



## COMMITTEE WORK SESSION JULY 6, 2015

Committee Members Present:        Scott Pelot-Excused  
   Dennis McGlone  
   Danny Grether  
   Dennis Pierson  
   Paul Tousley  
   Charlotte Whipkey  
   Rich Rodgers

Also Present:                            Mayor Mike Zita  
   Valerie Wax Carr  
   Ron Messner  
   Justin Markey  
   Dave White  
   Karla Richards

The Committee Work Session convened on Monday, July 6, 2015 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

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

#### **MAD Presentation & Discussion**

Mr. Rodgers introduced Mr. Shilling-Executive Director of the MAD for his discussion and presentation. Mr. Shilling stated that this is the earliest in Ohio for any positive West Nile; however there are none in our district. Mr. Shilling noted that those were not human cases, but were positive pools and that Summit County was leading with the most (4) although none were within the Barberton-Norton MAD as yet. There are currently eight (8) reported cases in the State and at this time there usually are none. He was asked by Pennsylvania to assist in a study on the Asian Tiger Mosquitoes however this has been put on the back burner now due to the increase in West Nile in Ohio. Spraying is the least of what we do and accounts for only 15% of our time, we focus on surveillance and testing. Mr. Shilling stated he is working with other states to get all of our heads together on this issue. As soon as we do receive calls, we target that area as much as possible. Mr. Shilling stated larvaciding is one of the most important aspects of their services and educating the public. Mr. Shilling discussed the incubation time of the eggs which can be dormant as long as 5-7 years, survive winter, and when water comes can hatch within 24 hours to several days.

Mr. Shilling stated all products are the safest he can find and some are natural bacteria. There is no residual chemical left after their bi-weekly spraying is complete and the spray must touch the insect. The other method used, particularly for parks and such, is barrier spraying which does leave a residual on the leaves and vegetation. The barrier spray is lethal to more types of insects, including ticks which are out of control. Mr. Shilling stated they do not use anything that can harm the honey bees. There was discussion about shut off distances for any health issues residents may have as we normally spray up to a three hundred (300) foot range. We have been able to set some money aside for equipment replacement, small drainage or ditch work. Mr. Shilling stated there really are no grants for mosquito spraying; however he does look at FEMA grants for flooding that may help with this issue. Mr. Rodgers asked about the FEMA funds and if they are the receiver or the City and Mr. Shilling stated we apply for this for mosquito control and if awarded it would come to us; however the City could apply for any flooding issues to be addressed. Mr. Shilling stated we would be limited to mosquito related problems whether or not that includes opening up a ditch or even closing a ditch. Ms. Whipkey discussed residents putting grass clippings in their ditches and asked if that is what the MAD uses for setting their traps and Mr. Shilling concurred. We fill a 55 gallon drum with the brew we make of such debris that includes grass clippings, sticks, and leaves as they break up easier and that's what is used in setting up the trapping. If we could just get the residents to take care of their ditches and clean up their brush, old tires, etc. This is a problem because of the moisture lying in these environments. Ms. Whipkey stated that she knew they had just recently sprayed, but she was out in Norton over the weekend and there were an awful lot of them in that area and asked if we can step up spraying here to perhaps weekly? Mr. Shilling stated one problem is with resistance and sometimes we have to switch up our chemicals to counter act this; however it is something he would consider if it did not dry up in the next few weeks as the spray only affects the adults. Mr. Shilling shared that when they get a resident's call they do go out and spray the area around the property and not just the complaint property. Mr. Shilling stated that McCoy is a hard area and most of our areas are reactive so the crews are constantly out checking and testing the areas. Ms. Whipkey asked if the MAD would come out and treat laying water on a resident's property and Mr. Shilling responded yes whenever they get a call or see a problem. Ms. Whipkey discussed some of the vacant homes we have and basements holding water, and questioned if these are problem areas? Mr. Shilling stated yes and we can treat them if they are notified where these homes are and the citizens are a big help with that. Mr. Rodgers stated a few weeks back he had asked the question if Summit County can also spray and asked Mr. Shilling to provide details. Mr. Shilling stated everything has to be monitored, we have to have certain thresholds and chemicals cannot intermix and everything has to be approved. We do have an agreement with Summit County that if an area borders our jurisdiction we will step in and spray as it helps our district. Mr. Shilling stated he has to show the State every year their spraying activity. Mr. Shilling stated he has not discussed the cross spraying with the County and felt they would not want to do that because it's just too much pesticides. One unidentified resident on Shellhart complimented the MAD for doing a thorough job with their trapping and spraying.

