



## COMMITTEE WORK SESSION SEPTEMBER 21, 2009

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

**Also Present:** Mayor David Koontz-Excused  
Rick Ryland  
John Moss  
Russ Arters  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Monday, September 21, 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:**

Ms. Charlotte Whipkey, a Norton resident, announced that today we filed at Summit County to go before the Ohio Supreme Court on Issue #26. Ms. Whipkey stated she has taken some hits on this issue. She feels quite strongly that the people do need to have their day in court once again. It is very important and it's not only a right to uphold and protect our Charter, but to help every Chartered city in the State of Ohio. Ms. Whipkey stated she has also heard how due to her actions, it's cost the city and the citizens x amount of dollars. The actual thing that has cost x amount of dollars is our Law Director decided that we needed to go to court to keep the peoples vote from taking place. Ms. Whipkey stated she is 100 percent sure if we had the same attorney back in 2007 when we had the three other Charter amendments that went to ballot, we would still be in court for those. As far as costing the city money, one of those Charter amendments has given them back more than what they would have paid to uphold our rulings and our wants on this latest issue. The fact is we would be saving \$27,000.00 in these last two years in what we would have been paying our Mayor. We are going at it for some more.

Mr. Jeff Case, a Norton resident commented about the water and sewer ordinances that went into effect in 2003 and the EPA agreement, which we apparently are not in full compliance with. Mr. Case stated that it looks like the main violations with the EPA are at the Service Garage and the Fire Station. Mr. Case stated that since 2003 we still have the same 8.4 miles of sewer and 12.5 miles of water lines. We have not done anything with these funds, other than what's been done with his street with the replacement of the waterline.

Mr. Case stated that the waterline fund will start to grow and he understands we need to do engineering. Mr. Case asked but where does it all end, he is paying 27.5 percent more for his water than the people in Barberton pay, and now he is going to be assessed for his new water line. Mr. Case stated that now he will be paying another half percent of his income to the city. Mr. Case asked why were these ordinances put into effect if we are not really using them? You need to find a way to maximize the money we already have. Mr. Case questioned the engineering for Oak Street being \$290,000.00 for 600 ft. or about tenth of a mile.

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

#### **Sanitary Sewer Lines-Service Garage**

Mr. Braman turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated the EPA letter addressed it and this would be a long line from Dorothy Court, which needs a pump station because we cannot gravity feed in this location. Mr. Ryland indicated that he would order the engineering for this project this week. Mr. Ryland cautioned Council that this will be an expensive project and that it will involve fewer than four (4) homes. Mr. Ryland indicated that Council would need to make a decision on how much to assess these residents. There was discussion as to the actual balance in the Sanitary Sewer Fund and Mrs. Hlas indicated the balance as of 8-31-09 was \$223,000.00. Mr. Pelot stated that at one point there was over \$500,000.00-\$600,000.00 in that fund when we were discussing Oak Street just a few weeks ago. Mr. Ryland reminded everyone those were beginning balances for this year, and we have been using money from this fund for engineering expenses and a number of expenses were already encumbered for this year. Mr. Moss stated it has not been actually spent, it has been committed. Mr. Braman asked if the fund could be used for this purpose and Mr. Ryland replied yes. Mr. Pelot asked if there was any state matching funds available and Mr. Moss replied no, not for the expansion of sewer lines. Mr. Braman asked if this was basically for informational purposes to Council this evening and Mr. Ryland indicated yes, adding that this sewer line would be an 8-inch line. If you chose to assess this then we will have to look at benefits because we can't do this project by footage. Mrs. Hlas discussed the pump station and asked if this would be used only for Dorothy Court? Mr. Ryland replied in all likelihood it would be, it's on the wrong side of Lake Dorothy. It would be built for the needs of the service garage and future growth of that building and the few homes in the area and not for any future expansion. The Comprehensive Plan calls for a sanitary sewer that is on the south side of Lake Dorothy that is a forced main. Mr. Ryland commented on Mr. Case's statements that the city has done nothing; his points are well taken but his statements are completely misstated. The city has done six (6) major waterline replacement projects in the last two years, so to say we have done nothing since these funds were established is completely false. These projects are major upgrades and huge accomplishments for this city.

