



COMMITTEE WORK SESSION DECEMBER 3, 2012

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

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

The Committee Work Session convened on Monday, December 3, 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:

Mr. Nicolard noted that we have an item to add to the agenda, its tem I- a contract for the Summit County Legal Defender's agreement for indigent clients for 2013.

Appointments/Resolutions-Boards & Commissions

Mr. Mowery discussed the Mayors appointment of Ms. Ruth Stimac to the Parks & Cemetery Board, and the service of John Conklin from 2006 to present. Mr. Mowery moved to place resolutions appointing Ms. Stimac, and for appreciation of service of Mr. Conklin on Councils next agenda, seconded by Mr. Pelot.

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

Motion passed 7-0.

MOU With Summit County For Sanitary Sewer

Mr. Conklin stated this a long time in coming and is Councils turn in controlling the City's own destiny on what we pay for water and sewer services. This is the first of several pieces of legislation required and also requires the vote of Summit County Council. Mr. Conklin noted that this is only for the engineering study at this point. Mr. Conklin stated this is a once in a lifetime opportunity and would continue to show the EPA we are also moving forward on this point. Mr. Bergstrom stated it really is just a little more than just engineering. Mr. Bergstrom stated this is important to Council and this City and we also need to show the negatives that could occur but the positives do outweigh the negatives. Mr. Bergstrom stated he is not comfortable with moving forward with this without having a full plan spelled out to Council. If it is that important to the Administration to move forward we need to see more detailed vision plan and information. Mr. Ryland agreed with Mr. Bergstrom and that the due diligence is the most important portion, this allows us to get into the County records and really see what is going on. Mr. Ryland stated he does not expect to have Council pass this now without three (3) readings or more. Mr. Ryland stated that most people do not realize that we have only one sewer line in the City of Norton, the rest are owned by DOES. There is potential for us to control our own destiny and control what we are already paying for. Mr. Bergstrom urged for Council to truly understand the future of this opportunity and he does support purchasing our own sewer system. Mr. Ryland noted this also allows us to be able to have open negotiations with Barberton, which will allow us to set our own rate and in turn would lower our rates. Mr. Ryland stated that although he may be old fashioned, he feels if you are paying for something you should own it. Mr. Pelot noted that when paying tap in fees, you would no longer have to pay three (3) entities. Mr. Ryland concurred, you would most likely only be paying one (1) fee. Mr. Nicolard commended the Administration for their work over the last three (3) years, as Council did give you the direction to move forward on this. Mr. Pelot asked Mr. Bergstrom about his specific questions and Mr. Bergstrom replied he has provided Mr. Ryland and copied all of Council on his concerns. Mr. Ryland stated he hoped to have full information by early next year. Ms. Whipkey stated this action is not stating we are buying this, it is opening up to broader negotiations. Mr. Ryland replied no, that is not correct, this is with intent to purchase for \$1.99 million dollars with a 10-year interest free loan. Ms. Whipkey asked how would we pay for this? Mr. Ryland stated we have the tax credit roll back Fund #128 to use for this. Mr. Ryland stated that we might even have enough in there right now to pay for all of this, but we will be using the interest free loan. There was discussion as to who would be responsible for any maintenance or repairs to these lines and Mr. Ryland stated we are currently responsible for that now. Mr. Ryland replied that each resident that has Summit County Sewer has an annual \$58.00 assessment fee on all tax bills for a maintenance fee in addition to a monthly maintenance fee on their bill. Ms. Whipkey discussed Mr. Ryland's comment earlier about if you are paying for it you should own it. Ms. Whipkey asked isn't that the same thing the citizens have been saying about the sewer lines going in front of their homes, they have to pay for it but they don't own it. Mr. Ryland disagreed because they are owned by the City of Norton and the residents are the City of Norton. Ms. Whipkey asked if we could guarantee the citizens on the tap in fees that their rates would not increase.

