



## COMMITTEE WORK SESSION MARCH 15, 2010

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

**Also Present:** Mayor David Koontz  
Rick Ryland-Excused  
John Moss-Excused  
Dave White-Municipal Engineer  
Patricia Ryan, Zoning Inspector  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Monday, March 15, 2010 at 7:00 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:**

#### **Greenwich Road Sewer-Water Lines Project**

Mr. Bergstrom stated as a utility and sanitary sewer concern we have the Municipal Engineer, Mr. Dave White present to discuss the details. Mr. White stated our primary concern here is to get the water and sanitary sewer lines in and to expedite this schedule of occupying the new fire station. Mr. White indicated the Administration would need full cooperation with Council in passing legislation on the first reading with emergency language in order to meet all the required time lines. Mr. White discussed the possibility of residents protesting the project, which would require an Assessment Board and hearings. The plan is to eventually bring in sewer and water lines along Greenwich Road west up past Brookside toward the top of the hill at full schedule. Phase I will just bring it past the fire station and includes approximately twenty-two (22) homes. Mayor Koontz stated the normal construction schedule is nine (9) months or completed by September 28, 2010. The building will have to be tested before occupying, which can take thirty days or more to complete. Mr. White indicated that the water and sanitary sewer lines would be done at the same time.

Mrs. Hlas asked where these lines would begin and end and Mr. White stated it starts at the end of the current line at the road in front of city hall and goes to Brookside Road. Mr. Bergstrom questioned the scheduled paving for Greenwich Road by ODOT. Mr. White stated that ODOT is aware of our new construction and that all of the lines will be off to the side of the roadway on the shoulders. Mr. Pelot asked if there was any funding available and Mayor Koontz replied no. The only funding out there was for projects that were well under way and fully designed. Mr. Nicolard cautioned that we should not allow one contractor to interfere with another and Mr. White stated we are doing our best to slow ODOT down on their project. Mr. White indicated that for Phase I we are only assessing for the sewer lines. We had originally calculated assessing \$25,000.00 for both the water and sanitary sewer lines, but felt this was too much for the residents. The Fire Dept. is essentially paying for all of the water line and if and when a resident connects and taps into that waterline, the Fire Dept. would be reimbursed for that cost. Mr. White indicated that as with most projects in the past everything has been coming in under the estimated budget. Mr. Mowery questioned when would the residents be notified and asked how long this has been in the works and being discussed? Mr. Nicolard stated we are so far behind the times in getting water and sewer in this city, we owe it to the citizens to get it to them. Mr. Pelot stated that when most of us were running for office, we were running on the platform of getting water and sewer into the city. Mr. Mowery stated that might be so, but at that time he was stating we have to make it affordable to the residents. Mr. Mowery stated that he did not think this was affordable or feasible and the residents will not agree with this. It will be interesting to know what the residents have to say on this and hopefully they will get to have their say on it. Mr. Bergstrom stated we need water and sewer and this is the best economical time to do it and if you group it all into a bigger job it would be less expensive. Mr. Zita stated there is no better time than now to make it affordable. The contractors are all out there looking for work and offering the bid prices well under the engineer's estimates. Mrs. Hlas reminded everyone that we all have a copy of the EPA report, which listed eleven (11) items and the second one cited the city for failure to implement plans to correct the seventy (70) percent of the populations failed septic systems. Mrs. Hlas stated that as Council members it is our duty to implement a plan and this is our plan. Mr. Pelot stated that although he can feel for Mr. Mowery's concerns, he too has lost his job in these tough economic times. Mr. Pelot reminded Mr. Mowery of Mr. White's comment earlier about the costs coming in lower than expected. These construction companies are bidding at their rock bottom prices because they need and want the work. You will not get it any cheaper for these residents. Although it may seem like now is not the time; next year when the economy begins to pick up these costs will also go up. Mr. Mowery stated that right now he cannot go along with this, it's too much and too fast. He is only going back to what is best for the residents. Mayor Koontz stated that even with the proposed schedule the bids would not even go out until May 27, 2010, that's not rushing things. Mr. Braman stated it is a lot of money, but it's less than a septic system. Mr. Mowery disagreed, adding the septic system costs are all different, they depend on the site and soil conditions. Mr. Nicolard stated he was shocked to think that the EPA would still be issuing permits for septic systems in this city, we cannot continue to keep putting in septic systems.

