



## COMMITTEE WORK SESSION MARCH 16, 2009

**Committee Members Present:** Ken Braman  
Brenda Hlas  
Tom Jones  
Dennis McGlone-Excused  
Bill Mowery  
Mike Zita  
Scott Pelot

**Also Present:** Mayor David Koontz  
Rick Ryland-Excused  
John Moss  
Karla Richards  
Ann Campbell  
Fire Chief Mike Schultz  
Ted Weinsheimer-Supt. of Public Service

The Committee Work Session convened on Monday, March 16, 2009 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

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

Mr. Jim Lino, a Norton resident, commented about an article he read in the West Side Leader relating to the city merging with the Copley Dispatch center. Mr. Lino asked if we were paying our fair share, and if the Copley Township Trustees are negotiating our contract for us? Mr. Lino stated he was not really sure how all of this worked, and asked how are the pay raises handled between the two departments and what if one department gets a three percent raise and one gets a five percent raise?

Ms. Charlotte Whipkey, a Norton resident, commented about an accident earlier today involving a school bus and wondered if all of the children on the bus were all right? Ms. Whipkey discussed the pending legislation for the CIC and the stipulations and how you want them to behave, and what they are allowed to do once they are formed. They will be doing what ever they want to do and they will just bring it to you when they have everything ready. If you don't do it now we will never get it done. Ms. Whipkey discussed the legislation for the Oriana House Contract and the fact that we had to hire a separate lawyer to handle this contract due to the fact that our attorneys firm has a contract with them as their lobbyist.

Ms. Whipkey stated that Roetzel and Andress does lobbying for many places so every time we have to do business with one of these places we have to hire another attorney. Ms. Whipkey stated Mr. Kostoff's contract will be coming up pretty soon, and maybe you should be thinking about it every time something like this comes up Roetzel and Andress should pick up the bill. They are very highly paid, and get paid every time they sneeze outside this Council room. They should at least pick up the bill on this one. Anyone could re-write this but it's going to cost us a pretty penny. However, they could probably get it done cheaper as a professional courtesy between the two. This is something you should be looking at because this may not be the first or the last time we may run into this. Mr. Whipkey noted the discussion on the agenda for the reimbursement of a Councilman, and stated she did not know why it's even on the agenda. Ms. Whipkey stated you should just go ahead and pay him, Ohio Revised Code is quite clear. He is entitled to the full amount of money that he spent on a failed recall. There is nothing to argue about or vote on, it could cost us a lawsuit. Of course our law firm wouldn't mind picking up another chunk of change.

**General Topics of Discussion:**

**Discussion on Newpark Drive Flooding Issues:**

Mr. Braman stated this is something that has been talked about for quite a while and the city has already done the engineering for this area. Mr. Braman turned the discussion over to Mr. Moss for the details. Mr. Moss explained the history with the flooding and the details of the proposed project to raise the level of the road so that the vehicles would be well above the flood plain, in addition to providing retention ponds. Mr. Moss indicated that one of these retention ponds would be large enough to withstand two (2) 100 year floods. The cost for this project is \$2,700,000.00 and we are focusing our efforts on getting grant money and we hope that we are successful. Mr. Moss stated that we need to discuss our options if we do not get the grant money that we have applied for, as we do not have the \$2,700,000.00 sitting aside somewhere. Mr. Moss stated we do have some money in Fund 126-Water Systems Fund which is for access fees and we generate about \$100,000.00 a year in revenue in that fund. This year there is a balance of \$239,000.00 in that fund. In the Sanitary Sewer Fund 127 there is a balance this year of \$660,000.00, and this fund also generates approximately \$100,000.00 a year in revenue. These revenues could be redirected to help offset the cost of this project if we do not receive the grant money. Mr. Moss also discussed the \$496,000.00 for the 2009 Road Program that has been set aside, however this is a very tight budget and there really is nothing here to work with. Mr. Moss discussed Fund 450-Storm Sewer Fund, which has a balance this year of \$7,000.00, but stated this does not have any type of a revenue source attached to it. Mr. Moss suggested that the business owners in this area come up with a portion as originally discussed. Mr. Braman asked if we are talking about assessments to the business owners? Mr. Moss replied yes at a percentage, but certainly not at 100% because that could force some of these businesses out. Mr. Jones asked about the height of the road that is being proposed, and Mr. Moss replied it is around three (3) feet. Mr. Jones asked if the city has acquired the property for the retention ponds, and Mr. Moss replied not yet, however the owner (Revlis Corp) has agreed to the terms. Mr. Jones asked if we have any idea on the what the value of that four (4) acres would be?

