



COMMITTEE WORK SESSION MONDAY, FEBRUARY 1, 2010

Committee Members Present: Todd Bergstrom
Don Nicolard
Brenda Hlas
Bill Mowery
Ken Braman
Scott Pelot
Mike Zita

Also Present: Mayor David Koontz-Excused at 8:30 PM
Rick Ryland
John Moss
Karla Richards
Ann Campbell-Excused

The Committee Work Session convened on Monday, February 1, 2010 at 7:02 PM, in the 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.

General Topics of Discussion:

Review/Approve Bids for Construction of New Fire Station

Mrs. Hlas turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated he has been working for the last two (2) weeks on the bid results and the numbers are all very tight. Mr. Ryland indicated we have one (1) General Contractor versus a Combined Prime Contractor and piecing this out with various sub-contractors and the difference was approximately \$30,000.00. Mr. Ryland stated Seitz Brothers Inc., was the lowest bid at \$2,477,000.00 and is a turn-key style of operation. This would be one contractor in place who is in charge of all of the sub-contractors. Mr. Ryland indicated that if we go with a General Contractor, the lowest bidder was Intec Building Systems at \$1,821,700.00. Mr. Ryland stated then you have to add the plumbing for \$ \$215,000.00, the HVAC for \$168,700.00 and electrical for \$241,459.00 for a total of \$2,446,859.00. Mr. Ryland stated the separations in the bids indicated the drawings were good and that we had a good bid package to present. Mr. Ryland indicated he already spoke with legal counsel and Council can choose option; a General Contractor, or a Combined Prime Contractor using four (4) to complete the job. Mr. Ryland recommended Council approves going with one (1) General Contractor with Seitz Brothers Inc. Mr. Nicolard asked where their home base was and Mr. Ryland its in Brooklyn Heights. Mr. Pelot asked about Intec, if they were a local company and Mr. Ryland replied no. Mr. Bergstrom asked if Seitz

Brothers were required to list whom their sub-contractors are and Mr. Ryland replied no. Mr. Mowery questioned if any of the contractors were in Summit County? Mr. Ryland replied yes, many were such as Krumroy-Kozad, Cavanaugh, Campbell Construction. Their bids were roughly \$200,000.00 higher. Mr. Bergstrom asked if there was a compiled listing of all of the bid results, and Mr. Ryland replied yes, and he thought he already supplied that to Council, apparently not and copies were immediately provided (see attached). Mr. Pelot asked if we have a copy of the references from either Seitz Bros., or Intec? Mr. Ryland replied yes, Mrs. Richards has a copy of Seitz Bros. references on file. Mr. Nicolard clarified that none of these listed their sub contractors and Mr. Ryland concurred. Mr. Ryland stated we had forty-two (42) contractors that submitted bids. Mr. Nicolard discussed performance bonds on file, and Mr. Ryland stated he has already called the references listed for Seitz Bros. Mrs. Hlas asked if he has physically seen any of their buildings, and Mr. Ryland replied, yes Barberton's new fire station. Mr. Bergstrom questioned if they are required to list their subs and Mr. Ryland replied yes, once before the contract is signed and we will have to do unit pricing checks. Chief Schultz was present and commented on Barberton's new fire station construction. Chief Schultz stated he recently spent over three (3) hours on a recent Saturday inspecting their new facility. They did a nice job, although they did have a few issues that really were out of their control. All in all Barberton Fire Chief Baldwin had good things to say, they stayed on top of the job, and the issues that came up were City of Barberton/gas company issues not Seitz Bros. Mr. Moss commented on the difficulty of having a Prime Contractor with multiple sub-contractors, you run into problems and time over runs. Mr. Moss cautioned Council and suggested going with one General Contractor for this size of a project. Mr. Zita reminded everyone that Mr. Klingensmith did not design the Barberton fire station, and Mayor concurred you are really looking at the build quality there. Mr. Nicolard stated that in all fairness to Intec, he asked for a reference package for Intec. Mr. Ryland stated he could, but asked if Mr. Nicolard he felt the \$30,000.00 difference would be worth all of the headaches that comes with using multiple contractors? Mr. Nicolard replied he was not sure. Chief Schultz stated he spoke with another fire dept. that had extensive renovations and went the route of multiple sub-contractors and they had major issues and paid out more in litigation issues. Mrs. Hlas asked if we go with a General and they use sub-contractors and they have problems with that sub-contractor and cant get the work done, do we have to go out and re bid. Mayor Koontz answered no, we have a contract in place with a performance bond and it's covered. Mr. Bergstrom stated he recommended going with one (1) single General Contract, but asked if we would have to hire additional construction management? Mr. Ryland replied yes, especially for a project of this size to have a city representative on site. Mr. Pelot stated with a single contractor they are in charge of the entire project and its best overall for the city, and Mr. Braman agreed, adding the more people involved the more complicated it becomes. Mr. Mowery asked when would we get a listing of their subcontractors? Mr. Ryland replied it is part of the contract process and he would ask for that. Mrs. Hlas moved to award the contract to Seitz Brothers and add this to Councils next agenda for a first reading with emergency language, seconded by Mr. Pelot.

