



## COMMITTEE WORK SESSION FEBRUARY 19, 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 Tuesday, February 19, 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.

### **General Topics of Discussion:**

#### **Presentation by Jim Demboski-Engineer EDG Group-Master Metering-Summit County Sewers**

Mr. Nicolard introduced Mr. Jim Demboski who has been working with the City on the potential purchase of the Summit County sanitary sewers. Mr. Demboski stated he has worked the past 20 years with the Summit County Environmental Services. Mr. Demboski stated when we started the cost was over \$13,000,000.00 and is now down to around \$2,000,000.00 and is at zero percent interest for 20 years or a \$200,000.00 annual payment. Mr. Demboski stated that he also has been working on grants for the City and its residents and had recently applied for a STAG grant with the help of Representative Betty Sutton for a grant of \$12 million dollars, although that was not awarded. We also received Issue I Grants for various water projects, and this past year we received \$1.5 million in interest free loan money for Cleveland-Massillon Road waterline. Nash Heights east was awarded \$250,000.00 through Issue 1, which is done by points and last year we came in at 90 points. On sanitary sewer projects they do not consider existing septic systems as existing infrastructure, and that is hard to get this kind of funding. However the job agreement with other cities to not steal jobs; you do receive 12 points and in the past this city has not chosen to do so. The money was about 107 points, and now you have to proceed with 50% grants or interest free loans for over 30 years. We have also been working with DEFA loans on low interest of 1.75% over 20 yrs. With the EPA, we applied for principal forgiveness and the average household income in Norton was too high to qualify.

We also have a WRRSP (Water Resource Restoration Sponsor Program) where we try and get something in the City where the interest goes toward a project like wetlands, etc. Mr. Demboski stated that he has checked on CDBG funding for laterals and abandoning current septic systems and this is available for residents that qualify, at annual income of \$51,000.00 or lower for family of four (4) and \$41,000.00 or lower for family of two (2). They must be ordered by the SCHD to abandon their septic systems to apply. We normally assess per benefit basis and if you have a corner lot you do not pay twice, it would apply to the City of Norton's share of the project costs and is what the City would pick up. The minimum standard for pipe is 8 ft and slope of four-tenths (4/10) percent. Anything larger is considered a trunk line, and that increase in size comes out of Norton's share. Laterals are 6 inches with a one- percent (1) slope coming from the house. Mr. Demboski explained the maps (see attached) that detail where sanitary sewers are in place now, and owned by Norton, such as Brentwood Estates. There are approximately 750 customers being billed by Barberton because they also have water. There are about 650 customers being billed by Summit County. Summit County bills sewer customers that are on water consumption of 100 cubic feet and Barberton bills at per 1,000 gallons so you need to compare that date properly when calculating the different costs. Current costs would be at \$6.21 per Barberton and \$2.92 for the County. Mr. Demboski stated we looked at a variety of scenarios and one that we have come up with is what we call the New Norton Rate. These projects will address the illicit discharges and the abandoning and eliminating the four (4) package plants in Norton. Mr. Demboski noted that Barberton has by ordinance established a 2.5% rate increase per year, and is included in the attached data. Mr. Bergstrom questioned the data on the user fees collected. Mr. Demboski stated he tried to show if we take over the system you would have one (1) flat rate for sewer and one (1) flat rate for water. Mr. Demboski stated the rates are just a proposal and show a slight reduction in the flat rate. We propose a bulk meter rate and pay a bulk rate of \$6.95 per 1,000 gallons, and you could have Barberton Utilities bill the residents but it would be at the Norton rate. We have analyzed all of the utility records and what is collected and who is connected, and based on those figures, it was projected what the revenue would be as customers tied in. Mr. Demboski discussed a no growth rate and the impact on that in the future. Mr. Demboski discussed the costs to maintain the pump stations, and additional operating expenses, assessment revenue and then the payments on the loans, which are more of a pass through transaction. Mr. Demboski discussed the costs of pump stations, which are a capital expense that may cost \$10,000.00 or more. Mr. Demboski stated that just today we bid out for the Dorothy Court pump station which a smaller project of less than \$100,000.00 and would not need to go borrow funds. If you were to have a new development with new tap in fees, that would allow you to have more cash build up and you would not need to go out and borrow the funds for the project. Mr. Demboski stated that you would need to have some reserve cash set aside for emergencies and the need for a healthy carry over balance. Mr. Demboski stated this analysis shows that if the City of Norton owned these lines we could do it cheaper than Summit County. There was discussion about the process of abandoning the Frashure Park, and that would give you revenue in the long run as they are maxed out now and would allow adding new connections like the Eslich dump's leachate that is currently hauled. Mr. Demboski stated that the City of Barberton has interest in getting the trunk line run at Barber Road which is fairly flat in that area, and needs additional flow. The fore mentioned revenue makers are not on the handouts. Mr. Demboski suggested we get a fact sheet that we could provide for the residents that shows more detailed costs. Mr. Demboski stated that to abandon Frashure Park you would need a pump station, in addition to another one needed east at Pigeon Creek near the dump.

