



COMMITTEE WORK SESSION FEBRUARY 4, 2013

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

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

The Committee Work Session convened on Monday, February 4, 2013 at 7:02 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.

General Topics of Discussion:

PC Resolution #1-2013 Rezoning

Mr. McGlone stated this is the property that we talked about in the past on Cleve-Mass and Trotter. The applicant has requested to be used as a B2 to lease to a plumbing company. Mr. McGlone stated this use might satisfy the residents with their earlier complaints. Mr. Conklin asked if Planning Commission has reviewed this and Mr. McGlone stated yes, they approved a resolution by 3-0 vote. Mr. Mowery asked about the differences in uses and Mr. Ryland replied this is consistent with the long terms for Cleveland-Massillon Road. Mr. Nicolard noted that this is an 8:00 AM to 5:00 PM business. Mr. Conklin stated they have already been in operation for about a month now and asked have there been any complaints? Mr. Ryland replied no. Ms. Whipkey asked what happens to this parcel if the tenant moves and Mr. Ryland replied rezoning to a B2 takes the manufacturing out of the use. Ms. Whipkey asked if this restricts the hours any and Mr. Ryland replied no. Mayor Zita noted that the plans are for all of that area to eventually become B2 use. Mr. Ryland stated that comprehensive plan calls for all of Cleveland-Massillon Road from the Copley line to the Barberton line. Mr. Mowery asked if there were other applications to rent this parcel and Mr. Ryland replied he recalled only the other one for an auto service that Council turned down.

Mr. McGlone moved to place legislation to Councils next agenda for a first reading only, with a public hearing seconded by Ms. Whipkey.

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

Motion passed 5-0.

2013 Budget Adjustments

Mr. Nicolard turned the discussion over to Mrs. Starosta. Mrs. Starosta the need for \$5,000.00 out of the General Fund for web streaming. Mrs. Starosta explained the need for the police department for vehicles and the need to have the budget in place before going to Board of Control for approval. Ms. Whipkey asked why we need to do this since they already had \$11,000.00 of trade-ins. Mrs. Starosta stated she has to list the full gross expense, less the trade in value of \$2,000.00. Mrs. Starosta explained the need for the Fire Dept. to purchase a vehicle, a truck as was listed in the last Board of Control packet, which was previously cancelled. Mr. Ryland stated the trade in vehicle has a rusted frame detaching from the body mounts. Mrs. Starosta stated we previously had \$25,000.00 set aside in the Fund 106. Ms. Whipkey asked if we do undercoating and Mr. Ryland replied no, only what is done at the factory as a new vehicle. Mrs. Starosta noted a formulation error that needs corrected in Funds 108 and 109. Mrs. Starosta expressed the need to have two readings, and waiving of the third reading with emergency

Mr. Nicolard moved to place legislation to Councils next agenda, with emergency language for a first reading only.

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

Motion passed 5-0.

ODOT Consent Legislation-Mowing I-76

Mr. Mowery stated there was a changed in ODOT's project numbers and new legislation is required. Mr. Mowery noted nothing has changed from the last legislation we adopted and there is no cost to the City of Norton for this service. Ms. Whipkey asked about a deal we made with ODOT that if we do the mowing they would to the snow plowing. Mr. Ryland stated we are still working on an affirmative agreement. Mr. Ryland stated that Council adopted this in October and the project identifier or PID number has changed. Mr. Mowery moved to place this on Councils next agenda for a first reading only, seconded by

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

Motion passed 5-0.

Amend Section 660.03-Notice to Remove

Mr. McGlone discussed a recent issue when a property owner left their household contents out on the lawns. Mr. Ryland stated that in Section D we added the 5-day notification process to be posted on the property rather than the certified mail process. It had derived from banks taking over the property and placing a dumpster on the property; the certified mail was to find who the owner of the property was. Mr. Ryland stated this is more of a means for the property to be cleaned up faster. Ms. Whipkey discussed a lien being placed on the property and going onto the taxes. Mr. Mowery asked if it would rule over any eviction in the City of Norton? Mr. Ryland clarified it would rule over any trash sitting out in front of the building as it has been cleaned out and has nothing to do with evictions or why titles have passed. Ms. Whipkey stated that going over the current code this seems like it gives people powers to enter private property. Mr. Ryland concurred on the entering and it was after notice was issued. Ms. Whipkey discussed the time frame of one week from notification inserted in the language to allow the property owner time to take care of the problem. Mr. Ryland stated that would be entirely up to Council. Mr. Mowery discussed how quickly J & J (Kimble Company) does come in once notified of the evicted property to clean things up. Mr. Nicolard noted a situation where large amounts of trash were left at one of his properties and he notified the trash company to come in and clean up and was asked to give the trash company authorization to do so. Mr. McGlone noted that Sections D & G of 660.03 were modified. Mr. McGlone moved to place legislation on Council's next agenda, waiving the second and third readings with emergency language, seconded by Mr. Nicolard. There was lengthy discussion to have changes in (D-1) to delete *information*, and to insert *a citizen complaint being registered* it would give the tenant one trash cycle to clean it up. Mrs. Richards noted that this is all complaint driven to the Administration. Mayor Zita stated it does not matter what way the information or complaint comes in, it could be a phone call, an email or whatever. Ms. Whipkey stated she did not think this to be so broad that anyone driving by could call. Mayor Zita took issue with a drive by being a complaint and used himself as having the right to make a complaint. Mr. Mowery suggested we make it and/or and Mr. Conklin suggested adding nuisance. Mr. Nicolard suggested we send it back to the next Committee Work Session, or leave it alone and when it comes up you either support it or not. Mr. Nicolard noted that Mr. Kostoff was not here tonight to give us legal direction. Mr. McGlone and Mr. Conklin withdrew their original motions. Mr. McGlone stated he did not have a problem with the way it is, he was just trying to keep Ms. Whipkey happy. Mr. McGlone stated he would send this issue back to the next Committee Work Session for further discussion.

