nicolard about having the executive session privileges in the past, as she did not recall that being the case. Mr. Nicolard stated it was approved by the voters at one point and then removed in the Charter by an initiative petition sometime in the 1980's. Mr. Pelot moved to place this proposed Charter provision to add Executive Sessions on Councils next agenda for a first reading only, seconded by Mr. Nicolard.

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

Motion passed 7-0.

Mr. Zita stated that when Council held the Annual Workshop back in April we discussed the effects of the Charter change of having five (5) members of Council effective in 2012, and how this would affect things at city hall. Mr. Zita went on to explain that with five (5) members, and one (1) out sick and you need a majority vote to pass some pieces of legislation things will not pass. There will be delays, and it's important to have a full balance of seven (7) members of Council. Mr. Nicolard stated in all fairness to the citizens, the Council President and Vice President should be elected by the people, not by the members of Council. Mr. Nicolard discussed the succession of a Council person to Mayor in the event the Mayor steps down for whatever reason. In Mr. Nicolard's case he won his seat by only 21 votes, and if he was the Council President and had to assume the role of Mayor, would that be fair to be Mayor with only 21 votes of the people? Mr. Nicolard stated if something should happen with the Mayors position, this way everyone in the city would have a vote. Mr. Bergstrom stated we do need to have seven (7) members on Council especially if we keep the ball rolling and want to be prepared for all of the potential growth, however he does not agree with Mr. Nicolard's idea on the people electing the President and Vice President.

Mr. Bergstrom stated we need to educate the community as to why its so important to have the three (3) at large seats. Mr. Mowery stated you are asking Council to override what the people already voted on without even trying it out first, it doesn't make any sense. Mrs. Hlas stated we need to send it back to the voters and let them re-think this through, we cant pass anything without four (4) yeas and she did not believe any of the residents were aware of that fact when theyvoted for this change. Mrs. Hlas stated she did not want to tweak how the President and Vice President are elected. Mr. Nicolard stated other communities such as Barberton and Wadsworth let the residents elect their President and Vice President. Mayor Koontz added that with seven (7) members you not only have the majority but there would be less diversity on issues. Mayor Koontz discussed the better opportunities for someone to come forward for an At Large seat if you have three (3) of them. Ms. Alice Wagner, a Norton resident, stated that the residents have already spoken, and it would be a big mistake to go back. We already voted and this was our opinion, like it or not and we have been talking about saving money and it will cost to put it back. Mike Meden, a Norton resident, stated with seven (7) on Council that gives each Council person roughly fourteen (14) percent of the vote. If you have five (5) on Council that gives each Council person twenty-six (26) percent of the vote which is more power. By eliminating two (2) people you have handed more power over the others. You need to go back to seven (7). Mr. Larry Perkins, a Norton resident, asked what happens if the Mayor is recalled who becomes Mayor and Mr. Zita answered the Council President. Mr. Perkins asked if the recalls are held on two different dates and the Council President becomes Mayor, what happens with the second recall? Something to think about. Ms. Whipkey stated that Council should not elect the Council President or Vice President if they do not feel they are capable of ever becoming Mayor. Ms. Whipkey stated we do not elect people to take care of themselves, they are to take care of us. Ms. Whipkey discussed the fact its easier to recall a Ward person than it is to recall an At Large person. Mr. Zita moved to put it on next weeks agenda to go with Mr. Nicolard's proposal for a first reading, seconded by Mr. Nicolard. Mr. Mowery asked for clarification on the motion if that was just for election of President and Vice President or are we also reinstating the At Large seats here? Mr. Kostoff clarified that Mr. Nicolard's proposal is to have the voters create the positions of President and Vice President and elected by the residents citywide. If this went to the ballot and the people approved this Council would be raised from five (5) members to seven (7) members. In answer to Mr. Mowery's question it raises back to seven (7) members, there is not increase to At Large positions. Mr. Braman asked about the terms, and Mr. Nicolard stated as discussed at the Annual Work Shop the terms of President and Vice President would be a two year term. Mr. Nicolard stated as it stands right now it would be a four (4) year term. Mr. Bergstrom stated that he felt this was like coming in from a different back door and if we are going to do anything we should just put it back on the ballot the way it was and Mr. Pelot agreed. Mr. Zita and Mr. Nicolard withdrew their motions. Mr. Pelot moved to send a Charter amendment to Councils agenda going back to seven (7) Council members with three (3) At Large, one (1) from each ward, seconded by Mr. Bergstrom for a first reading only.

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

Motion passed 5-2

Accept Donated Landscape at Columbia Woods Park

Mayor Koontz stated that his Daughter's boyfriend who is working as an intern at Edenscape Landscape Company and they have offered to donate landscape products and showcase their work to the city. Mayor Koontz indicated at this time he does not have the details for the scope of the work or the dollar value of what is intended at this point. Mr. Kostoff stated if we could get this information he needs to prepare legislation he could have something ready for the next Council meeting and it could be added to the agenda if necessary. Mr. Zita asked when they would be ready to do this landscape work and Mayor Koontz indicated within the next month or so.