Mr. Ryland stated that is why we are doing a rate study now and one was completed in 2007 that stated our tap in fees were too low at that time. Mr. Nicolard stated that most cities operate this way, to offer this service. We just have not been able to that in the past. Mayor Zita concurred that several pieces of legislation will be required and when it comes time to make the final purchase the system, that would require a vote of Council to approve it. Ms. Whipkey asked about other cities that own their own sewers and Mr. Ryland replied, Akron, Barberton, Wadsworth, Cuyahoga Falls, Fairlawn, Tallmadge, Stow, etc. Mr. Pelot asked Mrs. Richards to use her contact groups to poll other communities to find out if they own their sewer lines, what their tap in fees are and Ms. Whipkey asked to include their population too. Mr. McGlone stated this is a move in the right direction. Mrs. Karen Harley, 3432 Harper Avenue, Norton, Ohio, stated that the sewer lines have potential to erupt. How old are the lines that we are going to purchase? Mr. Ryland stated that some lines are old and we are aware of them and where they are located. Sewer lines have 60-yr. life expectancy. We are the responsible party to make repairs once we take over ownership. Ms. Harley suggested the County share the cost if we have lines 40 + years, and Mr. Ryland this was considered and they lowered the overall price to take that matter into affect. Mr. Ryland noted that once we purchase this Summit County would no longer be responsible, it would be entirely our responsibility. Mrs. Tompkins, 3848 Cleveland Massillon Road, Norton, Ohio, discussed Exhibit B suggesting permits issued, are these already in place? Mr. Ryland stated that yes we have three (3) package plants in place and all functioning but one. Mr. Ryland stated that the non-functioning one is located on Newpark Drive-Industrial Park. Mrs. Tompkins stated that price of \$1.99 million dollars is a very fair price. Mrs. Tompkins asked who your expert is and Mr. Ryland replied it is Mr. Jim Demboski, of EDG- Environmental Design Group, and he was also with DOES in the early years and has extensive knowledge of our City. There was discussion of the package plants and the extra costs involved for extra employees and Mr. Ryland replied there would no new employees. Mrs. Tompkins stated this MOU is just an opener. Mr. Paul Tousley, 4536 Garrett Drive, Norton, Ohio, asked what percent of the City is on sewers, and Mr. Ryland replied about 30%. Mr. Tousley asked if Gardner Blvd., area was tested recently for ground water runoff and if it passed and Mr. Ryland replied yes and that area did pass. Mr. Conklin moved to add legislation to Councils next agenda for a first reading only, seconded by Mr. Bergstrom. Mr. Mowery asked if this goes through, would we be a wholesale provider for sewer?

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

Motion passed 7-0.

2013 Road Program

Mr. Bergstrom discussed a few weeks ago the Administration provided us with a list of the roads in addition of some new ones. Mr. Bergstrom discussed some of these are being funded by an AMATS grant. Mr. Bergstrom opened discussions on where we want to go for chip sealing, crack sealing, etc. Mr. Bergstrom stated that Flesher Drive really needs looked into.

