



## COMMITTEE WORK SESSION MAY, 21 2012

**Committee Members Present:** Dennis McGlone  
Charlotte Whipkey  
Scott Pelot-Excused  
Todd Bergstrom  
Ken Braman  
Don Nicolard

**Also Present:** Mayor Mike Zita  
Rick Ryland  
John Moss  
Karla Richards  
Ann Campbell-Excused

The Committee Work Session convened on Monday, May 21, 2012 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Don Nicolard. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

### **Committee Work Session General Discussion:**

#### **Mr. Harrison from MAD:**

Mr. Harrison handed out the 2012 summer spraying schedule, (see attached) Mr. Harrison stated that if any resident has a complaint, please call us. Mr. Harrison stated that so far this season we have not had much rain yet, and he hopes to have a quiet mosquito season this year.

#### **Brentwood Estates**

Mr. Bergstrom stated he was prompted by a friend who lives in Brentwood Estates about their PAC. Mr. Bergstrom stated he was informed that they have been proactive with a petition to get their own road program. Mr. Bergstrom had invited Mr. Bussey from their PAC to help in the discussions for tonight adding that this may be a model on future neighborhoods to consider. Mr. Nicolard explained the large stack of files in front of him blocking his view. They are all of the public records requests received by the city since Jan. 2011. Mr. Nicolard asked everyone to please keep our limited staff in mind as you request these records. A lot of this workload falls on Karla and a lot of cooperation would be appreciated. Ms. Whipkey stated she received a lot of information and her requests are probably included in that stack. Mr. Bussey, 3302 Cherrywood Drive, Norton, spoke on recent emails from their group. Originally we organized for the condition of our roads. We had a meeting back in March with approximately 35 residents attending.

Brentwood Estates Continued:

We asked what they wanted, the residents said they want their roads repaired, restored or refurbished to their original condition. A vote was taken for anything other than asphalt and they all said no. We also asked how many wanted assessment and 100% of the residents said absolutely not. These residents felt that if the city could find money to repave Greenridge they could find money to do Brentwood Estates. Mr. Bussey stated since that time he has not heard anything different from these residents. Mr. Piesciuk, 3249 Creekside Drive, Norton, Ohio, has escalated his involvement with this PAC. If the City states there is no money for roads and the residents don't want assessments, then our roads won't get done. Mr. Piesciuk stated he pledged his time to keep moving this forward. We have held 3 meetings since March; you can see our minutes on [www.citizens4Norton.com](http://www.citizens4Norton.com). A petition process with 75 % approval of the residents is one way to start a formal process to get hard numbers, bids, on the real costs from the city. We decided to go this route to get it started, realizing the City has certain requirements. The next step is to decide how we move forward, do we assess, do we build a fund, how do we move ahead and end up with proper roads. We also discussed the types of products, like fortified asphalt as was used on Route #13 in Mansfield. We understand the city has developed proper road standards several years ago and we are not looking to go backwards on road standards, we want to go forward. We are meeting again this Thursday at 7:00 PM at the public library. The more interaction we have with Council, Mayor and Administration the better, it's just a constructive way to get things done. Mr. Bergstrom asked Mr. Piesciuk to copy the Clerk of Council on their minutes in the future. Mr. Bergstrom discussed the bids and estimating process, and questioned if we have to do this formal process just to get the petition process started for these residents? Mr. Bergstrom stated that the city needs to develop the initial costs involved, perhaps with the in house Engineer to get a good estimate. Mr. Piesciuk stated he wanted to make sure the formality or process does not get lost along the way. Mr. Ryland suggested Mr. Piesciuk contact him to make sure the proper petition procedure is followed. Mr. Piesciuk stated that any ideas the City has to help them get to their goal would be appreciated. Mr. Bergstrom talked about an option of building up a fund over time to get this done down the road maybe in 4 or 5 years. Mr. Bergstrom wondered if assessments or a homeowners association would be a write off on the resident's taxes and if so they should take advantage of this. Mr. Moss stated his gut feeling was no, but would need referred to a tax attorney for the answer. Mr. Mowery asked if the city could commit money for Brentwood out of the road program budget? Mr. Ryland stated that Council could make cuts wherever they wish in the budget, you as Council, control the budget and the Administration responds to the legislation and actions you tell us, the Administration cannot do that. Mr. McGlone stated he is open to this, we tried a levy before and it did not work. Mayor Zita stated it's at least moving in the right direction. Mr. Moss stated the procedures for assessments are for 20-yrs., at the maximum. At the current 20 year bond the interest rate is at about 4-5%. If you want the roads to last 20-years or more you have to be careful of what road product you are asking for. To do your roads the proper way, it might be more expensive but would be a better long-term value. Mr. Moss gave a rough estimate of \$400,000.00 for an annual road budget, for 5,000 properties in the city.

