



COMMITTEE WORK SESSION APRIL 15, 2013

Committee Members Present: Dennis McGlone
Charlotte Whipkey
Scott Pelot
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, April 15, 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 asked for an additional moment of silence for those injured and killed in the Boston bombings today.

General Topics of Discussion:

Oriana House Contract for 2013

Mr. Nicolard turned this discussion over to Mayor Zita for the details. Mayor Zita stated this is boilerplate legislation and needs to be addressed. Mr. Nicolard questioned if we need to pass this immediately and Mayor Zita indicated we normally pass this about this same time of year and Mr. Pelot noted the last agreement has already expired. Ms. Whipkey asked for clarification that there is not a rate increase for this year or any changes to the contract from last year, and Mayor Zita concurred. Mr. Nicolard moved to add this to Council's next agenda waiving the second and third readings with emergency language, seconded by Mr. Pelot.

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

Motion passed 6-0.

Correct Assessed Parcel-270 Hazelwood

Mr. Conklin stated that we have a parcel at 270 Hazelwood Drive that was improperly assessed by us for a recent waterline project. Barberton records indicate they have been connected to water since 1950. Mr. Conklin stated that this needs to be removed with proper legislation. Mr. Ryland stated he was unsure what the process is to remove this and has not had the opportunity to meet with officials at the Summit County Fiscal Office for the proper procedures. Mr. Ryland suggested we let it run its course, they have been assessed around \$400.00 per year since 2010 with interest, and this has already been bonded. Mr. Conklin suggested we leave this on matters referred until the Administration advises us on how to proceed.

Auditor of State Contract

Mr. Nicolard stated this was just approved earlier tonight by the Board of Control and needs to be adopted as soon as possible. Mrs. Starosta requested Council waives the second and third reading and passes it as an emergency because we are already in the audit season this year. Mr. Nicolard moved to add this to Council's next agenda waiving the second and third readings as an emergency, seconded by Mr. Pelot. Ms. Whipkey asked Mrs. Starosta if Mr. Bergstrom's issues were addressed and Mrs. Starosta replied yes. Ms. Whipkey asked for Council to have a copy of the cost breakdowns, and Mrs. Starosta indicated she would see that they receive this information.

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

Motion passed 6-0.

Non-Bargaining Employees

Mr. Mowery stated that we need to keep this on the Matters Referred list because it has been requested by Mr. Ryland that this be removed from discussion this evening, and turned the discussion over to Mr. Ryland for the details. Mr. Ryland stated that we have tentative agreements with all of the unions at this time and he would prefer Council wait until this is completed first. Mr. Mowery stated his main concern for discussion is relating to Mrs. Richards and she is the person he deals with most of the time and he knows of the work she does for all of Council and for this city. Ms. Whipkey asked if we have any idea when the negotiations would be completed? Mr. Ryland replied the negotiations are complete, we are just waiting for the ratification votes, and he cannot say when those unions would take their vote.

Unfinished Business:

None

New Business:

Mr. Mowery discussed the Resolution #116 from the Summit County Board of Health relating declaring a Public Nuisance in Nash Heights, which was recently received (see attached). Mr. Mowery stated from what he understands this Resolution #116 would be forwarded on to the EPA.

