



## COMMITTEE WORK SESSION JULY 6, 2010

**Committee Members Present:** Todd Bergstrom  
Don Nicolard  
Brenda Hlas  
Bill Mowery (Excused at 8:35 PM)  
Ken Braman  
Scott Pelot  
Mike Zita

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

The Committee Work Session convened on Monday, July 6, 2010 at 7:04 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:**

**Energy Conservation Presentation by Mark A. Wutz, P.E., LEED A.P., Director, Energy & Commissioning Services for URS Corporation**

Mr. Zita introduced Mr. Wutz for the discussion. Mr. Wutz gave a brief overview of the services they provide for Summit County (see attached). Mr. Wutz indicated in their review of the County they take a look at their utility bills, visit all of their buildings, look over all the mechanical units, windows, doors, etc. From that information they develop a cost saving plan and provide options whether its performance contracts, corrective action plans for future corrections, etc., Mr. Bergstrom asked what is the best option for the City of Norton? Mr. Wutz replied probably a performance contract because the plus side to this is the speed of implementation, although you are still carrying the debt either way over a ten (10) year period. Mr. Wutz stated that with a performance contract its basically free because you are not hiring anyone initially. Mr. Ryland briefly discussed the costs of consulting and the various grants available to the City. Mr. Pelot questioned the experience with solar panels and the longevity of them and Mr. Wutz was not sure but the payback is usually about 40-50 years and that Akron University recently installed them. Mr. Jim Lino, a Norton resident, stated that the government is pushing us to get into using LED replacements and they are very expensive at about \$60.00 per bulb.

Mr. Lino was concerned that if we go this expense now what if the government comes along later and says its not good enough and wants us to go wit LED's because they are better? Mr. Wutz stated that although right now the LED's are expensive, in the future the demands will drive costs down, the trade off is the longer life.

#### Charter Amendments

Mr. Pelot stated one of the Charter amendments was to bring the two (2) At Large Council seats back to the voters to put it back on the ballot to let public truly understand what the repercussions are if we stay with five (5) Council members. Mr. Pelot stated we have had some discussions of having the public electing the President and Vice President and asked Council for their feedback. Mr. Pelot stated this amendment and the others would be having a third reading next week. Mr. Nicolard stated he brought this up at the Saturday Workshop and is all in favor of electing a Council President and having six (6) Council members. He is not in favor of going back to the voters and asking them to go back to the original seven (7). Having the residents electing their President of Council gives them their right to choose who they want as President of Council. If we are down to five (5) we will really be hamstrung here in the city. Mr. Bergstrom stated as he has before that we really need seven (7) but argued against the need and benefit of the residents electing a President or Vice President of Council. Mr. Bergstrom stated if we go back to the public asking for seven (7) they will just give it back to us again. Mr. Bergstrom stated that he believes the public understood that a Charter change came from Council so they must have wanted it and it must be a good thing and maybe that's why they supported it. Mrs. Hlas stated we all need to be on the same page here, she could support electing a President and a Vice President, but was not too keen on having only six (6) Council members. Mr. Bergstrom stated that if we have five (5) in 2012 in order to have any Charter Changes it must be by unanimous decisions. Mr. Braman agreed with Mr. Nicolard, he checked the records at the Board of Elections and in every ward and every precinct, the voters said they wanted five (5) Council members. He felt we really need seven (7) but the voters told us they want to see five (5). Mr. Braman stated let the voters decide on a President or a Vice President. Mr. Zita discussed the scenario of the President being the top vote getter maybe with 2,000 votes and the Vice President only gets 500 votes. Mr. Zita suggested the person in second place running for President should get the Vice President seat by default not someone with just 500 votes. Mr. Pelot stated that we know what this impact is going to mean to get things done at city hall and he felt most residents when they voted for this truly did know understand this impact. Its our job to put in the ballot and to educate the voters and if they still believe its best to keep Council to five (5) then so be it. Mr. Nicolard moved to place legislation on Councils next agenda for the residents to elect a Council President citywide bring Council to a total of 6 members, seconded by Mr. Braman.

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

Motion failed 2-5.