Set date for Annual Workshop

Mr. Mowery stated we do not need to set a date and time since all members are not present tonight. Mr. Mowery urged Council to send Mrs. Richards your best dates and will go from there and that we are looking for dates sometime in the near future. Mr. Nicolard noted last year we set that date for the fifth Monday in March, however the fifth Monday is in April this time.

Unfinished Business:

Ms. Whipkey asked if Mr. Ryland has heard from Mr. Perkins relating to the televised meetings, and Mr. Ryland replied no, Mr. Perkins has failed to return two of his phone calls.

New Business:

None-Mr. Nicolard noted that the next Committee Meeting is on Tuesday the 19, 2012 due to the Presidents Day Holiday on Monday. Ms. Whipkey asked if we have gotten anywhere yet with the citizen's request as we are all interested in where sewer money is going as to what funds and what we brought in? Ms. Starosta replied that the request was more related to special assessment projects and the accounting of debits and credits for the costs associated with assessments. Ms. Whipkey added that was to also include the tie in fees. Ms. Starosta stated she ahas looked into that and she is preparing something for the Council President. Ms. Whipkey asked if she had any idea when that would be done and Ms. Starosta replied no, she has not been able to work on that yet.

Public Comment-Agenda and Non Agenda Items:

Mr. Richard Gardner, 4556 Roop Avenue, Norton, Ohio, stated he was at the town hall meeting and the gentleman from Summit County Health told us we would have to hook up if sanitary sewers as soon as it became available, but this is not what we were told here in Council a few months ago. Mr. Gardner asked who is telling us the truth here? Mr. Ryland stated he stated back a few months ago, if it falls into the Administrative orders from the EPA, then their rules take over and it will no longer be a City project. It will be initiated by the EPA. Mr. Gardner stated it was supposed to be tabled by the Committee until we had some figures, and so far he has received more information from the Norton Post and the Barberton Herald than from Council as to the costs for assessments, total costs of the project. Ms. Whipkey asked Mr. Ryland as far as being required to tie in requirements, and stated that the Summit County Health District has not turned anything over to the EPA. And had no plans to do so until this spring. Ms. Whipkey asked that since there has been a letter submitted to the EPA for our sewer plan, doesn't that take that away again? Mr. Ryland stated he could not say, he had a call today from the EPA and they want a face-to-face meeting with him about the details of his letter. Mr. Ryland stated that according to Ord. #15-2000 states you have 30 days to connect if your system has failed. However, now since Summit County Health has declared this area a pubic health nuisance, it will be the EPA's time frame. Mr. Ryland stated that until he meets with the EPA soon he really couldn't answer that. Ms. Whipkey stated as far as the assessment goes, it would be done by linear foot, and not every house will pay the same. Ms. Whipkey stated it would be difficult to residents their exact cost, which will have to include the distance from the home to tie into the sewer line to. Mr. Ryland stated Ms. Whipkey's comments are not correct, the City assesses sanitary sewer by a single benefit per parcel, and not by the linear feet of your property so all assessments would be the same figure for everyone. Ms. Whipkey said then if assessments are at \$18,000.00 then we are all seeing that same figure? Mr. Nicolard noted that none of the recent assessments were anywhere near \$18,000.00. It is the only fair way to do this because of the various size of lots, some are 75 ft, some 200 some 50 ft.

Mr. Ryland stated that last four (4) projects he was involved with were all done per benefit not by lineal feet. Mr. Mowery asked why couldn't we give the public a general costs, that was the purpose of tabling in the first place. Mr. Mowery asked about costs for assessments and Mr. Ryland stated you never know those exact and actual costs until the project goes out for bids. We do have Engineers estimates, and that is what the first letter going out to the residents would generally state. We don't know those final costs until the entire project is completed. Mr. Mowery stated he is still getting questions from residents asking what is wrong with their system, is their neighbors system failing, etc and they want answers. Mr. Ryland replied the answer was given and that in 2007 the EPA changed their laws and if you don't have a permit for your current septic system that is discharging into a ditch, it is now considered an illicit discharge. Mr. Gardner asked if anyone actually thinks an eight (8) inch sewer line is really sufficient for what you want to do in this City? Mr. Gardner stated he sure doesn't want to see the eight (8) inch line and then to have sewage backing up into someone's basement because of the size of line. Mr. Gardner asked where did they come up with the idea of an eight (8) inch line? Mr. Ryland stated that eight (8) inch line is standard size of sewer line for residential sewers.

Mr. Lehner, 3853 Easton Road, Norton, Ohio, stated he got a letter recently about the sewers in Nash Heights, and does that mean we have to tie in if he lives on Easton? Mr. Ryland stated he has a map and if Mr. Lehner would stop by his office he would be happy to show exactly where the lines would be. Mr. Lehner stated that if we really have to have sewers he is all for it but not if he has to immediately tie into this. Mr. Lehner congratulated Mr. Nicolard & Mr. Bergstrom for their reelection on Council this year.

Mrs. Elaine Tompkins, 3848 Cleve-Massillon Road, Norton, Ohio, read her attached statement regarding sanitary sewers and Nash Heights, Time Warner Cable and the status of the CIC.

Topics for the next Work Session:

None at this time

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 7:58 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.