Mr. Moss replied he does not recall at this time. There was discussion on the number of businesses involved and the amount of real estate that would be involved in an assessment process. Mr. Moss reminded Council that the smaller business do not have as much real estate and have a smaller footprint, so if you go by frontage the lions share of this is owned by Comunale. Mr. Pelot questioned when would the city know whether or not we will get the grant money? Mayor Koontz stated that we are not really sure about that. Mayor Koontz stated that Comunale was poised to expand their business if this flooding issue was addressed. Mayor Koontz stated this is not only vital to this economy of Norton but the region as well. Mr. Jones stated this proposal would not guarantee to stop the flooding, this is a flood plain area. Mr. Moss stated if the creek backs up deep enough it could flood. The floods we are talking about is where the water comes not from the creek, but from surrounding properties and it pools up in this area. Mr. Jones asked Mr. Moss if he felt we should deplete these accounts, and Mr. Moss stated he would not recommend doing so, it would be a mistake. Mr. Jones asked Mr. Moss what is the balance of the General Fund, and Mr. Moss replied there is approximately \$500,000.00 to \$1,000,000.00 of uncommitted funds. Mr. Pelot asked what is the temperament of these business owners? Mr. Moss replied that they are not happy this project did not happen last year, or years ago. Mr. Moss stated they are faced with the costs of relocating, shutting down during the flooding versus the cost of the assessments. Mr. Pelot discussed the idea of just doing the retention ponds for now until we get a handle on where we stand with the grant money. Mr. Moss discussed the additional costs of doing this as a piece meal project, and if we have to do it this way it may be possible, however this has not been discussed. Mayor Koontz stated that we could talk to our engineer about this idea, and we might also consider going to the county for some assistance. Mr. Jones asked if these business were aware of this flood area prior to moving into this area, and Mayor Koontz stated this is a 100 year flood plain area and he has not heard that they were not aware of it. Mr. Pelot asked if we are meeting with these business owners on a monthly basis to let them know we are working on addressing this? Mr. Moss stated we have met on numerous occasions, although it is not a regular basis and they do know we are seeking grant money for this project. Mr. Jones asked about the number of employees paying into the city income tax in this area, and Mayor Koontz replied it's in excess of 200. Mr. Pelot asked about the maximum time frame we could go out for a bond for this type of a project and Mr. Moss replied twenty (20) years. Mayor Koontz stated that we have been very successful in securing grant money for waterline projects in the past. Mayor Koontz stated the State infrastructure funding all went to the Goodyear project this year. Mr. Alex Stavarz, a Norton resident, asked what would happen if Wolf Creek floods? Mr. Moss stated that this property could still flood and the retention ponds are not big enough to address flooding from Wolf Creek, they are designed to collect the flooding coming in from other area and retain it on site. It would be a place to store it and keep it from coming into the businesses, and slowly releases it back into the creek. Mr. Stavarz stated the reality is this will have no net benefit for the flood. The only impact they would see, is that if you raise the road they will be able to get to their businesses. Mr. Weinsheimer added the idea with Newpark Drive project is to make it it's own island. You have a lot of other storm sewers that intersect all over onto the Newpark Drive area and we intend to isolate this area completely. Mr. Weinsheimer indicated that Wolf Creek would have to completely overrun its banks in order to cause flooding. Mr.

Weinsheimer indicated we have not had it come over the Wolf Creek Banks in any of these floods. Mr. Weinsheimer indicated, and based on the proposed designs, he believed these areas would not have flooded, even with the floods of 2004. Mr. Stavarz stated he witnessed a lot of floods in this area, especially around Advertising Ideas property. Mr. Stavarz discussed the drains they seem to back flow and dump the waters into the areas to the west. Unless you can stop the creek from flowing back into these drains, it will not solve the problem. Mayor Koontz indicated there are plans for back flow preventer valves to be installed in this area. Mr. Stavarz stated he would hate to see someone spend \$2,700,000.00 on this project and still have flooding problems in the future.