Mr. Conklin asked if we know the conditions the four (4) package plants, and Mr. Demboski replied he believed that they are in fair condition but require a lot of maintenance to meet the EPA standards. Mr. Demboski stated we tried to take into effect and every cost included a cleaning program. Ms. Whipkey asked how old these lines are and Mr. Demboski replied some are at least 50 yr. old. Mr. Demboski stated these costs do not include replacing existing lines. Mr. Demboski stated that there is money set aside for cleaning and televising of the existing sewers. Mr. Demboski noted that the new sewer line installation that's being done now a days is with a lining inside the pipe or a sleeve, this is done especially if you have an I & I problem (infiltration and inflow) getting into the storm sewers. Ms. Whipkey asked what is the sewer maintenance assessment fee and Mr. Demboski stated this is a rate of 2.5% maintenance fee that everyone that has sewers are already paying now. Ms. Whipkey stated that could go up at any time and Mr. Demboski concurred, adding that there is a rate study going on now. Mr. Nicolard noted that if we own the system that rate is ours to set. Mr. Kostoff noted that Mr. Demboski and Ms. Whipkey's concerns on rates are even more reasons that we should own these lines, and we became aware that Summit County could not show any documentation on maintenance of these lines. The County had projected maintenance improvement projects, but they are not maintained. Mr. Kostoff stated we looked at the City maintaining this more efficiently, and Mr. Demboski noted that in addition if you know you have a problem then you could get right in there and fix it. Mr. Demboski noted that if the County comes in to replace a septic system with sanitary sewers they would do a full cost assessment, where the City of Norton picks up a portion of that assessment. Mr. Conklin asked if we pass on this now, we open up the door for the County to step in and fully assess the residents and Mr. Demboski replied yes, they could do that. Mr. Demboski added that we would most likely be able to get Issue 1 money for working on the existing package plants and sewers. Mr. Conklin stated that we have 650 customers on Summit County's system, and abandon the 4 package plants and put them on the sewers, we would have a better impact on water quality. Mr. Demboski did not agree with this because the package plants are already being treated for water quality now. Mr. Conklin stated we really are not gaining much as far as water quality standpoint. Mr. Ryland noted that two (2) of the package plants are in a flood plain and whatever treatments are being done now is irrelevant when flooded. Ms. Whipkey stated if we do this we are abandoning package plants and sending even more sewage to Barberton, and Mr. Demboski concurred adding that you might be paying a little bit more on the rates to Barberton but you would also have your own revenue to offset this. Mr. Demboski noted that our calculations also show about a \$12.00 a month saving to the residents. Mr. Demboski stated this information is a tool that if you take over the system, we would now have a history so you can make adjustments over time, and we are being conservative in these figures. Ms. Whipkey asked where these revenues would come from and Mr. Demboski replied from the user fees the residents pay into the City where they currently pay Barberton or Environmental. Ms. Whipkey noted that since we have no qualified work crews for maintenance, we would have to pay out for that. Mr. Demboski stated that you would need to go out for bid for this service. Ms. Whipkey asked if Mr. Demboski's company (EDG) could do that and Mr. Demboski replied yes. Mr. Demboski stated that the City of Fairlawn has already been down this road, they contract with Summit County DOES for maintenance, billing, etc. and seem to be very content with that. Mr. Nicolard noted this was discussed at a work session nearly three (3) years ago and this was the direction we gave to the Administration at that time. Mr. Nicolard stated he is all in favor of controlling our own destiny. Ms. Whipkey questioned the differences in pricing from the beginning of \$13 million for the lines before. Mr. Demboski concurred and stated that was back when he was with Environmental Services.