2016 Alternative Tax Budget

Mr. Rodgers stated this has to be in by July 20, 2015 and authorizes Mr. Messner to file this. Mr. Messner explained that last year this was due right when he was being hired and he had asked for an extension. Mr. Messner stated this is something that's within our Budget Mr. Rodgers moved to add Ord. #41-2015 to Councils next agenda with emergency language and waiving readings, seconded by Ms. Whipkey.

Roll Call: Yeas: Rodgers, Whipkey, McGlone, Grether, Pierson, Pelot  
Nays: None

Motion passed 6-0.

Amend Ord. #30-2015 Road Program With Summit County

Ms. Whipkey explained that we budgeted \$650,000.00 for this year's road program and we have talked with Summit County and added a treatment called pulvamixing for Johnson Road at an increased cost of \$13,000.00 to \$18,000.00. This will give us a better repair for this area and was in fact a recommendation from Mr. Benza from his study of our roads. Ms. Whipkey stated there was another issue with our catch basins collapsing in the Frashure Allotment area as well as Columbia Heights Drive for \$30,000.00. Ms. Whipkey stated that Mr. White, Mr. Reynolds and possibly Mrs. Carr were involved in getting this added. This legislation is to approve adding this additional amount to get this done for this year. Mr. Tousley questioned the costs involved for the two processes being added and if this was enough to cover all of that. Mr. Messner stated the \$30,000.00 is to repair the 6 out of the nine (9) catch basins, and the basins are not failing it's the roads and pads around them are failing. Mrs. Carr clarified that the bids came in lower and when we added our alternates we needed to go up to have \$620,000.00 in total to cover all of our alternates. We are now asking for another \$30,000.00 for the catch basins and another \$18,000.00 for the pulvamixing for Johnson Road. Mrs. Carr stated she thinks we may need more and Mr. Messner explained the initial roads were \$605,000.00 and then we added the \$18,000.00 with the alternates and we need to add the additional \$30,000.00 which is how we arrived at the \$650,000.00 figure now. After further discussion it appears that we will have sufficient funds with the prepared legislation as written. Mayor Zita clarified the one area for catch basins is not in Columbia Heights, it is here in Columbia Woods Drive. Mr. Markey stated that if we go over that amount you would also need to adjust your budget. Ms. Whipkey moved to add Ord. #43-2015 to Councils next agenda, with emergency language and waiving readings, seconded by Mr. Grether. Ms. Whipkey noted that if we don't do this now we may not get this done this year as the window is very small.

Roll Call: Yeas: Whipkey, Grether, McGlone, Pierson, Tousley, Rodgers  
Nays: None

Motion passed 6-0.

### Moratorium-Storm Sewers

Mr. Rodgers explained that we had discussed a moratorium on storm sewers. Mr. Markey has prepared a draft in your packets. Mr. Rodgers stated we need to take the time and do our research and get a handle on some of the flooding in our city. There may be some exception due to some erosion on some properties. Mr. Markey stated he would like to add language to state the Administrator can address and grant variance if required. Ms. Whipkey stated there should be no fee to the resident for such a variance as she believed there was a waiving fee. Mrs. Carr stated there is an application filing fee for the variance and she wants to be clear she has the authority to waive this fee and asked for different language than variance. Mr. Markey stated we could be more specific in the language and perhaps use install drainage tile. Mr. White stated that Summit County Engineers will not sign off on such an issue unless it is a safety issue. The City Administrator and Engineer would have the authority as a health or safety issue to address and approve such. Ms. Whipkey questioned if the County could then step in and have authority, but Mr. White answered no as we were just following their example. Ms. Whipkey discussed some residential covered ditches being clogged and if those were dug up for repair, would that mean they could not recover them and Mr. White stated that within this one year window this is something we will need to look at, but he believed we were looking at not putting in new structures. Mr. Markey added we should clarify that in the ordinance that it is for new installation and not repair. Mr. William Paluch, 3740 Shellhart Road, Norton, Ohio stated at the corner of Clubview & Shellhart we have standing water and backup for some time now and asked is the City going to address this? Mayor Zita stated that he spoke with Mr. Reynolds and he is aware of this and is waiting for parts for the proper repairs. Mr. Rodgers moved to add Ord. #42-2015 to Councils next agenda, with emergency language and waiving readings, seconded by Ms. Whipkey.

