



COMMITTEE WORK SESSION OCTOBER 1, 2012

Committee Members Present: Dennis McGlone
Charlotte Whipkey-Excused
Scott Pelot-Excused
Bill Mowery
John Conklin
Todd Bergstrom
Don Nicolard

Also Present: Mayor Mike Zita
Rick Ryland
Laura Starosta
Karla Richards
Russ Arters
Ann Campbell

The Committee Work Session convened on Monday, October 1, 2012 at 7:01PM in the Council Chambers of the Safety Administration Building. The meeting was called to order by Don Nicolard, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent reflection.

General Topics of Discussion:

Road Program:

Mr. Bergstrom stated that he would like to combine Items A & B since they go hand in hand. Mr. Bergstrom stated that we have set aside \$400,000.00 for this year and our philosophy is for maintenance and lifetime. We need to define exactly how much we are putting in to the 2013 Road Program. Mr. Bergstrom stated that he has discussed the Summit County's road program with Mr. Brubaker and they have only been doing this for the past few years. It is something we need to consider and he has received copies of this years bid program and we need to evaluate if this is something feasible we need to consider. Mr. Ryland indicated that there is a meeting at Summit County this Thursday, October 4, 2012. Mr. Bergstrom discussed the evaluating of the road conditions, and suggested we may want to look at getting a road engineer to work with us, as he was not sure Mr. White has that much expertise in roads. Mr. Bergstrom stated that maybe for 2013 it could be higher like \$800,000.00. Mrs. Starosta stated she preliminary intended to roll over the \$400,000.00 from this year into next year. There is a potential to increase this for next year and right now we are at \$430,000.00. Mr. Bergstrom and Mr. Ryland concurred there has been nothing spent out of that \$430,000.00 from this year.

Mr. Nicolard stated this past February we discussed being proactive and here we sit in October and missed the road paving process. Whatever we do next year he hoped we set a time line and stick to it. Mr. McGlone stated he would like to see a few more roads and adding more funding for next year. Mrs. Starosta stated we would have about \$100,000.00 carryover into next year. Mr. Conklin asked if we could get to \$500,000.00? Mrs. Starosta stated she has to complete a review of this fund and the Budget process before committing additional funds. Mr. Bergstrom stated he would like to see that figure double for next year. Mr. Mowery asked how you do you bump up that fund, by cutting back elsewhere? Mrs. Starosta replied it is the same way we always do it, it's Council discretion and if the general fun can support it then we can. Mayor Zita reminded everyone that Council turned down Mrs. Starosta request last week to move \$20,000.00 in into the Road Program. Ms. Karen Harley, 3432 Harper Avenue, Norton, Ohio, asked if we did not use the \$430,000.00 this year wouldn't that just be rolled over to 2013 and possibly add more to create \$500,000.00? Mrs. Starosta stated that later this year she would be asking Council to reduce this year's budget by that amount before rolling it into next year. Mr. Bergstrom stated that we need to provide Administration with a dollar range we would like to spend. Mrs. Patricia Reese, 4052 Wadsworth Road, Norton, Ohio, asked if we knew many miles of roads that need to be repaired, how could you set a budget not knowing this? Right now you cannot go into a single allotment without finding a crappy road. Mr. Bergstrom stated last year we discussed doing crack seal on some of the better roads to extent the life. Mr. Ryland stated that process was a cost \$165,000.00. Ms. Reese asked if you know what are the worse roads in the city? Mr. Bergstrom replied, yes that list is called a "no plow list" and these roads require a full depth repair. There was discussion on why and how it came to be that we did not get this year's program done. Our philosophy this was year was to focus on maintaining our best roads first. Ms. Reese suggested the City concentrate on our roads as a priority, and wants to see her tax money put to good use. Andrew Lehner, 3853 Easton Road, Norton, Ohio, stated he understands where you are with the budget, but has concerns this winter with safety/EMS if they are impassable? Mr. Ryland stated we have no roads that are impassable. Mr. Lehner asked about the no plow roads and Mr. Ryland replied that we still get to them, we have to be gingerly with them so we don't make it worse. Mr. McGlone stated Mrs. Starosta needs direction for her to prepare. Mr. Bergstrom suggested \$600,000.00 and if we have to trim it back then we will. Mrs. Starosta stated she could prepare something from the \$430,000.000 to \$600,000.00 with a priority listing if we have to scale it back. Mr. Mowery asked if we recently paid anyone to go out and grind/inspect our roads and Mr. Ryland replied no. Mr. Ryland stated if we go to the County, we tell them the lane miles and product we want to see and they put this into their overall bid specs. Mr. Mowery asked about Maco Drive and Mr. Ryland replied it stopped at the church. Mr. Mowery discussed a past meeting with Brentwood Estates representative, Mr. Ryland and the Mayor. They presented to the City to do at least one road per year done the proper way and to come up with the exact price. Mr. Ryland stated we are meeting this week and hope to get bidding out by February and would be locked in for the entire year. Mr. Bergstrom discussed a self-imposed assessment and asked where the residents stand? Mr. Mowery stated the residents feel the City should bear the costs.

