



COMMITTEE WORK SESSION OCTOBER 1, 2007

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

Also Present: Mayor James A. Price
Rick Ryland
John Moss
Jeff Pritchard
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, October 1, 2007 at 7:00 PM, in Chambers of the Safety Administration Building. The meeting was called to order by Council President, Dennis McGlone. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee Work Session General Discussion:

PC Resolution #7-2007 Skill-Based Amusement Arcades

Mr. Braman stated that we started this on in early spring, and sent it to the Planning Commission, they have looked at other communities and their ordinances. Mr. Braman turned this discussion over to Ms. Pat Ryan-Zoning Inspector for the details. Ms. Ryan indicated that the State has changed their position a few times, we have incorporated this each time and that the Planning Commission is comfortable with the way it appears now and would like to move forward with it. Mr. Braman asked if this was structured more like Barberton and Green, and Ms. Ryan replied no, it's more like Tallmadge. Mr. Pelot questioned who would be responsible for enforcing this and regulating it? Ms. Ryan replied that the Norton Police Dept., would be enforcing this, they would be inspecting these facilities up to four (4) times a year, and with random inspections. Each machine would be issued a tag to prevent tampering. The Norton Police would go in and make sure the machines are there and that they have not been tampered with. Mr. Jones asked Ms. Ryan how much revenue we could expect to receive? Ms. Ryan stated that Tallmadge's regulations went into effect in early spring and they have received approximately \$35,000.00 so far.

PC Resolution #7-2007 Skill-Based Amusement Arcades continued:

Mr. Jones questioned the penalty of a second degree misdemeanor, and inquired what that would be, and Ms. Ryan stated that she was unsure, you would need to check with the police. Ms. Ryan stated that the City of Barberton currently is not enforcing their laws, they are having concerns with the Law Dept., and the Police Dept. Ms. Ryan indicated that so far Barberton has received approximately \$1,000.00. Mr. Pelot asked how many games of skill businesses does Norton currently have in operation, and Ms. Ryan replied three (3). We had one already in the process when the moratorium went into effect. Mr. George Tomko, a Norton resident, stated that he would like to sit in on future discussions in this issue. Mr. Tomko discussed the value exceeding \$600.00. Mr. Tomko stated that he leased his property to someone who ran an instant bingo and it was determined illegal. Mr. Tomko stated that there is no way you can really control these people. Mr. Tomko stated that the payment suggested of every six (6) months is too long, it should be more like every three (3) months or once a month. Mr. Pelot questioned the zoning on these types of businesses, and Mr. Pritchard indicated that it is a conditional use permitted in B2 and B3 areas. Mrs. Hlas questioned if the issues Mr. Tomko raised about the timing of payments has any merit? Ms. Ryan stated that we are paid forward, and Mr. Pritchard stated that we are comfortable with this time frame. Mr. Braman moved to add this to Council's next agenda for a first reading only, seconded by Mr. Pelot. There was discussion if a public hearing is required and if Council would need to rescind the moratorium. Mrs. Richards indicated that a public hearing is not required, and Mr. Pritchard stated that it should go three (3) full hearings. Mr. McGlone inquired about this being two (2) pieces of legislation and Ms. Ryan stated that one is for making it a conditional use and goes into the zoning text. Mr. Jones concurred that these would both be ordinances and not resolutions. Mr. Pelot questioned the moratorium and that it may need to be rescinded. Mr. Pritchard stated that if this legislation is not in place in time the moratorium would automatically move forward three (3) months. Mrs. Richards indicated that she believed the original moratorium expires on October 24, 2007 and that if Council did not act by that date, it automatically renews for an additional three (3) months. Mr. Pelot stated that by January 24, 2008 Council would need to rescind the moratorium legislation. Mr. Jones asked if there was any way we can control them from just up and leaving overnight and closing their doors? Ms. Ryan stated that you couldn't prevent this type of business or any other type from leaving, however you have their fees paid up in advance. You are always paid six months ahead, and the city would be paid in January and again in June. Mr. Tomko stated that on four (4) different occasions his renter packed up and closed the doors, moved everything to a storage facility only to open back up the next day. Mr. Tomko stated that this is a serious issue, you are not going to get the money you think you will, and there is a lot of cheating going on.

