



COMMITTEE WORK SESSION MONDAY, JANUARY 7, 2013

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, January 7, 2013 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. Mr. Nicolard noted Item G is being replaced with Authorizing Depositories

General Topics of Discussion:

Report from Communications Committee-Televised Meetings

Mr. Nicolard asked Mr. Gainer to provide an update due to a snafu in their Committee's report. Mr. Gainer stated that their next meeting will be on Thursday, January 10, 2013 at 6:00 PM. Mr. Conklin asked what the problem was and Mr. Gainer indicated some of the members wanted to look into other options before providing final report.

Approve 2013 Meeting Schedule

Mr. Mowery asked for any changes and or additions and Ms. Whipkey asked about the switch from January 22, 2013 to January 23, 2013 and asked if this was due to the informational meeting about the sewers and Mr. Nicolard concurred. Mr. Mowery moved to approve the 2013 Meeting Schedule, seconded by Mr. Pelot.

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

Motion passed 7-0.

Review/Approve/Amend 2013 Council Rules

Mr. Mowery asked if there are any suggestions or changes, to which Mrs. Starosta questioned video taping and censorship, due to the new charter requirement. Ms. Whipkey stated this might not need to be changed because of the FCC rules. There was discussion to approve for now as is and if later we find it needs amended we can do so at a later time. Mr. Mowery moved to approve the current 2013 Council Rules, seconded by Mr. Pelot.

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

Motion passed 7-0.

Appoint Standing Committees for 2013

Mr. Nicolard stated that unless there is a conflict he would be appointing the same members to all of the Standing Committees for 2013. Mr. Nicolard moved appoint the standing committees for 2013, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Appoint Members to Firefighters Dependent Fund

Mr. Mowery asked for any volunteers, and noted that Mr. Nicolard & Mr. McGlone were last year's members. Mr. Mowery moved to nominate Mr. Nicolard and Mr. McGlone for the 2013 year, adding that legislation was not required, seconded by Mr. Pelot.

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

Motion passed 7-0.

Appoint Council Representative to Health Advisory Board

Mr. Mowery indicated that Ms. Whipkey served last year and is also willing to serve again this year. Mr. Mowery moved to appoint Ms. Whipkey as the Council representative for 2013, seconded by Mr. Pelot.

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

Motion passed 6-1.

Authorizing Depositories Legislation

Mr. Nicolard noted that Mrs. Starosta has asked Council to add this item to tonight's agenda for discussion and turned the details over to her for explanation. Mrs. Starosta explained that we are required to designate our depositories every five (5) years and the last one ended in 2011. Mrs. Starosta is requesting Council pass new legislation for the period of March 24, 2011 to March 23, 2016 for the following banks: First Merit, J.P. Morgan Chase, Charter One, North Akron Savings and Huntington National. Mrs. Starosta noted that North Akron Savings and Huntington National were added this time to the previous listing. Mr. Nicolard asked for clarification on the depositories from 2011, did we pass legislation in 2011 or did this expire in 2011? Mrs. Starosta stated it expired in 2011. Mr. Nicolard moved to place legislation on Councils next agenda with emergency language and waiving readings, seconded by Mr. Pelot.

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

Motion passed 7-0

ODOT Consent-Resurfacing I-76

Mr. Bergstrom stated this is required for the resurfacing project with ODOT, and Mr. Ryland added that construction would begin this July. Mr. Ryland stated this is an extension of what took place the previous summer and is no cost to the City of Norton. Mr. Bergstrom moved to add this to Councils next agenda with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Roadwork Partnership-New Franklin

Mr. Bergstrom stated he briefly discussed this with Mr. Ryland turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated this project is a joint project with the City of New Franklin and they have received a grant for this project. The City of Norton's portion to repave is \$17,900.00, which includes complete inspection costs. Ms. Whipkey clarified that this would come from the Road Program Fund, and Mr. Ryland concurred. Mr. Bergstrom moved to add this to Councils next agenda with emergency language, seconded by Mr. Pelot.

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

Motion passed 7-0.

Codification Updates for 2012

Mr. Mowery stated that this is a boilerplate piece of legislation that is needed every year. Mr. Ryland stated that last year for some reason Council took three (3) separate readings before being passed and asked Council to move this along and waive the readings. Mr. Mowery stated that whether we go all three readings or suspend the rules, it basically has the same effect. Mr. Mowery moved to place legislation on Councils next agenda, waiving the second and third readings, with emergency clause, seconded by Mr. Pelot.

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

Motion passed 7-0.