Mr. Nicolard stated that whether the economy begins to turn around or now we will still have to deal with the inflation coming our way in the next several years. These rates could easily go up twenty (20) percent in the next year, not to mention the contractors increasing their fees because they get busier. Mr. Nicolard moved to add a Resolution of Necessity to Councils next agenda with emergency language, waiving the second and third readings, seconded by Mr. Braman.

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

Motion passed 5-1.

PC Res. #5-2010 Moratorium on Internet Café Sweepstake Businesses

Mr. Braman stated the Zoning Dept. would like to have a moratorium on all of these Internet café's that are springing up all over our city. They need some time to review and write up rules and regulations, close to what we did with the games of skill in Ord. #16-2007. Mr. Braman turned this discussion over to Ms. Ryan for the details. Ms. Ryan stated we currently have one (1) skill based turning over into an Internet café on Wadsworth Road, and we already have (3) three Internet cafes in business. That will be a total of four (4). There are other cities looking at regulating these, but you cannot outlaw them, you can only make them a conditional use. There was discussion on the methods of operation and the differences between the two. Mr. Nicolard questioned whether or not this is considered gambling? Ms. Ryan stated there are some legal opinions out there that go either way. Mr. Robert Copen, a Norton resident, stated this is another place where Norton wants no businesses in Norton. Mr. Copen stated that a lady applied today and had to pay \$300.00 in application fees to the city to do this. Mr. Copen stated that the Ohio Attorney General currently has seven (7) lawsuits against them, and they have already lost six (6) so far. Mr. Copen stated this is not gambling. Mr. Copen stated that the Norton Fireman's Bingo Hall was built for that purpose and it was approved by the city. Mr. Copen questioned if the three (3) café's that are currently in operation are even paying city income tax? At least when the Norton Fireman's Bingo Hall was operating the city was getting tax money. Ms. Ryan explained that the \$300.00 was for a site plan review and is required for all businesses. This is how the city monitors a new business, how they will be operating, number of employees, number of parking spaces, etc. They come before the Planning Commission and explain their full operations; it's basically a safeguard for both the business owner and the city. Mr. Braman stated this is just for a moratorium so they can have the time to thoroughly review everything. Mr. Pelot questioned what happens to any new applications before now and then? Ms. Ryan stated all application would be processed until the legislation becomes law. Once that law goes into effect there will be no approvals during that six (6) month time. Mr. Pelot asked if they would consider taking less time, like three (6) months? Ms. Ryan indicated they would need the full six (6) months to review and implement and changes. Mr. Braman moved to place this on Councils next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Bergstrom.

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

Motion passed 5-1.

#### Trash Haulers Services

Mr. Bergstrom stated that although this seems to be a continuing topic of discussion, he recently learned that a survey conducted by Akron University for the city in 1982 regarding the Comprehensive Plan, sixty-one (61) percent of the residents were in favor of one trash hauler. Mr. Bergstrom stated that now he feels that number would be the same if not higher, and that it is no longer necessary to waste the time doing another survey. Mr. Bergstrom stated that our Council Clerk has put out some service questions to other communities and we are waiting for that feedback. Mr. Nicolard stated that spring weather is here, traffic will be increasing and now is the time to get moving on this. It's time to ask the Administration to prepare the bid document sheet and get going. Mr. Bergstrom stated he has been discussing that with Mr. Ryland and he as already in that process, but Council needs to be working on how we should handle the billing. We also need to look at doing this in quadrants, what days of the week, hours, do we charge for fuel increases, etc. Mrs. Hlas stated in the last proposal we had a fuel surcharge, it was a certain amount and could only be raised once a year. Mr. Nicolard felt the city should be doing its own billing this way we will know who is getting the service and we can handle the complaints. If the contractor does not perform according to the contract we are in control. Mr. Nicolard stated as city service, we need to take the bull by the horns and do this ourselves, where we have the control and oversight. Mr. Zita stated that may sound good but keep in mind that we farm out the income tax collections, because its so hard to keep up with who is living in the city and who isn't. Mr. Bergstrom agreed, and that perhaps having a third party doing the billing would be an idea. Mayor Koontz stated that Wadsworth has their own water, cable, trash trucks, and they use CCA for their tax collections. Mr. Zita suggested having a drafted proposal prepared for the Workshop on April 24, 2010. Mr. Bergstrom requested the Administration prepare the bid package for its first review at the April 5, 2010 Work Session, and then maybe continue the discussions on April 24, 2010 at the Workshop. Mr. Mowery asked if the citizens would have a opt-out plan and Mrs. Hlas replied no, that's the point of having one city wide trash hauler.