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

Motion passed 7-0.

CRC Resolution #10-2007 Non-Partisan Elections

Mr. McGlone asked Ms. Barb Vimont-Chair of the Charter Review Commission to explain the details. Ms. Vimont stated that this was something that came up from Mr. Stavarz, Mrs. Hlas, and Mr. Meden. Ms. Vimont stated that many communities are holding non-partisan elections, however Barberton is not one of them. Ms. Vimont stated that this makes it better for all citizens, they get more information, however you cannot vote your party line. Ms. Vimont stated that you would still have primary elections by State law. Ms. Vimont stated an example would be if you have several people running for two (2) positions, you would then have the top four (4) go through. Mr. McGlone expressed concerns with this because it is not stated in the new proposal, and Ms. Vimont stated that it is covered under State Law. Mrs. Hlas asked what State law this is because she and Mrs. Richards have been trying to research this without any success? Ms. Vimont stated that she didn't bring that with her but it was discussed at their meetings. Mr. Pelot asked Ms. Vimont to email this to Mrs. Richards. Mrs. Hlas stated that in most communities if there are three (3) seats available they narrow it down to six (6) on the ballot. Mrs. Hlas stated that as of this August, the City of Norton has fifty-five (55) percent registered as Independent, twenty-nine (29) percent are Democrats, and sixteen (16) percent are Republicans. There was discussion on the timing of this proposed Charter change and it was decided that the November 2008 election would be best for voter turnout. Mayor Price asked Ms. Vimont how much longer the Commission plans to meet and Ms. Vimont indicated that this is it, they plan to meet once more just to wrap things up. Mr. McGlone moved to add this to Council's next agenda, seconded by Mr. Zita.

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

Motion passed 7-0. *(See comments under Unfinished Business)*

CRC Resolution #11-2007 Appointment of CRC

Mr. McGlone asked Ms. Vimont to explain the details. Ms. Vimont indicated that in their discussions it was brought up that convening every five (5) years was too long to wait, and that things will come up all of the time that could be addressed. Ms. Vimont stated that they also wanted to put a cap on how long they meet. Ms. Vimont stated that currently they have been meeting for almost two years. Ms. Vimont stated that there is a big learning curve for the members and that they learn by piece meal. Ms. Vimont stated that they recommended meeting every three (3) years and they should complete their work within eighteen (18) months. Mrs. Hlas liked the eighteen (18) months but wanted to keep it at every five (5) years. Mr. Ryland suggested the three (3) years and set a six (6) month time frame. Ms. Vimont stated that when you shorten the time frame, we would have met more often, we would have caught on to the process, deadlines and time frames much quicker. Mr. Braman and Mrs. Hlas still wanted to keep it every five (5) years. Mrs. Hlas suggested we keep this on the agenda for next week to keep discussing this, Mr. McGlone agreed to discuss this again in two weeks.

CRC Resolution #12-2007 Amendments to the Charter

Mr. McGlone asked Ms. Vimont to explain the details. Ms. Vimont stated that this was the issue that Mr. Lyons brought up at the last meeting she attended where the Charter was in conflict with State law as to what makes a sufficient petition. Ms. Vimont stated that we felt this was important to bring this into line with State law. Mr. Pelot asked if the language could be more specific and refer to State law? Ms. Vimont stated that this was discussed, however they felt that whether the State changes, we felt it was important to stay with the number of voters. Mr. Pelot stated that State law will override whatever we have on our books, and as proposed, it could be in conflict with State law. Ms. Vimont stated that this was discussed, and it seemed like it was something that State law was not going to change very often. Mrs. Hlas stated that if we are going to change it she would like to do it with reference to State law, otherwise we would be in the same situation as before, and Mr. Braman and Mr. McGlone agreed. Mr. Jones suggested the wording of “*number of voters in the last general election/State law*”, this way it would be covered both ways? Ms. Vimont stated that seems to imply that there is always going to be State law, and suggested getting an opinion from Mr. Lyons on this. Mr. Jones suggested holding off on this issue until we have some guidance from Mr. Lyons, since he was wrong about this the last time. Mr. McGlone agreed that Council would keep this on the next agenda for further discussion. Mr. Jones asked Mrs. Richards to issue a memo to Mr. Lyons on this.