Mr. Jim Lino, stated this should be lesson on how valuable foresight can be for future development. Mr. Lino discussed development that occurred behind his property and the developer had enough foresight to build two (2) retention ponds to address the heavy rains.

Mr. Richard Easterling, a Norton resident, stated this region is due to start paying assessments to the Muskingum Watershed Conservancy soon, and asked if this is a possibility for assistance? Mr. Moss stated we do participate in various agencies and it has been discussed, however we do not have direct access to their agendas. Mayor Koontz indicated he would look into this.

Ms. Whipkey discussed the proposed income tax credit and the intent was that the money was supposed to be going into these sewer and water funds. Ms. Whipkey stated you would have to keep this separate if you even think you have a prayer of doing this.

Fire Chief Schultz commented on a safety standpoint when this area floods, they cannot get in there with an ambulance to rescue anyone. Chief Schultz stated the only way we can get to someone there would be by boat.

Mr. Braman stated that we would leave this issue on the Matters Referred list and when the Mayor or Administration wished to bring it out for discussion they would let us know.

Hazelwood & Connect Budget/Advances:

Mrs. Hlas indicated that the bids came in lower than expected for this project and turned the discussion over to Mr. Moss for the details. Mr. Moss indicated we need to temporarily move the money from the budget, and that half of the money is from OPWC grant and half is from the city. Mr. Moss indicated that this was approved in the 2009 Budget. Mr. Moss asked for emergency language and suspension of the readings. Mrs. Hlas moved to add this to Councils next agenda, as emergency language, waiving the second and third readings, seconded by Mr. Braman.

Roll Call: Yeas: Hlas, Braman, Jones, Mowery, Pelot, Zita  
Nays: None

Motion passed 6-0.

Request for Election Expense Reimbursement by Mr. Jones:

Mrs. Hlas indicated Mr. Jones has requested this reimbursement, however it was her understanding the Council President had asked for documentation to be presented to Council and we did not receive anything yet. Ms. Hlas stated we have nothing to look over, to read or to discuss. Mr. Jones indicated Mr. Moss has everything in front of him and if you want to take a ten-minute recess and have Mr. Moss run off copies, you are more than welcome. Mr. Pelot stated if you are asking Council to vote on something or move on something, you need to supply us with something. Mrs. Hlas stated Mr. Zita asked you to supply Council with the documentation at the last meeting, and Mr. Zita added this was not the first time he had requested the documentation. Mr. Zita stated he had asked for this information nearly six weeks ago. Mr. Jones stated Mr. Moss has all of the paperwork in his hands. Mr. Moss replied he does not have everything, only the memos he replied back to Mr. Jones and the supporting documents. Mrs. Hlas asked Mr. Jones if there was any reason he could not supply Council with the copies so we could see exactly what it is you are asking us for. Mrs. Hlas stated that you are asking Council to make a reimbursement to you, but we do not have any documentation in front of us? Mr. Jones replied so that's what you want? Mrs. Hlas stated in order for Council to discuss it, we need to be aware of exactly of what you are asking so we have time to review it, including all the memos, emails, amounts, what ever it is that you want us to do. Mr. Jones replied that he would do that. Mrs. Hlas indicated we would move this to the next Council agenda for the Work Session, and Mr. Jones stated that was fine with him.

Unfinished Business:

None

New Business:

Mr. Jones asked Mayor Koontz to look into the city's natural gas aggregation program. Mr. Jones noted an article in the paper recently where some communities are getting gas for \$6.49. Mayor Koontz stated he has asked Mr. Ryland to look into this. Mayor Koontz stated the residents can ask to be removed from the program, and urged everyone to be careful with looking at other programs. Ms. Campbell stated she talked with our consultant Mr. Mark Burns today about our current program. Ms. Campbell stated she was told any resident could pull out of the program with no penalty. Some of the other programs being offered are running through then end of 2009. We are supposed to renegotiate the contract for the next season later this year, if we try and do this now, we may not get the best price. Mr. Burns indicated he felt we would get a better rate in the fall. Mr. Jones discussed the road program and Mr. Moss stated our needs far out exceed what our funding is. Mr. Jones stated for the record, in Ward One he wants to address the following roads; Karl, Harris, Lakeland, Clubside, Hillier and Flesher. Mr. Zita reminded Mr. Jones that he as St. Rt. 261 due this year, and Mr. Jones replied that is in three wards and it was originally not scheduled until 2011. Mr. Jones stated something has to be done on St. Rt. 261 at the entrance of the dump. The mud keeps getting brought out onto the road and it is getting so high the berms are getting high enough now that when it rains the water has no where to go. Mr. Pelot discussed a culvert just west of Cleveland Massillon Road on St. Rt. 261 that has needed cleaned out for some time.

Supposedly we did not have the necessary equipment to be able to go under the roadway to clean it out. This creates flooding for the homes in this vicinity and we need to address this. Mr. Jones stated he was familiar with this area it is near Oak Leaf Park. Mayor Koontz stated he would follow up with this. Mr. Zita asked Mayor Koontz to answer Mr. Lino's question about the dispatch facility. Mayor Koontz stated this is a joint dispatch center and our dispatchers are under our city contract. We do not pay anything on what the Copley Trustees might negotiate. Mr. Moss discussed the inquiry from Council as to the legal defense cost relating to Issue 26. Mr. Moss stated he reviewed the invoices for legal services for 2008 and 2009 up to last Friday for the costs relating to the defense for Issue 26 and the total paid out was \$4,418.75. Mr. Moss discussed the current salt situation, and our needs. We have on hand 4,000 tons and we are still receiving some deliveries. The storage facility can hold between 6,500 to 7,000 tons. The total amount of salt usage is around 6,000 tons. We cover approximately 17,000 miles of roadway. We are paying a contracted rate of \$41.00 per ton or a total of \$300,000.00 worth of salt to fill it up. Mrs. Tompkins asked Mr. Moss to restate the question that he answered relating to Issue #26. Mr. Moss replied the question was: "Would like to know the total of the legal expenses for the defense of Issue #26 as of today. Mrs. Tompkins stated that she looked at an invoice today from Roetzel and Andress and Mr. Moss clarified that Roetzel and Andress is not doing the defense in this case. Mrs. Tompkins stated then that figure would be for Councils defense from Mr. Merlitti, and Mr. Moss concurred this figure is for Mr. Merlitti's fees, and to keep in mind there are two (2) other attorneys involved in this case. Mr. Jones stated that he thought his question to Mrs. Richards last Friday was he wanted to know about the brief that was filed the previous week. Mrs. Richards recalled that conversation and indicated that even if we received the total costs of the legal fees for the law suit, the fees for the recent filing of the brief would not be known until the billing is received until the next quarter. Mrs. Richards stated that Mr. Kostoff gets paid when he submits a quarterly bill. Mr. Jones stated he thought we had an agreement to pay Mr. Merlitti \$3,000.00. Mr. Moss stated we did, however Mr. Merlitti submitted a letter on December 17, 2008 requesting another \$2,000.00 for further work. Mr. Moss stated the original \$3,000.00 bill was discussed without the knowledge that things would change. Mr. Zita stated that when the appeal was filed, more money was put into the account. Mr. Moss stated actually when this letter was written the appeal had not even been filed, so that is even more. The good news is that Mr. Merlitti is that not running up a lot of hours on this case. Mr. Moss discussed his request for legislation for the widening of Cleveland Massillon Road, Phase I for the preliminary engineering. Mr. Moss stated this is a 90/10 split and the city's share is 10% or \$7,916.00. Mr. Jones asked if this goes from I-76 to Shannon Avenue? Mayor Koontz replied no, just to Greenwich Road. Mr. Jones stated this has been discussed sine 1988 when he served on AMATS. Mrs. Hlas moved to place this on Councils agenda with emergency language, waiving the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Hlas, Pelot, Jones, Mowery, Braman, Zita  
Nays: None

Motion passed 6-0.

**Topics for the next Work Session:**

Council Rules, and Request for Election Expense Reimbursement by Mr. Jones.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:23 PM.

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Mike Zita, President of Council

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

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