Roll Call: Yeas: Rodgers, Whipkey, McGlone, Grether, Pierson, Tousley  
Nays: None

Motion passed 6-0.

### **Unfinished Business:**

Mr. Rodgers stated that we had a recent story in the Barberton Herald relating to Norton residents issues with storm water and flooding and he and Mr. Tousley went to their property as well as others. We need to get it together and have a plan for the flooding in our City and come to grips with the issues. Mr. Rodgers stated this property on Wayne Street has what he believed was storm sewers installed by the City and not just covered culverts. Mr. White commented that this area is not the normal situation and there are some strange situations that have occurred over time and we need more investigation on this as there are some private land drainage issues as well. Mr. White stated he understands there were cameras used in the system and was concerned why the storm sewers there were put in so deep in that area. Ms. Whipkey asked if this area has sewers and Mr. Tousley stated yes. Ms. Whipkey suggested that Barberton maybe could help with this and Mr. responded that was possible and the piping seems to go from one side of the street and then back again.

Mr. Rodgers stated he and Mr. Tousley walked this area and there are places where it is eight to ten feet deep; you think you are the low end with the house that has the issue, but then it gravity feeds to the far end and is rather deep. Mr. White responded that it shouldn't be that deep and it needs more investigation as to what is happening there as it is not normal. Mr. Rodgers stated that Mr. Reynolds had responded to an email he had sent and although Mr. Reynolds is on vacation, these people are burning up sump pumps trying to get rid of the waters. Mr. Tousley stated he had asked this resident if they were sure the water is going the direction indicated because it is going up hill, which does not make sense. Mr. White stated when he inspected it was strange that the water was going in one end, then coming out the other end, but a catch basin in between was dry so somehow it was bypassing the basin to get down to the outlet. Mr. Pierson asked who installed these lines and Mr. White stated that we cannot determine that as we have no plans on file. Mr. Rodgers explained that this resident who has lived there for over twenty (20) years gave him some of the history here. Mr. Rodgers stated he was also on Gardner Blvd and there is muddy water running in this area. Mr. White stated that Betz Run is a natural stream that has been channelized or piped over the years by various parties, and can be muddy and comes from the School property. Mr. White stated that it goes under the Acme Plaza and comes under Cleve-Mass. Road and to Gardner Blvd. and was put in by various people over many years. Mr. Rodgers stated if this is collection waters from within the City don't we have some responsibility here, we cannot put that all on the homeowners. Mr. White explained that underneath the shopping center it's impossible to take all of the piping out and would not be practical. If it is a natural stream, channelized with piping that is going to be a problem ongoing until we can get that area to open up a little better. Mr. Grether clarified if some of that water from the school is coming from their detention ponds and Mr. White concurred. Summit Soil and Water has been working with the schools to fix this issue as it was not controlled correctly from the beginning. Mr. White stated that the school has cleared off too much of the property without installing the proper parameters to keep it contained. Mr. Pierson asked what has been done for the flooding to the residents along Shellhart? Mr. White explained that they have installed an embankment along Shellhart to divert water back to the south as it was initially designed to do and needed seeded and stabilized. Ms. Whipkey stated that basically it is an engineering error and Mr. White replied this was a combination of factors. The contractor got started without having the proper controls in place, the inspections and the engineering; it was a combination of things. Ms. Whipkey asked will they be held responsible for any reimbursements to the residents for their damages do to their errors? Mr. White stated that is a good question to bring up and Mr. Pierson stated that depends if there is a class action lawsuit. Mr. Rodgers interjected by stating we did not need to speculate what they were going to do as we need to take a positive step to resolve these issues. Mr. Rodgers discussed one area on Karl Drive in Ward 1 that has the potential damage of destroying several decades of oak trees and this area may need to have proper culverts installed. Mr. Rodgers discussed the issues with the Dover Dam and if it were to overflow that would cause problems elsewhere. Mr. White stated if we just let things go we would flood out Clinton. Mr. Rodgers stated that we need to really get after to this. Mr. Pierson discussed the flooding on Gardner Road and what right does the City have on that stream running through private property.