Mr. Pelot asked if you couldn't support that, then what about electing a Council President and a Vice President both At Large? Mrs. Hlas stated lets all compromise here. Mr. Braman and Mr. Nicolard would be getting what they would like, to have a council President elected, cant all of you support that? Mr. Bergstrom asked what was the whole reason for the reduction in the first place other than saving money, and if that's the case then we are not solving that issue. Mr. Bergstrom stated he is sticking to his guns to stay with seven (7), but his main problem is with the election of President and Vice President. Mr. Pelot asked what would be the drawback of allowing the residents the rights to choose? Mr. Bergstrom stated he would be afraid we would have a leader in office four (4) years and cannot do the job and be a leader. Mr. Nicolard moved to place legislation on Councils agenda electing a President and a Vice President and one At Large to a for (4) year term beginning in 2012. Mr. Mowery stated he has been on Council since 1999 and this whole thing about the President is just a game. Mr. Mowery stated he was Vice President his first year on Council and he did absolutely nothing different. The President really does not do anything special other than run the meeting. The President has no more power than the rest of us. If you want to really do something more for this city, give back the extra \$1,000.00 of your salary to the City. You are not even giving the voters decision of five (5) a chance. Mrs. Hlas stated we are just trying to give them an opportunity to rethink it. Mrs. Hlas stated in hindsight we should have promoted the negative impact, and educated everyone more about this back then, but she kept her mouth shut which she know feels was a wrong approach. Mr. Mowery stated that he felt the people should expect more from their At Large reps. Mr. Nicolard repeated his original motion, however there was no second to Mr. Nicolard's motion. Mr. Pelot stated he did agree with both sides of the arguments of the Council President issue. Mr. Pelot stated that as Mr. Mowery pointed out, the President really does not have any more power; the President does a lot more than the other members. The President works very closely with Karla on setting the agenda, there is a lot of work going into that. Mr. Pelot stated he liked the idea of electing a Council President and two At Large. Mr. Pelot moved to amend the current Charter amendment Ord. #63-2010 to change it to the election of two (2) At Large seats, and the Council President seat being separate, seconded by Mrs. Hlas.

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

Motion failed 3-1-3.

Ms. Whipkey stated that the Law Director handed out a memorandum last week and asked if this was still true and that if you are going to educate us? Ms. Whipkey stated to begin with since we need go back and re-vote on this since we did not understand it why not put the fire levy back on the ballot since we didn't understand that one either? Ms. Whipkey stated that currently under our Charter it takes five (5) votes to get a Charter amendment on the ballot. According to this memorandum it would take four (4), not five (5) of the Council members, so you have got that wrong and you need to do your homework before you start spouting on how this is going to affect things.

Also, its not the Charter this is going to affect things, its your codified ordinances; specifically sections 1230.14, 1256.10 and 1298.05. Those all stated that you need five (5) votes of Council, go back and change those to fit the new members of Council, problems all solved. Ms. Whipkey stated one Council member had a great suggestion if the President of Council has to take the Mayors position, at the next General Election we would get to vote our Mayor in. Mrs. Elaine Tompkins, a Norton resident, stated she was puzzled why Council thinks they are so hamstrung with five (5) people? Mathematically with two thirds you can still pass legislation with three votes. You can also do Charter amendments with four (4) people contrary to what is being portrayed here. There are all kinds of things here that are not even being considered here and you are imagining that you are being hamstrung with just having five (5) people. Ms. Tompkins stated she is willing to stand by the voters and keep the five (5) that were put in last year. Mr. Lino, a Norton resident, commented on all of the legislation that was adopted last week with the emergency language. Mr. Lino stated that all but one of them passed. Mr. Lino stated that if you have five (5) and its something good then you all vote yes and it should not be a problem.

