



COMMITTEE WORK SESSION OCTOBER 20, 2008

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

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

The Committee Work Session convened on Monday, October 20, 2008 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee Work Session General Discussion:

Resolution Accepting Amounts & Rates

Mrs. Hlas stated that this is an annual resolution to accept the amounts and rates from the County and turned the discussion over to Mr. Moss for additional details. Mr. Moss added that the end result is the County is certifying the levied amounts that were previously levied. Mrs. Hlas moved to add this item to Council's next agenda, waiving the second and third readings as an emergency, seconded by Mr. Mowery. Mrs. Hlas indicated the need for waiving readings is because it needs to be at the County by the first Wednesday in November.

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

Motion passed 4-0.

Eminent Domain

Mrs. Hlas stated that the Administration is requesting that we eminent domain parcel # 4602634 located at 3388 Greenwich Road, and turned this discussion over to Mr. Ryland for the details. Mr. Ryland indicated that the city has received 2 sets of plans for conversion of the community center for a new fire station. One of the sets of plans, which

is not the most ideal, does not involve additional property. The other plan, which is better suited, does require additional property. Mr. Ryland stated that he is requesting Council consider a Resolution authorizing the use of eminent domain for this parcel, which includes extending Easton Road to the Norton Police Station. Mr. Ryland stated that the Resolution of Necessity would be for the construction of the new fire station and the construction of the road to the Police Dept. Mr. Ryland indicated that this allows us to continue with the Community Center as is. Mr. Pelot stated that he has discussed this with Mr. Ryland and the city has made every attempt to contact the owner. Mr. Ryland stated that his initial letter went out by regular mail in April, and a second letter followed with no reply. Mr. Ryland stated that he made numerous attempts by phone, and another letter was sent by registered mail, which the receipt indicated it was received. Mrs. Hlas indicated that according to the Summit County's website, the property was recently transferred on October 2, 2008 and questioned which owner did we attempt to notify? Mr. Ryland indicated that the letter in April went out to the previous owner, all other attempts were sent to the new and current owner. Mrs. Hlas asked if the Health District has contacted the new owners about their septic issues? Mr. Ryland stated that they have been issued a NPDES permit and are aware of the time line. Mrs. Hlas asked if they have started any of the work on the septic improvements? Mr. Ryland replied no. Mr. Pelot asked if a permit was required, and what are the estimated costs for these repairs? Mr. Ryland stated that a permit is required and costs for a new system itself could be around \$60,000.00 to \$70,000.00. Mrs. Hlas asked if it is required to go all three readings on an eminent domain process and Mr. Ryland replied yes. Mrs. Hlas moved to place this on Council's next agenda for a first reading, seconded by Mr. Mowery. Mr. Pelot asked if the city has used eminent domain before and Mr. Ryland indicated no, not that he could find.

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

Motion passed 4-0.

Amending Chapter 1460-Unsafe Buildings

Mr. Braman stated that this is to update an ordinance that was written back in 1981 and deals with unsafe properties and helps us to get rid of them and making them safe. Mr. Braman turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that we have been looking at this for the past 6-8 months especially with the building being demolished on Easton Road recently. Mr. Ryland stated that this would allow the city to address these parcels more quickly. Mr. Pelot questioned the language in 1460.01 (a)(1) where it states "*An unsafe structure is one that is found to be dangerous to the life, health, property of safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire....*" Mr. Pelot stated that he felt this deals with more of a requirement for a smoke detector and has no bearing if a structure is unsafe. Mr. Ryland stated that this is required in our building codes now and we would not tear down a house because it does not have a smoke alarm. Mrs. Hlas indicated that you would have to use common sense here with this issue. Ms. Whipkey asked first of all, if the prior discussion on eminent domain relates to the

Beldick Motel and Mr. Ryland replied yes. Ms. Whipkey secondly agreed with Mr. Pelot's statements about the fire alarms. Ms. Whipkey stated that if you are dealing with rental property then this would apply. Ms. Whipkey stated that she was not aware of any law or mandate that requires us to have smoke detectors in our homes. Ms. Whipkey stated that this could be used as a form of harassment. Ms. Whipkey stated that rentals are different, and it's out of place for personal residences and it should be removed. Mr. Braman moved to place this on Council's next agenda for three full readings with emergency language, seconded by Mrs. Hlas.

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

Motion passed 4-0.

Traffic Light Study at Hametown & Greenwich Roads

Mr. Mowery turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that a study was conducted in 2001 by URS Engineering Group, which indicated that a traffic light was not warranted at this time. The report did provide some recommendations for better signs, which has been completed. Mr. Ryland stated that traffic counts were done, accidents were taken into account. Mr. Ryland stated that at this time the report cost \$3,000.00, and there has been no significant change at this intersection and he did not feel doing another report is necessary. Mr. Ryland stated that in addition, we have an official report from the Interim Chief Thad Hete and the former Police Chief concurring the same. Mr. Ryland stated that the report has not changed, it's still insignificant at this time. Mr. Ryland stated that the cost to activate this light would be approximately \$80,000.00. Mr. Ryland stated that for Chief Hete's report the significant lag time used for cars stopped at Hametown Road going north and south was 30 seconds. There being no further issues to discuss Mr. Mowery moved to remove this item off of Council's agenda, its been on there long enough. There was no second or any objections to this motion, therefore this item will be deleted from Council's agenda and Matters Referred list.