Brentwood Estates Continued:

That is \$80.00 per property and you have 280 residents in your allotment so that is \$22,400.00 per year and would be about 50 ft. Mr. Piesciuk agreed but if you spread that out over say over the next 20 years its more. Mr. Bergstrom stated he would be out of town this Thursday, and suggested someone on the Service Committee or Council attend, Mr. Mowery stated he would attend. Ms. Whipkey asked for clarification from Mr. Piesciuk as she thought they are asking for the City of Norton to come up with matching funds. Mr. Piesciuk stated that it's just one of the ideas, it's an open plate right now, until we get the numbers and information that is yet to be determined. Ms. Whipkey stated they are not offering to pay for 100% of the project. We feel there is some contribution to be made on the City's behalf. Mr. Tom Valatka, 3317 Cherrywood Drive, Norton, Ohio, asked about the daily repairs to the roads and asked what is the plan? Mr. Bergstrom stated we have a separate plan that is not part of the \$400,000.00 annual road program. Mr. Valatka stated it's going to get to the point if you don't keep up with the repairs, you will end up replacing the entire road. Mr. Bussey stated he was speaking strictly for himself and that he is opposed to an assessment for Brentwood or any other allotment, he doesn't want to be responsible for opening that door. When Greenwich and Glenbrook Roads were done, some of you were here and you approved that, you found the money for it and it was done. You don't seem to have any long-term plans to take care of the infrastructure of this city; you just react to what is in front of you. For the 16 homes on Cherrywood Drive, it will probably cost each of them about \$22,000.00 in assessments, not including interest, and other fees, and he doesn't want to have to pass that assessment along to the property or to a prospective buyer. You have the ability to do it, you need a plan, it's the city's responsibility and you should do it at the city's expense. Mr. Bergstrom did agree with Mr. Bussey, but added when you have limited funds, and can't get a levy passed, and when we have residents that are willing to go the assessment route, we may have to open that door and get behind that. In order to do a long range and proper road program plan the revenue source is simply not there. Mr. Joe Kaisk, 3237 Brookfield Road, stated he attend the service committee where a TIF was discussed and asked if this could be used for our roads. Mr. Moss stated there is something as a residential TIF but it applies for new construction only, would not apply for road repairs. Mr. Kasic expressed frustrations with huge numbers always being used for examples like \$300,000.00 as a worse case scenario. Mr. Kaisk stated we did submit a petition last year just for 1 road, and nothing was done. Mr. Bergstrom stated that we wanted to maximize our dollars to get the best job done. In order to do your area properly is a total reconstruction. Ms. Whipkey discussed the comparisons for John Street and the length of roadway needed to be done for Brentwood, which she felt was a total road replacement, as opposed to a new road. Mr. Moss stated John Street is 500 ft. all the way to the back and our engineer estimates are \$224,000.00 and we talked about shorter distances at different amounts. We cannot afford to do the whole road. Don Harbert, 3239 Brooklawn Drive, clarified that we are talking about getting a petition together that will direct you to get us the information we need so we can make a decision. Mr. Ryland stated if you just want an estimated cost, he could provide that now as he had done that for Mr. Bussey and could apply it to them; however Mr. Piesciuk stated they would rather do this the proper way with the petition process. Mr. Bergstrom stated this would be on the next Work Session agenda for a report from Mr. Mowery of their meeting this Thursday.

