



COMMITTEE WORK SESSION SEPTEMBER 24, 2012

Committee Members Present: Dennis McGlone
Charlotte Whipkey
Scott Pelot arrived at 6:16 PM
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, September 24, 2012 at 6:02 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.

Mr. Kostoff stated Council followed their Rules for election of Vice Pres. It was brought to his attention by the Clerk of Council an Attorney General Opinion on this manner. Mr. Kostoff stated this opinion is not applicable to this issue, however Council could have been polled by each Councilperson as to their vote, or you can modify Council Rules and go by a voice vote for the interest of streamlining the process. Mr. Kostoff noted that he felt it was incorrect for the media to state this was illegal or improper. Mr. Kostoff suggested that Council adopt the new version of Rules as prepared and repeat nominations and repeat the vote on this. Mr. Nicolard polled Council for their support, Ms. Whipkey stated that she was against the change when we enacted it in the first place and that any vote we do should be public and she wanted it to be oral in the future.

Mr. Conklin stated that he would be removing #D-Continued Planning Sanitary Sewers for Commercial Businesses from tonight's agenda and move to the next Committee Work Session. He is doing more research and is not prepared to move forward at this time.

2013 ODOT consent agreements for Mowing & Spraying

There are two agreements for 2013 one for mowing and for herbicidal spraying. Mr. Ryland noted this is the same time of year to be adopting these as last year.

Mr. McGlone questioned the past discussion where we would be swapping services with ODOT and Mr. Ryland stated this is not related. Mr. Bergstrom moved to add this to tonight's agenda, seconded by Mr. Conklin. Mr. Conklin clarified this legislation does have emergency language.

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

Motion passed 7-0.

Prosecutors Court Agreement with Barberton Court:

Mr. Nicolard turned this discussion over to Mr. Kostoff for details. Mr. Kostoff indicated the City of Barberton has requested this legislation due to the costs for administering in their court. Mr. Kostoff stated he has worked out the detailed agreement for a cost of \$5,000.00 starting in 2013 and it's a three (3) year contract. This would be in addition to the costs for transfers from the Norton Mayors Court for associated costs. Mr. Kostoff indicated we have not paid this fee in the past and asked for three readings and placing this on tonight's agenda. Mr. Nicolard moved to add this to tonight's Council agenda, seconded by Mr. Pelot. Ms. Whipkey asked if we previously had these services, and Mr. Kostoff replied we have received their services for free in the past. Mr. Kostoff stated he was not shocked that they are now asking for compensation. Mr. Kostoff discussed the right for discovery in all criminal cases; this process requires reports, paperwork, etc. Ms. Whipkey stated that we basically don't have a choice, and Mr. Kostoff concurred. Mr. Bergstrom asked for some type of a summary of what other communities are charged. Mr. Kostoff explained that there is a process where they charge each community a certain amount for the total number of case processed. Ms. Whipkey asked for clarification that there would not be an increase and Mr. Kostoff concurred, this is a flat amount of \$5,000.00 for each year and this will not change.

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

Motion passed 7-0.

Continue Planning Sanitary Sewers-Commercial Businesses

Removed from the agenda by Mr. Conklin

Cable Franchise Fees Deposit:

Mr. Nicolard stated this is a request from Mrs. Starosta to permit \$20,000.00 from the Cable Franchise Fees Fund be deposited into the Road Program. Ms. Starosta has asked for waiving of readings so she can have it done this year and prepare for the 2013 Budget. Mr. Conklin asked if this was a one shot deal and Mrs. Starosta replied yes at this point. Mr. Conklin stated he has a soft spot for the parks program, and would not want to see this fund gutted. Columbia Woods is what it is today because of these fees and he would go along with this now but he may not in the future.