Mr. Bergstrom asked how would you decide where to start and Mr. Mowery replied you have to start somewhere and do it right. Mr. Bergstrom discussed the pitfalls with delaying basic maintenance on one road, then we find out that road will need full replacement 3-4 years earlier than we planned. Mayor Zita reminded everyone about the current conditions of certain roads, some are better, some roads are worse than others and will eat away at the budget faster. Mr. Bergstrom stated that unless we find a way to bring in a better revenue source, we would never get caught up. Mr. Hetrick, 3300 Glenbrook Drive, Norton, Ohio, discussed the crack sealing done to his road and it's in pretty good shape considering Norton's standard. Mr. Hetrick stated for four (4) years he has been hounding the City to keep up with the crack sealing, and still nothing has been done. Mr. Hetrick stated he really feels for the residents in Brentwood, that is not really even a road. Danny Grether, 2831 Brookfield Drive, Norton, Ohio, commented on both of these subjects, and about loose gravel being hazardous to kids on bikes, skateboards, etc. Mr. Grether stated he would like to see some ordinances that put limitations on what type of pavement materials can be used. Mr. Grether stated he felt that if we have \$200,000.00 still available today we should be using that now for crack sealing and then more money into next year and is in favor of \$800,000.00 for next year. Mrs. Harley asked if we have 2 separate accounts for road maintenance and one for repairs? Mrs. Starosta replied that there are two, and Ms. Harley asked how much remained in the maintenance account? Mrs. Starosta stated she was not prepared for this answer tonight. Ms. Harley asked why we don't just do the crack sealing? Mr. Ryland stated there is not enough time for this year, the cost is over \$25,000 and that requires newspaper advertising and bidding process. Mr. Ryland replied we already did that earlier this year and the bids came back 20% over the Engineer's estimate. There was discussion on what our Service Department can do in the meantime and Mr. Ryland replied we are using the dura-patch machine. Mr. Conklin asked could we hire or rent a crack seal machine and do this in house? Mr. Ryland replied he was not sure and would look into that. Mayor Zita stated the dura-patch was never intended to replace our road program, although it seems more like that now. Mr. Nicolard commended on the drawbacks with the dura-patch process as this does involve loose gravel, which residents complain about. There was more discussion on budget figures and the realistic date to come back to us with detailed information. Mr. Ryland replied we could have that information back to you the Monday before Thanksgiving. Mr. Richards Gardner, 4556 Roop Avenue, Norton, Ohio, discussed the issue with not getting the bids out. Mr. Ryland explained the bids were out in time, and they came in with an unacceptable low bid which we had issues with. Mr. Ryland stated one thing that seems to get missed on the bids is the concrete curbing, and it is nonsense not to address it, although it will eat into your budget. Mr. Bergstrom stated it is worth knowing what that option would be.

