



COMMITTEE WORK SESSION NOVEMBER 6, 2006

Committee Members Present: Ken Braman
Tom Jones
Dennis McGlone
Bill Mowery
Scott Pelot-Excused
James Price
Mike Zita

Also Present: Mayor Joseph Kernan
Claude Collins
John Moss
Jeff Pritchard
Karla Richards

The Committee Work Session convened on Monday, November 6, 2006 at 7:02 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Michael Zita.

Committee Work Session General Discussion:

Presentation by Doug Shepard Chief of Rangers, Summit County Metro Parks

Mr. Zita introduced Mr. Shepard of the Summit County Metro Parks. Mr. Shepard gave a brief presentation regarding all of the services the Metro Parks have to offer. Mr. Shepard encouraged Council and the residents to support Issue # 18 at the polls tomorrow. Mr. Shepard stated that if this passes it would cost a \$100,000 valued homeowner \$3.73 per month or .12¢ per day. Mr. Shepard stated that the last time a levy was approved was 2002. Mr. Shepard stated that this is an eight (8) year levy for 1.46 mills and replaces the current .85 mills. Mr. Lino, a Norton resident asked if there were any future plans for winter activities at Silver Creek? Mr. Shepard indicated that the Master Plans indicate areas for ice-skating. Mr. Shepard stated that future plans provide for this under certain weather conditions.

Road Program Discussion, Scott Vura-Osborn Engineering

Mr. Braman introduced Mr. Vura of Osborn Engineering. Mr. Vura gave an overview of the current road conditions within the City of Norton. Mr. Vura explained the selection process and that he started with a short list of recommendations from Mr. Weinsheimer, Mr. Collins and Mr. Esdinsky. This listing ranged from roads that needed a quick fix to more urgent care and long term care to maximize the city's funding. Mr. Vura stated that the city has set aside \$475,000.00 for the 2006 Road Program and hoped that the pending road levy passes, which would allow more funding for more roads to be done. Mr. Vura provided a spreadsheet of the costs for the roads he has selected: Hillsdale, Tallwood, Summit Road North, Cleveland-Massillon Road.

Road Program Discussion, Scott Vura-Osborn Engineering-Continued

Mr. Vura stated that the roads selected were given two criteria, one is for roads requiring immediate attention, and the other was for roads that are rated fair to poor while still being in a state that is salvageable. Mr. Vura explained the possibility of using a process called Geotextile, which may require going out for a separate bid, as another option. The issue of timing was discussed and Mr. Vura stated that Osborn started looking at the road program this summer, adding that by that time most contractors have already set their schedule for the end of the year. Mr. Vura stated the next step would be to prepare designs, go out for bids, and start construction as soon as paving permits, which is usually around April 15, 2006. Mr. Pritchard stated that this cycle of timing puts the city in the position of being ahead of the game. Mr. Vura concurred, adding that bid climate is everything. Mr. McGlone questioned if the levy passes would the other bad roads be addressed. Mr. Vura stated that they would be addressed. Mrs. Elaine Tompkins, a Norton resident, asked Mr. Vura to explain the difference between the 5% and 10% contingency prices. Mr. Vura stated that he uses a combination of data from their in house projects, State and National data for his calculations. Mr. Vura stated that we try to calculate the scope of the job without having to design the entire project ahead of time. Mr. Vura explained that early in the design process you may have a higher contingency or cushion and may be as high as 20% for a zero design level. Mr. Vura stated that when we get through the stages of design, the contingency level can be reduced while still providing somewhat of a comfort level. Mr. Vura stated that it is an opinion of probable costs for the project, and as we get closer to 100% design, the contingency amount reduces to 5% or less.