Mutual Use of Fire Equipment

Mr. Mowery stated that the Administration has asked for a resolution to exchange fire equipment, and that we already have a mutual aid agreement. Mr. Ryland concurred, adding that this just takes it one step further because this would allow the city to borrow equipment in addition to personnel, if in need. Mr. Zita stated that it is still trained personnel that would use or borrow the equipment. Mr. Andrew Lehner, a Norton resident, asked if the citizens could borrow equipment, and Mr. Mowery answered no, they would have to be trained and authorized personnel only. Mr. Mowery moved to place this item on Council’s next agenda, seconded by Mr. Pelot.

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

Motion passed 7-0.

Appropriation of Funds-Engineering for Newpark Drive

Mr. Jones stated that Mr. Ryland spoke on this on September 24, 2007, and that we recently received engineer’s estimates from Osborn. Mr. Jones had issues with their recommendation to raise the level of the road three (3) feet. Mr. Ryland stated that this area floods and this is a large revenue maker for the city with the businesses that are there. Mr. Ryland explained that when this road was built twenty-five (25) to thirty (30) years ago, it was not built to accommodate the heavy truck use that we now have.

Appropriation of Funds-Engineering for Newport Drive continued:

In addition we have the availability to raise the road eighteen (18) to twenty-four (24) inches and this would keep flooding out of there and would allow access for the businesses in this area. Mr. Ryland stated that in addition they want to change the flow of the storm water runoff from running south to the east and to the north. There would also be a retention pond to slow any potential flooding. Mr. Ryland stated that Revlis Company has four (4) acres that are not suitable for building, and could be used for the retention pond. Mr. Ryland stated that the proposal also includes connections to the sanitary sewer to an existing trunk line along Barber Road, which would eliminate the need for the package plant on Newport Drive. Mr. Jones suggested that instead of raising the road three (3) feet, why not build a retaining wall with pumping stations instead? Mr. Ryland stated that part of the idea with raising the road is that the sub-soils cannot take the weight of all of the trucks going in and out of this area. The plan is to crush the existing road surface where it is at, widen the road, and bring in materials to build the road up to take the weight of the trucks and handle the water. Mr. Jones asked where do you plan on getting the \$88,000.00? Mr. Moss stated that the whole concept is to either apply for Ohio Public Works Funds (OPWC) at a 50/50 match, or to access the entire project, if all of the owners are agreeable. Mr. Moss indicated that a new fund would be created to move the money into, and that long term, the city would be reimbursed. Mr. Ryland stated that in the discussions with the business owners, they did not flinch at the idea of assessments. They were more shocked to learn that if we go for the grant process this area would not be addressed until approximately 2011. Mr. Jones stated that we just received this proposal tonight, and he would like to see some drawings on what they plan to do. Mr. Ryland stated that is what this is for, an engineering study will show that. Mr. Jones stated that he is not in favor of spending this kind of money right now. Mr. Jones agreed that something needs to be done there, however he was unsure that the taxpayers should have to pay for it, if we can get grant money or the business owners pay a portion that's fine. Mr. Ryland stated that if we go out for grant money, the first step is to have the engineering study already completed. Mr. Jones discussed the Revlis property, and asked if this property would be donated to the city? Mr. Ryland stated that he has asked that they donate it to the city, he is still working on this. Mr. Pelot stated that these businesses are constantly getting flooded and they may not want to continue dealing with this and pack up and move out. Mrs. Hlas stated that the cost of this can be put back on once we decide which way we go. Mr. Pritchard stated that you score higher points on the grant application once the engineering study is completed. Mr. Braman stated that he was at the meeting with the business owners and Mr. Ryland and these companies really love Norton, however they are being challenged to stay under those conditions. Mr. Braman stated that these companies pay a lot in taxes and they would really like to stay. Mr. Zita stated that we couldn't afford to lose what we have. Mr. Pelot asked if we would initially be taking this money from the General Fund until we get reimbursed? Mr. Moss concurred that we would be asking for an advance from the General Fund to temporarily provide money and eventually be paid back. Mr. Jones stated that he has heard Mr. Moss state that the budget is really tight, so what account are you going to pull this money from? Mr. Moss stated that it does not actually effect a budget account, it effects cash balances.