Roll Call: Yeas: Hlas, Pelot, Bergstrom, Mowery, Braman, Zita
Nays: Nicolard

Motion passed 6-1.

Gardner Phase III Funding

Mrs. Hlas stated the bids have all come back in for this project and Mrs. Hlas turned this discussion over to Mr. Moss to explain the details. Mr. Moss explained the details in the spreadsheet he prepared, which indicates the amount we need to finance for this construction is \$345,740.00. Mr. Moss stated the original estimate needed for the note was \$580,305.00, which is considerably less. Mr. Moss indicated this would be a one-year note, and would be retired by OPWC grant money that pays for half of this. Mr. Moss stated the assessment portion pays the other costs. Mrs. Hlas moved to add the issuance of a note not to exceed \$346,000.00 to the next Council agenda, waving readings with emergency language, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

New Fire Station Funding Options

Mrs. Hlas stated her first thought was to hold off on this until we decide about the construction costs, however she turned this discussion over to Mr. Moss for the details. Mr. Moss distributed a spreadsheet just before this tonight's meeting and explained the details (see attached). Mr. Moss stated that enough has changed that he has recently been working on revisions to the 2010 Budget. Mr. Moss stated that the city would not be getting the grant we applied for \$1,900,000.00 for the construction. In order to go forward with local funding. The original long-term note proposed for \$1,600,000.00 would no longer work. Mr. Moss stated he revised the projections accordingly with a total for financing of \$3,200,000.00. Mr. Moss explained the cost breakdowns within the spreadsheet. Mr. Moss indicated the note would be needed for one year then we would replace it with another note the following year. Mr. Moss discussed the projected increase cost for interest rates over the next few years, and that it might be better to issue a long-term note at the lowest possible interest rate now. Mr. Moss stated he is talking with Bond Counsel now relating to this option. The concept is to take whatever amount the Bond Counsel feels we can go with long-term for the construction, and then anything over and above that we would issue with a short-term note and pay that down faster. Mr. Moss indicated the long-term note would have a call date so that if we get ten (10) years out and realize the interest rates had not gone up as projected in 2010 we could refinance. Mr. Bergstrom asked if we issued a long-term note now what would that interest rate be? Mr. Moss stated about one percent less interest than if he waited a year. Mr. Moss indicated it could be approximately five (5) percent over a thirty (30) year term, however we have not borrowed this large amount of money before. There was discussion on the readings and Mr. Moss stated that in order to accept the contract he has to have the funding in place to approve. There was discussion as to the time required to work with the banks and Bond Counsel to get this accomplished. Mrs. Hlas moved to add the issuance of the note to Councils next agenda for a first reading only with emergency language, seconded by Mr. Bergstrom. Mr. Pelot asked about a driveway and

construction manager and he thought these were in the original bid package. Mr. Moss answered that in the original bid package is \$2,400,000.00 and if you take the line item for construction it is \$2,287,000.00 and add the line item for driveway for \$160,000.00 that is your bid amount for the General Contractor price. Mr. Moss stated the \$150,000.00 for a construction manager is not included. A General Contractor would in fact have a construction manager that works for him, but we need someone there that works for us as our eyes and ears and can report back to us what is going on.

