



COMMITTEE WORK SESSION FEBRUARY 4, 2008

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

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

The Committee Work Session convened on Monday, February 4, 2008 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Scott Pelot. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee Work Session General Discussion:

Mr. Pelot stated that a resident had complained about the poor sound quality on Channel #15 and he asked everyone to please make an effort to lean into the microphones and to speak clearly. Ms. Campbell indicated that she did adjust the volume on both of the televisions so that may help. Mr. Jones stated the resident was from Ward One and that he had contacted him to look into this.

CRC Res. #10-2007 Non-Partisan Elections:

Mr. Pelot stated that Mrs. Hlas researched this and that we need to move forward with this. Mr. Jones questioned when this takes effect, and Mr. Pelot stated that this would go to the voters in the November 2008 election. Mr. Jones stated that we should give it to the voters and let them decide. Mr. Pelot stated that he is still a democrat, and that by having non-partisan elections everyone would have a voice. Mrs. Tompkins noted that there was nothing in the drafted legislation addressing the election costs.

CRC Res. #10-2007 Non-Partisan Elections continued:

Mrs. Tompkins, a Norton resident, stated that each candidate is responsible for their own election expenses and the resolution needs to be specific that the City is only responsible for the actual cost related to the election and not for election campaign expenses. Mrs. Hlas stated that this issue is covered under Ohio Election and Campaign Laws. Mr. Pelot asked Mayor Koontz for his comments. Mayor Koontz stated that when this first came up he had asked Council to look at the City of Green's legislation because it works well for them. Mr. Pelot moved to place this on Council's next agenda, seconded by Mrs. Hlas.

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

Motion passed 5-0.

Homeland Security Grant:

Mrs. Hlas stated that we were asked by Mr. Moss to address the funds that we would be getting for the Fire Dept. grant. Mrs. Hlas indicated that the Homeland Security Grant is for \$165,000.00 and the City's share is \$12,000.00 and we need to pass legislation accepting this and change the budget appropriately. Mr. Moss indicated that the grant money would be used to replace existing safety equipment and the City's share is only seven (7) percent of the overall costs, and that none of this is for operating expenses. Mr. Pelot inquired on the type of equipment being replaced. Mr. Ryland replied the Fire Dept. would be replacing air tanks, masks, defibrillators, etc. Mrs. Hlas asked to have a complete list of equipment being replaced by Monday. Mrs. Hlas moved to place this on Council's next agenda, waiving second and third readings, and as an emergency, seconded by Mr. Zita.

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

Motion passed 5-0.

Annual Food Ordinance:

Mrs. Hlas stated this legislation is required for the expenses we may need throughout the year for various meetings. Mr. Moss stated that this complies with an Ohio Attorney General's opinion, which states you cannot spend money on food without consideration by Council. Mr. Moss stated that if there is anything exceeding the \$2.00 per person or for purposes not specified on the legislation, we would have to come back to Council for further consideration. Mr. Zita stated that this was also done last year, and Mr. Moss agreed this is a good practice and we should continue it. Mrs. Hlas moved to place this on Council's next agenda, seconded by Mr. Jones.

Annual Food Ordinance continued:

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

Motion passed 5-0.

Summit County Agreement for Storm Water

Mr. Braman indicated that this is something we have been involved with all along. Mr. Pritchard added that we have been involved with Summit County for the last five (5) years and for the next five (5) years for Phase II this is a reasonable way to approach it. Mr. Braman moved to add this item to Council's next agenda, seconded by Mr. Jones.

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

Motion passed 5-0.

Firefighters Dependents Fund Appointments

Mr. Jones questioned the date this was due (January 31, 2008) and that we are just now receiving this request? Mr. Ryland stated that since we just received this on January 28, 2008 it's difficult to address by January 31, 2008. Mr. Ryland stated that this is a fund that is established for when a Fire Fighter is injured or a death occurs on the job. This is to determine the contact persons who would take care of this fund. Mr. Pelot stated that last year it was Mr. McGlone and himself. Mr. Zita volunteered to serve and Mr. Jones nominated Mr. McGlone to serve, Mrs. Hlas stated that if Mr. McGlone objects to the appointment, she would serve. Mr. Jones moved to appoint Mr. Zita and Mr. McGlone to the Firefighters Dependents Fund for 2008, seconded by Mrs. Hlas.