PC Resolution #16-2012

Mr. McGlone stated that this is the property on Cleveland-Massillon Road, and Trotter. Mr. McGlone concurred with Mrs. Richards that Council has 90 days from the Public Hearing to act on the recommendation from Planning Commission. *(Note-After further research of the Charter Section 6.02(D), Council has 90 days to act from the first reading which occurred on 8-28-12-Council must act by vote no later than October 10, 2012).*

Mr. Arters discussed a brief history and that everything that has been in this building has been B3. It is B-2 across the road, one house is still residential, then goes in to I-1 zoning. A B2 permits small office use, dentists, doctors, accountants, etc. B3 expands uses a little bigger, wood shop, used car sales showroom, auto repair, etc. The Woodbine building is B-2 and we are basically holding the owner up with bringing some employees, taxes, etc. Mr. Arters stated everything behind the residents on Trotter is I-1. Mr. Bergstrom discussed his concern with the widening of Cleveland-Massillon Road, how that affects parking. Mr. Arters stated that widening would take about 20 feet and if that has a new use, there would have to file a site plan review, which details that information. Mr. Arters discussed the potential of not permitting a change and the potential legal issues that could arise. Mr. Mowery asked if there was a public hearing on this and Mrs. Richards replied yes on September 10, 2012. Mr. Mowery expressed his concerns to what the residents will have to put up with. Mr. Arters stated this is on Cleveland-Massillon and people are already using Trotter as a cut through from the traffic on Cleveland-Massillon Road. Mr. Bergstrom discussed past rezoning applications where we were promised one type of use/business and for whatever reason the owner never followed through with the original intention. Mr. Bergstrom stated he could not support this until he sees some type of future mitigation on the issue. Mr. Arters stated you have to zone it to something to get a business to come in there. Mr. Bergstrom stated we should put the zoning to what we want it to be. Mr. Nicolard stated that if this were a new building he was pretty sure how Council would vote on this. Mr. Nicolard stated that if we do not rezone it now you are rendering this site unusable. There was discussion about the sewer and water, and Mr. Arters stated there is a grinder pump on site. Mr. Mowery suggested it would be costly to upgrade the utilities. Mr. Mowery stated this is just a bad investment. Mr. Grether stated that as chairman of BZA he has looked at this many times. We have ordinances to address the noise, so that issue is really off of the table. Mr. Grether discussed Chapter 1278.02 B3 Highway business and that he did not see where any type of manufacturing is permitted in a B3 district. Mr. Grether stated that this location operated as a light manufacturing facility for nearly twenty (20) years. Mr. Arters challenged Mr. Grether on the classic description on building supply trade, millwork, adding that this is open to interpretation. Mr. Grether stated a non-conforming use is vacated of this location has been sitting empty for over six (6) months. Mr. Grether questioned if Council were to allow this to come back to unconditional use? Mr. Grether stated he has looked at all options and still defaults back to the Codified Ordinances and suggest Council study that. Mr. Grether stated he agreed with Mr. Bergstrom's comments about spot zoning, but his main concerns are for the residents. Mr. Conklin stated we are getting too complicated here, the only question is if Council will allow to rezone to B3, B2 is not on the table. If we turn this down, he would have to come back to Council and reapply for a B2. Andrew Lehner, asked Mr. Arters about the use of Interstate and what that is zoned for? Mr. Arters replied it is I-1. Mr. Lehner questioned if the owner decides to vacate the property once it is rezoned to B3, the owner withdraws the use? Mr. Lehner stated he agreed we should think more about this and the impact on the residents. If we do this property as a B3 then we should do the whole area as B3. You should poll the residents as to how they feel on this. Mr. Arters stated he is not a planning director but the owner did come to him for this rezoning issue order to get the best use of the building.

McGlone moved to place this on Councils next agenda under Unfinished Business, for a final vote seconded by Mr. Bergstrom. Mr. Grether still has issues with the interoperation of light manufacturing.

Roll Call: Yeas: McGlone, Bergstrom Conklin, Mowery, Nicolard
Nays: None

Motion passed 5-0.

Cable Franchise Fees Deposit

Mr. Nicolard stated that he spoke with Mrs. Starosta earlier tonight and she has determined we do not need to move forward with this tonight.

