



## COMMITTEE WORK SESSION NOVEMBER 5, 2012

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

**Also Present:** Mayor Mike Zita  
Rick Ryland  
Laura Starosta  
Pete Kostoff  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Monday, November 5, 2012 at 7:00 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 opened this discussion commenting on missing the last work session and this is revisiting the St. Rt. 261 & Summit Road sanitary project. Mr. Conklin indicated he has read the minutes from the last meeting and questioned if Council wished to continue with this idea? Mr. Bergstrom stated part of the benefit of continuing this discussion was to see if some of these businesses wished to attend for discussion to see how their business could grow with this improvement. Mr. Ryland asked the Utilities Members if they would like to select a date for these businesses to attend. Mr. Ryland indicated he already has letters prepared to send to all of the business owners and residents involved and that there are approximately fourteen (14) total properties. Mr. Conklin stated the next work session would be fine which is November 19, 2012. Ms. Whipkey asked which sewers are involved here, are they ours, part of the JEDD or Summit County. Mr. Ryland replied they are ours, which is also part of the JEDD. Ms. Whipkey asked if Frashure allotment has sanitary sewer and who controls it. Mr. Ryland replied yes that is a package plant and part of Summit County, however residential property cannot belong in the JEDD.

Ms. Whipkey asked if it was feasible to connect Perfect Power Wash to the Frashure allotment package plant, and Mr. Ryland stated it could be feasible but very expensive to run it this way. Ms. Whipkey suggested we look into the JEDD before doing something like this, when the sewer would benefit the JEDD. There was discussion as to what is already being paid to the JEDD, regardless of what ties into the JEDD. Mr. Nicolard stated that this is currently proposed as a three (3) phase project and he would rather tackle this as one (1) phase, therefore there would be no need to invite any other business that are not considered in Phase I. Mr. Conklin stated he felt this was short sided, we are only talking about one (1) mile of sewer line here. Mr. Conklin stated he felt the whole idea was to take the heat away from Nash Heights and the EPA and we are only throwing the EPA a cookie now instead of a bone. Mr. Nicolard stated maybe we should look at trying to save the business in our own community. Phase I seems to be only for that one business at this time. Mr. Bergstrom stated that we need to set a date, such as Nov. 19, 2012 at 7 PM for a Utilities Committee Meeting. Mr. Conklin stated if you want to concur with the businesses, make the meeting at 4 PM, which would be more acceptable to these owners. Mr. Conklin suggested tabling this until after the November 19, 2012. Mr. Bergstrom suggested 4:00 PM on November 12, 2012 as a back up date. Mr. Ryland indicated he would notify all parties with both potential dates. Mr. Mowery stated that although this is for Phase I now, the aftermath would affect all parties involved and we should involve everyone now. Mr. Nicolard stated that Phase II and III might never materialize. Mr. Mowery asked about pricing and assessment, and Mr. Ryland stated that it's Council that decides on the assessments. Mr. Mowery discussed the financing that was involved with the Trinity Broadcast Company, and that maybe we should do the same here. Mr. Nicolard suggested dropping Phase II and III from the drafted legislation at this time. This is really just a quick fix for the current business at this point. Mr. Bergstrom discussed the potential options for these property owners, and Mr. Ryland reminded everyone that if a sanitary sewer is within 400 ft., of a business, you are required to connect. Mr. Kostoff suggested that you hold a Utilities Committee meeting and after what is decided he would address the legislation accordingly at that time. Mr. Conklin reminded everyone that this is just for the engineering study only, and Mr. Kostoff concurred. Mr. Kostoff pointed out that Council's authority would still be needed to get bids on the project after the study. Mr. Mowery discussed the fact that they must connect now, there really is no other option. Mr. Ryland reminded everyone that we are not enforcing the 400 feet issue for residential but businesses are different and handled differently. Mr. Mowery asked in what way is this business hurting? Mr. Nicolard stated that as a member of the Norton Business Development Task Force, the owner told him they need sewers now. Mayor Zita stated that right now they have a temporary cistern or a tank that requires being pumped on a daily basis, which is costing them money. Mr. Nicolard noted this is a 450-gallon tank and they have about 20 employees. Mr. Nicolard also noted that we did not ask them they told us they need sewers. Mr. Conklin noted that the Barberton Service Director is concerned with the leachate coming from the C & D Facility. Mr. Ryland stated he understands the owners of that C & D have filed application with the Ohio EPA to go all-natural, which means to leave it alone and see where it goes. Ms. Whipkey discussed prior comments with the Barberton Health Dept. and Eschlich about getting sewer lines to rid themselves from having to deal with the leachate. Mr. Ryland stated that was a conversation between himself and the department.