#### **EPA Report-Failure to Implement Plans & Procedures**

Mr. Braman turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated we received a 10-day extension to reply to the EPA on the city's plans to address our deficiencies. We still need a plan and procedure to deal with our illicit discharge, and to tell the EPA we are just talking about this is not an acceptable answer. Mr. Pelot reminded everyone the EPA on a daily basis is currently fining the City of Akron.

Mr. Ryland stated the City Akron is being fined \$38,000.00 per day for failure to upgrade and maintain their sanitary sewer systems. Mr. Ryland indicated they are working on their plans, but this will be affecting our city in the future with funding. Any money available through Issue I money this year and several years thereafter, would be gobbled up by Akron first, before Norton sees any coming our way. Mr. Zita stated that the comment made last week about the EPA would not force you to tie into a sewer line, however the EPA will force you to come up with a plan and fine you every day that you don't have a plan. Mr. Braman stated that we need to get a plan together and by the next meeting we will need to do something.

### 2009 Budget Changes

Mrs. Hlas indicated that Mr. Moss was to have some changes to Council, however nothing to date has been circulated and turned the discussions over to Mr. Moss for the details. Mr. Moss stated he has spent a lot of time working on the details, which are not quite ready to bring forward to Council. Mr. Moss indicated that overall we are looking at proposing a total net change of \$500,000.00 reduction citywide in the budget. It's been a big project and Mrs. Hlas stated we would keep this on the agenda for next week.

### PC Res. #25-2009 Zoning Text Amendment & Alt. Energy Sources

Mr. Braman indicated this is new zoning regarding outdoor wood furnaces in addition to wind turbines. Its been done in other communities and is pretty much straight forward. Mr. Arters stated these have been prevalent for the last few years and the EPA has been enforcing sanctions on the wood burning manufacturers and the pollutants from them. Mr. Arters stated the problem is really with the people trying to burn everything they can get their hands on in these furnaces, and the air quality reports we are seeing are just outrageous. Mr. Arters stated we have modeled our code after the City of Orrville, noting that Barberton and Wadsworth have completely outlawed these. Mr. Braman stated that most of the concerns seem to be smoking out your neighbors. Mrs. Hlas inquired as to how many of these are currently in Norton and Mr. Arters replied about 7-8 that he is aware of. He had received a few calls this week about new installations. Mr. Ryland added that if you burn what is regulated by the manufacturer its really not an issue. Mr. Arters added that wind turbines would be a conditional use if desired, and so far he has not received any inquires on these. Mr. Braman asked about the cost on wind turbines as he thought they were very expensive, and Mr. Arters indicated he was not sure but also heard they were expensive. Mr. Pelot questioned how this would affect those residents with existing wood furnaces, and Mr. Arters stated they would not have to comply unless a new home comes in next to them or if there is a nuisance condition, then we would have to address it. Mrs. Hlas questioned if this would be all combined into one ordinance or two and Mr. Arters indicated it would be in one piece of legislation. Mr. Braman indicated Council is required to hold a public hearing on this and would probably occur at the second reading. Mr. Braman moved to add this to Councils next agenda for a first reading, to go all three readings, seconded by Mr. Pelot.

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

Motion passed 4-0.

**Unfinished Business:**

Mr. Pelot inquired on the status on the Johnson Meadows loan reimbursement to the city and Mr. Moss indicated he is waiting on final figures from Bond Counsel that he could bring something to Council for legislation to assess what is owed. Mr. Pelot asked if he had any kind of a time line of when that might be and Mr. Moss replied not soon enough for him, however it is on his list and he discusses this every time he talks to Amanda Gordon's office.

**New Business:**

Mr. Zita stated he would like Council to consider a Resolution of Support for the Norton Schools Bond issue for November 3, 2009. Mr. Zita stated that he would like to have discussion at the next work session for further details. Mr. Zita announced that this Thursday, September 24, 2009 at 7:00 PM the Levy Committee is holding an informational meeting at the High School for the community. Mr. Zita stated he feels it's time to put some legislation in place to address court actions filed by citizens, if the courts rule in favor of the city. These actions cost the city money to defend, and it's been costing the city too much money and we need to take a look at that. Mr. Zita stated he would like to discuss this over the next few work sessions.

Mr. Braman reminded everyone about the Norton Cider Festival this weekend, with the parade at 10:00 AM and fireworks at 9:00 PM on Saturday.

**Topics for the next Work Session:**

EPA Report-Failure to Implement Plans & Procedures  
2009 Budget Changes

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 7:36 PM.

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Mike Zita, President of Council

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

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