Continued Planning Sanitary Sewer

Mr. Conklin stated that he felt we should walk away from the Nash Heights Sewer Project. This project is going no where and is now time for a Plan B. We now have a third player here and that is the Ohio EPA. Do we as a City want to be put in a position to allow someone else to put in a time factor? They will not care about time lines, costs, financial impacts, etc. Mr. Conklin stated this changes nothing on the water quality issues in Nash Heights or anywhere else. He is just kicking the can down the road. In the 1960's the City had option for sewers with a 90/10 match on Johnson Road. Mr. Dennis Pierson, 3793 Easton Road, Norton, Ohio stated we should not kick it down the road. We need to develop a plan for failed septic systems to be corrected. Mr. Pierson discussed the incorrect figures of 75% of Nash Heights failing, which by the way Nash Heights consists of only three (3) streets. We need to do what we can to assist those in dire financial situations with some sort of a financial aid package. We need to fulfil the EPA's request for how many septic are in the City. Mr. Pierson took issue with the constant reference of Nash Heights instead refer to this as Phase I. Mr. Pierson discussed we need to look at his information he has from the EPA and look at all issues. Mr. Andrew Lehner thanked Mr. Conklin for his comments, although he is against sewer and water for the whole City. Mr. Lehner stated we need to look for the septic systems for the residents and instruct them how to fix it or they will be fined. Mr. Conklin stated he is surprised at the reaction from the residents, and thought by kicking the can would be a desired option. Mr. Conklin questioned now if we should be placing something on the books stating as a City we want you residents to fix your septic system and install proper inspection ports. Mr. Conklin stated we still have to do something with the EPA and will need to digest the information from Mr. Pierson. Mr. Conklin stated that as far as Nash Heights goes, we are out of time, we don't have the luxury to do what some of you are asking for. Mr. Conklin stated his Plan B will buy us some time, and would rather have the time to get it done right. Mr. Pierson discussed the fact there are no current fines in place, the EPA does not have a time limit but they instruct you come up with a plan to clean up your illicit discharge. Mr. Pierson stated septic systems were never even mentioned by the EPA, and you need to do your due diligence here because this Administration has not. Mr. Pierson stated that we have appealed to this City three (3) different times to come to a meeting with us and discuss this.

When we found out that there was never any grant money applied for, no stimulus, it was all designed to be put on our property taxes. Its not our fault we are where are, it all started back in the 1970's and there have been plenty of Administrators/Mayors/Council between now and then. Ms. Harley stated this is a real big deal and it is not out fault. Mr. Conklin asked then whose fault is it from 1960 when we turned down that funding? Ms. Harley argued that all of you chose to ignore those things, so where does the blame lie, it surely does not lie with us residents. Ms. Harley asked who voted no, was this ever put to the voters. That is why you are into office to vote on these issues for us. If you are kicking the can down the road then you need tell us where that can is going to. Mr. Conklin asked do we feel with where the sewers are in that area, we think we have time, if so how much? Mr. Conklin stated that for all we know that EPA letter could come next week or not all. Do we operate on the assumption it will never come, then we just do nothing like done in the past? By kicking the can down the road, it would buy us the time to do it right. He is under the assumption is that we will be getting that letter before the end of the year, and we have no time, or options, no time to find alternate financing, grant applications. Grant applications can take up to one year once applied for. Mr. Conklin stated his Plan B is to offer the EPA an alternate, which mostly gets us away from potential fines. Mr. Conklin gave his proposal of a new direction with Plan B on 261 in the following three (3):

Phase 1: To extend the sewers from the manhole at Sr. Rt. 261 and Barber Road in a north westerly direction on Summit Road for putting Perfect Power Wash on sewer, also extending that sewer line to the Barberton Water Treatment Plant so as to their septic system.

Phase 2: Extend the sewer east on St. Rt. 261 to the Summit C & D landfill. As this landfill nears its capacity, we as a City must consider some of the environmental issues we are left to deal with. One of the byproducts is leachate. This toxic byproduct is stored in a holding tank, then transported to the Barberton Sewage Treatment Plant for treatment. Mr. Conklin stated that he toured that facility several months ago and they can only drip small amounts of this leachate into their system because it is so toxic. In addition, there are two (2) or three (3) Barberton water wells less than a mile from this C & D site, plus its next to a stream. These are all major areas of concern for our City.