### Solar Planet Green City Buildings

Ms. Whipkey stated she tried to do some research on this company before turning this discussion over to Mr. Ryland for the details. Ms. Whipkey stated she understood they do this at no cost, they are out of Columbus and questioned if they subcontract out for their work. Ms Whipkey stated this company is only 2 years old and could find no references as to who else they had worked for. Ms. Whipkey asked what are they really getting out of this. Mr. Ryland stated that is exactly what he thought. Mr. Ryland stated this company would own the panels and take the depreciation from it as part of their tax returns over the 20 or 25 year term of the contract. We will pay them 7 cents per KWH versus the 10 cents per KWH we currently pay. Mr. Ryland stated they will have complete ownership and maintenance for the 20 or 25 years and the end of the contract we will own it and we will be responsible for maintenance if we continue to stay on it. Ms. Whipkey asked how would this affect the aggregation program? Mr. Ryland stated it would not affect it, as it would take us out of the program as city buildings. We will still be on the grid for the entire time. Mr. Ryland stated the project would save the city 1.3 million dollars over the life of the project. If we create more than we use, they would sell it back to the grid. There was discussion on how the panels would be installed and Ms. Whipkey stated she understood if the roof was not capable they do have a ground rack version as well. Mr. Piesciuk cautioned the city to be careful with the city's current supplier as the use changes they may charge the costs to the city because of a new program use. Mr. Ryland stated this was a good point for an individual to be concerned; however as a municipality we have rates set by a municipal contract. Council agreed to have the Administration investigate this further. Mr. Ryland stated the solar panels we have at city hall are first generation and the new ones are an upgrade. Mr. Piesciuk suggested caution with the installation of the panels on how they are installed on our existing buildings, and who would be responsible for any damage to our structures. Mr. Ryland stated the only building that would be an issue with is this Administration building because these are first generation panels and may retrofit those existing racks. For the rest of the buildings they prefer to use field panels. Ms. Whipkey moved to have the administration investigate this issue further, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

### TIF-John Street

Mr. Nicolard turned this discussion over to Mr. Moss for the details. TIF stands for Tax Increment Financing and explained the process. Mr. Moss stated that John Street is actually a paper street. The developer states the taxes will go up \$10,000.00 per year, and with using a TIF that would be \$7,500.00 and he estimates that would be enough to build the 84 feet of road. Mr. Moss stated that one of the advantages of putting in John Street is that you are taking two (2) driveways out and making them into one (1). The owner would like to go bid as early as possible and like to start construction early this fall. Mr. Moss stated he would like to proceed with the development of these numbers. Mr. Bergstrom asked if Council could decide not to get put much risk involved, and Mr. Moss stated the exact incremental tax is unknown.

TIF-John Street Continued:

Mr. Bergstrom stated he would like to see what the investment is and what the risk is. Mr. Moss clarified we could take the money and use it for the road and the next property could be used to extend the road. Mr. Moss stated he believes you are also taking a property valued at \$10,000.00 currently and when completed it would be worth more than \$1,000,000.00. Mr. Moss stated the idea is to make a small pool of money on the first property and when the back property owner decides to move in this direction we can extend the road farther again using the same TIF method. Ms. Whipkey stated we don't want to commit to something more, and would like to see more numbers and plans, as she thought they had submitted something to the Planning Commission. Mr. Moss stated all that has been submitted is the site plan reviews, they are still working on the bigger details. Mr. Nicolard stated he believes we can only build what the TIF would generate. Mr. Nicolard moved to have legislation prepared for the two parcels as Mr. Moss discussed to enter into a TIF for the next Council meeting, and Mr. Moss suggested a first reading only, seconded by Mr. Braman.

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

Motion passed 6-0.

Five (5) PC Resolutions-Entertainment Arcades Devices

Mr. McGlone stated that March 27, 2012 the Planning Commission came up with five (5) resolutions. It came to Council in April and he was informed by the Law Director and Administration that Chief Hete was not involved in this. Council sent it back to the Planning Commission. On May 8, 2012 the Planning commission reviewed this issue again and ended up with only one resolution affecting the time on Friday & Saturdays which is now suggested from 10:30 AM to 2:30 AM, as a security measure. Mr. McGlone moved to send the PC Res. #13-2012 to Council's next agenda, seconded by Mr. Bergstrom.

