



COMMITTEE WORK SESSION NOVEMBER 19, 2012

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

Also Present: Mayor Mike Zita-Arrived at 7:50 PM
Rick Ryland
Laura Starosta
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, November 18, 2012 at 7:01 PM, 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:

Continued Planning for Sanitary Sewers-Commercial

Mr. Conklin stated that this is a continuation of what was discussed previously. We are still trying to coordinate a Utilities Committee with the participants relating to Plan B-Phase 1. Mr. Conklin indicated the Administration was unable to contact the parties involved. Mr. Ryland stated one property owner is vacationing in Florida, and he has made contact with Perfect Power Wash. Mr. Bergstrom asked what is the difference with the property owner versus business owner? Mr. Ryland stated an assessment would affect the property owner, not the business. Mr. Ryland indicated he has made contact with Perfect Power Wash. Mr. Nicolard suggested moving ahead with this since it was Perfect Power Wash solicited us for this improvement. Mr. Nicolard suggested having the first reading and those involved would attend. Mr. Bergstrom disagreed with that; he felt we should notify these property owners in writing before moving ahead with this. Ms. Whipkey indicated there are residents involved here and some of them recently attended the Norton Health Advisory Board meeting last Thursday. Ms. Whipkey indicated several residents want the City Council to support that if the sewers become available, the property owners will not be required to tie in until their system does fail. They want the Administration and Council to state this fact.

Ms. Whipkey noted that Mr. Pruet from Summit County Health was at this past meeting and he pointed out to the people that there is not a time limit as to when they have to tie in. Ms. Whipkey stated that the County would prefer a time of 4-5 years, but she doesn't believe the City has any such limit., and the State does not. Ms. Whipkey stated that although she realizes the City is not enforcing the tie in, she indicated the residents would like to have something in writing to clarify that fact. Mr. Ryland stated Ord. #15-2000 clearly states that a resident does not have to tie in to a line unless a septic system fails, and nothing changes this fact. Mr. Bergstrom stated that what Ms. Whipkey is asking for is already in place. There was discussion on what constitutes a failure and the fact that the laws have changed and that an off-lot discharge is considered illegal. Mr. Mowery asked about inspection ports and if this is declared a failure and Mr. Ryland replied no that is called undeclared. Mr. Bergstrom urged taking time to notify the parties by a letter first before placing it on the agenda. Mr. Bergstrom stated he wants to hear how the businesses will grow to offset our investment. Mr. Ryland stated that in this case you have a business that has approached the Mayor, and Council President asking for this improvement. Mr. McGlone asked if the businesses are involved in the cost associated with the sewer line and Mr. Ryland concurred. Mr. Bergstrom stressed getting an understanding on what their future plans are and the costs involved. Mr. 4536 Garrett Drive, Norton, Ohio stated that his only concern was with the Ordinance #15-2000. Mr. Ryland stated that legislation clearly states that residents do not have to tap in to a trunk line until served notice from the Summit County Health Board that their septic system is condemned. Mr. Tousley said that Mr. Pruet stated at the Health Advisory Board meeting that the County would not go after a Norton resident unless the City directs them to, and now you are saying that is not the case. Mr. Tousley stated he was concerned with who is enforcing this issue. Mr. Ryland stated we do water quality sampling and this year we did contract with Summit County to do that. We do not just call up the County and tell them to go to 1234 Garret Drive and do an inspection. Mr. Kostoff suggested Mr. Tousley get a copy of the legislation and reviews it. Mrs. Tompkins discussed having updated ordinances in conjunction with #15-2000. This would make the citizens feel better to have an updated piece of legislation. Mr. Kostoff stated you don't change the Constitution of the United States just for the convenience of updating it. Mrs. Tompkins discussed the drafted Res. #87-2012 and Section I with the reference to property. Mrs. Tompkins asked has there been discussion as to buying property and if so what kind of property is involved and what about the cost? Mr. Ryland clarified that reference is if Phase II were to move forward, this would involve gravity could be used instead of pump stations. This would require acquisitions of the railways along Summit Road and Barber Road. Mr. Bergstrom discussed the drafted legislation and that all three phases should have separate pieces of legislation and questioned if this language would be an issue? Mr. Kostoff stated he felt that Phase I would be for engineering and is subject to modification. Mr. Kostoff stated this initial draft was very broadly spelled out to get this started. Mr. Kostoff indicated that depending on what comes out of your Utilities Committee, he would prepare the required legislation. Mr. Nicolard stated he would rather do these as separate phases and separate pieces of legislation. Mr. Nicolard asked Mr. Kostoff to please review Ord. #15-2000 to see if everything is in line and if it could use updated. Mr. Kostoff indicated he would be happy to do so.

Ms. Whipkey referred to Mr. Ryland's comments on the 200,000 fecal counts on the Wolf Creek sampling and asked if the problem could be coming from Copley? Mr. Ryland replied he did not know where it is coming from, it could be even from Medina. The sampling point was done in Norton, and that makes it our responsibility. Mr. Conklin stated he is willing to wait for the property owners to get involved before moving forward on this issue.