Mr. Pierson stated that lot of the property owners here have to limit retaining walls, and other blockages in that area and do we have the legal right to require the removal of such things. Mayor Zita stated he and Mr. White have inspected this area and some retaining walls were not there to stop the water, but to shore up the area. Mr. Pierson stated that it narrows the channel and creates blockage and causes erosion down stream. Mr. Pierson stated that there are some properties owners have tires, concrete and rebar deposited in their ditches. Mr. White stated Barberton has been working on their area and especially around 14<sup>th</sup> street as this has been a concern. Mr. Pierson stated he had asked Mrs. Carr last week if we have investigated the blockage under the railroad area in Barberton. Mr. White commented that Barberton has been doing work in that area. There is a lot of drainage work around 14<sup>th</sup> Street in Barberton. Mayor Zita stated he has talked with Mayor Judge and he indicated that a lot of the sediment that has been coming in is coming from that basin. Mr. Rodgers stated that rather than having each resident try and correct their 100ft of creek, we as a City need to determine what it has to look like. Mr. Pierson stated that we as a City have been denied jurisdiction and questioned whose jurisdiction is it? Mrs. Carr stated she understands that a permit is required from the Army Corp. of Engineers if it's a natural watercourse with a consistent flow of water before they can do anything within the body of water. Mrs. Carr stated we were very clear with residents in that area that were shoring up their properties that they could not enter into the water or it would trigger the need for a permit from the Army Corp. of Engineers. In terms of jurisdiction perhaps Mr. Markey can look into that. Mr. White indicated that some have already violated that requirement without knowing. Mr. Pierson stated that as far as jurisdiction, and that should be at the Federal level and maybe there are some grant monies that can offset the costs to the residents. Mr. Pierson stated in his opinion no one has stepped forward to look into that. Mrs. Carr stated that is simply not true and we have been looking at the #319 Grants and they are very competitive, very difficult to get, and everyone has been going after them. We reviewed three #319 Grants last year and there was not enough time to get them. We have done our research on this and there are two (2) areas of concerns that Mr. White is working on; Creekside area and our own drainage issues behind City hall. Mrs. Carr stated she spoke to two (2) companies about the grants out there last year specifically for Gardner, which she had them look at; the companies being Enviro Science and River Reach which is a Norton company, both of which have a good feel of what is realistic and neither thought we qualified. We would investigate it again this year as there seems to be additional problems this year. Mr. Rodgers stated we have to assume some responsibility here as these ditches were put in place by the City decades ago. Mr. Pierson asked about the ditches along the north side of Rangley and Greenwich, and that the piping is literally floating along the ditch. Mr. Pierson asked if the contractor that did this work is still responsible? Mr. Pierson stated he had Mr. Reynolds there last week removing some trash and felt this issue will eventually erode the roadway. Mr. White stated he would have to take a look at that. Mr. Grether stated that with this discussion and the comments from Mr. Shilling, it sounds like we need some type of an educational program for the residents. Ms. Whipkey stated that she has received numerous complaints about other residents putting things into their ditches, and by the time the City gets out there no one can be found doing that. Mr. Pierson stated we have 15 ft on the property to stop this and Mr. Markey stated that we do have that for a right of way but to do what?