#### ODOT Consent Legislation-Clark Mill Bridge/I-76

Mr. Nicolard stated this is for bridgework on Clark Mill Road over I-76 and turned this over to Mr. Ryland for the details. Mr. Ryland indicated that ODOT is picking up 100 % of the replacement cost for the bridge, the city will pick up the costs for any utilities and easement issues. Mr. Nicolard moved to add this to Councils next agenda, waiving the second and third readings with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

#### Newpark Project Grant

Mrs. Hlas turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated nearly three (3) years ago we came to Council advising we would be apply for Issue I grant funding. This funding is to improve Newpark Drive to alleviate the flooding for these business owners. The plan was to build a retention area, raising the road, storm water work, water and sewer utilities. We were notified last week that we are to receive the funding for \$595,983.00 and an SCIP low interest loan in the amount of \$281,000.00. We will need a resolution of the acceptance of this money in order to begin this project, which is a 50/50 grant. The other portion will be assessed to the business owners and we will be coming back to Council with that later on. Mrs. Hlas clarified the fifty percent would be roughly \$900,000.00 and Mr. Ryland concurred and the other fifty percent would be assessed among the thirteen (13) business owners. Mrs. Hlas asked if we had any feedback from these owners? Mr. Ryland stated he has met continually with these owners off and on over these past three years and only one has voiced his opposition to this assessment. Mrs. Hlas moved to add this to Councils next agenda waiving the second and third readings, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

#### MAD Discussions

Mr. Mowery stated that due to time constraints he did not have anything to add, and asked of Council or the public has any questions or comments. Mrs. Tompkins stated she felt like scolding Council for allowing all the residents to be charged twice for the same service. Summit County provides this service we are pay taxes for it and then we are also being assessed by the MAD for the same thing-Why? This MAD was imposed on all of us by a Judge without our vote, and there is action in the Senate on how that took place. Ms. Tompkins stated that the State of Ohio is not overly charmed with how the MAD is operating and felt that Council needs to ask the Law Director to ask the Courts to release Norton from all of this. Mrs. Tompkins stated that MAD is also spraying in Doylestown supposedly doing it for free for thirty (30) days, while we are paying for this. Mr. Lino stated that Summit County used to do this before MAD came along. Mr. Lino stated that he used to see MAD more often, and now he does not see them that often. Mrs. Hlas clarified that before the MAD came along it was the Barberton Health District that sprayed not the County. Mrs. Hlas stated that we are not paying twice for the same services. Mrs. Hlas stated that Mr. Hasenyager of the Summit County Health District was here in June of 2009 and read a portion of those minutes which read: *Mr. Jones inquired about the mosquito spraying program dates, and Mr. Hasenyager replied they don't set fixed dates, its done based on counts, and the weather, rain, etc. Mr. Hasenyager stated that it would be best if the MAD focused their spraying on the ditches and other hot spots. Mr. Jones stated he thought it was in their contract that we would get sprayed at least once a month. Mr. Hasenyager stated this is not the case, it may have been that way in the contract back from 2000. Now we do it based on the need which better manages our costs and the health concerns for your residents.* Mr. Bergstrom stated he was not clear on what the contract with County states the service and the MAD was formed, and Mr. Pelot gave a brief overview of the history. Mrs. Hlas stated she pays less than \$20.00 a year and they will come out and do spot spraying for you once a year for parties at no cost.

#### Sanitary Sewer Projects-City's Cost

Mr. Bergstrom stated that we had discussed the city setting a course in concrete to start picking up our share of the costs for such as engineering, legal fees, etc. Mr. Zita stated that he understood that on assessed projects only 98% can be assessed and Mr. Ryland clarified that its 98 % of the construction costs. Mrs. Hlas stated that the last time we discussed this Mr. Moss was to do some calculations, and was not sure it he had time to do that yet. Mr. Moss briefly discussed how this would be paid over time, and comparisons to the alternatives of doing their own septic systems. Mr. Ryland stated there are many costs to consider when calculating a formula that would work on every project and that he would rather not focus doing a percentage. Mr. Ryland stated you have engineering, permits, legal fees, and advertising to consider those items.

Mr. Bergstrom stated that when we do bigger projects you would get better pricing for the engineering and construction, however we also have more up front costs for the city to consider too. There was discussion as to the time line for Council and the Administration to consider this and Mr. Ryland indicated this would be up to Council's discretion.