This is close to \$300,000.00 already and the goal is to get an itemized list of where we should be putting our money into next year. Mr. Conklin questioned the streets for AMATS funding. Mr. Bergstrom answered they are #1, #4, #9 #10, #11, #12 and #15 from the list (See attached) and are based on the type of road material and they are arterial roads or feeder roads. Mr. Conklin asked if we are required to have a match for this fund and if so are we taking money out of the 2013 Budget? Mr. Ryland replied that normally with AMATS they require a 10% match. Mr. Nicolard recalled asking Council where were to come up with \$3.62 million dollars to pay for all of these roads. The fact of the matter is that we are just kidding ourselves here, we don't have money to roll over into the 2014 budget and have no plans for a 2014 Road Program. Mr. Nicolard stated we are going have to find this money somehow. Mr. Bergstrom stated that is a totally different subject. Mr. Bergstrom stated we know we don't have the money to do the big picture, but we discussed focusing on maintaining and doing what we can to protect the good roads, and then continue planning out for the future. Mr. Nicolard stated its like sticking our heads in the sand by doing just the minimum of \$400,000.00 this year and as elected officials its our responsibility to figure that out. Mr. Nicolard asked again to really think of how we could fund a proper road program from this point forward. Mr. Bergstrom stated the first option he sees is a road levy program, there really is no other way to generate the revenue we need. There are no grants, now new businesses with more revenue. Mr. Ryland did not disagree with that and noted that we need to keep focused on this list now to get on board with the County. Mr. Bergstrom listed non AMATS roads as #5, #6 #7, #13, #14-Fleshure Drive. Mr. Ryland stated the list is not that critical at this point, we need to be specific on the length road, and what material or process we want. Mr. Conklin asked if Mrs. Starosta even saw the matching funds that we would need for 2014 and she replied right now nothing is sticking out at her for that. Mr. Mowery stated that the big push is for finding money in our budget now or in the future and the money just is not there and Mrs. Starosta replied that was correct. Mr. Mowery stated that he would like to see at least one road in his ward done. Mr. McGlone reminded everyone about all the cuts in funding we have seen this year, last year, and in 2013. Mr. Mowery stated it seems like going to the people is the only way to find the money. Mr. Nicolard stated that he intends to put the 2014 Road Program on the next work session agenda. Mr. Bergstrom stated the key is to get all of our wish list to the County so we can continue to beg for the repairs. Mr. Ryland stated you just need to give me a list of the roads and will get back to you with the total length of roads as desired. Mr. Mowery discussed the proper technique to do Brentwood and Cherrywood. Ms. Whipkey discussed the \$50,500.00 to do Flesher Drive and questioned if that included the fog sealing and Mayor Zita replied yes. There was discussion as to the various types of road materials used throughout. Mr. Mowery stated all he could do for Cherrywood now is tell the residents this is the best we can do for now. Mr. Ryland stated that for now he just prefers to list the total linear feet to move forward. There was discussion if a formal motion is required and that legislation detailing the scope of the work by 1-4-13 is due at the County. Mr. Ryland stated that it's more important that you pass your budget and he would rather just do the total amount of linear feet for pricing. Mr. Bergstrom moved to place legislation supporting the anticipated 2013 Budget for the 2013 Road Program based on itemized list of quantities of roads as #2-Cherrywood motor pave & chip seal with fog seal; #5-Wadsworth Road-crack seal; #6-Fairland Road-motor pave & chip seal; #7-Clark Mill

Road-chip seal & fog seal; #13-Frashure Allotment Misc.-concrete repairs where needed; and #14-Flesher Allotment-Flesher Drive-motor pave & chip seal & fog seal, on Councils next agenda for a first reading, seconded by Mr. Conklin. Mayor Zita stated that right now we are just identifying the roads to obtain total length. Mr. Conklin stated that if we have any left over money it should go towards AMATS and the 2014 Budget. Mrs. Alice Wagner, 4168 Hawaii Avenue, Norton, Ohio, asked if you forgot about Hametown Road, and the side roads in Sherman Allotments? Hametown is a secondary road and it deserves to be looked at. Mr. Bergstrom stated we have the possibility of obtaining funding for Hametown from another source. Mr. Nicolard stated if we did Hametown that would be closer \$600,000.00 and we only have \$400,000.00. Mrs. Wagner stated we need to look at the main roads first and side roads like Flesher allotment later.

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

Motion passed 7-0.

2013 Annual Budget

Mr. Nicolard stated that last meeting we discussed this at length and asked Mrs. Starosta if she had any questions from Council and she replied no. Mrs. Starosta noted the amendment to Exhibit A is due to the health care issue and the pages are now marked with an R at the bottom.