Mr. Pelot asked about the amount received so far this year. Mrs. Starosta replied as of July we collected about \$63,000.00, which is down from past years. Mr. Conklin asked how much the fees have dropped since their peak a few years ago? Mrs. Starosta replied that the fees in 2008 were \$115,000.00 and in 2009 they were \$120,000.00 and in 2010 they were \$123,000.00. Mrs. Starosta stated she is only projecting about \$80,00.00 for this year. Mr. Paul Tousley, 4536 Garrett Drive, Norton, has asked not to make this emergency, because not every one can attend every meeting. If you are able to make to the meeting you are able to voice your opinion on it, if you cant make it then too bad. This would provide more public input before the vote. Mrs. Starosta stated she needs this as soon as possible to get the money there to lock in for next years road program budget, this is why she has asked to waive second and third readings with emergency language. Bob Krosnick, 4656 Roop Avenue, Norton, Ohio, questioned this because he thought it could only be used for Parks & Rec. Now we are going to tap into this for something else and questioned what will happen next year when you want to tap into that again? Mr. Nicolard asked if we had tapped into this fund in the past? Mr. Ryland replied yes, but when we did we shifted some money from the Capital Funds account to cover some labor related expenses. Mr. Ryland stated that to the best of his knowledge we have never moved money outside from the Parks Fund. Ms. Whipkey stated she thought we moved \$50,000.00 out for the road program earlier. Mrs. Starosta stated that although she was not here prior to that it was proposed in the Budget, however she was not comfortable with that dollar amount due to the reduced fees we are receiving and that is why she is now only requesting to move \$20,000.00. Mrs. Starosta stated we never passed legislation to move the \$50,000.00 as discussed. Mrs. Starosta explained that what Mr. Ryland had referred to was the previous year we moved \$51,000.00 for parks labor. Mr. Danny Grether, 2831 Brookfield Drive, Norton stated he is opposed to taking funds from this account and agreed with Mr. Conklin's statements. This is the one thing that we have going for us --Columbia Woods Park while we have other things that are falling apart like roads, etc. Mr. Grether discussed the proposed Charter amendment for televised meetings and if that should pass in November where will that money come from, parks and parks improvement? Would the Parks Fund be decimated? Mr. Grether expressed concerns with the future of the fees coming in when more and more residents are switching to alternatives like Direct TV or Dish Network because of Time Warner's higher fees. Mr. Grether questioned if that proposed Charter amendment pass in November, how would Direct TV or Dish Network residents get to watch the televised meetings? Mr. Conklin stated that back in the past it was Mr. Ralph Beddow that created the original piece of legislation and we need to check the language to for any stipulations listed. Mr. Conklin asked for the Clerk to look up that previous legislation and copy Council and Administration on that before we vote on this. Mr. Nicolard moved to place this on tonight's agenda, seconded by Mr. Pelot Ms. Whipkey expressed concerns with moving forward with this at all. Mr. Pelot stated he assumed the Clerk would research this and if it turns out that it's something we cannot do we will not move forward with it. Mr. Nicolard suggested moving forward with placing this on the agenda for tonight for a first reading, and next Committee Work Session we could discuss this issue further.

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

Motion Failed 4-3.

Amend Council Rule 102-Nominations/Elections

Mr. Mowery stated this is what was discussed earlier in the evening and if approved there would be a re-vote for Council Vice President by a voice vote. Mr. Mowery moved to add Council Rule 102 tonight's Council agenda, seconded by Ms. Whipkey.

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

Motion passed 7-0.

Unfinished Business:

None

New Business:

None

Public Comment-Agenda and Non Agenda Items:

Topics for the next Work Session:

Cable Franchise Deposit Fees

Road Program

Brentwood Estates Resident Petition for Improvements

Solar Energy Agreement

John Street TIF Financing

Continue Planning Sanitary Sewers-Commercial Businesses

Mr. McGlone wanted to discuss the Trotter Rd, Cleve-Massillon rezoning and he asked for Russ Arters to be present at the next Committee Work Session. Mr. Bergstrom stated that he has received several calls about oil drilling and the noise and questioned how we address that. We need to know how to properly address this with either enforcing the legislation we may have now or issue new legislation. Mr. Ryland stated we have ordinances for trash trucks, but nothing for this type of drilling which once it gets started, they run for 24 hours around the clock. Mr. Ryland stated ODOT issues the permits, not the City of Norton. We do videotape the roadway before they begin and when they leave, vehicles need inspected prior to submitting a permit. Mr. Ryland noted this should not be necessary if they are just bringing in equipment or water to the site, they should not be in and out during the middle of the night. Mr. Bergstrom stated this whole situation caught the residents by surprise because they were not aware of what is going on. Mr. Conklin discussed a recent Beacon Journal article a few weeks ago where another community was addressing this very issue and asked Mrs. Richards to research the archives for that. Ms. Whipkey felt we should ask Mr. Kostoff to look into preparing legislation to put tight restrictions on this. Mr. Ryland stated he did not see an issue with Council passing legislation stating that once a well has been capped, traffic must be restricted to daylight hours.

Mr. Bergstrom discussed placing this into a committee for further discussion because we need to have better control and restrictions. Ms. Whipkey stated that she wants as much control as possible if it disturbs the residents. There was discussion as to the permitting process and our lack of local control, and Mr. Conklin stated that you are not going to get it because Columbus took our control away and turned the permitting process over to ODOT, they are in the drivers seat now, not us. Mr. Conklin explained that ODNR took away the permitting process away from municipalities because each one had their own rules on permit requirements, various setbacks, etc. The oil companies lobbied the officials in Columbus to take over the permitting process because they had issues trying to work with a mixed bag of permitting requirements with every community. Ms. Whipkey stated she understood that part of it, she wants to control the noise. Mr. Mowery expressed disbelief that the City of Norton has no permitting control. Mrs. Barbara Farkas, 3226 Greenbrier Drive, Norton, Ohio, stated that these trucks are flying up and down the streets and asked if we can't do something to control that? Mr. Ryland replied yes, if are speeding we could ticket that. Karen Harley, 3432 Harper Avenue, Norton, Ohio, asked about the permits and the process, and prior to the actual drilling of the well is there anything in the permit that states hours of operation to restrict bringing in equipment for a start stop time? Ms. Harley asked if we couldn't get a copy of the permit to see if that is a requirement? Mr. Ryland replied yes, we could get a copy. Ms. Harley asked if the company has to file a copy of that permit with the city? Mr. Ryland replied yes do, and that well has been capped at least a week and these trucks have no business going in and out at those hours. Mr. Kostoff discussed general nuisance statues and enforcement. Mr. Kostoff suggested it would be best to have Council get all of the complaints and have an ODNR representative present to address the complaints and answer the questions. Danny Grether, 2831 Brookfield Drive, Norton, Ohio, reminded everyone that the permit/lease agreement is between the property owner and not the City. Mr. Grether stated the best place to really start addressing the issue is within the lease agreement itself.