Planning of Sanitary Sewers St. Rt. 261

Mr. Conklin stated that his first issue is the draft legislation recently and this allows for the Administration to enter into engineering and cost analysis of this project. This is nothing more than opening up discussions to see how we can move forward with this project. Mr. Bergstrom discussed his additional comments, and wanted to have the businesses listed that have asked for this inserted in the second Whereas paragraph. Mr. Bergstrom stated that we could add, "to provide a better sustainable system..." which clarifies the reasoning. Mr. Ryland stated if you add this you would be eliminating two (2) package plants located at the restaurant at the corner and at the water treatment plant. Mr. Pelot stated he understands this project is over \$200,000.00 and questioned how many businesses this could serve? Mr. Pelot stated that to just service one business does not seem like a good return on our investment. Mr. Bergstrom agreed, and that right now all he knows is there is one businesses that is involved so far. Mr. Ryland stated that would also address the environmental impacts in this area. Mr. Conklin stated the engineering study would spell all of this out, in addition to the costs for the businesses. Mr. Ryland stated the rest of that it would be up for negotiation later on. Mr. McGlone asked if closing the two (2) package plants would that be a savings, and Mr. Ryland replied it is suspected that one of those plants is failed or failing and the one at the water treatment plant is stressed. Ms. Whipkey stated that she thought there was to be a meeting with these business and property owners to come forward with their request, as far as she was concerned they don't own the property, and if that's correct, what would they really be paying? Mr. Nicolard clarified that the businesses in question may have a holding company that owns or lists the property, and that a letter of request is forthcoming from Perfect Power Wash. Mr. Conklin concurred that this was also the intent of the City of Barberton that a letter would be coming from them as well. Mr. Conklin stated he felt confident we would have both letters before moving forward with legislation Mr. Mowery asked if residential properties are involved and Mr. Ryland concurred that there are residents on Summit Road that could be tied in. There was brief discussion on the residential connection requirements. There was discussion as to the fecal coliform counts being high at the Wadsworth Road bridge, and where they are generating. Ms. Whipkey asked if we could create legislation clarifying what is considered failed, because a system could fail for various reasons, it would have to be a complete failure, not something that could just be fixed for \$1500.00 or less.

Mr. Ryland replied that is a Council decision. Mr. Mowery discussed waiving the tie in fees for anyone in Norton. Mr. Nicolard stated that he believed that Mr. Mowery was referring to the assessment fee, not the tie in fees. Mr. Mowery clarified just for a tie in factor, he does not want anyone to have to tie in if they don't have to. Mr. Ryland reminded Council that we have an ordinance on the books that states your system has to be failed or failing in order to tie in. Mr. Mowery stated here was discussion on the history of the previous property owner and the very limited use on that site which allowed such a temporary holding tank. Mr. Robert Copen, 2518 Sue Lane, Norton, Ohio, questioned why we are even talking about this? Why are we begging with these companies to come to us when you did not to that to the Nash Heights residents? Here you have a company that is asking for it because they have to have it to operate. Why was this allowed back then? Mr. Copen stated it was done because someone in the City told that owner at the time that sewer would be in within 90 days. Why ask them if they want it if the City says the have to have this? Just give them their cost that they have to pay and move on, just like you would do with the residents. Mr. Dennis Pierson, 3793 Easton Road, Norton, Ohio commented on Ms. Whipkey's earlier statement about new legislation relating to defining failed systems. Mr. Pierson stated that you need to go to the County Health Code if a system is failed it is condemned. It automatically goes in under the County law and discussed the appeal process to be grandfathered in. Mr. Pierson stated that five (5) business on S. Hametown Road put their own system in at their own expense at 100 percent of the cost. The very first thing you should have done with this brain storm idea is to come up with a cost benefit analysis. Mr. Pierson stated this businesses should have looked into that issue before they bought that property, if they didn't do that then that's their problem Mr. Pierson urged Council to look at the 2012 Audit. You don't even own sewer lines and between 2010 and 2011 you spent over \$50,000.00 to maintain these lines. Be a custodian of the resident's money. Mr. Pierson stated this business is not even the top ten (10) in the city, so why are you even considering this? Mr. Bergstrom agreed with Mr. Pierson's comments, and our need to get the total picture and full costs and decide if this is worth doing before putting any of our money into this? Mr. Pierson questioned the current laws on the books and if our law supercedes the County Code or State Law? Is that 400-ft. rule a County decision or the City's? Mr. Ryland corrected Mr. Pierson's statement that the City does not own sewers, adding that the Barber Road Sewer line is indeed owned by the City of Norton and was put in back in the 1980's. There was discussion as to where the fecal coliform counts really start and end and Mr. Ryland stated that regardless of this issue, it does not take away the fact that what is in our community needs to be addressed by this City. Mr. Tousley, 4536 Garrett Drive, Norton, Ohio, asked if this makes sense to vote yes or no now on the purchasing of sewers from Summit County? Mr. Tousley stated that before moving forward on this issue you should decide about that first. Mr. Conklin moved to place legislation on Councils next agenda with emergency language. Mr. Bergstrom stated he couldn't recommend moving forward without getting the written demands from the business owners. We have an idea on the linear foot costs without moving forward. Mr. Pelot agreed and we should take the time to look at costs, who wants it and what will our return on the investment be. Mrs. Harley, 3432 Harper Avenue, Norton, Ohio, commented about Mr. Copen's previous statement about how the residents were treated.

