



COMMITTEE WORK SESSION MARCH 2, 2009

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

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

The Committee Work Session convened on Monday, March 2, 2009 at 7:00 PM, in 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.

Public Comment-Agenda and Non Agenda Items:

Ms. Charlotte Whipkey, a Norton resident, commented about last week's incident where the gentlemen lost his life while in the holding cell. The minutes state he lost consciousness while in the holding cell. However the papers stated he was looking over some paperwork, so which one is it? This is rather relevant and the people should be aware. Ms. Whipkey discussed the comments made back in 2007 relating to Issue #45 (Summit County Sheriff) and one complaint was the residents were concerned that there would be no one in our police station. Here we are in 2009 and we still have an unmanned police station by our own police since we have the dispatchers all in Copley. Maybe things might have been different here if we would have had all the officers and the people there instead of the Fire Dept. being called in; the actual hospital would have come out and got this man. Ms. Whipkey stated she wanted this cleared up, was actually in his cell by himself when he was found, or was he actually doing paper work and just collapsed in front of them?

Committee Work Session-General Topics of Discussion:

Various Agricultural District Renewals/New

Mr. Braman stated that we have five (5) more to approve, four (4) are renewals and one (1) is a new application. Mr. Braman gave a brief review of each application, noting that

the Public Hearings would take place next Monday. Mr. Braman noted the new application for Dayton Nursery is an expansion of the existing application. Mr. McGlone questioned how long the applications last for an Agricultural District, and Mr. Braman replied five (5) years. Mr. Zita stated that in addition to these, there might be more. Mr. Braman replied that this should be it for the renewals, and new applications may be filed anytime throughout the year. Mrs. Richards stated one resident on St. Rt. 261 called today to inquire about a new application. Mr. Braman moved to add these to Council's next agenda, seconded by Mr. Jones.

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

Motion passed 5-0.

Income Tax Credit

Mr. McGlone turned this discussion over to Mayor Koontz for the details. Mayor Koontz stated he had no new information to contribute this evening. Mr. McGlone stated we had discussions on two different dates for the town meeting; Sunday April 19, 2009 and Monday March 30, 2009. Mr. Jones stated that if they want to do it on March 30, 2009 he had no problem with that, but suggested holding the second one on April 19, 2009. If after that point there is no more interest, then the Mayor could go ahead and have legislation prepared. Mr. Zita stated the reason for interest for the Monday, March 30, 2009 was because several of us would not be available on Sunday, April 19, 2009. Mr. Jones stated that basically this is on the Mayor's shoulders, he is the one that proposed it, he is willing to attend the meeting. Mr. Zita stated that Mr. Jones is the one who called for a town meeting. Mr. Jones stated that was simply because he is asking Council to vote on it and he felt it was up to the Mayor to do the presentation. Mayor Koontz suggested holding the meeting on some other date when the public would be more available. Mr. McGlone suggested going with the first meeting of Monday, March 30, 2009, and see how the turn out goes and if there is a need to hold another meeting. Mrs. Richards indicated she checked the availability for the Community Center and it is open for this date from 6:00 PM to 8:00 PM. Mayor Koontz noted we just received some new information from the Cuyahoga County Board of Health relating to Phase II Storm Water out fall. Mayor Koontz stated they measure for fecal coliform counts and sampled various locations. The standard fecal coliform limit is 5,000 colonies per hundred milliliters, and about half of these locations exceeded the limits. The first one listed at 3.2 million, the second one at 2.7 million, another 1.2 million. In essence the readings are ten times over the limit and in one case over 1,000 times over the limit. This is a serious health issue. Mr. Pelot questioned what is the Barberton Health Dept's time line in forcing the residents to fix a failing system? Mr. Pelot's was concerned with residents being forced to fix their septic systems and then a short time later the city bringing a new sewer trunk line down their road. Mayor Koontz indicated that we would be in contact with the Health Dept. and our part would be to provide a time line to bring in sewer trunk lines into the city. Mr. Ryland stated that it takes 45 days to get a permit, however if we as a city have a firm timeline, they will work with the residents. Mr. Ryland indicated that there are other options for the residents who are dealing with totally failed systems. One

would be to pump their tank more frequently, however some are in such bad shape they have no other option but to replace it. Mr. Pelot questioned what kind of a timeline are we looking at for the tax credit? Mayor Koontz stated this would need to be discussed, however a bond would need to be issued perhaps for 20 years to completely build it. Mr. McGlone questioned when the taxes would be collected? Mr. Moss stated this depends on how the legislation is written, however, you cannot go back before the current year, it would start when the legislation states.