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

Motion passed 7-0.

Resolution for AMATS Grant-Study

Mr. Braman stated this is for a study for Eastern Road and is in conjunction with New Franklin. Mr. Ryland stated this is a joint effort with several communities and unfortunately most of the roadway lies within our city and our cost is estimated at \$150,000.00. Mr. Bergstrom reminded everyone that this is just the application for a study and that we are looking for Stimulus Funds. Mr. Braman moved to add this to Councils next agenda waiving second and third readings, as an emergency, seconded by Mr. Pelot.

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

Motion passed 7-0.

CIC-Research & Development for the City

Mr. Braman stated this is another step in the process for the creation of the CIC and would be appointing the members for the CIC. Mr. Ryland concurred; adding that this legislation needs to be in place before any transactions can take place. Mr. Braman moved to add this to Councils next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Pelot.

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

Motion passed 7-0.

City Wide Trash Service

Mr. Bergstrom discussed the idea of spreading out the contracts by wards and to maybe approach this as a sales pitch as an enhanced city service we already provide to the residents. Mrs. Hlas stated that we all have a copy of the contract with J & J and we could use that as a baseline for moving forward. Mr. Bergstrom stated the goal is to eliminate the number of haulers within the city in any given week. Mr. Nicolard stated he understands that some of the citizens seem to be worried about their freedom of choice, but felt this was imperative to go with one (1) trash hauler, and to handle the billings, and

complaints as this is truly a city service. Mr. Nicolard suggested that Mr. Ryland start putting together the details of a contract together now since J & J's contract has already expired. Mr. Nicolard stated that we need to explain to the residents that this is not a monopoly, it's an enhanced city service. Mr. Moss stated that the benefit of doing our own billing is that we control the accounts and if not happy with the contractor we could have stipulations to take accounts away from them to another carrier of our choosing. Mr. Bergstrom discussed adding some type of a surcharge onto the carrier, but Mr. Nicolard cautioned against that because they would only pass that fee on to the residents. There was discussion as to the cost savings some residents received from their carrier as a result of J & J contract. Mrs. Hlas stated that there are forty (40) trash trucks licensed in Norton. Mr. Bergstrom stated that he is definitely in favor of having one (1) trash hauler in the city. Mrs. Hlas stated she wanted to see the Administration come back to Council with a draft that we can work with. Mr. Pelot stated he would also like to know what the costs would be for doing in house billing, extra employees, benefits, etc. Mr. Bergstrom asked to have the Administration prepare a draft bid proposal and have ready for the next Work Session and to have this to all Council on Wednesday February 10, 2010 in time before the meeting. Mr. Andrew Lehner, a Norton resident, stated he has looked at the information in the recent packets and he does not really agree on a single trash hauler. Mr. Lehner stated he used to live in Cuyahoga Falls before and they charged on a per bag basis. Mr. Lehner questioned how would we notify the residents if we went to one (1) hauler, what are prices, the options? Mr. Bergstrom stated there would be several options available to address single persons, unlimited service, recycling, etc. Mr. Lehner stated he felt that option #2 in the packet of information he reviewed looked best. Ms. Charlotte Whipkey, a Norton resident, stated she is not in favor of this. Ms. Whipkey questioned the city doing the billing, and asked if we can't even afford to do our own taxes, how can we do this? Ms. Whipkey discussed the idea of one day pick up, well the wind blows the trash barrels around more than one day a week. Ms. Whipkey commented on the forty (40) trash trucks being on the streets, they are not all out there at once, each company has to have a back up. Ms. Whipkey discussed the conditions of our roads also has a lot to do with the type of road material used as well as frequent stopping and starting. Ms. Whipkey stated when you are doing this; you need to consider what types of trucks, single axle or dual axle trucks and the excessive stopping and starting of heavier loaded trucks. We also have delivery trucks, school buses, which needs to be considered. Ms. Whipkey stated the studies she has read state that one trash truck is equivalent to 850-1500 cars, suggesting the figures used earlier seem to be inflated. Mr. Paul Tousley, a Norton resident quoted Patrick Henry "*Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel*". So according to him, I need to suspect all of you. Mr. Tousley commented about statements made by Mr. Nicolard earlier, and that he was enamored with his freedom and that he cares about you putting a finger on his freedom and thinking that you are so important and that I'm too stupid to know what he wants. Mr. Tousley stated that in the Mayor's letter to the people this week he pretty much acknowledged how the people didn't like it but you basically said too bad. You were not elected because people thought you were the best for the job. You were elected because maybe you would listen to them, not because you were the best or so qualified. That's like Acme telling me its either Pepsi or Coke because we cant have both trucks here.