Mr. Mowery stated most of this is in his Ward 3 area and questioned who is the contact person at the Board of Health if residents have questions, and Mr. Ryland replied that would be Mr. Ryan Pruitt. Mr. Mowery stated he would like to have Mr. Pruitt present at his next Town Hall Meeting. Mr. Mowery asked if any of these residents have been served a notice of this and Mr. Ryland replied most likely not. Ms. Whipkey asked if we could put this Resolution #116 on the city web site to keep the resident informed? Ms. Whipkey stated she also wanted to have the estimated costs that we received today posted on the website, and Mr. Ryland reminded everyone that those are only estimated costs. Mr. Nicolard noted that we have the annual work session on April 29, 2013 at 6:00 PM with a presentation by Mr. Stan Umpleby of the Ohio Municipal League discussing the differences between Statutory and Charter communities. Mr. Nicolard stated that with Q & A this would most likely take us until 7 PM, unless someone has anything more to add. Mr. Nicolard stated he felt we have no need for a moderator for this event. Mr. Pelot indicated that Council has received a letter and some water samples for Norton residents Mr. & Mrs. Buzzelli on Shellhart and that he has also spoken with Mrs. Buzzelli about this. Mr. Pelot noted that their water is so bad and they have already drilled four (4) new wells to get better water, to no avail. Mr. Pelot asked if Mrs. Richards could read a letter from a Mr. & Mrs. Buzzelli regarding a request for waterline in their neighborhood, (see attached). Mr. Nicolard stated he was approached by a resident over a year and a half ago on the west side of Durham and instructed him on how to proceed. Mr. Pelot clarified these other residents as stated in the letter are located between Durham and Fair Oaks onto Shellhart. Mr. Ryland stated there is a loop on Greenridge that goes in to Mt. Vernon. Mr. McGlone stated these residents are asking what the process is to get a waterline to them. Mr. Ryland stated you can do this by petition or Council can recognize the need and declare a project be put together. Ms. Whipkey asked how many people on Shellhart would be affected by a waterline and Mr. Ryland replied he had no idea. Ms. Whipkey stated that she would rather see the residents do a petition and demonstrate that they are ready and willing to take on such an assessment. Mr. Pelot stated he agreed because he was not sure how many residents this would affect. If they are going to take on this assessment for maybe \$5,000.00 (that's a ball park figures not official) or more; he would prefer this be done by petition. Ms. Whipkey stated she does not want to burden more people for their problems, and that she understood waterlines are much more expensive than sewers. Mr. Ryland stated that is not correct, in the past waterline projects have generally been assessed around \$3,000.00-\$4,000.00 per parcel. Ms. Whipkey stated that does not include tie in fees, and connection fees to the home and Mr. Ryland agreed. Mr. Mowery stated that he feels it should be like a Norton Acres petition process. Mr. Pelot asked what is the smallest area a petition could be used for, like Durham to Fair Oaks and Mr. Ryland stated you can do it that small, but not that's not cost effective. Mr. Conklin asked doesn't the EPA require that waterlines must be looped, you cannot do a stub and Mr. Ryland stated that is not a requirement, you can stub waterlines, however its better to loop them for fire protection. Mr. Jack Gainer, 3280 Wadsworth Road, Norton, Ohio, asked if the City ran a water line on one side of the road do you have to pick up the line on the other side and Mr. Ryland replied no. Mr. Gainer said if all residents on one side of Shellhart had the waterline installed on their side of the road then the residents on the other side of the road would not be involved in the petition process and Mr. Ryland replied that was correct.

Mr. Nicolard noted that a lot of the residents on Greenridge Road are now connecting to the waterline. Mr. McGlone questioned what is the percentage of these residents for the petition process?. Mr. Conklin stated that he believed the numbers are around 62% of the residents for a petition process and that it's a two step process and can be lengthy by the residents to take on. Ms. Whipkey discussed the road assessments for Brentwood and that these residents would be responsible for the engineering costs. Mr. Ryland stated he did not recall the Brentwood petition coming back for a second bite of the apple. Mr. Ryland suggested that maybe what Ms. Whipkey was referring to was the requirement by the Ohio Revised Code in addition to Norton requirements which he felt was not a 62% its more like 51% or close to that. Mr. Pelot suggested Mr. Ryland get the proper information on the petition process back to Mrs. Buzzelli. There was more discussion on the engineering costs which are always up front and Ms. Whipkey stated that if the residents were to change their minds, they would owe that and Mr. Ryland replied that that bill would still be there. Mr. Conklin stated he thought the first round is the cost of engineering and then round two would be to get those same percentages of citizens to authorize moving forward with the project and the assessments. Mr. Conklin stated he does not recall a case where this process was ever exercised in the past. There was discussion as to the City of Norton's requirement and Ms. Whipkey stated she recalled having a conversation with Mr. Kostoff where he indicated that it needed to be changed on that end. Ms. Whipkey stated she is not comfortable with the possible 51% and if that is truly the case she would like to see that increased.

Topics for the next Work Session:

Union contracts
2013 Road Program

Public Comment-Agenda and Non Agenda Items:

Mr. Tom Kornas, 3771 Brookside Drive, Norton, Ohio, asked if there is one leader or one person that likes to give out information to Norton business and residents? Do we have an Information Officer that goes out and talks to the people? Mr. Kornas discussed the newspaper articles about the waterline project, and asked Mayor Zita if he ever goes out and talks to people? Mayor Zita stated we have held several meetings with these businesses to discuss this project. Mr. Kornas asked how long did you know about this, it seems to have just sprung up on them? Mr. Kornas stated that we need to get a Minister of Information or Public Relations Specialist to go out there and communicate with everyone. We need to get the Mayor or Council President to get a press release out to the businesses before it happens. Someone needs to let these businesses owners know before it affects their business. Mr. Kornas stated that you don't even care, you sit up here every Monday and have your meetings, and then all of the sudden you forget about everything. Mr. Nicolard asked Mr. Kornas if he really believed that statement he just made? Mr. Kornas replied sure he does, what action have you all performed about the Greenwich Road sewers other than sending out certified letters? Ms. Whipkey stated to the best of her knowledge we did not know when the Cleveland-Massillon Waterline Project was supposed to begin until she started getting some calls from the business owners. Did we know it was going to be done, yes we did, but not as to when it would be done?