Health District Contract

Mr. McGlone stated we had received some documents from the Barberton Health District, and turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated our contract with the Barberton Health District expires in April. We will be meeting with the Summit County Health Dept. this Wednesday in front of the Norton Health Advisory Board for their proposal. Mr. Ryland stated he is not prepared to make any type of recommendation or decision at this point. Mr. McGlone asked for a breakdown after everything has been presented, category by category, and to recommend to Council which is our best option. Mr. Ryland stated that this would be compiled and sent to Council for their review. Mr. McGlone asked about the MAD district and Mr. Ryland stated that the only one capable of removing this is the Judge. Mr. Pelot stated that ultimately if we go with Summit County, they offer mosquito spraying as part of their services which is a duplication of services and would give us more leverage in asking a Judge to remove us from the MAD. Mr. Ryland concurred this would be a duplication of services that our residents would be paying twice for, whether this gives you more weight in Court is not clear. Mr. Zita asked if this fee was something we could carve out of the County's contract, and Mr. Ryland replied no. Mr. Ryland indicated he would have something prepared for Council and a decision is needed by April on which way to go.

Budget Transfer Ordinance

Mr. McGlone turned this over to Mr. Moss for the details. Mr. Moss stated that this is a \$7, 587.090 grant that was awarded, and the local share is \$399.00, and it is in the 2009 Budget. In order to get this in the right place to be able to spend it, a transfer is required. Mr. McGlone moved to place this on Council's next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Jones.

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

Motion passed 5-0.

Eminent Domain Purchase-Beldick Motel

Mr. McGlone turned this discussion over to Mr. Ryland for the details. Mr. Ryland indicated that the owner has rejected the city's offer. Mr. Ryland stated he is now asking permission to file petition in the Summit County Common Pleas Court for the taking of the property. Mr. McGlone moved to place this on Councils next agenda, waiving the second and third readings, seconded by Mr. Pelot. Mrs. Elaine Tompkins, a Norton resident, commented on the drafted legislation and the reference to the property address

as being Barberton and not Norton, she would like to see it stated as Norton. Mrs. Tompkins commented about the legislation in Section 1 where it states the property would be used for the widening, opening of Easton Road, and asked if the fire station would be located in the road, beside it or is the Community Center going to be used? Mr. Zita asked Mr. Ryland to respond. Mr. Ryland stated the fire station would not be sitting in the road. The idea is to extend Easton Road to the back of city hall for an emergency exit for both fire and police. Mrs. Tompkins asked where exactly the new firehouse would be constructed? Mr. Ryland replied that he has a site plan, but until the trees are cleared he does not know exactly where it would be constructed. Mrs. Tompkins asked if he has any intent to use the Community Center? Mr. Ryland replied he could construct the fire station fully capable of housing all of our equipment and fireman without touching the Community Center. Mrs. Tompkins again asked Mr. Ryland if he intends to use the Community Center? Mr. Ryland stated it would be his intent to use it, but now with the plans to use the Beldick property, the Community Center would not be touched. Mrs. Tompkins asked at what point do you think you will make a decision, you have two sets of plans, as she understands it? Mr. Ryland replied when Council passes a resolution to build the new station or use the Community Center. Mrs. Tompkins commented on the fact that Council has not seen either sets of these plans and asked when would these plans be available to Council and the public for review? Mr. Ryland replied when we know when we have the property to construct. Mrs. Tompkins asked when that might be? Mr. Ryland replied he had no idea when the Court would set a hearing for the eminent domain. Mrs. Tompkins asked if they expected to have the fire station built this year and Mr. Ryland replied it depends on the Indiana Bat. If we cannot clear the lot of trees by April 1, 2009 we have to get a special permit by the State of Ohio to clear the lot because of the Indiana Bat, (an endangered species in Ohio). Mr. Jones questioned the use of Easton Road, and asked if the city needs to also acquire the property next to the Beldick Motel; the Lindeman property? Mr. Ryland replied yes. Mr. Jones stated that Mr. Lindeman had given the impression he would be interested, and Mr. Ryland concurred. Mr. Jones discussed the purchase price of the Beldick Motel at \$285,000.00 and now the Lindeman property, and asked Mr. Ryland about that offer. Mr. Ryland indicated it was less than \$200,000.00.