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

Motion passed 5-0.

Resolution to amend ORC 6115-Mosquito Districts:

Mr. Jones stated that this is a hot issue and asked Mrs. Tompkins to come forward with her comments on this issue. Mrs. Tompkins gave a brief background of how this MAD was established, the financial issues, clerical errors with uploading tax information, vehicle purchases, etc. Mr. Jones stated that the comments he has received from residents was the fact that they did not have a right to vote on this. Mr. Jones asked if we opt out of the MAD would we save money since we have already paid into it? Mayor Koontz stated that he was not sure about this and that it would probably be up to the Judge to decide. Mrs. Hlas replied that we have no provision to opt out, we are here to discuss a resolution to amend 6115 and to send to our State Representatives.

Resolution to amend ORC 6115-Mosquito Districts continued:

Mr. Jones stated that he did not have a problem with that, but he did have concerns about the money already paid in. Mr. Pelot stated that the proposed resolution would be to amend Ohio Revised Code Chapter 6115 and he was looking for Council as a whole to pass legislation directing the legislatures to have this code section changed to prevent this in the future. Mr. Pelot stated that if they are going to form a MAD or expand a district, it has to go to a vote of the people. Mr. Pelot stated that Rep. Steve Dyer of Green is working on this very same thing and has asked to be copied on anything the City of Norton does in this regard. Mr. Pelot indicated that the other communities are also working with Mr. Dyer on the legislation, and there is power in numbers. Mr. Pelot stated that this original law was written back in 1951 and needs to be amended. Mr. Hrubik, a Norton resident and also on the MAD Board of Appraisers, spoke regarding ORC 6115. Mr. Hrubik stated that to change the decision to the landowners would be good, however if this is opened up to the public at large you would have the same problem that we have every time a levy comes up. Mr. Hrubik stated that only landowners should be allowed to vote on this and pay assessments. Mr. Hrubik cautioned Council to be very careful with this, sometimes this action can have unanticipated consequences. Mr. Alex Stavarz, a Norton resident, stated that it's Mr. Hrubik's idea that it is all right to tax people without their vote, which is basically against the Constitution of this country. Mr. Stavarz stated that there are a small number of people who are the ones that think this is good for all of us. Mr. Stavarz stated that he has watched this situation from the start and it all started with a cut in funding by Barberton. Mr. Harrison researched the law and came up with this little scheme to fund and expand that department. He put into place a good friend of his to be a spokesman for this plan and district. Mr. Stavarz urged Council to pass this legislation and contact all our representatives involved and get this changed. Ms. Charlotte Whipkey, a Norton resident, stated that Mr. Hrubik had mentioned that it was the landowners that signed the petitions. Ms. Whipkey strongly disagreed, adding that she has seen the petitions that were circulated for Norton and Barberton in 2005. Two full pages were not even signed by the petitioner, and some residents signed it twice, some were from Clinton and New Franklin. Ms. Whipkey stated that in her opinion, those reasons alone would make the petitions useless. Ms. Whipkey questioned how do we really know that it was the landowners that signed, just because they say they looked this up online, it does not mean anything. Ms. Whipkey stated that she could sign her Mothers name for property because she owns property here in Norton, so how would you know any different unless you know it was me doing it? We do not really know if it was the landowners that signed it or not. Mrs. Hlas suggested that we should ask our State Representative, Brian Williams to co-sponsor the bill that Mr. Dyer has drafted. Mrs. Hlas also suggested that Mr. Williams contact the other municipalities that are involved and their State Representatives and also co-sponsor the bill. Mr. Jones stated that we did have some information prepared by Mike Lyons to represent us, however this is more of a resolution of support, and moved to go ahead with the resolution to amend ORC 6115, seconded by Mr. Pelot.