Appropriation of Funds-Engineering for Newpark Drive continued:

Mr. Moss stated that it is more of a movement of the dollars, and once you do that then you can appropriate it. Mr. Moss stated that we also have carry over balances throughout various accounts that are not being used, the only thing is that you have to put it back. There is a difference between cash and budget, you may have money in the checkbook, but we are not allowed to spend it without Council allowing for that within the budget. Mr. Jones asked Mr. Moss if he felt comfortable with this spending, and Mr. Moss replied yes, adding that it would hurt the city more if we were to lose these businesses. Mr. Zita stated that if we don't do this now and fix it these businesses might pull out. We would still have to fix it before anyone else wants to come here. Mr. Jones discussed the time line, and Mr. Ryland stated that it would be next year before the engineering is completed. Mr. Pritchard stated that for a small project it is very complicated. You have storm water issues, sanitary sewer, road issues and we will also have to deal with the Ohio EPA and the Army Corp. of Engineers. We could be looking at six (6) months to a year just for that approval process. Mr. Pelot stressed the fact the we put a lot of focus on attracting new business, and we have had twenty-five (25) to twenty-seven (27) new businesses come into the city in the last four (4) years. We need to look at doing what we can to keep businesses here, and this is one of these steps. Mr. Tomko stated that it seems to him like we have too many cooks in the kitchen, with too much government involved. Mr. Tomko questioned the need for more surveys being done, and the need for retention ponds. They don't work and they don't do any good. Mr. Tomko discussed the new medical building and their retention pond; it's just holding the water, where does it all go? Mr. Alex Stavarz, a Norton resident, discussed the idea of connecting to the sewer and abandoning the package plant, and asked if this is in the JEDZ district? Mr. Ryland replied yes, they are. Mr. Moss stated that there is no provision in the agreement that defines the hook up if you are outside of the JEDZ district. Mr. Pritchard stated that it is based on business use and the age of when the business was located on that site. Mrs. Hlas clarified that this area has Barberton water but not sewer. Mr. Jones moved to add this item to Council's next agenda for a first reading only, seconded by Mr. Zita.

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

Motion passed 7-0.

Cable Franchise Agreement

Mrs. Hlas stated that the State recently passed Amended Senate Bill #117, effective September 24, 2007, which refers to the video service authorization (franchise fees). They are forming a new department and if we want to continue to get our franchise fees from Time Warner Cable, we need to pass legislation authorizing them to send it to us. Mr. Pelot questioned how quickly do we need to act on this? Mrs. Hlas indicated that it does not have to be acted on within so many days, we would just be procrastinating on this. Mrs. Hlas stated that if Time Warner would come to us telling us what they want to do on this, then we would have ten (10) days to act on their request. Mrs. Hlas stated that by waiving the second and third readings on this is, it would be done and we will not have to address it later.

Cable Franchise Agreement continued:

Mrs. Hlas stated that this does give the Mayor the authority to act on this on the city's behalf. Mr. Jones asked how much revenue do we get from Time Warner annually? Mrs. Moss replied that year to date we have received \$61,581.32, and Mrs. Hlas added that we still have one more quarter of revenue to receive. Mrs. Hlas moved to add this to Council's next agenda, waiving the second and third readings, seconded by Mr. Jones.

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

Motion passed 7-0.