#### PC Res. #4-2010 Agricultural District Renewal

Mr. Braman stated this is a renewal application for almost twenty (20) acres for James and Danusia Casteel. Mr. Braman provided a little history on this parcel. Between 1830 and 1850 this property was owned by Daniel Andre or Andrew. At that time the farm was 60 acres, and since has been subdivided. The records show this was one of the first Norton businesses as a coal mine. They claim it produced a superior quality of coal. The mine is gone but the remnants still can be seen there. Mr. Braman stated that the original owner is also his great great Grandfather, however he is not related to the current owner. Mr. Braman moved to add this to Councils next agenda for a first reading, The public hearing will be held at that time and the second reading will take place on April 12, 2010, with emergency language due to the time restrictions, seconded by Mr. Pelot.

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

Motion passed 6-0.

**Unfinished Business:**

Mr. Mowery advised Council and Administration on the issue with the Fire Lanes, and increase in parking tickets; he has been talking with Albrecht and some of the business owners. He is trying to come up with a win-win situation for both parties and come up with an educated decision on which way we want to go with this. Mr. Mowery questioned Mayor Koontz on the issues with the Brentwood water negotiations? Mayor Koontz stated the meetings he recently had with Mayor Genet and County Executive Pry focused on the sewer because of the County involvement. As far as the water, Mr. Ryland has been working on the meter issue with various plumbers and last he heard was that it may be less involved than we originally thought. Mr. Mowery discussed the Water and Sewer Agreement, page #16 where it states unless Norton exercises its option for wholesale water service, at that time we would purchase the meters. Mr. Mowery stated that basically it's a Barberton issue, or a convenience of Barberton and the burden of that costs should be on Barberton Utilities, not on the residents. Mr. Mowery stated at the price they are charging that's over \$60,000.00 in revenue all going to Barberton. Mr. Mowery discussed problems with water pressure and asked if we need a loop in the lines in this area? Mayor Koontz stated that eventually we would need to have several water towers in order to solve these issues. Mr. Nicolard discussed the master metering issue and hoped we would eventually become our own wholesaler and stay on track with this. Mr. Bergstrom stated that last week he spoke with Congresswoman Betty Sutton regarding our zip code issue and trunk lines. She is very much in favor and supportive of these issues, and he encouraged all Council members to call her office and email her asking for her support. If this means putting together a presentation team and taking it to Congress, he is willing to go there and get it done. Mr. Pelot questioned the Mayor about the status of getting a grant writer for the city. Mayor Koontz stated that Mr. Ryland has already talked to some firms out there. Some firms like to do them in a group and there are some individuals out there than can do them on a project by project basis. Mr. Nicolard noted that Sgt. Nagy seems to be very successful in getting grants approved for the Norton Police Dept., and suggested we look into that option for Administration. Mayor Koontz stated he would ask Mr. Ryland to look into that option for us. Mr. Bergstrom stated he is still looking to see the list from Administration on the pros and cons to options to our sewers; wholesale, master metering and so forth.

**New Business: -None**

**Public Comment-Agenda and Non Agenda Items:**

Mr. Jim Lino, a Norton resident, discussed the Greenwich Road sewer lines and that not everyone will need to put in a septic system, also questioned if there were any other fees involved like tap ins or connections. Mr. Lino stated Council should consider working on their Council Rules since you seem to be adopting everything with emergency language

and it just seems to waste so much time. Why don't you just say you are only going to have one reading? Mr. Lino discussed the cost involved for being in business in Norton and the JEDD agreement. Mr. Lino stated it would have been nice you would have had a crystal ball and look at that old fire station now.

**Topics for the next Work Session:**

Fire Lane Parking Ordinances, Trash Hauler Services

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:19 PM.

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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.**