Mr. Ryland stated this has been discussed numerous times in this room since November of last year. Mr. Kornas asked why then has there been so much negative information in the newspapers? Ms. Whipkey stated she agreed about Mr. Kornas about having a date so we could have informed the businesses, why didn't we-she was not sure. Mr. Ryland stated this was a joint project between the two (2) cities, which Council knew about. Mr. Ryland stated this is an Ohio Public Works Commission project, it went out for a public bid and grant money and Council was aware of that as well. Mr. Ryland explained that the business found out about the project prior to our City receiving the schedule. Mr. Ryland stated he spoke with one business owner the very next day after we received the schedule. Mr. Kornas asked Mayor Zita if he ever talked with other Mayors about the their sewers and about having quarterly Council meetings at the Community Center. Mayor Zita stated we cannot have quarterly meetings at the Community Center because they must be televised from here. Mayor Zita stated that as far as talking with other Mayors, yes we have met with other Mayors in Portage and Summit County on a monthly basis and yes we have discussed septic system and storm water issues. Mr. Kornas discussed the pending elections and yard signs and the only Council member that raised his hand and willing to have yard signs was your Ward 3 Councilman.

Mr. Dennis Kornacky, 3008 Dutt Road, Norton, Ohio, asked when was the last time the catch basins and ditches were cleaned out? Mr. Ryland stated the catch basins are cleaned on an annual basis. Mr. Kornacky stated he understands that Barberton does this for Norton, and Mr. Ryland concurred because they have a vacuum and we don't. Mr. Kornacky clarified what was in the EPA letter about the catch basins and Mr. Ryland stated that as part of the EPA letter, they are to be cleaned more often. Mr. Kornacky asked when they are to be done next and Mr. Ryland replied most like sometime in the fall. Mr. Kornacky asked about the storm drains or ditches and drains and Mr. Ryland stated that ditches are cleaned on an as needed basis. Mr. Kornacky asked if this was also a part of the EPA violation? Mr. Ryland replied no, they EPA letter was referencing catch basins. Mr. Kornacky discussed the fact that when he originally moved into Norton their ditches were being cleaned out on a regular basis and now its not being done unless the resident files a request. Mr. Ryland stated the requirement of cleaning out the vegetation from ditches has been changed, we no longer do that because by leaving the vegetation alone it can slow flooding in the areas. There was discussion about the backup of leaves in ditches causing a problem and Mr. Ryland clarified that standing leaves has nothing to do with fecal coliform counts. Mr. Ryland stated there is no regular cleaning of the ditches and those rules changed years ago. Mr. Kornacky stated he thought we pay taxes to have the ditches cleaned. Mr. Ryland replied no, you don't pay for cleaning of the ditches, it's in the overall budget and a ditch only gets cleaned when there is a flow issue. Mr. Kornacky asked if the citizens were ever told about how to get their ditches cleaned up and Mr. Ryland replied he had no idea about that. Mr. Ryland asked Mr. Kornacky if his ditch was not flowing properly and Mrs. Kornacky replied partially. Mr. Kornacky questioned why the City continues to be in violation of EPA and wants the city residents to pay for it. Mr. Ryland stated that all of you are "the city" it's all of us. Mr. Kornacky stated it's not the residents that are in violation because it's the City, the City is the one who got the letters.

Mr. Ryland stated Mr. Kornacky's statement was absolutely wrong, and explained that the violation letter came to us as the City because we are the entity that represents the residents as a whole. Does the City tell you what kind of septic system you can have, or that your system has failed? No and we don't tell you when to clean it out, or how to lay the filtration fields. There was discussion as to the process of when we have a violation reported and that Summit County comes out and does the inspection. That is when they come to you and say you have sewage in your ditches and you have to clean that up. Mr. Ryland stated we don't know where the problem is, we just have a formula to follow on how to correct it. Mr. Nicolard stated the final issue here is if you have a septic system that discharges into a ditch that is an illicit discharge.