Waterline Project Cleveland-Massillon Rd & 31<sup>st</sup> Street

Mr. Conklin turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that this is a project to replace a 16-inch trunk line in a loop from Shannon Avenue, Johnson Corners and 31<sup>st</sup> Street. Mr. Ryland stated if is consistent with our Comprehensive Plan, and zoning for future B2 zoning, new fire hydrants and would complete a loop for more water coverage in these areas. Mr. Ryland has asked to hold this until the next Committee Meeting due to some issues that recently arose this week concerning inspection costs. Mr. Bergstrom clarified this is a shared project with Barberton and asked to have the financial picture. Mr. Ryland stated grant applications, which did not score high enough for the grant funding but did score for Ohio Public Works funding. It is a 50/50 split for both cities, and is either a 20 or 30 year zero interest loan for the project. . Mr. Kostoff indicated he would be contacting Barberton's Law Department to see if they would be sending over a desired contract, or if this is coming as a result of the OPWC. Ms. Whipkey clarified that the funds are coming from that half- percent tax credit roll back. Mr. Conklin suggested if the Administration is ready we could discuss this issue in that same Utilities Committee Meeting.

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

Motion passed 6-0.

Design Build Contract for Norton Avenue Waterline

Mr. Conklin turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that this would be our solution to replace the aged temporary waterline that has been in place on Norton Avenue since 1939. It consists of fifteen (15) laterals going under Norton Avenue to the sixteen (16) inch main on the other side. The Engineers estimate came in at round \$50,000.00. Mr. Bergstrom asked to have more details about the bidders, estimates, original engineers estimate. Mr. Ryland replied that we had two (2) bidders apply, one being Wenger and the other was Lockhart at around \$96,000.00. The original Engineers estimates were around \$90,000.00. Mr. Ryland stated that Wenger Construction was the winning bidder and they have done other projects within our City so we are quite confident with the quality of their work. Mr. Ryland stated that Wenger plans on this as a bored project. Mr. Conklin moved to add Ord #88-2012 to Councils next agenda for first reading and as an emergency, seconded by Mr. Bergstrom. Mr. Bergstrom indicated he would like to have the detailed information to review by this Friday. Ms. Whipkey asked if the residents would be assessed and Mr. Ryland replied no.

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

Motion passed 6-0.

Service Garage Sanitary Sewer Line

Mr. Conklin turned this discussion over to Mr. Ryland for the details. Mr. Conklin stated that when Ohio Edison sold this to the City it was on a septic system and it still remains on a septic system. Mr. Ryland stated that The EPA has cited us because we wash trucks and equipment there and petroleum is getting into the system. Mr. Ryland stated as a stop gap measure we created a retention pond to collect that material. We are required to connect to sanitary sewer and we have an estimate of \$90,000.00 for the installation and we are looking for permission to build and award the contract. Mr. Conklin discussed the City's financial issues and recent layoffs within the City and we are not keeping up with out roads. We have many needs and sometimes we are forced to do something that may not be financially feasible. Mr. Conklin moved to add Ord #89-2012 to Councils next agenda for a first reading, and as an emergency, seconded by Mr. McGlone. Mr. Mowery asked where the current sewer line is and Mr. Ryland replied its is located at Milich's Village Inn. Mr. Mowery stated he has issue with the emergency clause and Mr. Kostoff stated at the end of the day, it would set the time of when it would take effect. Mr. Ryland stated that the City of Norton has already been cited by the EPA for non-compliance. Ms. Whipkey stated she concurred with Mr. Mowery to hold back with the emergency language. Ms. Whipkey noted there is nothing enforcing us with fines and we have waited this long already. Mr. Nicolard stated if we don't have the emergency language we are talking about waiting 6-8 weeks for this to take effect. There was discussion as to where the funds would come from and Mrs. Starosta stated it could come from the Sanitary Sewer Fund. Mayor Zita cautioned about asking for the residents to comply with connections, and this is the only City property that needs addressed. Mr. Conklin asked what does waiting accomplish? Mayor Zita stated you would vote at the third reading and if you have the information you requested it would be supported. Mr. Nicolard stated this is foolish to know we have the 30 days, and it affords the citizens the right to referendum, the matter. Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, questioned what the EPA's issues are with dumping something off the truck into the sewer and now it's ok to dump that into the sewer? Mr. Ryland replied yes, we have to install a petroleum/gas/oil separator and this is facility. Mr. Gainer clarified this project is not just connection to the sewer, it would include the required separators and Mr. Ryland concurred.