If Perfect Power Wash is having problems with their septic system, then why are we even asking them if they want this? There was no second to Mr. Conklin's original motion. Mrs. Harley asked why are we pussyfooting around with this business? Why are we asking for their permission if they have not asked for this? Mr. Bergstrom stated that's not the case, we would be providing a benefit that they may or may not even need. Mrs. Harley asked if this property has actually been tested? Mr. Pelot stated that so far no one has claimed they have a failed system, they have come forward and asked us to look into this being a possible benefit to them. There was discussion as to how this happens and their overflow issues. Mr. Nicolard clarified that their holding tank leaks from the top and every time we have a heavy rain that holding tank overflows. Mrs. Harley stated that overflow could be what is causing counts to rise in Wolf Creek. Wouldn't it make more sense to tell them here are your costs and you have to pay it because you are contributing to the contamination? Mr. Bergstrom stated before we take any part of the budget which is everyone's money, he wants to see that there would be a bigger return and growth overall. Mr. Bergstrom stated if the owner is seeing a saving from paying to pump so often, he should be willing to paying a higher assessment cost. Mrs. Harley asked how high the contaminates are in this area and suggested that if they are higher here then perhaps this is the first place to start. Mr. Conklin asked do you really think there are any businesses in their right mind that would not come to Council and say that they don't want to be part of the growing businesses in Norton? Mayor Zita stated that in April or May the Perfect Power Wash held a grand opening to which all of you were invited. Mayor Zita stated that had some or most of you attended that event you would all know what is business plans are. Ms. Alice Wagner, 4168 Hawaii Avenue, Norton, Ohio, stated she knows at least twenty (20) residents in Nash Hights that have not been inspected and in her neighborhood its every other one and they were charged inspection fees. Ms. Wagner stated she has two (2) sisters in Nash Heights and they have not been inspected. Mr. Ryland stated that there are several systems in Nash Heights marked undetermined because of no inspection ports. Mr. Ryland stated that the City doesn't do the inspections, that is done by Summit County and we get copies of their reports. Ms. Audrey Kornacky, 2008 Dutt Road, Norton, Ohio stated she believed that this business owner has to have enough property to put in a replacement septic system. Ms. Kornacky stated that before long you will be coming back to the residents, and regardless of what you come up with it will be cheaper to replace our septic than to put in the sewer system. We cannot afford this and we have told you that time and time again. You need to go to Perfect Power Wash and tell them to put in a new septic system and be done with it. Mr. Nicolard stated there is not enough property to do so. Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, discussed Mr. Bergstrom's statement of the City being responsible for some of these expenses and asked for clarification. Mr. Bergstrom asked when intersections are involved, who owns that? Mr. Ryland stated that intersections are considered a common area and a benefit to all and cannot be a part of the assessment process, and those fees are paid by the City. Mr. Gainer discussed the residential properties involved on the right side of the roadway, and it appeared there is only one involved. Mr. Gainer stated that all of those properties on the east side would eventually benefit from that sewer. Mr. Conklin stated he is getting the impression the audience wants us to move forward with this sewer line and that Council doesn't.