Appoint Council Representatives to Firefighters Dependent's Fund

Mr. Pelot stated every year we need to appoint two (2) Council members to serve on this Board in the event they are needed. Mr. Pelot and Mr. Mowery offered to serve for the remainder of this year.

Land Transfer CIC

Mr. Kostoff stated that an ordinance has been drafted for an agreement for the CIC and Mr. Zita called for a five (5) minute recess for everyone to review the legislation. Mr. Kostoff stated the legislation explains the role of the CIC and that other neighboring communities have CIC's in effect. Mr. Kostoff stated they would have to be periodically audited and Mr. Moss is aware of that. It is the intention of the Administration that property the city owns which is no longer of any use is to be transferred to the CIC for disposal and those funds would be utilized to promote economical wellbeing of the community. Mr. Kostoff indicated the CIC would be meeting later this week to discuss three (3) parcels and in order for them to proceed with any activity we have to have this legislation in place. Mr. Kostoff indicated that once this is adopted a copy would be filed with the Summit County Fiscal Office and Wayne County Fiscal Office. Mr. Kostoff indicated this would allow for the sale of any municipal property no longer needed and the proceeds would be kept in a separate fund to be used to promote growth within the community. Mr. Zita moved to place this on Councils agenda for a first reading with waiving the second and third readings, seconded by Mr. Pelot. Mr. Kostoff stated that this legislation needed to be in place before the city can declare the property is no longer needed or transferred. Mrs. Tompkins questioned the role of the CIC and the sale of city property and objected to the use of a separate set of books to be audited. Mrs. Tompkins stated she felt the City needs to be in total control of all of the money and transactions. Mr. Kostoff stated that he would work with the Clerk and go back and build a history of what has been done legislative wise on the CIC. Mr. Kostoff reminded Mrs. Tompkins and Council that all actions of the CIC must be approved and authorized by legislation and the State. Ms. Whipkey stated she agreed with Mrs. Tompkins and that we should not be giving the CIC any property for them to decide what do.

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

Motion passed 7-0.

Mr. Ryland stated now that Council has acted on the CIC agreement, we need to address the three (3) parcels the city owns that are no longer needed which are the old Fire Station, Albert Avenue, and Barber Road. Mr. Zita moved to place this on Councils next agenda declaring these properties no longer needed for municipal purposes and instruct the Administration to dispose of these parcels, with emergency language, waiving the second and third readings, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. Zita moved to place legislation for the transfer of these three (3) parcels from the City to the CIC on Councils next agenda for a first reading only with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. Zita noted that he is a member of the CIC and he consulted with Mr. Kostoff on how he should vote with this legislation. Mr. Kostoff stated that a conflict of interest only relates to a personal benefit and that a CIC member does not receive any compensation and any public officer holder does not violate this. Mr. Kostoff also reminded everyone that the majority of the CIC must be elected or appointed members of the municipality.

Unfinished Business:

Mr. Bergstrom discussed the trash survey status and that he would be meeting with Ms. Walker tomorrow. Mr. Bergstrom indicated cost would be \$8,000.00 to \$23,000.00 that the County would be picking up for us to do the survey out of their budget and we could expect results around August 16, 2010. Mr. Bergstrom stated they expect to be mailing out approximately 4,500 surveys with a return rate of twenty-five (25) percent. Mr. Pelot asked about the status of the road bids and Mr. Ryland stated they would be opened on June 24, 2010. Mr. Mowery asked Mr. Ryland about the informational letter for the Parkway residents, and he is still waiting on that information. Mr. Mowery asked Mr. Ryland if all of the residents have to agree to the resurfacing process or what and Mr. Ryland stated that its up to the discretion of Council and the Administration. Mr. Mowery discussed the Mayors drafted letter to Mayor Genet regarding the meters in Brentwood and we will wait for a reply from Mayor Genet.

New Business:

Mr. Nicolard stated he had received a petition from residents on Brookfield asking the Administration for a four way stop sign at Durham and Brookfield Drives, (see attached).

Mr. Nicolard asked Mr. Ryland to have the Traffic Control Committee to address this issue. Mr. Mowery stated a resident approached him about a shop building at Whipple, and Jackson Drives at Loyal Oak. This resident asked about getting a five (5) year utility window to develop this property. Mr. Ryland stated if he has a functioning well and septic he should be ok for now. There are no sewer benefits available for that area, he should check with Summit County regarding the septic to see that it is operating properly.

Public Comment-Agenda and Non Agenda Items:

Ms. Lynn Karant, a Norton resident and business owner, read a statement, (see attached).

Mr. Jason Sams, a Norton resident, stated that Ms. Karant presented her comments very well. These thirty (30) individuals could cost is \$20,000.00 to \$40,000.00, they need to be more productive. You were all elected to do a job and you have a goal. Mr. Sams stated that one of these petitioners is not even a property owner, they should not even be allowed to circulate a petition.

Topics for the next Work Session:

Non-Bargaining Salaries (Pelot-Personnel)

Tree City USA Status (Bergstrom)

Energy Conservation Project (Zita-Property)

Alternative Tax Budget (Hlas-Finance)

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:38 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.