



COMMITTEE WORK SESSION JULY 7, 2008

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

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

The Committee Work Session convened on Monday, July 7, 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:

Council Rules-Votes Required

Mr. Zita stated that several weeks ago we asked Mr. Kostoff to address amending Council Rules and asked Mr. Kostoff to comment on his recommendations. Mr. Kostoff briefly commented on what constitutes a quorum for a Committee of the Whole, Standing and Special Committee Meetings. Mr. Jones stated that this relates back to April 7, 2008 and June 2, 2008 Committee meetings and our prior discussions, and Mr. Kostoff concurred. Mr. Jones clarified that even if the issues had failed at these Committee meetings, you could bring it forward during Committee of the Whole, and Mr. Kostoff agreed. Mr. Jones stated that this was a good idea and it clears the air. Mr. Zita moved to amend Council Rules to add Rule 112, seconded by Mr. Mowery.

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

Motion passed 6-0

Council Rules-Votes Required continued:

Mr. Zita moved to amend Council Rules to add Rule 113, seconded by Mr. Mowery. Mr. Jones asked to have a letter from Mr. Kostoff clarifying that this pertains only to Committee meetings and not Council meetings, so there would be no confusion later on. Mr. Kostoff explained that your Charter is clear on what constitutes a quorum and these rules are clear and that new Council Rules will be republished.

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

Motion passed 6-0

Mr. Zita moved to amend the Table of Contents of the City of Norton Council Rules to reflect these new rules and to renumber all pages where necessary to reflect their inclusion, seconded by Mr. Mowery.

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

Motion passed 6-0

Property Assessment Deferment Agreement for Elderly:

Mr. Braman explained that his only concern was with privacy issues when discussing people's finances since we do not have executive session. Mr. Kostoff suggested rewording this to include the Finance Director's involvement and a confidentiality clause. Mrs. Hlas discussed her concerns with the Open Public Records laws and Mr. Kostoff agreed that this might be an area of concern. Mr. Kostoff stated that perhaps it needs to be looked into further, and that these records could be sealed or the financial records would be returned to the residents once reviewed. Mr. Kostoff stated that our tax records are confidential and he would like these records to be addressed in the same manner within the legislation. Mr. Jones questioned what the State law was on age because he believed it was 65 and not 70. Mr. Jones felt that this should be lowered to 65 in the legislation and Mr. Pelot stated that we put the age of 70 in our previous discussions. There was discussion on the definitions of real estate and owner occupied. Mr. Pelot stated that we had discussed the requirement of living in the city 5 years in order to qualify for the program. Mr. Kostoff questioned if your Charter defines any residency requirements, and Mr. Pelot stated that it only applies for running for office. Mr. Braman stated that most of Council earlier agreed that 5 years is suitable. Mayor Koontz reminded everyone that this is a deferment program and this is basically money the city is going to have to borrow and will use up some of our ability to borrow money for other needs. Mayor Koontz suggested we ask Mr. Moss if he can possibly project what this might cost the city to do this.

Property Assessment Deferment Agreement for Elderly continued:

Mrs. Hlas indicated that she was not comfortable rushing through this before Council goes on summer recess and would like to continue this after we come back from recess.

Mayor Koontz stated that this does not have to be in place before the tentative assessment letters are mailed out to the residents. Mr. Pelot noted a typographical error in Section I-ii, to remove the word *then*. Ms. Whipkey, a Norton resident stated that she has been researching this issue online at the State level and most movements are addressing this at levels of age 65. Ms. Whipkey stated that if the requirement to run for office is 2 years then the residency requirement should be 2 years not 5. Mr. Keith Hetrick, a Norton resident, questioned if there was a penalty clause for someone who files with false information? Mr. Kostoff stated that this would be a criminal offense and there is a remedy to address this, however a separate clause could be added to the language. Mr. Andrew Lehner, a Norton resident, discussed the age requirement and felt the age should be 65 and not 70. Mr. Pelot clarified that under Ohio Revised Code at age 65 you are covered, and at age 70 this would also kick in if adopted. Mr. Kostoff stated that unless we adopt our ordinance, it would be applicable at 70 years of age as presently proposed. Mrs. Hlas stated that she was concerned about the financial impact if we lowered this from 70 to 65 before we lower the age limit. Ms. Whipkey expressed her concerns that if we adopt this, it would supercede the State and residents would have to wait until they are 70 before they could get any help. Mr. Kostoff stated that right now they have no help. Mr. Kostoff stated that there is no mandated requirement to grant a deferment. Ms. Whipkey stated discussed the issue of transferring deeds to a surviving spouse and that some spouses are not aware of this. Mr. Kostoff stated that the easiest way to accomplish this is to get a joint survivorship deed to address this. Mr. Jim Lino, a Norton resident, discussed his two parcels and that he lives on one and assumed he would be assessed on the parcel where he lives, and Mr. Pelot concurred that this was correct. Mr. Lino questioned if there was a credit program for newly installed septic systems if a potential new sewer line becomes available shortly after the septic was done? Mr. Pelot stated that when applying for the septic permit, hopefully the Barberton Health Dept. would be aware of the new sewer line in that area and would work with the resident on a temporary septic situation to avoid such an expense. Mr. Kostoff stated that Summit County Executive's Office recently has contacted his office on the City of Norton's drafted legislation because they are also working on a similar plan for their residents. Mr. Braman stated that we would leave this on Matters Referred until after summer recess.