Roll Call: Yeas: Conklin, McGlone, Bergstrom, Nicolard  
Nays Whipkey, Mowery

Motion passed 4-2.

Establish A Southwest Council of Governments

Mr. Nicolard turned this discussion over to Mr. Ryland for the details. Mr. Ryland explained this is what we are proposing for the governing agency for the Joint Dispatch Center, comprising of Copley, Barberton, and Norton. It sets up a governing Council, which directs all aspects and it sets up the rules, the Board, etc. Ms. Whipkey this is going to be its own entity that will be governing themselves, and that the individual communities will have no input. Mr. Ryland stated that is not entirely correct, each community will have a Council representation and they will have representation.

Ms. Whipkey asked who would report back to Council and Mr. Ryland replied it would be the President. Ms. Whipkey asked about the Board of Control and Mr. Ryland replied that the Board of Control cannot funnel funding to the Joint Dispatch Center. Mr. Mowery asked how did this all come about in the first place. Mr. Ryland stated that all three entities are involved here and sharing the costs of running the dispatch center and they all have a voice and we have to have guidelines. Mr. Mowery clarified that this would be like our headquarters, and Mr. Ryland concurred. Ms. Whipkey asked how decisions are made now and Mr. Ryland replied we have a Memorandum of Understanding (MOU). Mr. Kostoff noted this agreement has been reviewed and drafted by all three entities. Mr. Kostoff stated that the State is looking at encouraging consolidation and we all have a vested interest in this to work and become successful. Mr. Nicolard stated that once this Council is established, they must abide by Ohio Revised Code Chapter 167. 03 and they cannot go out beyond the boundary of the law. Ms. Whipkey discussed the reference of an alternate serving and the process as stated on Page #2 Item 2 of the agreement. Mr. Kostoff stated this section relates to Copley Township.

Mr. Nicolard moved to place Ord #90-2012 on Councils next agenda, seconded by Mr. Conklin.

Roll Call: Yeas: Nicolard, Conklin, McGlone, Bergstrom  
Nays: Whipkey, Mowery

Motion passed 4-2.

#### Loan Agreement For Local Governments

Mr. Nicolard turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated that this is part of the loan Joint Dispatch Agreement, and there was discussion if we have already completed this step. Mr. Kostoff indicated the first piece of legislation was to apply for the funding, this is now to accept the funding. Mr. Kostoff indicated that originally we did not have the depth of the exhibit broken out before now. Mr. Ryland indicated that originally it was matching fund application with each city putting up \$70,000.00 and ours share is an in kind funding since this would be in our facility. Mr. Nicolard moved to place Ord #91-2012 on Councils next agenda, seconded by Mr. Conklin.

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

Motion passed 6-0.

At 7:55 Mr. Ryland asked to have a five (5) minute recess.

At 8:00 PM Council reconvened its Committee Work Session to order. Mr. Nicolard asked Mr. Ryland to clarify the exhibit for Item E, and that it would not be Council President, it is the Chief Executive Officer, which would be the Mayor.

Mr. Conklin stated that even though the Mayor is on this Board, it is still an open public meeting and that anyone could attend. Mr. Kostoff indicated that he believed it should be, and Mr. Conklin asked to have clarification from Mr. Kostoff for the first reading. Mr. Ryland called attention to Article 5 of this agreement and that all meetings are open to the public.

