



**COMMITTEE OF THE WHOLE MEETING
JUNE 21, 2004**

Committee Members Present: Brenda Hlas
Dennis McGlone
Bill Mowery
Scott Pelot-Excused
James Price-Excused
Mike Zita
John Conklin

Administration Members Present Mayor Joseph Kernan
Claude Collins
Jeanne Zerga
Jeff Pritchard

The Committee of the Whole convened for a meeting on Monday, June 21, 2004 at 7:01 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by John Conklin, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer. Mr. Conklin stated that Mr. Pelot and Mr. Price were excused for this meeting.

Committee of the Whole-General Topic of Discussion

Mrs. Hlas stated that if time permits, she would like to discuss the Sewer Agreement for S. Hametown road tonight.

Water/Sewer Access Fees.

Mr. Collins opened the discussion and indicated that Mr. Harrison of the Barberton Health District was in the audience and would be able to answer any questions that may arise. It was explained that there are several small businesses along Barber Road that have been told to tap in to the sewer lines and cannot afford to do so. Mr. Harrison explained that it is the responsibility of the Health District to enforce this and they have discussed this issue with many of the business owners. The business owners explained that there are two reasons, its too expensive and that they have to pay up front fees to both Norton and Barberton. Mr. Harrison explained that what they would like to do is to come up with another option to get them to tap in. Mayor Kernan stated that we have many small businesses in that area and we should be doing all we can to get them to connect instead of enforcing this and driving them out of our community. Mr. Harrison gave a typical scenario (see attached) showing just how much the benefits would costs a small business. Mayor Kernan suggested that maybe we could come up with an assessment or a hardship plan and extend their payments onto their tax duplicate for 20 years. There was discussion on the formula used and that Barberton uses 325 gpd and Norton uses 400 gpd, which is why Norton is slightly higher. Mayor Kernan stated that within whatever plan we do come up with, we need to agree on one figure or the other, both cities should be using the same. Mrs. Hlas stated that the reason Norton is using 400 gpd is because this is what the County use. Mrs. Hlas discussed the term of “deferred lien with interest” and asked why it is not worded as an assessment, and what criteria do we use to determine a hardship. Mr. Harrison stated one of our problems is that we are not getting any money into your fund is because no one will tap in. Mrs. Hlas stated that she feels it needs to start with negotiations on the Water and Sewer Agreement, which still needs to be done.

Water/Sewer Access Fees Continued:

Mrs. Hlas indicated that it would be difficult to prove a hardship. Maybe we should think about anyone with 3 or more benefits would apply and could have it assessed, and whatever is decided should be for all the residents not just Barber Road. Mr. Pritchard questioned Ms. Zerga if she felt that 20 years was proper, or too long? Ms. Zerga stated that she was not sure, this is something she needs to discuss with Mr. Lyons. Mrs. Hlas stated that this is something the Administration needs to work out and come back to the Committee with a detailed plan at a later date. Mr. Mowery asked Mr. Harrison how many businesses does this impact, and Mr. Harrison stated about 62. Mr. Mowery asked Mr. Harrison to provide Council with a total list of the businesses so that we can tell them exactly what it will cost them. Mr. Collins stated that you cannot do it this way, our Engineer would need to be involved here and it will need to be calculated according to the EPA regulations, types of business use, etc. Mr. Harrison stated that Barberton does not always use the chart, and gave an example of the Akron Machine Institute because they are categorized as a school. Mr. Mowery asked if this idea has been presented to Barberton Council, or their Utilities Committee, and Mr. Harrison replied not yet, that this is the goal they are trying to achieve and once a plan has been created they will present it to both cities. Mr. Harrison stated that both Mayor Hart and Mayor Kernan have meet, and Mr. Pritchard was also involved. There was discussion as to what amounts would be more acceptable to the businesses, and Mr. Pritchard added that even with a semi-public septic system the costs to replace that would be \$40,000.00 to \$60,000.00. Mr. George Tomko of 2525 Reimer Road Extension, Norton, and spoke regarding the table used to calculate the benefit costs, and was puzzled as to what the Engineer has to do with it. Mr. Pritchard stated that you have a design capacity and the amount of flow that a business can generate. That design flow and potential flow has to be taken into account for the total flow of the system and for the package plant or treatment facility to treat the amount of waste being generated. That is EPA standard and protocol and the way business is done. If you have issues with this, you need to address the State legislators. Secondly, it also standard practice for our Engineer to calculate the amount of benefits based on this formula. Mr. Tomko stated that these formula are all wrong, and you continue to go along with it and you will continue to have problems with this calculation. Mayor Kernan stated that he would report back to Council with more details for their review.