Phase #3:

Extending the sewer east on St. Rt. 261 to the right of way to service the Trinity Broadcasting site and Wooster Sheet Metal that are currently on septic systems.

Mr. Conklin stated that all of these areas are currently on septic. Mr. Conklin noted that it was stated at the last Council meeting that the City is not forcing residents to connect and would like to hold to that and look at legislation currently on the books. Mr. Robert Copen, 2518 Sue Lane, Norton, Ohio asked if you are going to force the businesses to connect such as the Barberton Wastewater Treatment Plant (BWTP) and if we are going to charge them 2 ½ times the rate? Mr. Conklin stated he would turn that over to the Administration to pursue.

Mr. Conklin discussed the practice of the BWTP and their polluting of the areas in Norton. Mr. Copen stated that BWTP is charging every day, and there was discussion on if BWTP is considered a Norton business. Mr. Ryland stated they are, although they are a Municipality. Mr. Mark Spisak discussed the package treatment plant in Frashure that needs to be looked into. Mr. Conklin stated that if we do abandoned this plant as soon as we put pipes in the ground, Summit County will enforce control over those lines, and Mr. Ryland concurred. Mr. Jim Lino, 5058 Grove Avenue, Norton, Ohio, discussed being a township and Barberton wanted to buy all of our prime farmland land. We all got scared and said we didn't want to have to buy water and sewer. Mr. Lino wondered if we allowed them to do it then, where would we be? Mr. Lino asked if we would still be assessed for the line if we hook up or not and Mr. Ryland stated that would be a Council decision. Mr. Conklin stated he hoped the C & D's and the City of Barberton would put enough money in the pot to shift some of the costs for future residents to connect. Mrs. Tompkins discussed proposed Res. #75-2012 for sewers for commercial use and had previously suggested the associate property owners would not have to pay for it; and secondly once the line is in they would not be required to hook up. Mrs. Tompkins discussed the water line assessment for her property to which she has not connected to, and it is a different issue than sewer. Mr. Bergstrom discussed the comments from Mrs. Tompkins relating to creative financing, and we are trying to do that with brining businesses into the picture. Mr. Nicolard stated he has always been in favor of commercial development and utilities are the tools we need for growth to take the tax burden off of the citizens. Mr. Mowery discussed the Trinity Broadcasting and the requirements to install sanitary sewer and Mr. Arters stated they planned on doing this but all other businesses declined to go along. Mr. Mowery asked if these businesses now could absorb the costs for these utility improvements. Mr. Kevin Kerns, 3732 Gulf Course Drive, Norton, Ohio, commended Mr. Conklin for kicking the can down the road, but questioned why you did not offer that before coming to us and telling us that its all on us? Mr. Kerns complained that you should have put this together better before coming out of the gate. Mr. Kerns stated Cleve-Mass is the main thoroughfare and it should be all commercial. Businesses will bring in revenue; you need to work on the restrictions for business noise. Mr. Conklin said he selected the SR 261 area is because he has heard from past time on Council is this area is far away from residential areas, and will keep Norton more rural. Mr. Conklin stated since his last time on Council there are a lot of new faces here in the City, we cannot maintain self sufficiency without having economic growth. Mr. Bergstrom discussed Mr. Conklin's concept, and the need for proper planning and marketing, and questioned if this would be a good economic growth along St. Rt. 261? Mr. Bertstrom questioned if would be better to look at the central interchanges for a better return for our money since most of SR. Rt. 261 is existing businesses? Mr. Bergstrom stated some of the interchanges would offer better future growth. Mr. Conklin stated he did consider this and that his main concern with SR 261 is with the C & D's and when that gentleman walks away from it once it reaches full capacity, we will be stuck with the aftermath and the clean up costs. The economic growth on St. Rt. 261 if any is really just a sideline. Mr. Bergstrom inquired if we have talked with that owner about these concerns in the past? Mr. Ryland stated he and Mr. Arters have met with the owners, and they are waiting for Council to make their move on the long-term plan before they make their move.