Ms. Whipkey asked when that was and Mr. Demboski stated back prior to 2003. Ms. Whipkey commented that in 10 years that price had dropped \$11 million. Mr. Demboski replied no, that is a result of the last two years negotiations between Mr. Ryland and Mr. Kostoff and he noted that the price of \$1,999,000 million is interest free for ten (10) years. Mr. Bergstrom stated that he believed Ms. Whipkey's concern is why have the prices dropped so much? Mr. Kostoff stated he also thought no one had come to the plate with that issue before now. We have already heard the system has not been maintained well. Mr. Kostoff stated that much of these fees the County has been charging has not come back into the City of Norton. The residents have been paying all along to help maintain a Summit County system with no return on their investment. Mr. Kostoff noted that with ownership comes responsibility but with that we could maintain the system better, control our own costs and future growth. Mr. Kostoff noted that if you have more revenue you can provide more services to the residents without asking them to pay for it. Mr. Bergstrom discussed the no growth scenario and asked what is the time frame to abandon the package plants where this could be critical? Is it fair to say if we do this, do we want to abandon these in year two (2) or year five (5) or when? Mr. Demboski stated the biggest problem you will have is if you don't make your permit requirement with the EPA, and if you can't you will have fines from the EPA. Ms. Whipkey discussed the costs savings the City could receive when being awarded for grants and low interest loans, how is that savings passed along to the residents? Mr. Demboski replied that could lower the assessment amounts. Mr. Mowery asked if there were reasons we did not get funding for Nash Heights east, and Mr. Demboski stated that Akron received most of that grant money for improvements to the Goodyear Headquarters area. Mr. Mowery asked if Barberton or Summit County maintains the package plants, and Mr. Demboski replied that Summit County does.

Re-Appointments to Boards & Commissions:

Mr. Mowery noted that we have five (5) Resolutions of Appointments and three (3) Resolutions of Appreciation that need to be addressed. Mr. Mowery moved to place these Resolutions on Councils next agenda, seconded by Mr. Pelot. Mayor Zita noted that some candidates were in the audience and thanked Janet Jacobs, Martin West, Daniel Grether for their service.

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

Motion passed 7-0.

New Agricultural District Application:

Mr. McGlone noted that we have a new application on Reimer Road that requests to be listed as an Agricultural District. Mr. McGlone explained the requirements for being in an Agricultural District. Mr. McGlone moved to place this on Council's next agenda for a first reading only, seconded by Mr. Bergstrom. Mr. McGlone also noted that there would be a Public Hearing held at the second reading on March 11, 2013.

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

Motion passed 7-0.

Uniform Allowance

Mr. Ryland stated the ordinance we passed over a year ago had lapsed due to an oversight on his part. Mr. Kostoff stated that he drafted this so we will not have to come back to Council each time unless there is a change in the amount. Mr. Nicolard moved to place this on Councils next agenda waiving the second and third readings with emergency language, seconded by Mr. Conklin.

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

Motion passed 7-0

Amend Section 660.03 Removal

Mr. Pelot stated he asked for this due to a couple situations last summer where people had been evicted or foreclosed and just walked away. The mortgage company or property owner would come in and remove all remaining personal possessions left behind and basically dump the belongings into the front yard. Mr. Pelot stated he has asked Mr. Kostoff to prepare something that allows us to post a notice that within 5 days it must be cleaned up. This would be faster to get it cleaned up and assess the banks or whoever holds the title for removal costs. Mr. McGlone stated the only change he understood was to reduce the number of days for notification. Mr. Kostoff concurred; it is the same as the noxious weeds. Ms. Whipkey stated she still has the same concerns as before. Ms. Whipkey stated that she wants it to stay with the language of upon a citizen's complaint as she requested at the last meeting. Mr. Kostoff stated this is drafted the same as the noxious weeds and the Zoning Inspector has no issue with this requirement. Mr. Mowery asked about evictions and the time period of 24 hours the homeowner is responsible and if J & J could pick up. Ms. Whipkey also had concerns with emergency clause and asked if there is a reason for this? Mr. Kostoff stated this situation could happen at any time in any ward or area, and he believed the people would welcome having this mess cleaned up faster and not have to deal with the nuisance in their neighborhoods. Mr. Kostoff noted it was Mr. Pelot who had asked for the emergency language inserted. Ms. Karen Harley asked if Mr. Pelot's intention was to get the banks to clean up the property? Who has the five days to clean it up, what is the point to rewrite the ordinance? Mr. Kostoff noted that the Zoning Inspector has the authority to fine the banking institution or property owner if not cleaned up. Ms. Harley discussed the noxious weeds ordinance, and she had to call city hall in the past for mowing. Ms. Harley asked why can't the banks be levied a fine for not cleaning things up? Mr. Ryland we have to serve notice before we can put a lean on the property. Mr. Pelot moved to place this on Councils next agenda waiving the second and third readings, with emergency language, seconded by Mr. Nicolard.

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

Motion passed 6-1.

Unfinished Business:

None

**New Business:**

Ms. Whipkey asked about new Health Care Reform Act, and questioned how has this has affected our employees? Mr. Ryland replied yes, we are not working our part-timers any more than 30 hours per week. Ms. Whipkey asked if we are going to lose these employees and Mr. Ryland replied probably yes. Ms. Whipkey asked what are the costs for new employees hires, and Mr. Ryland replied about \$650.00 for psychological and physicals exams, and background checks. Mr. Ryland discussed the part-time firefighters; we may have to put on six more employees to balance shifts. Ms. Whipkey asked about fines for not providing insurance and Mr. Ryland stated we do qualify as a large company and we are looking at the newly released documents everyday. Ms. Whipkey asked if there is anything we can do keep the employees we have, and Mr. Ryland stated that was a loaded question, and that he is currently negotiating with all unions and cannot comment further on issue at this time.