Unfinished Business:

Mrs. Hlas discussed the Charter amendment for the non-partisan elections 8.02, where it was stated that it would be under the general laws of the State of Ohio, however it is not written in here. Mrs. Hlas stated that she felt this should be added because it was in the last one. Ms. Vimont stated that the reason this is not stated is because when it was discussed they felt it was a given that the laws of the State of Ohio would govern elections. Ms. Vimont stated that she will check into this but she felt it is Federal law that governs non-partisan elections, not State law, which could be why Mrs. Hlas and Mrs. Richards could not locate this reference. Mrs. Hlas suggested that we hold off on this issue as well and discuss at the next work session. Mr. McGlone withdrew the previous motion for CRC Res. #10-2007, seconded by Mrs. Hlas.

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

Motion passed 7-0.

New Business:

None

Non-Agenda Items-Public Comment:

Mr. Andrew Lehner, a Norton resident, asked about the light installed at Greenwich Road and Hametown, and inquired when it would be activated. Mr. Lehner asked for legislation to install a traffic light at Cleveland-Massillon Road at the I-76 ramp. Mr. Lehner stated that these areas are very dangerous and in need of a stoplight.

Ms. Megan Booth, a Norton resident, stated that last Monday a resident came forward and reported an issue with the Norton Police Dept. Immediately after that meeting the officer in question approached Ms. Whipkey and apologized to her for exactly what was alleged. Chief Carris was informed as to the identity of that officer by Ms. Whipkey the next day. Ms. Booth asked Chief Carris what is he going to do about that since he stated that he would not stand for that behavior from any of his officers?

Non-Agenda Items-Public Comment continued:

Ms. Booth asked if Chief Carris would have the courage to come forward and apologize, after he publicly maligned Ms. Whipkey at the podium by stating that he did not believe the incident even occurred? Ms. Booth stated that Chief Carris did no investigating before stating your opinion, in fact it was just your opinion. Mr. Pelot called a point of order, Ms. Booth was here to address Council, not the Chief of Police. Ms. Booth stated that the question is how may other citizens have been treated the same way? It was stated that it was interesting that the citizen's feel like they can come here and speak, at least they can come here and be treated with respect. At least someone will be able to believe what they are saying.

Chief Carris replied that it seems as we get closer to the elections with Issue #45 every week he has to come here and defend his officers and his department. Chief Carris stated that he is appalled that he feels he needs to do this every week, adding that he had no idea what Ms. Booth is talking about. Chief Carris stated that he has asked her to speak to him before, and she has not. She has his phone number and he is here Monday-Friday and that he is very easy to talk to. Chief Carris stated that people don't seem to want to call or come in to talk, those who have a agendas against the Norton Police Dept. Mr. McGlone stated that if anyone has a problem with the Norton Police Dept, they need to contact Chief Carris to straighten it out.

Mr. Phil Canfora, a Norton resident, stated that he has been a Norton resident for twenty (20) years. Mr. Canfora stated that he attended last weeks meeting, listened, watched, and listened to discussions after the meeting about how the city can save \$1,400,000.00 by going with the Sheriffs Office. Mr. Canfora stated that knowing things are too good to be true, he came in and met with Mr. Moss to go over the numbers. Mr. Canfora stated that he asked Mr. Moss three (3) questions; #1-Have you reviewed all the information, and Mr. Moss answered yes. #2-How much money do we potentially save with each Norton Police Officer by using Summit County Sheriff Deputies, and the answer was minus \$4,381.00. #3-Do you think this proposal would save us money if implemented, Mr. Moss answered no. Mr. Moss also added that at the level of service quoted, it would never be acceptable to the citizens. Mr. Canfora stated that he also talked with Chief Carris about his budget, and if anyone talked to him about a decrease in service. Chief Carris told him that his department is currently under budget and that no one talked to him about a decrease in service. Mr. Canfora stated that he is incensed that members of Council or any member would try to decrease protection to save money, it just doesn't make sense. There is safety involved here and we don't want to learn a very expensive lesson. Mr. Canfora stated that the facts have been distorted here and the residents deserve to know the facts. No one has talked about the fact that this is a major decrease of service or the fact that a deputy will cost more than an officer. No one talks about the decrease of twenty-nine (29) officers to fourteen (14) deputies. Mr. Canfora asked is this what you call leadership? Is this what we have to look forward to in the future?