Mr. Nicolard moved to place this on Council's next agenda, waiving second and third readings with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Amend Section 242.14 EMS Collection & Transport

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that the ORC requires us to put the EMS fees in a particular fund and now that we are expiring the older levy funds we need to reestablish that fund appropriately. In addition to this, the Fire Chief has requested we add two new transport hospitals in Green to this listing, which have been added. Ms. Whipkey asked about the billing as stated in Exhibit A and stated she was confused as to what the actual prices are because she was told they are higher than what is listed. Mrs. Starosta discussed #5 and that it mirrors the Medicare fees. Mr. Ryland that he agreed the current fees we charge are higher than what is shown. Mr. Ryland stated we automatically adjusts itself as Medicare fees go up. The fees are based on Medicare allowances that we have. Ms. Whipkey stated she had received different figures from Chief Schultz and these figures to not reflect that. Mr. Ryland stated the information she received from Chief Schultz are the most current. Ms. Whipkey questioned if we need to be changing the legislation to reflect the more current prices?

Mr. Ryland replied no because you would be changing that legislation all the time, which is why there is already one in place that allows us to make the adjustments. Mr. Nicolard reminded that we do soft bill the residents for all EMS runs. Mr. Nicolard moved to place this on Council's next agenda, waiving second and third readings with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Create Fund 105-New Fire & EMS Levy 2012

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that this is to collect the new Fire & EMS fees into a separate fund and goes along with the 2013 Budget. Mr. Nicolard noted the order of legislation must be the 2013 Budget then these can follow accordingly, and Mrs. Starosta concurred. Mr. Nicolard moved to place this on Council's next agenda, waiving second and third readings with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Annual Food Ordinance

Mr. Nicolard stated that this is something we do every year at this time and turned the discussions over to Mrs. Starosta for the details. Mrs. Starosta explained that you could give all three readings as long as it is adopted by end of January, however she would prefer the emergency language to be in place by the end of January.

Mr. Nicolard moved to place this on Council's next agenda, with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

2013 Transfers & Advances

Mr. Nicolard turned this discussion over to Mrs. Starosta for the details. Mrs. Starosta explained that this is done every year and must coordinate with the 2013 Budget. This needs to be adopted and effective by January 1, 2013. Mr. Nicolard moved to place this on Council's next agenda, waiving second and third readings with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Legal Defenders Agreement-Indigent Clients for 2013 *Added at beginning of meeting

Mr. Nicolard stated this item was just received late on Friday and needs to be adopted at the December 10, 2012 Council meeting. Mr. Nicolard turned this discussion over to Mayor Zita for the details. Mayor Zita stated that there is no fee increase for next year, which is \$160.00 per case with a cap of \$750.00. Mayor Zita stated this expires on December 31, 2012. Mr. Nicolard stated we received this late on Friday afternoon and is why this needed to be added for tonight. Mr. Nicolard moved to place this on Council's next agenda, waiving second and third readings with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Unfinished Business:

Mr. Bergstrom discussed the waterline contract and that he did receive some information but he did not see the professional liability insurance listed which he was sure that they do have it, he just does not have that documentation. Mr. Bergstrom stated he wanted to see the contractor submit a letter setting this out in detail. Ms. Whipkey stated she received a call from a Park Drive resident about garbage trucks causing more damage to the delicate water line in this area. Mr. Ryland stated this is a private road and the garbage trucks should not be going down this road, the residents need to take their trash up to the curb like everyone else. Mr. Ryland stated that there are 15 laterals involved in this area. Mr. Mowery asked about the roads in Holiday Heights and the recent construction, and if the roads were being torn up? Mr. Ryland replied we have looked at the camera pictures of before and after and we feel there is no damage.

New Business:

Mr. Mowery asked about the process for residents to call in street lights out to Ohio Edison. Mr. Ryland stated the information is on the Ohio Edison website. Mr. Bergstrom asked about getting larger recycle containers from the Kimble Company and Mr. Ryland stated that would have to be a citywide effort to switch to a larger container. Mr. Bergstrom asked if we could survey the residents to see if there is a real need and Mr. Ryland stated we could do that with billing. Ms. Harley stated that she has requested an extra yellow bin and was told she could only have one. Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, stated he doesn't recycle and questioned how do they actually separate these recycle products? Mr. Ryland stated they have a separate truck and it gets trucked to Twinsburg for processing. Ms. Wagner stated she had missed a billing and called the Kimble Company and explained the situation, she still got charged a late fee.