Direct Indictment Program:

Mrs. Hlas stated that it has been suggested to run the program through Summit County instead of the Barberton Municipal Court, and turned the discussions over to Mr. Ryland. Mr. Ryland stated that we have been using the Barberton Municipal Court for some time and it has become a county wide resolution that we shift this to the Summit County Prosecutor's Office and the City of Barberton is in agreement with this. Mr. Pelot asked if this is for felony cases and Mr. Ryland answered yes.

Direct Indictment Program continued:

Mr. Zita asked about a cost saving for this and Mr. Kostoff stated that any remaining balance that was paid would be credited, and the next year we will be paying the same amount as this year, which is \$10,000.00. Mr. Zita questioned the arraignment process currently on felony cases and Mr. Ryland stated that it is mostly done by video arraignments today, this is just another step. Mrs. Hlas moved to place this legislation on Council's next agenda, waiving the second and third readings, seconded by Mr. Zita.

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

Motion passed 6-0.

Legal Defenders Contract

Mrs. Hlas turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that this is boilerplate legislation and that this contract needs to be signed and turned over to the Attorney General's office for filing. Mrs. Hlas moved to place this on Council's next agenda, waiving the second and third readings, seconded by Mr. Braman. Ms. Whipkey questioned why we have a Solicitor if we have a contract with Summit County. Mr. Kostoff explained that this is a contract providing for representation for indigent defendants. Mr. Kostoff stated that he represents the City of Norton on civil matters and we have a Prosecutor who represents the City of Norton on minor misdemeanor traffic and criminal cases. Mr. Kostoff stated that we do not use this contract very much and the person has to be able to prove that they cannot afford their own counsel.

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

Motion passed 6-0.

Sale of Old Service Garage:

Mr. Zita turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that we have received interest in this parcel recently and it is 20% higher than what was presented to the city in the past. Mr. Ryland indicated that this parcel has 30 ft. of road frontage and now is the right time to sell this parcel. Mr. Jones questioned the total acres, and Mr. Ryland answered it is 1.3 acres. Mr. Zita stated that the reason we held on to this facility was to store some our seasonal equipment rather than park it outside exposed to the elements. Mr. Zita stated that the intention was to use the proceeds from the sale of this facility to go to the Service Dept. to help erect something to store some of the equipment in it. Mr. Jones stated that he recalled when we put up the salt dome at the Service Garage, we were going to sell the old garage to offset some of the cost for the salt dome. Mr. Ryland stated that was correct, however this price would more than pay for another salt dome. Mr. Jones asked if this would have to go out for bid and Mr. Ryland replied yes. Mr. Pelot asked if it goes out for sealed bid, and Mr. Ryland replied yes.

Mr. Kostoff stated that due to the deficiencies in our Charter we refer to the Ohio Revised Code, which requires that we advertise once a week for five straight weeks and the costs would rise quickly. Mr. Kostoff suggested looking at the Charter to address this in the future to avoid this additional cost. Mr. Pelot agreed that this is an excessive requirement and needs to be addressed and we should take a look at this after recess. Mr. Pelot asked to set a reserve price in the bid requirements, and Mr. Ryland asked Mr. Kostoff to address this in the bid specs. Mr. Pelot questioned whether this parcel is zoned commercial or industrial and Mr. Ryland was not sure adding that this would be addressed as well. Mr. Jones stated that he was not sure whether this ever was zoned. Mr. Lehner asked where this property was located, and Mr. Zita indicated that this was behind the Budget Muffler Shop on Cleveland-Massillon Road. Mr. Lehner asked how the revenue would be used and Mr. Ryland indicated that it would be used at the Service Garage. Mr. Zita moved to add this item to Council's next agenda, waiving the second and third readings, second by Mr. Jones.