Non-Agenda Items-Public Comment continued:

Ms. Charlotte Whipkey, a Norton resident, discussed a correction to the minutes from last week at the bottom on page #3. It states "*Ms. Whipkey stated that she did not believe the entire Norton Police Dept. was involved with the missing signs*". Ms. Whipkey stated that she did not say anything about the missing signs. Ms. Whipkey stated that she has a vested interest in coming in front of the camera and that she petitioned three (3) Charter amendments. Ms. Whipkey stated that people have told these things about her and her involvement in the Police/Sheriff issue, and they would be looking at her three (3) Charter amendments that she carried as tainted. Ms. Whipkey stated that she did have a conversation with Chief Carris and she told him that she was apologized to, and it did not concern stealing signs, it was about conversations. Ms. Whipkey stated that according to the Charter, the President of Council presides over the meetings. Ms. Whipkey expressed her concerns with last weeks meeting when she asked if she could respond to Chief Carris' comments, and she was told no by a Council member, not the President of Council. Ms. Whipkey stated that as far as she knew Mr. McGlone is not a madam yet.

Angela Potter, a Norton resident, read her statements regarding Mr. Tomko's suggestion to recognize certain businesses for their efforts, and her support for the Norton Police Dept., (see attached).

Ms. Gale Brunner, a Norton resident, stated that several weeks ago she asked Mr. Jones for a copy of the Sheriff's Office proposal, which she still has not received. Ms. Brunner stated that she got her own copy and there is nothing in it that shows there is a savings with going with the Sheriff's Office. Ms. Brunner agreed with Mr. Canfora's statements. Ms. Brunner stated that she spoke with the Secretary for the Mayor of the City of Green and she was told that adding extra activities cost extra. This would be for parades, Santa Clause on the fire trucks, not to mention the sacrifice to safety. Ms. Brunner discussed the reduction of cruisers, and their need to be available to us for accidents, etc. Ms. Brunner discussed a situation with a resident from Green who had a burglar outside her home. This resident had called the Sheriff's office and was forced to hide under her bed for forty-five (45) minutes waiting for them to get there while the burglar was in her home. Ms. Brunner stated that as she understands it we would have to buy out the Police Dept. contract at over \$1,000,000.00, where is this money coming from if we can't come up with \$88,000.00 to fix a road? Not to mention if we have to continue to pay \$80,000.00 a year for the pension fund. Ms. Brunner stated that she spoke with some residents that signed the petition and they were misled. They were told that they had to sign that petition if they wanted to keep the Norton Police Dept. Mr. McGlone called a point of order, and Ms. Brunner stated that she has a right to speak. Ms. Brunner stated that the residents couldn't afford to pay more taxes, especially the retirees. Ms. Brunner stated that these retirees have been here, they have built this community from a village to a city. Ms. Brunner stated that Mr. Jones, we had a Police Dept. here when you moved in and if you don't like it move to a place where there is a Sheriff's Dept.

Mrs. Elaine Tompkins, a Norton resident, commented about recent statements made by Mr. Meden as well as other comments on budgetary items, (see attached).

Non-Agenda Items-Public Comment continued:

Mr. Tomko asked Council President to please assign the English language to a committee to discuss. Mr. Tomko asked Council how many times does he have to ask for this, or before he hears no.

Topics for the next Work Session:

Three resolutions for Charter amendments

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:26 PM.

Dennis McGlone, President of Council

****NOTE: THESE MINUTES ARE NOT VERBATIM****

All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted. If you do not have access to Time-Warner Channel #15, you may request to view a copy of any VHS recorded meeting in Council Chambers. Please contact Ann Campbell in the Administration office to make the necessary arrangements at (330) 825-7815 ext. 14.