Mr. Tousley stated he did not go with J & J Refuse, he kept his carrier, it had nothing to do with price, it was freedom. Mr. Tousley recalled the November 2, 2004 tax increase the voters approved and the roads being a part of that. Mr. Tousley asked if that tax is not being taken any more, what happened to all that money? Mr. Larry Perkins, a Norton resident, stated that whatever Council decides, its not safe to get those big green containers on wheels, you just cant move them around easily in the snow. Mr. Tony Discenza, of Waste Management, spoke mostly as an advisory to Council and the Administration to assist in the process. Mr. Discenza stated he understands the many points raised by the residents about their rights to chose, but this is not up to him. Mr. Discenza stated he has estimated that over a three (3) year period, the residents could save over \$300,000.00, and that the best way to do get a single trash hauler is to do a bidding process.

Council Rules

Mr. Pelot stated at the last meeting we had a few suggestions and asked if there were any to add to those, there was no response. Mr. Pelot asked the Clerk of Council to prepare a draft marking those changes for the next work session.

Quality Based Selection Process

Mr. Bergstrom stated the goal on larger projects is to select a professional, and then negotiate the fees. Protocol calls for anything over \$25,000.00 you have the scope of services spelled out and have a committee rate the proposed firms based on the project manager, past performances. At the end of the day the committee would report to Council their findings. Mr. Bergstrom stated that this is all within the Ohio Revised Code and this is the process you follow; however he was not sure that we need to formally adopt legislation for this. This way you know at the end of the day exactly what their fee is, the scope of the job and there is never any question about it. Mr. Bergstrom cited the example of the issues with the architect for the fire station, if this were in place it may have avoided some of the issues, its just a formal process. Mr. Ryland stated that he was not sure we need this formal process and that you just need to have the assurance that it is being followed and it is. Mr. Ryland stated another way to approach it would be put out an RFQ (Requests for Quotes) every two years or so with those contractors that we normally do business with. Mr. Bergstrom stated that normally you do not bid out for engineering or architectural services, and that it's kind of unethical.

Civil Service Rules/Testing Requirements

Mr. Pelot stated this came about due to the Civil Service not having their own set of rules and regulations and that Mr. Kostoff has been working with them on this for some time. Mr. Ryland concurred adding that the testing process is rather cumbersome. Mr. Ryland stated that by the Charter we can establish rules and this streamlines the process. Mr. Ryland indicated that this does not change the rights or status of any civil service employee. Mr. Pelot questioned classification Rule 5 on page #8 Unclassified/Classified positions I-Clerk of City Administration/Court. Mr. Pelot stated we don't have Administration Court. Mr. Pelot indicated the Administration's job description shows this individual as Classified, but this document shows him as unclassified. Mr. Pelot brought up a discrepancy in the job description of the Clerk of Court.

Mr. Pelot indicated he was not really sure exactly where this employee falls and wondered if there were any other discrepancies. Mr. Pelot stated he knows that this employee is civil service and non-union. Mr. Ryland stated that was correct, adding that this employee is a classified non-union employee. Mr. Ryland stated he would look into that for any other errors. Mr. Ryland stated that he in regards to the Administration job description, he believed it meant that anyone listed as classified, they were non-union. Mr. Zita stated there was some question in the past for term limits for members serving on the commission and Mr. Ryland indicated this has now been clarified and addressed. Mr. Pelot asked to have these issues clarified and we would leave this on the next Committee Work Session. Mr. Ryland clarified that this by no means affects anyone that is currently employed.