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

Motion passed 6-0.

City Property Disposal Program-Auction:

Mr. Zita turned this item over to Mr. Ryland for the details. Mr. Ryland stated that we have a number of unused items such as medical squads, cars, seized bikes, monitors, computer equipment, office equipment, etc. Mr. Ryland stated that we have two garage bays stuffed with equipment to be auctioned off. Mr. Jones questioned who would be the auctioneers and Mr. Kostoff that the legislation states it could be the Chief of Police or a licensed auctioneer. Mr. Kostoff stated that the legislation also states that any unsold items can either be donated to a non-profit organization or discarded. Mr. Pelot questioned if this needs to be advertised and Mr. Ryland replied yes. Mr. Zita moved to place this item on Council's next agenda, waiving second and third readings, seconded by Mr. Jones. Mr. Pelot asked about the stipulation on the advertisement, and Mr. Kostoff replied that Ohio Revised Code requires three weeks and most communities require two weeks advertising. Mr. Pelot inquired if a list of items has been prepared and Mr. Jones asked for Council to have a copy of this list once it is finalized.

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

Motion passed 6-0.

Discuss Citizens Presentation of Fire Station Tour:

Mr. Pelot stated that Mrs. Tompkins and Ms. Booth have requested to provide a power point presentation on Channel #15. Mr. Pelot stated that he wanted to bring it to Council floor to discuss this and bring it to a full vote on whether to allow this or not.

Discuss Citizens Presentation of Fire Station Tour continued:

Mrs. Tompkins stated that she wants to see the new fire station built where the current one is or some other site other than the community center. Mrs. Tompkins stated that when the voters approved the 3 mill levy in 2007 there was no discussion about using the community center, and had that been known there might have been difficulty in getting the levy approved. Mrs. Tompkins stated that she was pleased to find the fire station facility so clean. Mrs. Tompkins stated that at the time the levy was actually signed or approved by the voters, it was stipulated after that 30% of the revenue funds would go to a new fire station, it did not state instantly. Mrs. Tompkins stated that the Board of Elections changed the terminology for the ballot language. Mr. Pelot stated he disagreed with that because our ordinance was prior to that. Mrs. Tompkins stated that it makes no difference and that she recalled Mrs. Hlas started with 35% and it ended up coming down to 30% and everyone agreed with that. Mrs. Tompkins stated she has a request for a structural engineer from Akron University and a cement expert to assist with their comments. Mrs. Tompkins stated that at the time this came up she did not want to make a presentation without all seven of the members present. Ms. Tompkins submitted her comments in writing (see attached-note that the pictures were omitted). Ms. Booth stated that the fire station was immaculate when they toured and she agreed with Mrs. Tompkins that there are some needs and a new station is definitely needed. Ms. Booth stated that there are some things we can do in the short term here. Ms. Booth stated that some things were not as in dire need as what was discussed and presented. Mr. Pelot asked Ms. Booth to what means and Ms. Booth replied to educate the public. Mr. Pelot stated that prior to the levy the fire station was open to tours, pictures were available at the Cider Festival, etc. Ms. Booth stated there were terms used like bricks in danger of falling on people's heads, and that is not what they saw, and other things like that. Ms. Booth stated that all that we are saying is let's not build a new station in 2008, let's take some time and make a wise decision and not take away the community center. Mr. Pelot stated that this is really about the community center and not about the fire station. Mr. Pelot clarified that it was amended Res. #44-2007 that put this onto the ballot, and it was amended on 7-9-08 to devote 30% of levy proceeds to the capital improvement and that was well before the November election. Fire Chief Schultz commented on the issue stated that a decision and a vote was made to use the community center building. He has already paid to have property surveyed and drawings prepared. Mr. Pelot questioned these costs and Chief Schultz replied the survey cost was \$4,000.00 and the architect was not to exceed \$120,000.00. Chief Schultz stated that if he calls the architect tomorrow and tells him we are moving the building we do not have another \$120,000.00. The decision was made, the vote was taken and there is no turning back now. Chief Schultz stated that this current building is not suitable, yes there may be 4 employees during the day now but during training exercises we may have 30 people in that building. Mr. Ryland asked how many fire codes are we violating that could harm our fire fighters, and Chief Schultz stated quite a few, the turn out gear being the most serious with diesel fuel because it is not stored in the proper location. No ventilation system in the building so when the trucks start up fumes go all throughout the building.