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

Motion passed 5-1.

Fire Levy

Mr. Nicolard stated Chief is also here to discuss the Fire Code legislation first and then we will discuss the fire levy. Chief Schultz stated there was some confusion on the Fire Code from 2005, which was supposed to be updated in 2007. The legislation presented is prepared as an automatic update adding that we will follow the current code. Ms. Whipkey asked is this required or mandated by the State and Chief Schultz replied yes. Ms. Whipkey asked if we follow this and then later on the State decides to add something more intrusive we don't like, do we have to follow it? Chief Schultz stated you really don't have an option in order to support the code.

### Fire Levy Continued:

Ms. Whipkey stated she would prefer to say yea or nay every few years. Mr. Bergstrom stated he would rather have the automatic update. Ms. Whipkey stated she still had some concerns with the State having authority to enter a private residence to inspect, and Chief Schultz stated that is not true, they cannot enter your home without an invitation. Mr. Nicolard noted that the legislation has already received its first reading and would be on next week's agenda for a second reading. Chief Schultz discussed placing the fire levy back on this November's ballot. Chief Schultz stated that we have lost two employees already now and we are not providing the services we should be, and one employee is leaving now and another leaving in the next few weeks. Chief Schultz stated the recently we had a city employees mother that had to wait fourteen (14) minutes for help because of response time and staffing issues. Mr. Nicolard stated that he is confident we need to put this back on the ballot, but questioned if the \$4.6 mills and five (5) years would be sufficient. Mr. Moss stated that we would need to recalculate this for five (5) years as it was originally for four (4) years that failed it the past. Chief Schultz stated if we put it on a renewal cycle, we won't have to revisit this ugly issue again. Mr. Moss clarified that 4.6 mills is still a valid number for four (4) years and no new calculations are necessary. Ms. Whipkey stated the private ambulance have only two (2) people on them, and questioned how many of our own go out with an ambulance run? Chief Schultz stated we send out ambulances with three (3). Ms. Whipkey stated the thought process is should keep that 3<sup>rd</sup> person here to work elsewhere. Chief Schultz explained the difference with BLS (Basic Life Support) and ALS (Advanced Life Support), Chief stated that even when private ambulance has an ALS call we will send one of our guys. The guy on the outside is the incident commander; he just is not in the action. Under the original staffing of six (6) we send three (3) guys out and bring one (1) back, next call you sent out two (2). We staff with six (6) guys due to the call volume, not just because we felt it was a good number of guys to have around. Mr. Piesciuk asked how many ways can you beat a dead horse? How do you get the citizens behind this? Mr. Piesciuk asked how many town hall meetings did you hold last time? Chief Schultz replied two (2). Mr. Piesciuk stated that may not have been effective, and would be willing to help if the Chief is open to his suggestions. Chief Schultz stated that we have meetings every Wednesday at the Fire Station and Mr. Piesciuk or any resident is welcome to attend. In response to Mr. Piesciuk, Chief Schultz stated that ISO (Insurance Service Office) showed up to redo our ratings and when it gets published, it won't be good due to the staffing levels. There was discussion on the history of volunteers in the past and how that just didn't work out. Chief Schultz elaborated that in 2007 the volunteer spot between 6-10 PM went unfilled every night and from midnight to 6 AM it was all volunteer. The only two people who showed up were the shift supervisor and the Chief. The volunteers didn't want to do it with all of the training and education that is required of them. Chief Schultz discussed a trained burn that will take place on June 26, 2012 at 11:00 AM at 3517 Wadsworth Road, and encouraged anyone interested to come and watch us in action. Mr. Ryland stated the road would be closed at that location and it would be best to park at Our Fathers House and walk to it. Mr. Nicolard moved to place legislation for a 4.6 mills fire levy for four (4) years on the November 6, 2012 ballot, seconded by Mr. Braman. Mr. Braman noted that he had taken a resident from his ward for a tour at the new fire station after the resident had been hearing rumors about it.