#### Purchase Agreement-Barber Road Property

Mr. Zita turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that ODOT has contacted the City with a purchase offer for a parcel of land on Barber Road next to the former adult video store, which is the same exact size. Mr. Ryland indicated stated that ODOT has offered it to us at the appraised value of \$110,000.00 and if we turn it down it would go up for auction. Mr. Ryland stated if that happens, he felt the former bookstore owners have deep pockets and would probably purchase it. If the city were to purchase this we could turn it into commercial business or hold onto it for a while. Mr. Ryland stated the offer would be a down payment this year of \$9,500.00 and the balance in 2011. Mr. Ryland noted that this was zoned to B3 several years ago. Mr. Zita moved to add this to Councils next agenda, seconded by Mrs. Hlas.

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

Motion passed 6-0.

#### Uniform Allowances-Part Time Police

Mr. Pelot stated the uniforms were covered in the MPO, which no longer exists. The simplest way would be to address that is with legislation. Mr. Ryland stated that we will have part time officers and he recommends they receive the same as the collective bargaining agreements. Mr. Zita asked what time of year is this granted and Mr. Ryland replied it's paid out in February of each year. Mr. Ryland stated that can be negotiated pro-rated or advanced within their pay and is an Administrative function. Mr. Pelot moved to add legislation to Councils next agenda to mirror the collective bargaining unit agreement, waiving the second and third readings, seconded by Mr. Nicolard.

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

Motion passed 6-0.

#### 2010 Road Program Bid Results

Mr. Nicolard turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that all the bids came in under Engineers estimates. The paving of hot mix for Greenridge and Durham was \$183,680.00. Mr. Ryland noted a change of information in the packet for the price of Hartzel, Lowell & Long from \$78,743.20 to \$43,993.50. This was due to the contractor changing the construction process to what is called a reclamation process, which reduced the costs dramatically.

Mr. Bergstrom had issues with this change in the bid process and Mr. Ryland stated there was no need for his concerns because for one reason he was the only bidder for that section. Secondly this is considered as change order. There was discussion as to the amount left in the 2010 Road Budget and Mr. Moss replied it was \$180,000.00 and we do have some engineering set aside that was not used and we can use some of that and shift some of the carry over balances. Mr. Moss stated that with all of that being said, we still fall short by about \$21,000.00 There was discussion of not doing Greenridge at all and doing other streets such as Clubside, Maco to the church, Lakeland and Hillier, Hartzel, Long and Lowell, for \$164,976.00. Mr. Pelot felt if we do a more expensive project now we would get a better bang for our buck, then we could do those other roads in the spring. Mr. Nicolard stated that although Greenridge Road is in his ward, these other roads are nearly impassable and really need attention now and cannot wait until the spring. Mr. Nicolard stated that he understands we would have to bid for Clubside, Lakeland, Hillier, and Maco for the reclamation process. Mr. Ryland stated that could all be accomplished and have it back by the time Council returns from summer recess. Mr. Bergstrom asked about the life expectancy of this process and Mr. Ryland replied it was used in Columbia Heights and we have ten (10) years on this now. Mr. Pelot still disagreed, adding that if you are going to put the money into this, do it right. There was discussion about the city's original plan of chasing the water lines when doing the road programs, and Mr. Nicolard stated however many of these roads are dirt roads and may not get plowed this winter. Mr. Moss stated the \$210,000.00 is there, and you could go forward with what is on the table and still go out advertise for unit pricing. We could use the carryover balance in the fund for at least Clubside and maybe even more. That would leave enough to fund a \$47,000.00 to \$50,000.00 or a little bit more. Mr. Nicolard moved to authorize the Administration to go advertise and receive the bids and unit pricing and authorize the Board of Control for these additional roads, waiving second and third readings, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

Mr. Nicolard moved to accept and award the bids and authorize the Administration to enter into contracts for Greenridge Road & Durham Road, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

Mrs. Hlas moved to adjust the 2010 Budget in amount able to handle the 2010 Road program with Mr. Moss to submit the exact amount, seconded by Mr. Nicolard.

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

Motion passed 6-0.

**Unfinished Business:**

None

**New Business:**

Mr. Bergstrom stated that with the new rezoning pending along Cleveland-Massillon Road, he felt it was time to revisit discussions on the City's Comprehensive Plan in the near future.

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

There were none for this evening

**Topics for the next Work Session:**

Mr. Moss stated he would have something ready when Council returns for accepting the County Rates and Amounts which is done annually, in addition there would be various Budget changes to address.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:31 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.**