**Topics for the next Work Session:**

Nothing new

**Public Comment-Agenda and Non Agenda Items:**

Mrs. Karen Harley 3432 Harper Avenue, Norton, Ohio, asked Mr. Demboski about the metering and with her situation she has a well and septic system and questioned what would happen to her if her septic system was closed down? How does that work, is her well water going to be metered or what? Mr. Demboski stated that unless you are on Barberton water, you would pay the flat rate for sewer only, and would be billed \$62.00 a month, which is a quarterly billing cycle. Mrs. Harley asked why is there a 2.5% increase every year on their sewer bill? Mr. Demboski stated that is authorized by Barberton's ordinance, and they have that ability to set increases. Mr. Demboski noted that there are some increasing utility costs.

Mr. Tom Kornas, 3771 Brookside Drive, Norton, Ohio stated that it was refreshing to see the Post article of the Mayor and Council President with Mrs. Slaby in discussions about the money that is out there available for sewers. We have been telling you that all of the time; the money is out there. Mr. Kornas stated that low interest loans sound great but they have to be paid back, grants are different. Mr. Kornas stated we should do a lot of investigating first before spending one dime. He already is hearing some of the trunk lines are too small and will need to be replaced. Mr. Kornas stated you need to get a committee together and really lay out a plan. Mr. Kornas suggested Mayor Zita select a group of residents, and pay them what ever or even take them out for a barbecue or something. Mr. Kornas stated that this last Administration should be investigated on how they set up the sewers, and he had asked for a financial disclosure on where all of this money is. If we do find that money we should have some set in reserve to pay for some of these projects.

Mrs. Audrey Kornacky, 3008 Dutt Road, Norton, Ohio stated she has been reading the paper and attending all of the meetings. Most of the talk at the meetings has been focused on Nash Heights, but if you read the papers it is all over the City, and not just Nash Heights. Why is it that you are starting at the other end all of the sudden? Ms. Kornacky had concerns with buying the old sewers, from Summit County when you are talking about the new sewers and you should be using that tax credit from 2009 to pay for this. Mrs. Kornacky stated it looks like we citizens are just going to keep paying these fees with our property taxes for the next twenty years.

Mrs. Kornacky stated it bothered her what she read in the papers that you are cutting your own employees because of insurance. You know how hard it is for all of us to pay for our own insurance, so now you are cutting their hours and you will not pay for their health insurance. If you are not taking care of your own employees, how can you possibly have our citizens in mind? Mrs. Kornacky stated she is almost ashamed to live here and she will pray for all of you. Put or interests where it needs to be. Mrs. Kornacky stated that she and her husband had raised the issue before about the City not cleaning out the ditches, and some have not been cleaned out since the whole time she has lived here. Think about the employees you're about to cut, and pray that none of them get sick.

Mr. Paul Tousley, 4536 Garrett Drive, Norton, Ohio asked Mr. Demboski about the 650 customers that Summit County owns their lines. Mr. Tousley said that is \$200,000.00 per year and an additional \$200,000.00 for maintenance. That is \$400,000.00 that the citizens have to bear before even dropping a shovel. Mr. Tousley discussed his concern with the rubbish notification and that we have to do this, his freedom is not worth that. His freedom is more valuable than garbage. He would rather clean up that mess than giving you the right to come onto his property. Mr. Tousley discussed the previous comment from Mr. Ryland when he stated we don't look into people's windows; well by forcing an inspection port and forcing trash pickup is looking into people's windows. Last work session Mayor Zita stated he is a citizen and should be allowed to complain. Mayor Zita should be allowed to complain but he should be more concerned with serving the public. Mr. Tousley stressed the concerns Ms. Whipkey raised with Ord. #9-2013, with emergency language, and that infers that if the police and fire don't get their uniforms by next week, we are under a public health and safety emergency, that's just ridiculous. You are not giving the citizens a chance when you do everything with emergency, and that is disrespectful. Mr. Tousley stated that you just want to get it through before anyone has anything to say about it. There may be real times it needs to be done that way but this is not a reason. Mr. Pelot clarified for Mr. Tousley the difference from emergency clause and waiving the second and third readings. The emergency clause means the legislation takes effect immediately upon the signature of the Mayor. When Council waives the second and third readings, this just moves through Council faster. Ms. Whipkey questioned Mr. Kostoff that anything with an emergency clause limits the peoples right for a referendum? Mr. Kostoff replied yes. Ms. Whipkey stated that is exactly her problem with having emergency clause.

### **Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:50 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.**