Resolution to amend ORC 6115-Mosquito Districts continued:

Mr. Pelot instructed the Clerk of Council to follow up with Mr. Dyer and that he would contact Senator Kevin Coughlin and Brian Williams to discuss this. Mrs. Hlas reminded everyone that this has to pass in the House before it can move on to the Senate. Mrs. Hlas stated that by having our State Rep. Co-sponsor the bill, he could then have Sen. Coughlin help push this when it gets to the Senate.

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

Motion passed 5-0.

Unfinished Business:

Mr. Moss discussed the purchase of the Service Garage and that he contacted the seller to tender our money, however the escrow is not ready yet. Mr. Moss stated that it should be ready by Friday. Mr. Moss indicated that the property has been surveyed again and we have re-pinned the property lines. Mr. Jones questioned the total number of acres, and Mr. Ryland replied the total is thirteen (13). Mr. Ryland stated that he had acted on a Councilman's request to address St. Rt. 261 with ODOT, which he has done. Mr. Ryland stated that the initial price from last August was \$224,000.00. Mr. Ryland stated that on January 9, 2008 the price had gone up to \$346,563.00 because of the addition full depth repairs. On January 18, 2008 Mr. Ryland stated he got another estimate for \$449,800.00 and all of this does not even address the bridges, which was our initial concern. Mr. Ryland indicated that Mr. Moss would be coming to Council shortly to revise the 2008 Budget because we had originally budgeted for \$340,000.00. Mr. Jones indicated that he thought the bridges were ODOT's responsibility. Mr. Ryland replied no, the bridges are 100 % the city's responsibility. Mr. Jones questioned if this was for the bridge between Easton and Harris and Mr. Ryland replied yes. Mr. Jones stated that he finds this hard to believe; it's a State highway and in our city. Mr. Jones stated that we need to get in touch with someone that will tell us something different. Mr. Ryland warned Council that this \$346,563.00 figure is not their final figure, it could be much higher than that. Mr. Ryland stated be careful for what you ask for because you just might get it. Mr. Jones stated that it could cost close to \$500,000.00. Mr. Jones stated that he talked with Mr. Binic (Barberton Health District) about the mess on the roads on St. Rt. 261 and Barber Road in front of the C & D facility. Mr. Jones stated that the mud and dirt is so bad at times the roads are impassable, and sometimes the mud along the berm is higher than the roadway and water cannot drain off of the roads properly. Mr. Jones asked Mr. Ryland to look into this. Mr. Ryland stated that he already has numerous times. He has contacted the facility and they do take a front-end loader out there and scrape off the mud from time to time, however it is short lived and within a matter of hours the mud is back again. Mr. Jones stated that this is an eyesore for anyone coming into our community. Mr. Pelot indicated that we have kicked around the idea of having Mr. Lyons appear in court to contest the MAD, and cautioned Council because we may not be ready for that just yet.

Unfinished Business:

Mr. Pelot stated that we could ask Mr. Lyons to appear on the City's behalf and protest the expansion. Mr. Jones stated that he was not sure that Mr. Lyons would be our Law Director then, and Mayor Koontz encouraged Council to move forward and not delay any items because Mr. Lyons is leaving, there would be a transition period. Mrs. Hlas stated that she would not support the Law Director going to court, we need to do this from the State level not in court. Mr. Moss stated that if costs go up because of the expansion, the City's costs would go up as well. Mr. Hrubik indicated that one of the reasons they decided to expand was a cost saving, and that buying chemicals in bulk would reduce costs. Mr. Zita stated that the purpose of the hearing is to consider other communities being added to the district and that he did not think a letter of protest from the City would be useful, we would probably just be asked to take a seat. Mr. Jones stated that he agreed with this. Mr. Pelot stated that he was not talking about protesting being a member, he was talking about protesting the expansion of the district. Mr. Pelot stated that we would have a better chance later of disbanding the district if we are successful in protesting the expansion of the districts. Mr. Pelot stated that it was indicated in the documents received from Mr. Lyons that he talked about the violation of Home Rule and the Ohio Constitution and that the expansion was in violation of that. Mrs. Hlas indicated that Rep. Dyer's changes stipulate that if you want to withdraw from the district, we need to do this by petition and it would go to the voters to decide. Mrs. Hlas suggested that we take a wait and see approach. Mr. Pelot stated that this is what got Norton into this in the first place. Mr. Pelot stated that we need to be proactive in this approach and send a representative from the City to the hearing. Mr. Robert Copen, a Norton resident, questioned if Norton is a part of this district, did we ask to have these districts added, because it appears to him that Norton has no say in this? Mr. Hrubik stated that there is a lot of misinformation and garbling of the facts. Mr. Hrubik gave a brief history lesson on how the decisions were made and the process to get to this stage. Mr. Hrubik stated that mosquito control is not a mandated program, it is optional. Mr. Hrubik stated that if Summit County decides later on that they have no money for this, or they no longer care about mosquito spraying, they do not have to continue spraying in Summit County. Mr. Hrubik reminded everyone that Summit County Health District couldn't go out and seek money for this because it is a line item in their budget. Mr. Hrubik stated that the MAD can go out and secure funding and it is done by assessment. Mr. Hrubik questioned what happens if MAD is gone because Barberton Health District can't do it because its not mandated and they have no funding for this. Mr. Hrubik stated that in 2005 MAD made a decision to replace the older trucks and one Norton representative voted no and the other Norton representative voted yes for that purchase. Mr. Hrubik stated that the one Norton member who voted no on the truck purchase did resign afterwards. Mr. Pelot moved to ask Mike Lyons to represent the City and to contest the expansion of the MAD, seconded by Mr. Braman.

Unfinished Business continued

Roll Call: Yeas: Pelot, Braman
Nays: Hlas, Jones, Zita

New Business:

Mr. Zita indicated that he has received several calls about early hour trash pickup. Mr. Zita asked Mr. Pritchard about the contract with J & J Refuse and if there was a time limit? Mr. Pritchard indicated that he believed there was a time stipulation, however he would need to research that. Mrs. Hlas added that she believed it was no earlier than 5:00 AM or 6:00 AM. Mr. Zita stated that at 3:00 AM and 4:00 AM we are having trash pick up in the city from trash haulers other than J & J Refuse. Mr. Zita indicated that we might need an ordinance to address these other companies. Mr. Pritchard indicated that he would look into the ordinance for trash haulers.

Public Comment-Non Agenda Items:

Ms. Charlotte Whipkey, a Norton resident, stated that this is the third time she is requesting to see a listing on all of the votes of Council, the State does it and it would not take much to do it. Ms. Whipkey discussed the Mayors comments last week about a business advisory committee and she suggested have a citizens advisory committee as well.

Mr. Alex Stavarz, a Norton resident, stated that this whole saga with MAD started when we went with the Barberton Health District. Mr. Stavarz stated that initially he supported going with the Barberton Health District. Mr. Stavarz stated that this seems to have caused more negatives than positives. Mr. Stavarz suggested checking with the Summit County Health District to see what they have to offer and compare their services with Barberton to see what the costs are.

Topics for the next Work Session:

Mr. Pritchard indicated that we should have some drafted legislation for the Cleveland-Massillon Road widening project for the next meeting. Mr. Pritchard stated that this would enable the City to receive Federal funding for this project. Mr. Pelot questioned if we have the easement information ready for PC Res. #10-2008, and Mr. Pritchard indicated this is still in the works. Mrs. Hlas stated that the Matters Referred listing shows this issue is waiting for Council action, shouldn't that be waiting for information from Administration? Mrs. Richards stated that Council is required to act on this, however they cannot without the information from the Administration on the easement. Mrs. Hlas inquired about the time limit for Council to act, and Mrs. Richards indicated it is sixty (60) days from when Council received the resolution. Mrs. Hlas asked if this easement information would be received in time for the next Committee meeting, and Mr. Pritchard indicated that he does not see a problem with this.

Topics for the next Work Session:

Mr. Ryland indicated that he would like to discuss the architect's review for the new Fire Station facility. Mrs. Richards confirmed that a speaker from METRO-RTA would be at the next work session.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:18 PM.

Scott Pelot, 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.