Discuss Citizens Presentation of Fire Station Tour continued:

Mr. Lehner stated that he toured the fire station about a month ago and the building needs replaced, the ventilation is bad. Mr. Lehner stated that we need to temporarily keep the station where it is and find another location. Mrs. Tompkins stated that she was under the impression that you only approved the drawings of the plans and there was no final decision on anything. Mrs. Tompkins stated that the Fire Dept. might have been assured that they were going to get a new fire station, but all she is saying is that the building is structurally sound. Mrs. Tompkins suggested we lock the levy money up for a couple of years collect the interest until we locate a better site. Mr. Mike Meden, a Norton resident stated that when in command then get in command, so let's get on with it. Ms. Booth stated that if this fire station was properly maintained all along we would not even be here discussing this now. Ms. Booth stated that if that building had been maintained we probably would not have needed a 3-mill levy. Ms. Booth asked if we would maintain the new building better than we maintained any of the old ones? Ms. Tiffany Grimaldi, a Norton resident, asked when did Council vote to build the new fire station at the community center? Ms. Grimaldi stated that she felt like she was fraudulently informed, Council never contacted the residents, never sent out flyers, stuffed mailboxes, never went door to door to talk to the residents. Ms. Grimaldi asked when did you decide this without talking to your residents, we did not vote on forfeiting one building for another. Ms. Grimaldi stated that she uses the community center on a regular basis and questioned when was this decided? Mr. Zita reminded Ms. Grimaldi that she was present at the Town Meeting held in March when this issue was discussed at length. Mrs. Richards reminded everyone that what was voted on was approval of the architect plans, and those plans still have to come back to Council for final approval and if approved would go out for a public bid. Mr. Pelot stated that on March 24, 2008 an ordinance authorizing the \$120,000.00 for the plans was adopted. Ms. Grimaldi asked when is the final date to be out of the community center and Mayor Koontz stated that they are still working on other options and would get back to her on the date. Mr. Andrew Lehner stated that he felt we should keep the current fire station for the next few years and set the levy money aside and collect the interest and find a different location instead of taking the community center away. Ms. Alice Wagner, a Norton resident, stated that the community center needs a lot of work and if we keep it where it is, where will we get the money we need to fix it properly? Mr. Robert Copen, a Norton resident, stated that we have lost sight of the agenda here, it's to vote to see the power point presentation or not. Mr. Copen discussed the comments made about maintaining the buildings and how can you maintain the buildings when your budgets were always in the red? Ms. Charlotte Whipkey stated that she was aware of using the community center as an example of the citizens feeling betrayed by passing a levy and now may end up losing the community center. She has asked on several occasions for information and had to come public with a complaint because she was not getting the answers. She wanted to know how much money we put into some of these buildings.

Discuss Citizens Presentation of Fire Station Tour continued:

Ms. Whipkey stated that finally on June 24, 2008 she got a response from Mr. Moss which was *“the city does not maintain by building and to sort through records to find these records would be excessive and time consuming”*. Ms. Whipkey stated that the citizens have found how much was spent over the last 8 years and it was next to nothing. It was a total of less than \$24,000.00 for repairs to the fire station. Why should you have a new fire station when you did not take care of the one you already have? Why should we have to sacrifice the community center when you just said that this is not a done deal? You need to seriously find another way and leave the community center available to the public; there are other ways to do this. If another year or so would keep the city with the facilities we currently have, still maintain the fire dept, the least everyone could do is try and keep the community center available for the community. Mr. Jim Lino suggested that when the city discusses levies in the future, they should do better research and tell the residents exactly what the money would be used for in the future. Mr. Jones stated that he was always against using the community center for the fire station and thinks we can use the current station and add on to it. Mr. Jones stated that all Ms. Booth and Mrs. Tompkins are asking for is a presentation. Mr. Jones stated that the community center is 21 years old, the residents voted for a new fire station. If they take away the community center, they will also take away the parking lot. Mr. Jones stated that the public has a right to know what the fire station looks like. Mr. Jones stated that he has not been through it and he probably should have before now, he has driven around it and looked at adjacent property. He has heard that there is a gas line that runs between Acme and the fire station, and he has asked someone to look into it, still waiting on that response. Mr. Jones indicated that he would like to start building on the backside of the fire station and he believes that Acme would allow for us to build an access road in order to do that. Mr. Jones stated that money is tight and he agreed with Mrs. Tompkins suggestion to sit on the levy revenue. Mrs. Jill Miller stated that we should get back to the agenda and if you open it up to presentations it would open it up to all citizens to show whatever they want. Mrs. Miller stated that this is not what she is paying Time Warner for. Mr. Rodger Ramsthaler, former Fire Chief, stated that the back wall is falling out and it is getting worse, and with the bad storm last week we had sewage backing up. Mr. Ramsthaler stated that it was the idea of staff helping with the repairs, but you have to be able to balance calls versus maintenance. Mr. Jones moved twice to allow for the presentation, there was no second to his motion, motions failed for lack of a second.