Fire Levy Continued:

After the tour the resident commented about the so-called taj-mahal and that he did not see any chandeliers in there and he now supports the Fire Department. Chief Schultz stated that Council is influential with the resident and if they have any questions or need more detailed information to please contact him. Ms. Whipkey discussed the petition going around and asked Mr. Spisak about the details. Mr. Spisak stated we have about five-hundred (500) signatures so far. Ms. Whipkey asked how long have you been working on that? Mr. Spisak replied about a month ago and that there are only about ten (10) of us working at this. It was noted these petitions are not an initiative or referendum form, but more of a show of support to put the fire levy back on the ballot. Mr. Nicolard stated he was very reluctant about this at first but realizes how important it is to have a 24/7 facility. Mr. Nicolard noted just looking around town we have a lot of residents with gray hair and bad hearts, and if we could do it for less we would. The building is there we are not going to tear it down, and it's a waste not to properly staff it. Mr. Spisak stated that the Save the Norton Fire Department PAC is still strong and functioning and we deserve 24-hour protection and our firefighters deserve safety too. Mrs. Jackie Smolinski, 3540 Greenwich Road, Norton, Ohio, spoke on her needs for having 24/7 staffing. Mrs. Smolinski explained she has a five (5) year old son that can have seizures at all hours, or maybe a husband that could have a heart attack after 10:00 PM. Mrs. Smolinski stated the cost for this levy is \$70.00 a month if passed, if you need private ambulance just one time that could cost you anywhere from \$800.00 to \$1200.00. Mrs. Smolinski discussed all of the misinformation she was hearing about the fire station while getting these signatures for the levy. Mrs. Smolinski stated that this information came from some of the current Council members and she felt this was wrong, you all need to work together. This levy failed by only 114 votes. Ms. Whipkey stated she wanted to see the petitions before she could support any legislation on this. Mr. Nicolard asked for a motion to go forward with the legislation and to have emergency language included. Mr. Mowery stated that petitions or not this will be an uphill battle because of money, and how money has been spent. Chief Schultz stated that as your Fire Chief it is his duty to protect the residents.

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

Motion passed 5-1.

**Unfinished Business:**

None

**New Business:**

Mr. Mowery asked Mr. Ryland who Stewart Moss was and if he is still employed with the City? Mr. Ryland replied yes, he is still employed as a marketing intern person to assist in marketing and promoting the city. Mr. Mowery questioned the fact that this was never mentioned or brought to Council, and asked if he would remain? Mr. Ryland stated he hoped he would remain and would assist Mr. John Moss, however this was not intended to be a permanent position. Ms. Whipkey questioned whether he is receiving OPERS and Mr. John Moss replied that is required due to the salary range.

**New Business Continued:**

Ms. Whipkey asked if this marketing firm is called Macs, and located in Fairlawn, and Mr. Ryland and Mr. Moss both indicated they had no knowledge of that. Ms. Whipkey brought up Personnel Order 12-07 relating to Mr. John Moss and that it's retroactive back to 1996, questioning where this date came from. Mr. Ryland stated that date is recognition of service in another municipality. Ms. Whipkey asked so we are going back to a time when he worked in Wadsworth? Mr. Ryland replied yes. Ms. Whipkey asked if this was common practice and Mr. Ryland replied yes. Ms. Whipkey argued that it's not spelled out in the ordinance, and Mr. Ryland stated it spelled out in the Personnel Order. Ms. Whipkey asked about this applying to other employees and Mr. Ryland replied he could not recall specifics, but service is recognized with OPERS municipal jobs. Ms. Whipkey stated this is nothing we have to do and Mr. Ryland concurred. Mrs. Richards offered her past work history as a prime example with the City of Barberton-Clerk of Courts office. She had thirteen (13) years of service there and when she was hired here in Norton that previous service time was recognized as prior service. Mrs. Richards stated that it is pretty much standard with government employees from city from city as a condition of employment.

**Public Comment-Non Agenda Items:**

None

**Topics for the next Work Session:**

Report from Mr. Mowery on the Brentwood Estates meeting from 5-24-12.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:11 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.**