Mr. William Paluch, 3740 Shellhart Road, Norton stated that he hears everyone talk, it appears that no one is addressing the problem. He has not heard anyone talk about grant money; you have spent \$640,000.00 on engineer fees. Mrs. Starosta asked for what project, and Mr. Paluch stated Nash Estates. Mrs. Starosta stated that engineering firm for that project was EDG-Environmental Design Group. Mr. Paluch asked if this City is within Summit County and Mayor Zita replied yes. Mr. Paluch asked then why didn't we go to Summit County for them to do this engineering? Mr. Ryland stated that they would not do this for free. Mr. Paluch complained that you never even asked and he questioned if you even asked Summit County and Mayor Zita replied no he did not. Mr. Paluch complained that you never even applied for grant funding for the project. Mr. Ryland replied that was not true we have applied for grant funding just like we do on ever single project we do in this City. Mr. Ryland addressed Mr. Paluch's complaint that we don't tell people what is going on. There was discussion as to the process for any utility projects, which takes at least two years of planning from this group to complete the process. Mr. Ryland explained that if you don't know that we have sewer project going on in Nash Heights, then you have your head somewhere it does not belong. Mr. Paluch stated you cannot even comply with an ordinance for televised meetings, and Mr. Ryland stated that is just your opinion that we are not in compliance. Mr. Nicolard gaveled Mr. Paluch three times warning him if he wishes to stay at the podium he needs to be a bit more civil with his comments. Mr. Paluch stated the City of Norton never applies for grant money and always puts it on the back of the residents. Mr. Paluch stated we need to be like Wadsworth and maybe merge with them because they managed to build brand new schools for \$140,000,000.00 dollars, they had free grant money totaling \$70,000,000.00. Mr. Ryland stated that same \$70,000,000.00 grant money is exactly what the citizens of Norton turned down. Mr. Paluch stated that failed because you did not have a game plan. Mr. Ryland stated we don't have a game plan with the schools. Mr. Paluch stated that if you were to put the sewer issues on the ballot they would fail. Mr. Ryland stated this issue is not something that we have the option to put on the ballot. There was further discussion on finding out who is responsible for their bad septic systems and the Ohio law as to what is an illicit discharge. Mr. Paluch discussed the clause in his Mandamus Action that would repeal any and all legislation passed from January 1, 2013 to present, and that all of you are passing legislation and you are probably in violation of it.

Mrs. Karen Harley stated she was not even worried about sewers anymore because with all of the law suits out there and all of the legal fees we are paying we will probably get annexed by Barberton, Wadsworth or Copley. Mrs. Harley discussed the waterline project ORD #95-2012 had its first reading on November 12, 2012. No one can say this just got sprung on everyone. It was discussed back in November. Ms. Harley stated that if your septic system is an off lot system and drains into a ditch anywhere on your property, your illegal. Mrs. Harley stated that she is so tired of hearing the same things here week after week. We basically all have illegal systems, and you are all breaking the law.

Mr. Danny Grether, 2831 Brookfield Drive, Norton, Ohio, stated he was glad to hear that we are going to be discussing the road program at the next Committee Meeting. Mr. Grether stated the 31st Street Waterline seems to be a debacle. However, all of these meetings are open to the public as well as Barberton City Council. Mr. Grether discussed the timelines for the Cleveland-Massillon Road going back as far as 2011 so this is really nothing new. Mr. Grether stated that he did miss out on the fact that were running lateral water lines on Norton Avenue. Mr. Grether suggested someone get in touch with the contractor about the beveled edges on the boilerplates to reduce the impact on the vehicles.

Mr. Pelot stated we are hearing from the different businesses about the Cleveland-Massillon Road waterline, and this has been in the newspapers, its been on the web site and we have been talking about this on several occasions. Mr. Pelot stated that if you don't read the papers, well shame on you. We cannot hold everyone hands here and keep all residents and businesses up to speed. Mr. Pelot noted that with budget cuts and layoff's in the past we are extremely short staffed in the Administration offices today. Mr. Pelot stated one of these businesses that has been here to complain and ask for help is also a legal posting place for all of our agendas and minutes. Its all right there for them or anyone else to read it, it's also been in the Norton Post, in addition to being viewed on the city web page. Mr. Pelot stated that he is tired of hearing from residents that we never apply for grant money. Well we may not have a grand writer, we have a very small staff here at city hall, and we have lost a lot of employees that have not been replaced due to the finances.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:11 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.