Mr. Conklin stated the idea with Plan B for St. Rt. 261 is to have something in place this gets the EPA off our back with presenting a larger idea and will give us more time for Plan A. Ms. Harley asked if there has been any more grant money applied for since June 28, 2012? Mr. Ryland stated that since Mrs. Slaby was run out of a recent meeting, the large grant her office was working on is now off of the table. Mr. Ryland stated that we have two (2) applications submitted to the Ohio Public Works Commission (OPWC). Mr. Ryland stated we have made eleven (11) different applications for stimulus finding, and we got nothing. Mr. Conklin stated he feels our lack of receiving grant money is more a zip code issue because we are lumped in with Barberton and that Barberton always seems to get it and we don't. Mr. Ryland stated that is exactly why some major businesses state they are located in Barberton not Norton. Mr. Pierson noted that 50% of payroll and property taxes from Fred Martin goes to Barberton under the JEDD Agreement. Mr. Pierson asked where is a supposed time line written? Mr. Pierson asked if you are going to adopt Plan A do you intend to negotiate with Summit County or just Barberton? Mr. Pierson stated that there are Summit County sewer lines under Cleveland Massillon Road, we need to address these issues and tie everything in together. Mr. Conklin stated he did not want to see Plan B end up like the mess with Plan A. Mr. Pierson expounded on the differences between Plan A and Plan B, and that you have 2 different trains of thought. You are stating with Plan B you want this for economic development, wasn't that the entire plan for the last 3 years? You need to take a step back and review the packet of information, get Mr. Crawford here for discussions then present this to the people for their wishes. Mr. Pierson discussed having Summit County Engineering doing a project of this size. Mr. Ryland asked if Mr. Pierson knows who Jim Demboski is? Mr. Demboski is one of the most Experienced engineers from here to southern Ohio area and he is extremely knowledgeable in this area of underground utilities. Mr. Ryland stated that Plan B has little area of economic development because most businesses are already there. Mr. Ryland stated that the concept of the C & D issue has merit. Mr. Ryland expressed concerns with Summit County DOES and that they have not helped the City in one issue with their \$6,000.00 million project, and the fact not one dime came to the City. Mr. Pierson suggested we have Mr. Crawford come here and discuss this issue. Mr. Pierson stated he has worked with grants, and just because you get grants does not mean it does not cost the residents anything. Mr. Grether stated he appreciated the open dialogue tonight one of the best meetings in a long time. Mr. Grether stated that a while back Council tabled 7-0 residential sewer costs. Mr. Grether stated it is well known we have a problem out there and if someone's septic is leaking onto someone else's land they should be ashamed of that. Mr. Grether stated we should look at Plan B and the bottom line is it must state you will fix or replace a failing system. To kick the can down the road isn't acceptable and would not allow that. Mr. Grether stated this Council/Mayor/Administration as not been here long enough to be totally responsible for that. We know we have a problem, but for Council not to act on it is not an option. You need to address residential correction of failed septic systems. Mr. Grether thanked Mr. Nicolard for his service in the military as this was omitted at the last meeting.

Unfinished Business:

None

New Business:

None

Topics for the next Work Session

Topics for the next Work Session:

John Street TIF Financing

Solar Energy Agreement

Accept County Rates & Amounts 2013

Public Comment-Agenda and Non Agenda Items:

Mr. Greg Smith, 3954 Mt. Vernon Blvd. only lived here for ten (10) months, and his first time attending the Cider Festival. Thanked all of those responsible for their time volunteered. Mr. Smith stated he participated in the parade supporting the Norton Fire Levy, and a both set up at the festival to talk about the importance of passing the Fire/EMS levy. Mr. Smith stated he crunched some numbers and it would not cost that much and we will have dire consequences if this levy does not pass. Mr. Smith urged everyone to vote yes on the EMS Levy and asked for a support of Council with a formal Resolution of support. Mr. Smith said that those residents that are opposed to this should get in touch with the Fire Chief or Mayor Zita to ask you questions.

Mr. Nicolard stated next Monday is Columbus Day so the Council Meeting will be on Tuesday at 7:00 PM.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:33 PM.

Don Nicolard, President of Council

****NOTE: THESE MINUTES ARE NOT VERBATIM****

All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.