Mr. Robert Copen 2518 Sue Lane, Norton, Ohio, stated that he knows Mrs. Campbell must get tired of hearing complaints from him and his wife about the mess the trash company makes and drive off and leave it for them to clean up. Mr. Copen suggested we need a committee to listen to all of the complaints to take to the Kimble Company. Mr. Copen stated that we need to address this lack of clean up in the next contract. Mr. Ryland asked Council what they want to do about the televised Council and what they feel the definition is and he needs their direction. Mr. Ryland stated that he feels we would be violating the Charter because there is no way we can get this done in 60 days. Mr. Conklin asked if he has any numbers and Mr. Ryland stated he has numbers all over from \$ 1600.00 hour, to \$8,000 per hour for broadcasting. PBS will not do this because they do not do live broadcasts. Time Warner was \$22,000.00 for insulated fiber optics. Mr. Ryland noted that all of these are verbal quotes. Mr. Bergstrom stated we need to define what is televised and the required service. There was discussion as to what Committee this would fall into and it appears there are none appropriate. Mr. Nicolard asked for volunteers from Council, to which no one came forward. Mr. Bergstrom suggested those on Council that are in favor of this to tackle this. Ms. Whipkey asked about Wadsworth, don't they televise? Mr. Ryland replied that Wadsworth has their own cable. Ms. Michelle Baker, 4112 Roop Avenue, Norton, Ohio, stated although she did not know the wording of the Charter amendment, for those residents that may not have TV, the public library has computers free to the public. Mr. Ryland agreed with Ms. Baker however the amendment states it must be televised live and that streaming live is not the same as televised. Ms. Baker suggested the a web cast could be done on the city website. Mr. Ryland replied that would work, but may not meet the spirit of the petition. There was talk about Akron University having a television department. Mr. Conklin asked if we should now be considering moving to a web cast environment. Mr. Ryland stated that would be fine but that does not fulfil the Charter obligation. Mr. Pelot asked about the Norton High School AV classes to get their input and Mr. Ryland replied that is exactly why he has asked for experts in the field to address this. Mr. Larry Perkins, 3844 Neitz Drive, Norton, Ohio, stated in the past you could get low power FM stations from your home, is there any way you could do low power televised meetings and send out over the dispatch waves? Mr. Ryland replied you could not use our dispatch center for that purpose, but had not thought about low band television. Mr. Conklin suggested Mr. Ryland contact Mr. Don Welch because he does run the AV department at the Akron University. Ms. Whipkey asked about the Trinity Broadcasting on Wadsworth Road, and Mr. Ryland replied that he has contacted them and they do not do broadcasting live. They only broadcast from their facility and only at 2:00 PM. Mr. Nicolard stated that Mr. Ryland and the Administration have been working very hard on this trying to get the answers we need. Mr. Nicolard asked for volunteers to work on a Committee to assist us on this, and if he does not have any volunteers by next week he will appoint a committee.

Topics for the next Work Session:

Summit Road Sewer Line

Road Program-Future Needs

Establish Committee for New Charter Amendment-Live Broadcast.

Public Comment-Agenda and Non Agenda Items:

Mr. Tousley discussed an issue on Home Avenue and that there were barrels on both sides of the roads and he wondered if this is something that needed to be addressed. Mr. Tousley stated when he moved here the income tax rate was 1.50% and now depending on where you work it is up to as much as 2.25%. Mr. Tousley stated he has serious concerns about the future of this city, and that we need to stop pretending that the citizens have money for everything, like sewers, roads. Those increases he mentioned do not include the increases of property taxes. Yes it may be a good deal of \$10 million dollars for the sewers, but you have to remember that is \$10 million on the backs of the residents.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:43 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.