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

Motion passed 5-0.

Alternative Tax Ordinance

Mr. McGlone turned this over to Mr. Moss for the details. Mr. Moss indicated that in 2002 State law changed. The city did adopt an Alternative Tax Budget ordinance and since then the Finance Dept. has been certifying the budget and all has been fine. However, since we have a new auditor, they are suggesting passage of a new one for 2010. Mr. Moss stated he is submitting this now in plenty of time for three (3) full readings, and supplied a summary of explanation (see attached). Mr. McGlone moved to add this to Councils next agenda, for a first reading only, seconded by Mr. Pelot.

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

Motion passed 5-0.

Oriana House Agreement

Mr. McGlone stated that we do this agreement every year. Mr. Ryland stated that because the Oriana House is also a client with Mr. Kostoff's firm, he is asking to take this one out of Mr. Kostoff's hands and have a special Counsel prepare the legislation and review the contract. Mr. Ryland indicated that Attorney Irving Sugerma has agreed to take a look at this for the same rate of pay. Mr. Pelot asked if the fees increased from last year and Mr. Ryland replied yes. Mr. Pelot asked what the percentages of increase are and Mrs. Richards stated the increases are spelled out on pages 4-9, however she was not sure as to the amount of increase. Mr. McGlone moved to place this on Councils next agenda for a first reading, seconded by Mr. Pelot.

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

Motion passed 5-0.

Community Improvement Corporations –CIC

Mr. Braman turned this discussion over to Mr. Moss for the details. Mr. Moss indicated that Council had asked to take a look at other communities for what kind of ongoing support Council has for their CIC's. He contacted the cities of Westlake, Green and Akron. The City of Westlake responded that they do not support their CIC. The CIC is successful on their own, and they do not need any money. He also asked if they ever supported them and in what way, he has not response back at this time. The cities of Green and Akron have not responded back at this time. Mr. Braman suggested leaving this on Matters Referred list until we get more information.

Speed Control for I-76

Mr. Pelot turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that sections of I-76 within our city are some of the most dangerous throughout the State of Ohio. Mr. Ryland stated that since he has been here, there have been seven (7) fatalities on I-76 in Norton that have had a speed related element to them. Mr. Ryland stated that ODOT has approved the use of Red Flex Highway Enforcement Cameras. These are civil action cameras that records speed and photographs cars that go by and citations are issued. We are looking at any and all ways to slow down the traffic on I-76, and if you compound this with the new cables installed this area has become even more dangerous. This puts our officers and fire and EMS crews at greater risk for their safety. Mr. Ryland indicated that the cameras do not have to be manned by an officer and it is not intended to replace or diminish our staff. Mr. Ryland stated his intent was to provide you with this information and see if there was any interest from Council. Mr. Ryland stated that personally he is opposed to the use of these cameras in residential areas, however with the number of fatalities we have in this stretch of highway, this is a good tool to slow the