Identity Theft Policy-Red Flag

Mr. Pelot stated that this is a new issue and we are not totally sure this pertains to us and our Law Director is looking into this. Mr. Pelot stated that the Federal Trade Commission and the Federal Bank Regulatory Agency and the National Credit Union Administration have issued regulations for Red Flag rules to be developed and implement a policy. Mr. Pelot stated that we do have transactions with outside creditors, companies, employee payroll records, etc. Mr. Moss stated that we really don't have a choice, this is a model policy that will need to be adopted. Mr. Moss stated that deviating from the model would not be good for the city. Mr. Pelot stated that we are supposed to have written policies and procedures in place. Mrs. Hlas stated that this also would protect employees and public information in the future. Mr. Pelot moved to place this on Council's next agenda, waiving the second and third readings as an emergency, seconded by Mrs. Hlas. Mr. Pelot stated that in the event that this legislation is not necessary it could be removed from the agenda on Monday,

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

Motion passed 4-0.

Unfinished Business:

None

New Business:

Mr. Pelot asked Mr. Moss for the balance in the Utility fund. Mr. Moss stated that he did not have that figure available to him, and would be able to provide that before the end of the evening. Mr. Pelot stated that he thought this was around \$80,000.00 and that he would like to use this fund to help pay for the \$55.00 inspection fees that the Barberton Health District wants to impose on the residents. Mr. Moss indicated that he was sure there was more than that amount available, however he did not think this was a legal use of that fund. Mrs. Hlas disagreed with the proposed use for this; next you would want to use that fund to pay for tap in fees, cleaning out their septic systems, etc. Mr. Ryland indicated that he just had engineering done for installing a sewer line on Oak Street that will need to be paid out of that fund.

Public Comment-Non Agenda Items:

Charlotte Whipkey, a Norton resident, commented about Issue 26, the proposed Charter amendment to downsize Council. Ms. Whipkey stated that she has been reading in the paper that our Solicitor has been offended by the comments she has made, well that's too bad. Ms. Whipkey stated that he made his comments in a public forum and if his comments were not meant to be bullying and fear mongering then they should have been put into a memo. Ms. Whipkey stated that he used the same court room tactics by putting out evidence and testimony to which the judge directs the jury to ignore what they just heard and saw. Same tactics, same mentality, you have just planted a seed. Ms. Whipkey stated that she could also be offended because she has been pointed out several times. Ms. Whipkey stated that she takes great offense that her name keeps getting tied to a Charter amendment. This country bumpkin is the same one who wrote two Charter amendments last year, successfully and was very much involved with two others. Ms. Whipkey stated that she may not have a degree in law but our Charter stands. Ms. Whipkey discussed her comments she made several weeks ago regarding the deferment issue for the elderly. Ms. Whipkey stated that she had researched what the State was proposing which was 65 and older and the city was proposing 70 years and older. Ms. Whipkey stated that she asked our Solicitor what would happen if the city passed legislation with 70 years and older? He replied that our Home Rule would overrule the State and we would have the 70 years requirement. Ms. Whipkey stated that she did not hear any claims about unconstitutionality or fairness then for our seniors.

Topics for the next Work Session:

PC Resolution # 16-2008 Parks Map & Text

CCA-Mr. Moss stated that he was not ready for this discussion tonight and that his preliminary review of this is that there is not a savings to be realized while providing the same level of service as CCA. Mr. Moss stated that CCA provides the ability to cross reference with State and Federal tax database, which we would not be able to do in house. Mr. Pelot asked to have a rough cost breakdown and comparison for the next work session. Mr. Moss indicated that he would be ready to review the end of year 2008 Budget at the next meeting. Mr. Moss indicated that he would have the 2009 Budget ready for discussion on November 17, 2008 work session. Mrs. Elaine Tompkins asked where the city was on the 2007 Audit and CAFR? Mr. Moss indicated that the 2007 CAFR is complete and submitted. The Audit is complete and tomorrow he would be meeting with the auditors to argue over the language in their report. The Audit report would then be submitted to the State of Ohio for their review and approval, which takes about two months.

Mr. Ryland corrected his earlier statement relating to the requirement of three readings on a Resolution of Necessity on eminent domain, it can be adopted at the first reading.

Mrs. Tompkins asked about the status on the permanent placement of the Chief of Police, and that she thought this was to be done by Sept. 1, 2008. Mr. Ryland stated that this was correct, the problem we are having is that this position was a Civil Service placement and there are costs involved for outside testing. We have three very qualified individuals from within and we are investigating if we can hire from within or if we must go out and give a Civil Service test.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 7:35 PM.

Scott Pelot, President of Council

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

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