#### 2012 Budget Adjustments

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that she is coming to adjust the 2012 Budget, and has included the proposed changes attached. Mrs. Starosta explained the larger items in brief detail. Mrs. Starosta indicated that she booked the proceeds as net figures instead of gross. Mrs. Starosta indicated she is asking for emergency and waiving of readings Mr. Nicolard moved to place Ord #92-2012 legislation on Councils next agenda, waiving the second and third readings as an emergency, seconded by Mr. Conklin. Ms. Whipkey asked Mrs. Starosta to clarify that nothing is changing for this year, that we are just moving moneys and Mrs. Starosta concurred.

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

Motion passed 6-0.

#### Advancement of Funds From Summit County

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that without this legislation we would not receive revenue twice a year. This legislation would allow for us to request these funds more often throughout the year and helps with out cash flow situations. Mrs. Starosta requested adoption for November 26, 2012 and that no emergency is required. Mr. Nicolard moved to place Res. #93-2012 on Councils next agenda, waiving the second and third readings as an emergency, seconded by Mr. Conklin.

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

Motion passed 6-0.

#### Deposit of Income Tax to Water & Sewer Funds

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that this is something more recent since rolling back the tax credit in 2009. In 2010 the Auditors asked for proper legislation and in 2011 Council passed legislation fixing that amount and she is continuing this process. This information is what she received from CCA for the 2011 figures, and then pro-rated that figure and allocated some fees to come up with the \$544,000.00. Mrs. Starosta asked for waiving of readings and emergency clause. Mr. Bergstrom asked with this amount, what would the current balance be? Mrs. Starosta indicated she is working on that in addition to balancing out various other funds.

Mr. Nicolard moved to place Ord. #94-2012 on Councils next agenda, waiving the second and third readings as an emergency, seconded by Mr. Conklin.

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

Motion passed 6-0.

**Unfinished Business:**

Mr. Ryland asked for Council to have executive sessions next week to discuss Personnel Property and Litigation issues. Mr. Nicolard referred to the Matters Referred listing, and moved to remove CCA Municipal Tax Collections due to no action, seconded by Mr. Conklin. Passed 6-0. Mr. Nicolard discussed the John Street TIF with Administration, and Mr. Ryland indicated we are still working on the required process and steps required, and Mr. Nicolard desired to keep this on the list pending information from Mr. Ryland in the next few weeks. Mr. Bergstrom discussed a possible second driveway issue. Ms. Whipkey discussed the Solar Planet Agreement, and she was not comfortable with this project and wished to have that removed, and Mr. Ryland concurred. Ms. Whipkey moved to remove this item from the Matters Referred list, seconded by Mr. McGlone.

Roll Call: Yeas: Whipkey, McGlone, Mowery, Conklin, Bergstrom, Nicolard

Motion passed 6-0.

Mr. Bergstrom discussed the situation of the finished ceiling for the Community Center. Ms. Whipkey stated she has a proposal from WAC Company for \$8,000.00 for using a spray product. Mr. Ryland stated this is a sound proof barrier that would not yellow as the old one did and would not look like popcorn foam. Mr. Ryland stated this is the only company that does this application in the State of Ohio and we did visit the Wooster Library and it does not look like what we had in the past. Ms. Whipkey stated she would prefer a drop ceiling but that option is too expensive. Mrs. Whipkey stated this current quote is out of date and Mr. Ryland stated we could get an update fairly quickly. Mr. Bergstrom indicated he would like to see us move as quickly on this in order to have it done for the holidays. Ms. Whipkey recommended moving forward with the product application from WAC Company for around \$8,000.00 and it does still fit within the current budget, and Mr. Conklin concurred. Mr. Jason Sams, 3782 Long Drive, Norton, stated he concurred with this adding that he is involved with at least three (3) community groups that meet in the Community Center, and Christmas in The Park is really important.

**New Business:**

Mr. Bergstrom discussed ideas for next year and the credit fund and how it should be used and we need to have a real good understanding of the funds, and the process use.

Mr. Bergstrom stated he would like to see more involvement with the City Engineer, the process, needs, having the expert providing his reasoning for the recommendations the Administration brings forward. Mr. Conklin mentioned the Road Program and Mr. Nicolard suggested that go on the topics for next work session.

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

None

**Topics for the next Work Session:**

Road Program

2013 Budget

Mr. Kostoff mentioned that for next year, there would probably be a few proposed Charter changes from his office that he would like Council to address. Mr. Kostoff stated as he has time to review the Charter, he has uncovered a few inconsistencies, specifically in Section 8.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:42 PM.

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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.**