traffic down. The idea is to use these cameras from along I-76 from Barber Road to Rt. 57 in Wadsworth to slow the traffic down in this area. Mr. Jones asked whose idea was it to install those cables in the median? Mr. Ryland stated that was ODOT. Mr. Jones asked how are you supposed to pull off in the left lane if you have a flat tire, or how is the grass to be mowed there? Mr. Ryland replied that the cables are doing what they were designed and intended to do, we have had no cross over accidents this season since they were installed. Mr. Zita stated it would have been better to place these cables further down in the median so that cars have room to pull off of the road, rather than ricocheting back into traffic. Mr. Ryland stated this was discussed by ODOT, it was well thought out and the center of the median is lower than the roadway. The cars would clear it and would still end up crossing over into the other lanes of oncoming traffic. Mr. Pelot asked about the fatal accidents in the last few years and if any of them were due to crossovers? Mr. Ryland replied a good number of them were, since he has been here there have been two (2). Mr. Moss discussed the city's costs of our police and EMS responding in addition to the Service Dept. for accident scenes. Mr. Jones asked about the city getting reimbursed for our services and Mr. Ryland replied we do get insurance reimbursement for EMS transports, but not for the fire trucks and police cars. Mr. Jones suggested we draw up an ordinance to address this. Mr. Pelot asked if there is information where these cameras are effective? Mr. Ryland replied that they are used in Dublin, Ohio, Akron, and Cleveland in school zones. Mr. Ryland stated that this has been supported and sustained by the Ohio Appeals Court. Mr. Braman asked about the cost of these cameras, and Mr. Ryland replied there is no capital outlay to the city. Mr. Jones inquired about revenue and Mr. Ryland replied there is a 60/40 share and the city would receive the 40 percent of the revenue generated from the citations. Mr. Jones asked where the company was located, and Mr. Ryland stated the regional office is in Illinois, that is where the representative he has been working with is located. Mr. Pelot noted the locations listed as Phoenix, AZ, Victoria Australia and Hampshire, United Kingdom. Ms. Whipkey indicated she did some research on this and found that last year Louisiana took action against this company, which is based in Australia. The way she understands it the little van would belong to them, they would drive around and take pictures. The citations would come to the people through Red Flex itself where you would send in the money, we would get a percentage from it. Ms. Whipkey noted that their stocks have dropped lately. Ms. Whipkey noted that a notary in Arizona has lost her license over it his because the notary has to state the citations were signed in front of her, and she was signing them, its very difficult for people to be signing the tickets when they are 1400 miles away. They could possibly have to repay every one of those tickets. Ms. Whipkey stated this is a constitutional right to face your accuser. Ms. Whipkey stated that in Pinal County, Arizona, the Sheriff put a stop to this. He will not certify and write off for them to issue the tickets any more and he stated it was unconstitutional. Effective on July 1, 2009 Mississippi will no longer be using these cameras, citing it as unconstitutional. Ms. Whipkey asked who is going to pay for all of these legalities? You cannot know exactly who is driving the vehicle. Ms. Whipkey stated that we don't need big brother, we need less of it. If you think you need this to feel safer we are living in the wrong world. If we get out there with the laws we already have with our people, its going to slow them down. Ms. Whipkey stated that a camera is not going to stop an accident, keep the drunks off of the road, all you are doing is invading privacy. Mr. Ryland stated that Ms. Whipkey's

comments are well taken and that some of the states did not take the advice that was given on how to issue tickets, etc. In the State of Ohio the tickets are reviewed by a police officer, there are laws relating to rental vehicles, etc. Mr. Ryland agreed it will not stop the drunks or all accidents, it is not to do away with out policemen or stop patrolling I-76. It is an opportunity to have a mechanism out there as a tool to help deter the speeders driving through our community. Mrs. Tompkins commented about the liability issues relating to this issue and noted that in Cleveland they are trying something similar to this. Mrs. Tompkins noted that a lot of this is being thrown out of court and the city is being pursued as being liable for putting these cameras up. Mrs. Tompkins stated that although there may be merit this on both sides, she did not want to see any more liability than what we need. Mrs. Tompkins stated that supposedly we have a very effective police and fire department and this is their job. If anything happens out there that's what they are here for, its not just to come to our homes, its to patrol our public streets. Mr. Gilbert Chaney, a Norton resident, commented about the 60 percent going out of the country, and he is tired of our money being shipped out or given away to other countries. Mr. Chaney sated he heard we are sending over \$600,000,000.00 over to Gaza to be rebuilt and questioned where is the bottom, where will this all end? Mr. Chaney commented about all of the local business failing and boarding up their businesses. Mr. Chaney commented about how you want to re-plumb the entire city with sewer and asked how are we supposed to pay for all of this? Mr. Chaney stated that he would just avoid the I-76 area and would not go anywhere near it, people would fight this. Mr. Chaney stated he does all of his shopping in Wadsworth and spends all of his money in Medina County just to punish Summit County for all of the crap they have done through the years.