Waterline Project Cleveland-Massillon Road & 31st Street

Mr. Conklin stated that we need to move forward on this as it is a partnership with Barberton. Mr. Conklin indicated he has confirmed with Mrs. Richards that Barberton has already adopted their required legislation and awarded a contract to the best bidder. Mr. Conklin stated that as usual we are behind the eight (8) ball once again and asked Mr. Ryland if he would like to comment? Mr. Ryland indicated he has nothing to add. Mr. Bergstrom discussed the fact that we are paying fifty percent of our share but we have no information or details on the contractor. Mr. Nicolard stated we are paying 100% of our share and Mr. Ryland concurred that this is a 50/50 split between the two cities. Mr. Bergstrom and Ms. Whipkey expressed concern with not having any say on the design or engineering on this. Mr. Ryland stated that this is a Barberton let project and that want reassurance that we will pay for our share of this project. This is a replacement line that will run along Shannon Avenue to Johnson Corners, and connecting a loop where there currently is not a loop. This would help bring water to the center of our town where there is no water available. Mr. Mowery asked when this would begin and Mr. Ryland replied they are ready to get started now and will run along the east side of Cleveland-Massillon Road. Mr. Mowery has concerns with the bridge being out and these businesses have already see a drop in their revenue. Mr. Ryland noted the construction schedule calls for 120 days to complete. Mr. Bergstrom asked about inspection costs and if this is included and how much our costs are for that, and whether that would require additional legislation? Mr. Ryland estimated those costs to be around \$142,000.00 and would be an additional cost to be split. Mr. Kostoff replied he believed that it was all included in the legislation prepared in front of Council now. Mr. Bergstrom asked who are the inspector and the contractor? Mr. Ryland replied that QCI is the inspector and Kenmore is the contractor. Mr. Nicolard commented about a construction being a hardship for any business and he will dread the day when the Cleveland-Massillon Road project gets moving along in front of his business. Mr. Nicolard commented about a sign he saw in a very wise man's office that *stated "The price of progress is pain"* and we are all going to suffer a little to get a lot. Mr. Conklin moved to place Ord #95-2012 on Councils next agenda for a first reading, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

2013 Road Program

Mr. Bergstrom stated he believed the road budget is going to be around \$400,000.00 referred this to Mr. Ryland to explain the list we just received (see attached).

Mr. Ryland explained asked for Council to take the time to review this and see what they would like to have on. We want to do Clark Mill again before we lose that road completely. Mr. Ryland discussed we would submit to AMATS for funding in 2013 for arterial roads like Hametown, Barber, Summit and Reimer. Mr. Bergstrom suggested Council gets out there and drive all of these roads before the bad weather approaches. Mr. Bergstrom discussed crack sealing and the fact that we are running out of roads where this application would work best. There was discussion about Norton Avenue and the need to address this. Mr. Conklin discussed the crack seal program and the effectiveness of this application, and questioned of this still a good option. Mr. Ryland stated he felt the proper evaluation of what has been done would come out in the spring of 2013. Mr. Mowery asked about curbing on Cherrywood? Mr. Ryland discussed that he suggests replacing the curbing to do it correctly. Mr. Ryland discussed the application that was done on Fair Oaks, and it is holding up very well at this point. Mr. Conklin discussed the fact that Shellhart is estimated at \$480,000.00, which is over the budgeted amount previously discussed. Ms. Starosta indicated she is proposing \$430,000.00 for the budget next year, which is what we would have spent this year. Mr. Nicolard concurred that in order to complete what is needed on this listing that is over 3.6 million dollars. Mr. Nicolard noted that this listing has only 18 roads stated, and \$400,000.00 is just not going to get it and what will happen in 2014, where will that budget come from then? Mr. Nicolard cautioned the precarious financial situation we are in when it comes to roads, and will have to do something about a road levy to budget to revenue. Mr. Nicolard stated that as Council we need to consider other ways we could raise money to pay for the roads. Mr. Nicolard stated that we have to take care of the necessities of the citizens. Mr. Kostoff cautioned about fixing certain roads and the age of the underground utilities beneath them, if you have them, and that all of these issues need to be taken into account. It's not just about the road, it's the curbs, drains, utilities, and what you don't see underneath that can be even more costly. Mr. Conklin stated that we have set aside over \$400,000.00 for the road program and now we have the article last week in the Beacon Journal stating we will have more cuts to the Local Government Fund, and questioned if those future cuts are addressed? Mrs. Starosta stated she is aware of the future cuts, however she did not read the entire article. Mr. Bergstrom stated that we need to do our due diligence now and revisit this on December 7, 2012 at the Committee Work Session. There was discussion as to the future AMATS funding for next year's application for a construction schedule of 2014. Mr. Conklin asked about any of the roads on this listing that could be held over for the AMATS funding schedule and Mr. Ryland stated that it depends on the condition they are in when you look at them. If you take a look at Norton Avenue and you feel it could wait until 2014 then you could remove that one, and maybe others.