Comments from the Public:

Ms. Ellen Wolf, 4275 S. Hametown Road, Norton, Ohio, wondered why we cannot come up with a plan where you put in your sewers and if and when our septic system fails then we connect, but not right away. Why are you pushing this on everyone right now? Mr. Bergstrom stated the one problem is how do we fund the sewers to begin with. It is those costs and financing we need to figure out let alone the creative avenues that might be available. We have not even begun to tackle the options out there. Ms. Wolfe stated she had asked two (2) weeks ago about the costs, and it just seems so excessive to the Norton residents. Mr. Bergstrom stated that it depends on how you subsidize that expense from other sources. Mr. Bergstrom stated that we the residents foot this bill and pay for this somehow. Other communities may have better revenue sources to help cover the costs than we can at this minute. Ms. Wolfe suggested we put this on hold until we find the other options. Mr. Bergstrom stated that is where we are now. We need to figure out the most economical way to do this, and working with businesses may be a start. Mr. Conklin stated he believed its State law that if you are so many feet to an existing sewer line, you are mandated to connect. Ms. Wolfe stated she researched this on the EPA website and her research did not indicate that fact.

Mr. Nicolard noted the recent Oak Street sewer line, and there were over twenty (20) lines installed and today about thirteen (13) have connected. Mr. Ryland stated the City has not taken an aggressive approach to force connections in the past, it's not our position. Once your system has failed, we would then have you tap into the sewer line. Ms. Wolfe mentioned her previous concern about the responsibility for mowing ditches, is it the City or resident that is responsible? Mr. Ryland replied it is the homeowner that is responsible, but if the ditches are extremely deep the City will go out. There was discussion on what is considered a right of way and Mr. Ryland indicated that every road has a right of way that is a dedicated road. Sometimes it's between 45-70 feet on our streets, and it differs with every road.

Emil Teichman, 3477 Clubview Drive, Norton, asked why did you not explore other funding avenues before and discussed the fact that Barberton and Wadsworth getting 3 million and 2.5 million dollars in grant money. Why don't you check in to this, have you done anything, have you made phone calls? Haven't you talked to the State Dept. or something? Mr. Teichman discussed a situation with a catch basin from about six months ago, and that Mr. Ryland came out the very next day and said he saw the repairs have been ordered. Mr. Teichman stated still nothing has been done. Mr. Ryland stated Mr. Teichman was informed then that this repair is on the list for fixing, and there are many others may be ahead of him.

Dennis Pierson, 3793 Easton Road, Norton, Ohio, stated that last week we talked about Easton Road for over thirty (30) minutes. Mr. Pierson asked who wrote the road specifications for the roadway, and suggested you get the inception page because that is where this would be found. Mr. Pierson asked if there was a bid bond and performance bond in place and if so we should be able to get to that. Mr. Pierson discussed Mr. Conklin tabling the sewer project and called attention to the language of this drafted legislation, and by stating you will extend sewer lines by any means necessary is a Trojan horse. The EPA is not forcing this issue; it is a County health issue. The EPA is not the one driving that; it's the City of Norton pushing it. The law is set as a 400-ft. domino effect for you to connect, so lets not play games here. You need to think about it and how you are going about. Remember the five (5) of you here on Council told the public you were not going to move forward with sewers until you do a full evaluation of costs. You need to go into the JEDD agreement and put the horse before the cart and not the other way around. Mr. Pierson stated that Norton has one of the highest sewer and water rates in the County. This does not just affect residents in Nash Heights it affects the entire City. Mr. Pierson stated he is tired of you using the EPA as your excuse, and you need to look into the facts instead of misleading the people. Mr. Pierson stated he has all kinds of information relating to this and you can do your own research on line too. Do this before voting on anything. Mayor Zita discussed the "Trojan horse" and almost every sanitary sewer project has restrictive properties where there is a domino effect and if we wanted to enforce that we could have done so. We are working with the residents and if there is no need to tie in now we are not asking them to do so.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 7:09 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.