Mr. Jim Lino, a Norton resident, stated it seems we already have cameras with radar guns. Mr. Lino stated he has experienced more problems on the roads with people and their cell phones than drunk drivers. Mr. Lino questioned the large auto dealership sign on I-76 at Barber Road and wondered if this contributed to any of the accidents, and Mr. Ryland replied no. Mr. Jones stated he was opposed to this. Mr. Braman stated that once it's out there it would be used less and less as the public becomes aware of it, and Mr. Ryland concurred, you need to let the public know and the idea is to slow the traffic down. Mr. Ryland indicated that we have clocked people as high as 113 MPH on I-76 at times. Mr. Pelot stated he drives through an Akron school zone every day on his way to work and he knows since the cameras were installed, everyone is obeying the speed limit. Mr. Pelot stated that he was not sure he liked the idea on the highway, and would not be opposed to looking at further information from other companies. Mayor Koontz stated that he was concerned with the safety of our officers specifically on the left side of the roadway for a stopped vehicle. Mr. Braman stated that he was in favor of looking at more information and he is not afraid of big brother if this is what it takes to make it safe he does not have a problem with it. Mr. McGlone stated he was not sure, this is just discussion at this point. Mr. Zita stated he would like to have more discussion on this. Ms. Gayle Brenner, a Norton resident, stated that something does need to be done about the speeding in this area. Ms. Brenner questioned if there would be a time frame to send the equipment back of we did this and find out it was not working to our expectations? Mr. Ryland indicated that would be something spelled out in the terms of a contract. Mr. Jones stated he read somewhere you have to sign and you have a right for two (2)

consecutive terms beyond that two (2) year period. Mayor Koontz stated they would look into that and into other providers as well.

Meth Labs Awareness Legislation

Mr. Pelot stated he brought this up because there needs to be more awareness about just how toxic the homes can become, it affects the walls, carpet. Mr. Pelot stated that we have nothing on our books that would inform potential homeowners or renters to the fact this was a meth lab. Mr. Pelot stated an unsuspecting person could either purchase/rent these homes and could become very sick, and he asked for legislation to be drawn up. Mr. Pelot stated we had two (2) or three (3) on the last few years that were identified as a meth lab. Mr. Pelot moved to add this to Council's next agenda for a first reading, seconded by Mr. Braman.

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

Motion passed 5-0.

Unfinished Business:

Mr. Jones thanked Mr. Ryland for patching Lakeland Road as he had asked. Mr. Jones commented that with the amount of patch used we could have paved the whole road. Mr. Ryland stated that we used 5 tons of patch material on that road. Mr. Jones discussed the school buses using this road for a turn around and questioned if this was permitted? Mr. Ryland replied, yes this is permitted, turn arounds are not excluded on Lakeland.

New Business:

Mayor Koontz advised Council that we have been making applications for the Economic Stimulus Package funding for a number of projects. Mayor Koontz stated the most significant one was to Congresswoman Sutton's office for \$14,000,000.00 for the Newpark Drive project for sanitary sewer trunk lines. Mayor Koontz stated we are going out for all we can possibly grab our hands on, and that we have a number of projects we are interested in. Mr. Pelot inquired on the estimated costs for the Newpark Drive project, and Mayor Koontz replied \$2,700,000.00.

Topics for the next Work Session:

Council Rules

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:15 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.