Unfinished Business:

Mr. Bergstrom asked about the Norton Avenue Waterline Project and if we ever heard from the contractor who their subsurface underground engineering and Mr. Ryland he was hoping that they had contacted Mr. Bergstrom already. Mr. Bergstrom discussed the professional liability insurance and if we are requiring for them to provide it, and we should have that secured. Mr. Ryland stated this is the problem with design build contractors. Mr. Ryland stated that is the issue with a design build project.

You will generally award the contract to an XYZ Company and there are two subsequent meetings that will take place for submission of the drawing for engineering, and for bonding and insurance policy. Mr. Bergstrom stated those two things he has not seen or is even sure that they were done, and he still questioned if they have the proper qualifications that we are looking for. Ms. Whipkey asked if there is a way to speed up getting that information to Council, because these residents really are in a hurry to get this completed. Mr. Bergstrom stated they should not just be calling him about this, they should be sending all of the documentation to the City and all of us should have a copy of it.

New Business:

Mr. Bergstrom discussed an issue with a concerned resident in Frashure allotment that the park equipment was all torn down and they asked why? Mr. Bergstrom had inquired with Mr. Ryland on that and found out that the Parks Board had concurred that the playground equipment was old and unsafe and would need to be torn down. Mr. Bergstrom expressed concerns with why Council or the residents were not informed as to what was happening. There was discussion that grant money would be applied for to replace that equipment just like we did at Columbia Woods Drive. Mayor Zita stated this past summer the Parks & Recreation Board did a walk around of the all of the parks and deemed this equipment to be unsafe and it was taped off so no one could get injured. Mr. Bergstrom suggested that we need to have better ways to communicate with the residents, let alone Council like posting something on the web page or something. Mr. Ryland stated this was in the minutes of the Parks Board. Mr. Bergstrom suggested when we do post something on the website to give a projected time line. Mrs. Karen Harley, 3432 Harper Avenue, Norton, Ohio, suggested posting a sign at the park, in addition to taping off this area stating that it is being replaced and if you have concerns contact your Council representative. Mr. Conklin discussed the C & D's application for letting the leachate go natural, and questioned if the City ever filed anything from Mr. Kostoff's office addressing the objection from the City. Mr. Kostoff indicated that he did not recall this being addressed. Mr. Ryland indicated that the Summit County Health District did file a complaint on our behalf. Mr. Kostoff indicated he would have his partner in Environmental Law look into that first thing in the morning. Mr. Conklin noted that the Barberton Service Director is also are not pleased with this application either and they are submitting a letter as well so now we have both cities objecting to their application. Mr. Kostoff added that he would contact the Barberton Law Director on this issue as well. Mr. Kostoff stated that he would like to request Executive Session to Council for labor negotiations and personnel matters that he needs Council's direction on.

Topics for the next Work Session:

Purchase of Summit County Sanitary Sewers-Memorandum of Understanding (MOU)

Appointments to Boards & Commissions

2013 Budget. Mr. Bergstrom asked about the 2013 Budget and Mrs. Starosta stated she would like to work this into discussing that during Committee of the Whole in addition to the Committee Work Session for December 3, 2012. There was discussion on holding future meetings to discuss the budget if needed. Ms. Whipkey discussed getting the information on the Norton Avenue Waterline project in time for the next meeting.

Mr. Nicolard clarified with Mrs. Richards that Ord #88-2012 has already had its first reading and is scheduled for a second reading next Monday, and Council could suspend the third reading and vote that night.

Public Comment-Agenda and Non Agenda Items:

Paul Tousley spoke about Ord. #90-2012-Joint Dispatch Council of Governments, and that last week there was heated discussion. Mr. Tousley stressed concern with all of the emergency language and always rushing things through. Mr. Tousley stated that there must be a reason that this is part of the laws, so that Council and the public have time to consider this. Mr. Tousley discussed the timing on this and if we have been working on this for over 3 years why the rush now? Mr. Tousley noted that Barberton Council passed their legislation on October 8, 2012, which is more responsible. Mr. Tousley stated he would love to see you stop pushing things through with the emergency language. . Mr. Tousley stated he has been reviewing Charter Section 3.17 and that he was not certain that you are even allowed to have emergency language listed. Mr. Tousley discussed Mayor Zita's frustration last week with the two (2) no votes, and suggested that maybe it's not such a bad idea if not everyone is in your hip pocket. It's good to know that some people will think for themselves and not do just what the Administration wants. Ms. Karen Harley, 3432 Harper Avenue, Norton, Ohio, discussed the tie in fees that Ms. Whipkey mentioned, but what still bothers her is the property assessment when the sewer line gets put in. That's like buying a new car and leaving it on the dealer lot while making payments. Ms. Harley asked why does she have to pay for an assessment for something she does not need yet. Mrs. Harley stated that this is something she would like all of you on Council to explain that to her.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:06 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.