Mr. Pierson stated to enforce someone from dumping debris on others property. Ms. Whipkey stated we may have something on the books; the question is how do you enforce that? Mr. Grether suggested putting something up on the website like a "Did You Know" section to inform the residents. Mr. Tousley stated that there needs to be action done on the City's part to fix a clogged pipe when it is on an adjacent property to the affected resident and then address the education on who is responsible and who is not. Mr. White stated our crew regularly does go out and clear out clogged areas. Mr. Grether asked if there is a list or is this complaint driven. Mr. White stated it's a mixture of both, as we have certain areas that are problems we do know about. Mrs. Carr offered that it is generally done by complaint to which Mr. Grether noted a list would help establish responsibility. Mr. White noted that we regularly inspect known problem areas. Mr. White offered that Mr. Reynolds had commented to him that he felt with a moratorium he would have more time to address the drainage issues. Mrs. Carr indicated she had asked Mr. Reynolds for his thoughts on the proposed moratorium as he is out on vacation this week (see attached). Mrs. Carr stated that if we are not doing this in the next year, then we absolutely look at other things. Mr. Rodgers discussed the current staffing at the Service Garage, and Mrs. Carr replied that we have eleven (11) full time and five (5) seasonal employees listed (see attached) adding that our high was thirteen fulltime from the sheet going back to 2008. We have made vast improvements over the past few years and just increased the service department by two as well as the seasonal help. We have not been sitting idle; we are increasing as we can. Ms. Whipkey requested a copy of the employee list for all of Council and Mrs. Carr stated she would be happy to supply that. Mrs. Carr read a section of a response Mr. White received from Mr. Reynolds; (see attached). Mr. Rodgers asked about Mr. Larry Hitchings and if he was the mechanic and Mrs. Carr replied yes, and that he was counted all the way through as he pitches in for many instances and she is trying to compare apples to apples and was counted in 2008 too. Mr. Hitchings has been very accommodating to the department and has assisted with backhoe work, etc. Mr. Rodgers asked about getting financial assistance on the driveway culverts for those that need it; like financing it and making payments to the City over time. Mr. Markey stated he would have to look at this in more detail. Mrs. Carr cautioned this idea, adding that if you are talking about assessing the residents for this you would need to have a funding source established because assessments can only go to the County once a year in August or September. Mr. Rodgers stated he was not talking about assessing he wanted the residents to make payments to the City, and we do our own financing. Mr. Rodgers stated we are talking about a total of \$450.00 and the City should be able to let them make payments, and we maybe only looking at about ten (10) residents that would qualify. Mr. Markey stated the reason you do assessments is the County has the staff for tracking and making payments a reality. Mrs. Carr stated if we were to set up a payment plan she wants to have a mechanism in place that if you fail to make a payment it the balance automatically goes to the assessment process. Ms. Whipkey stated she does not want to see that happen immediately, there should be a time frame. Mrs. Carr stated if there are only ten that is one thing, but this could become a larger program than anticipated, you would need additional City staff that can be on top of that and enforce collections. Mrs. Carr also stated that if you start waiving the fees then you will need to come up with another funding source.

Mr. Rodgers stated the problem is we should not have crushed culverts impeding the flow of water and if we don't go out there and instruct, ask, or force them to replace them, the flooding will continue. Mrs. Carr stated she does not disagree. Mr. Rodgers stated we have to do something to help these residents so they can get this addressed. Mrs. Carr stated she does not believe we have ignored it and knows that Mr. Reynolds does help out in the community and he puts a notice on their door advising them of their culvert problems. We try to do what is affordable to them. Mrs. Carr stated she needs to take a look at the costs because what we are charging may not even cover our costs and expenses; we need to think this through. Mr. Rodgers complained that every time we try and do something to help we run into a wall. Mr. Rodgers argued that Mrs. Carr had quoted Mr. Reynolds and he won't say anything on him as he wasn't here, but that this is not the case; we have many, many culverts within the City that are crushed. Mr. Rodgers discussed the answer to the resident that was in the Barberton Herald last week from Mr. Reynolds. All he got out of his email was that it's the resident's problem and his neighbor's problem. Mr. Rodgers stated that with all of the water coming out of the storm sewers; it appears it's the City of Norton that installed them, or possibly Barberton that did this and it's not this homeowners or his neighbor's problem.

Mr. Grether discussed the past meetings where the pump stations and the size capacity was discussed and that he was absent, however he has reviewed the minutes. There was some question about the pump stations as to the size and how it would service future customers. Mr. Grether stated he remembers asking a question of Mr. Demboski at the last presentation that regardless of what plan is used was that pump station being seized for future expansions and the answer that night from Mr. Demboski was yes. He wanted clarification on that and Mr. Rodgers responded the answer was still yes.

**New Business:**

None

**Topics for the next Work Session:**

Mr. Grether noted that we had asked about an update on the InSite Development status and if Ms. Syx could come in after the recess to give an overview. Mrs. Carr stated it was discussed and agreed upon that a written report would be acceptable and she suggested we have a written report instead. Mr. Grether asked for her to be present in person and then from that point forward a written report would be acceptable.

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

Mr. Paluch has signed in to speak but had left the meeting.

**Public Updates:**

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:25 PM.

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Rick Rodgers, President of Council

**\*NOTE: THESE MINUTES ARE NOT VERBATIM\***

**\*\*ORIGINAL SIGNED AND APPROVED MINUTES ARE ON FILE WITH THE CLERK OF COUNCIL.\*\***

**All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.**