Unfinished Business:

None

New Business:

Mr. Jones discussed the Time Warner franchise fees and asked the Mayor to have Mr. Moss look into this issue to make sure that the city is getting its proper share of the revenue due to us. Mr. Jones noted that the address on his bill shows Barberton not Norton, which caused him some concern.

New Business continued:

Mr. Jones stated that residents living on the east side of Medina Line Road get their bills addressed to Wadsworth Ohio. Mr. Jones stated that he was not sure the city is getting all of the franchise fees that we should be getting. Mr. Jones asked Mayor Koontz to issue a memo to Mr. Moss to check it out and see where we are. Mr. Jones indicated that his bill reflected \$3.61 a month. Mrs. Hlas stated that if you research you bill in detail it will show the fees breakdown to the City of Norton. Mayor Koontz stated that this would be looked into, and it may be similar to auto tag fees where some people don't know where there live. Mr. Jones stated that it's just like years ago with the dealerships like Bishop Motors, A. Merry Olds, and we were losing money on taxes. Mr. Jones stated that several years ago we hired an outside firm to check into that. Mayor Koontz stated that he was not sure and that it would be worth checking into, and that there may be a new process now at the State level. Mr. Pelot stated that he would like to see the legal ad requirements addressed in the Charter.

Public Comment-Non Agenda Items:

Mr. Pelot reminded everyone there that political posturing would not be tolerated.

Mr. Andrew Lehner, a Norton resident, commented on the personal attacks between the residents and Council at the meetings and that they have to stop. Mr. Lehner stated that Council works for the public. Mr. Lehner stated that we all need to be professional about things. Mr. Lehner stated that on election is July 10, 2008 vote yes.

Mr. Pelot warned again about using the podium for political posturing, and stated that if anyone else does it again they would be asked to leave.

Mr. Mike Meden, a Norton resident, commented about the recall election and that after the election we would still be neighbors. Mr. Meden discussed not being anti Jones, and again Mr. Pelot warned Mr. Meden about his content. Mr. Meden commented about editorials in the papers and the content. Mr. Meden discussed the personal attacks against Council as a whole and the need for some changes to Council Rules. Mr. Meden suggested the public submit their opinions in writing on a live issue and on something that has not been voted on. Mr. Meden discussed negative feedback he had received from a developer. When this developer found out he would be dealing with Norton he laughed and said he was not interested in working in Norton.

Ms. Charlotte Whipkey, a Norton resident, thanked the city workers for clearing the property at East Frontage and Johnson; they did such a nice job it looks like a park now. Ms. Whipkey discussed the franchise fees and questioned if this was because of the cell towers or Channel #15? Ms. Hlas explained that it has nothing to do with the cell tower behind the police station. Channel #15 is here due to a grant from Time Warner and because former Mayor Addis purchased the video equipment to air meetings.

Public Comment-Non Agenda Items continued:

Ms. Whipkey stated that people call her and complain that meetings are not being aired when they should be and we need a way to bring it to their attention. Ms. Whipkey discussed the comments that were made previously about the personal attacks. Ms. Whipkey stated that it has been going on for a long time and she is not going to sit back and have people say that it is just a few of us. People have been taking hits well into the past, well over a year ago and nothing got said. If something goes on in these chambers that is appropriate or inappropriate, it should be made known and this is our avenue to address you as a whole. Ms. Whipkey stated that she has a problem not being able to address you individually because that is how you were put into those seats. You can be gone out of those seats, maybe even easier than how you got there. It seems that even as a group that you failed to bring some of your member's back into line.

Ms. Megan Booth, a Norton resident, thanked Council and Administration for actually trying to do some cost savings for the city. Ms. Booth stated that she was disappointed that a certain Councilperson had not resigned since they stated they had more integrity. Ms. Booth stated that another Council member also had requested this resignation. Ms. Booth stated that the side of the road on Woodbine Drive is still breaking off and Mr. Ryland had previously indicated that someone would look into this. Ms. Booth stated that she knows that we have good Council members, city workers, and she appreciates the time that they give the citizens. Ms. Booth stated that she hopes that they will not take any time away from us, because it is our right, and it is part of your job to listen to what we have to say, and she appreciates those that look her in the eye when she speaks.

Topics for the next Work Session:

MPO Ordinance, and possibly the Charter Amendment for Legal advertising, and property assessments for elderly.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:54 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.