Mr. Bergstrom stated he does not want spend engineering money on this when he has not seen any concrete desire from the property owners, or anyone else. Mrs. Harley stated its not that we want it, we just want to see that the business have to pay their fair share just like you want the citizens to pay their fair share. Mr. Conklin discussed the letters sent by the Summit County Health for the informational meeting on January 22, 2013 at 7:30 PM at the Norton High school gymnasium for Nash Heights residents (see attached). Mr. Mowery asked who decided on these arrangements and Mr. Ryland stated that initially Summit County Health District contacted us to use the Community Center and Mr. Ryland told them that facility was too small. Mr. Mowery asked for clarification as to who triggered a call for this meeting. Mr. Ryland stated he had contacted the EPA on July 3, 2012 advising them we are not moving forward due to Councils action to stop with future sewer projects. Mr. Mowery stated it was not stopped, it was tabled, and it slowed the process down. Mr. Ryland stated what happened on July 2, 2012 was a total stoppage of all sewer projects. Mr. Pierson explained that Mr. Pruitt was at the last North Health Advisory Board meeting, and he said that Mr. Pruitt stated it is the cities that prompt the action not the Health District. Mr. Ryland strongly disagreed with Mr. Pierson's comment. Mr. Nicolard discussed the requirements under the MS4 Permits, on our testing and our follow up. Mr. Conklin read a letter from the Ohio EPA dated December 31,2012 (see attached) as he was handed this letter just prior to tonight's meeting. Mr. Conklin stated that based on Council's calendar we have one (1) meeting between now and the response deadline, we need to address this ASAP. Mr. Nicolard suggested that during the January 14, 2013 Council meeting we discussed this under Committee of the Whole and instruct the Administration with our response. We all know what our options are. Mr. Conklin stated that unless Council takes any action from the July 2, 2012 meeting to remove that action , you would be basically telling the EPA you are not moving forward. Mr. Mowery stated that is not how he understands it as to what happened, this new EPA letter does not restate anything else we do not already know. It basically stated you have a problem and you need to fix it. Mr. Mowery asked who would have approved the permit for a holding tank at the Perfect Power Wash? Mr. Ryland stated he could not say, but that holding tanks are permitted and they will allow them to go in. Mr. Ryland reiterated a past telephone conference with the Ohio EPA and they stated that off lot systems would not be tolerated in densely populated areas such as Nash Heights. Most of the lots in Nash Heights are not big enough for an on lot containment septic system. Mr. Nicolard stated we had a lady on Pleasant Drive building a new house and had asked the City what here options were. She did have permission from the EPA to put in an 800 gallon holding tank, and it would require monthly pumping. These costs were more than the cost of sanitary septic system, and she decided that a septic system was her best option. Mr. Nicolard stated that it was Mr. Rhodes at the EPA that had advised him no to go down that road of tabling this issue. Mr. Rhodes indicated if you do cancel the projects, they would have to turn it over to the legal department. There will be fines from \$10,000-\$25,000.00 per day until it gets corrected. Mr. Mowery asked has the Administration looked into any other solutions other than sanitary sewers? Mr. Ryland asked what other solutions do you think are out there? Mr. Ryland stated there are numerous types septic systems out there, these are private issues between the property owner and the County/EPA. As a City we cannot do this, we can only look at the grand scheme of things.

Mr. Mowery stated that there are a lot of avenues we can take besides sewers. Mr. Ryland stated what is next from the EPA is an order and fines if you don't comply. Ms. Whipkey stated she wants the residents to be told how to fix their system, not just that it's sewers only and you are all getting it. Ms. Whipkey stated that there are other areas that may be causing our counts to rise, and unless you can tell us it's just a Norton problem, it's not right. Mr. Ryland stated he could assure you the EPA is looking everywhere, not just in Norton. Mr. Ryland stated all of this discussion still does not change the fact that this City has a problem and we need to deal with. Mrs. Harley asked can't the failing systems be replaced with what they already have and Mr. Ryland replied no. Back in the 50's 60's off lot discharge was permitted, however now the rules have changed and this is no longer permitted. Mr. Pierson suggested you all read each of the letters from EPA and do your due diligence before your next meeting. Mr. Greg Smith, 3954 Mt. Vernon Blvd., Norton, Ohio discussed the meeting notice and asked who would be publicizing this meeting? Mr. Smith suggested we invite Summit County Councilman Tim Crawford, who is also a Norton resident; in addition to Mr. Renacci, Mrs. Slaby to see what kind of help we can get. Mayor Zita stated Summit County Health Dept. mailed letters to every household affected in Nash Heights area. Mr. Mowery stated it would be good to have citywide input because it affects the entire City. Mr. Nicolard stated a press release could be issued, but this is not our meeting, this is the Summit County Dept. of Health's meeting and it would be up to them as to who they want to invite. Ms. Patricia Reese, 4052 Wadsworth Road, Norton, Ohio, stated she has listened to all of the solutions that the residents could have had before this got to this point for Nash Heights. If you people knew there were different options for septic systems, how could you not tell us about this? This City has let the citizens down with not being forthright with all of our options. Mrs. Reese stated she blames all of you for this, it's uncalled for. You people don't seem to care about the rest of us and she is sick and tired of you getting elected and once you do get elected you forget about the people. You could have said hey folks we have a problem here and we have some solutions for you here. How about an informative meeting on the possible solutions, instead of it's just sewers? You people want sewers and that's all you want to hear. Ms. Reese stated that you had better think twice about getting reelected because people here are fed up.

Unfinished Business:

None

New Business:

Mr. Conklin commented about the First Energy Limestone project being stalled, and distributed a copy of a letter he received from First Energy (see attached).

Topics for the next Work Session:

Set date for Annual Workshop

Public Comment-Agenda and Non Agenda Items:

Mr. Pierson suggested that the people read all of the previous documents from the EPA.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:44 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.