ODOT Legislation-Greenwich Road Paving

Mr. Nicolard turned this discussion over to Mr. Ryland for the details. Mr. Ryland indicated that this project is slated to be let on March 11, 2010. Originally we thought it was a local let and now we have just recently learned it is an ODOT let project and new legislation is required. Mr. Bergstrom asked about setting aside six (6) percent funding for any change orders, and Mr. Moss indicated this is factored into the construction cost. Mr. Nicolard moved to place Ord. #13-2010 on Councils Special agenda later tonight, waiving the second and third readings, as an emergency, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mrs. Hlas discussed another piece of legislation that goes along with this ODOT request, which is for the financing of a note. Mrs. Hlas turned that discussion over to Mr. Moss for the details. Mr. Moss stated that because of this project now being a State let project, we need to have the funding in place to be sufficient to cover the costs, and he rounded the number up ten (10) percent to cover any extras. Mrs. Hlas moved to add Ord. #14-2010 to Councils Special agenda later tonight, waiving the second and third readings, as an emergency, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Key Personnel City Cell Phone Usage

Mr. Pelot stated that if certain City employees are required to be on call 24/7 they need to be provided with a City cell phone. Mr. Moss indicated that due to Federal tax laws there are some requirements to protect the city. One way is to purchase the phones and give them to the employee as a benefit and they are responsible for the service plan and there are tax implications relating to that.

Mr. Ryland indicated that this affects six (6) employees; Mr. Moss, Chief Hete, Chief Schultz, Ted Weinsheimer, Russ Arters and himself. Mr. Ryland indicated that at the end of the year a 1099 tax form would be issued to the employee. Mr. Moss stated that the City owns the phone and the number but when the employee leaves they turn in the phone. Mr. Pelot moved to place this on Council's next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Nicolard.

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

Motion passed 7-0.

New Agricultural District

Mr. Braman stated spring is coming and there could be more of these filings. Mr. Braman stated that the Blankenship's have 80 plus acres and are asking to change their zoning to Agriculture District. This gives them a break for some things they might do on their property; it does not give them any kind of a tax break. Mr. Braman stated the first reading would be on February 8, 2010. A public hearing is required and would be held at the second reading on February 22, 2010. Mr. Braman indicated the Planning Commission must also hear this and it's on their agenda for February 9, 2010. Mr. Braman moved to place this on Council's next agenda for a first reading only, seconded by Mr. Pelot.

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

Motion passed 7-0.

Unfinished Business:

Mr. Mowery stated that he would have liked to address this issue to the Mayor, but he has already left the meeting. Mr. Mowery discussed letters the City of Barberton sent out to the Brentwood Estates residents about not being charged the \$1600.00 access fees. Mr. Mowery questioned if this was due to the recent land deal we had with Barberton for the Barberton Schools? Mr. Ryland replied yes. Mr. Mowery stated that now these residents are being charged a \$5.00 surcharge fee, which they were never told about and this is new to these residents. Mr. Mowery discussed the issues with new water meters in this development. Mr. Zita stated that the surcharges has been on Matters Referred for some time and asked if we should have some future discussions on this? Mr. Hlas stated that she has discussed this with Mr. Bergstrom recently. Mrs. Hlas stated that it has always been Council's thought that we would look at eliminating the surcharges and this is the appropriate time to do it. Mr. Alex Stavarz, a Norton resident he recalled this being discussed last year when Council decided to adjust the tax credits. Mr. Bergstrom asked to have this discussion at the next Work Session.

New Business:

None

Public Comment-Agenda and Non Agenda Items:

Mr. Lehner, a Norton resident, discussed Section 2.02 of the Council Rules relating to speaking on non-agenda items and felt this was a little confusing. Mr. Zita clarified what a non-agenda item would be and when the residents could speak. Mr. Lehner spoke about a rumor that the City was out of salt already and that he had mentioned this to the Ward 4 Councilman and the Clerk of Council. Mr. Ryland assured everyone that the City is not out of salt.

Topics for the next Work Session:

Set a date for the annual workshop, zip code, Collier Road paving, surcharge fees, tap in fees, construction manager for the new Fire Station.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:20 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.