Sewer Connection Changes:

Mr. Collins stated that this issue really ties into the previous subject. He has been looking at the ordinance and feels there are several areas needing changed or corrected. Specifically where it gives the Administrator the authority to tell them to tap in, it should be Barberton. There was discussion on this and Mr. Conklin stated that he was not ready to go forward on this, maybe he would make a motion during the Committee of the Whole on Monday and add it to the agenda. Mrs. Hlas suggested we place it on the agenda as an emergency, and we can decide if we want to waive the second and third readings, and so moved, seconded by Mr. Zita.

Roll Call: Yeas: Hlas, Zita, McGlone, Mowery, Conklin
Nays: None

Motion passed 5-0.

PC Resolution #23-2004

Mr. Conklin stated that it was his understanding that this pertains to the explosion proof motors. It appears our code requires a sealed motor, but in reality the State Building & Electrical Codes no longer require this. Mr. Pritchard added that the State recently passed a Bill pertaining to Ohio oil and gas wells. If your municipality is not over 15,000 we loose all control and authority of oil and gas wells with respect to the requirements under our codes. There was discussion as to what is required from Council by either a verbal vote or a Resolution. The Clerk informed Council that she has questioned our Law Director on this and he indicated Council could handle this either way. Mr. Conklin felt a Resolution would be a better paper trail and suggested we do one. Mr. George Tomko stated that he attended the Planning Commission meeting where this was discussed and approved. The main idea in approving this was to let them go without putting in conduit electrical wires and also not requiring an explosion proof motor. However, Mr. Tomko stated that the all of this, including the fencing was supposed to have been done within 6 weeks from the date the Planning Commission approved it. It is now close to 4 weeks and nothing has been done. Mrs. Hlas moved to place this item on the next Council agenda as a Resolution, seconded by Mr. Zita.

Roll Call: Yeas: Hlas, Zita, McGlone, Mowery, Conklin
Nays: None

Motion passed 5-0.

Committee of the Whole Format:

Mr. Zita stated that he would rather hold off on this discussion until all members are present.

Park Rules:

Mr. Zita stated that he wants wait on this one as well. Mrs. Hlas stated that this is our last Committee meeting until after the summer recess in August.

Sewer Agreement for S. Hametown Road:

Mrs. Hlas briefly discussed the issue, and Mr. Collins stated that several businesses spent over \$94,000.00 to bring in sewer lines. In doing so, there are a few parcels, which could benefit from this and the joint venture group is asking the City to process the fees for them. Mrs. Hlas asked if we would be charging a fee for collecting the money for them. Mr. Collins stated that we will be collecting our own access fees that's all. Mrs. Hlas stated that she wanted this item to be placed on the Committee of the Whole agenda for August 16, 2004. There was also discussion that the Committee of the Whole meeting slated for August 30, 2004 is cancelled.

Old Business:

New Business:

Mr. Zita stated that Congressman Sherrod Brown will be at the United Church of Christ in Loyal Oak on Wednesday, June 30, 2004 at 6:30-PM. Mrs. Hlas stated that Congressman Brown will be speaking on a specific topic. Mr. Zita stated he was not informed as to the exact itinerary.

Mr. Conklin stated that Mrs. Elaine Tompkins was not able to be present however she faxed a statement, which Mr. Conklin read in its entirety, see attached.

Committee of the Whole
June 21, 2004
Page # 4 of 4

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 8:22 PM.

John Conklin, President of Council

Date approved: June 28, 2004

****THESE MINUTES ARE NOT VERBATIM. THE AUDIOTAPE WILL BE
ARCHIVED IN THE CLERK OF COUNCIL'S OFFICE****