Sewer Construction Ordinance

Mr. Price stated that the main portion of this proposed legislation relates to hook ups and laterals. Mr. Price discussed the memo from Mr. Collins and turned this discussion over to him for the details. Mr. Collins stated that in the past months there has been discussion relating to laterals and sewers. Mr. Collins stated that it has been on our "to- do" list to create some standards for sewers and he eventually intends to do the same for waterlines. Mr. Collins stated that he researched various other city web sites for their sewer ordinances, and came up with this proposed chapter. Mr. Collins indicated that he sent this to our Municipal Engineer-Rick Esdinsky and he has approved of the items in the language. Mr. Collins stated that most of the items are non-controversial, with the exception of the laterals because it impacts future development within the city. Mr. Price questioned if Mr. Lyons has reviewed this proposal, and Mr. Collins indicated that Mr. Lyons has not seen this until just recently, and has not commented on it yet. Mr. Price stated that he was mostly concerned with the main sewer line to the property lines for the residents. Mr. Jones discussed the additional costs to the developer and has concerns about the additional costs to anyone wanting to connect later on if there are no laterals. Mr. Collins indicated that it adds a little bit to the costs if you have to do it when you tap into the sewer main. Mr. Collins indicated that the problem is that you have to locate where that lateral line is. Mr. Collins cited the example of Barber Road where laterals were installed and marked with a 2 x 4 near the surface. Mr. Collins stated that when Clark Ford was built they could not find the lateral and had to re-tap into the line. Mr. Collins stated that his draft includes installing laterals with a green wire-in box to the surface. Mr. Jones questioned if the developer can recoup their extra costs, Mr. Collins stated that they may get some but not enough to recoup all of their money. Typically most of the agreements have a life of ten (10) or fifteen (15) years.

Sewer Construction Ordinance continued:

Mr. Jones stated that he agrees with Mr. Price and would like to see laterals installed to the curb line and then if anyone was to hook up to that line, they would then have the costs going to that hook up. Mr. Jones stated that from here on out, anyone wishing to install new sewer lines in the city should work hand in hand with the developers and the residents. Mr. Jones stated that the City of Green is doing this as was mentioned in a recent article in the Beacon Journal. Mr. Jones stated that we need to entice the residents to hook up and do away with these septic systems that are bad or are going bad. We entice them to connect at a lower price now, and not bankrupt them. Mr. Jones stated that he will insist that laterals are put in with any new sewer lines and if the developer doesn't want to do it, then so be it. Mr. Zita stated that we need to keep in mind that in the long run someone will be paying for the laterals, whether it is the developer or the resident. We are trying to be developer friendly and help the homeowners at the same time. Mr. Jones stated that there are three (3) entities with their own fees, its time for someone to cut their fees. There was discussion on the methods of installing the sewer lines, boring under the road or doing an open cut. Mr. Collins stated he did not like the open cut method, and that he could drive you all around the city showing the pavement conditions were this process was done. These areas now require constant maintenance because the road sinks and needs patching. Mr. Collins stated that he preferred to bore under the roadway if possible. Mr. Jones inquired if the proposed sewer line for the Weber Drive area is set in stone? Mr. Collins stated that all signatures required by the city have been obtained. Mr. Collins stated that the plans have been done and submitted to all entities, we received our set of plans last Tuesday. Mr. Jones asked if it has all been signed and sealed? Mr. Collins stated that he does not believe our Engineer has signed them yet. Mr. Jones asked if we can still require laterals to be added to that particular line? Mr. Collins advised that this would be considered after-the-fact, the plans have already been submitted. If you pass a law now that is specifically geared to get someone on Weber Drive, that creates the inference that you are passing a law to impact one individual, and cautioned Mr. Jones in that. Mr. Jones stated that he is not trying to impact one individual, he is looking at the city as a whole. Mr. McGlone stated that we need Mr. Lyons for this issue. Mr. Jones stated that last week he issued a memo to Mr. Lyons on October 31, 2006 inquiring about this issue and he has not had a reply. Mr. Collins stated that Mr. Lyons was out on vacation since last Thursday and will return tomorrow. Mr. Price stated that he spoke with Mike Stephens of the Ohio EPA and was told the Weber project is still under review, and he is also waiting for a permit to install, which is also on hold. Mr. Stephens stated that he was also awaiting signatures from Barberton and Summit County. Mr. Price stated that if this has been signed and sealed he would like to know who signed it and when. It's not too late if this is still sitting on the EPA's desk. Mr. Alex Stavarz, a Norton resident, suggested asking the developer that is running the sewer line if the city could cooperate in some fashion and get this done. Mr. Stavarz agreed with Mr. Collins that putting in place a law at this point may create some legal problems. However, Mr. Stavarz stated that it is not unreasonable to approach the person who is paying for this, to consider bidding it with laterals. Mr. Stavarz stated that it would be far cheaper for those residents exposed to hook onto a lateral than to dig up the street individually. Mr. Price agreed with contacting the developer, but he wanted to get all the facts on whether it is a done deal or not, we can still have discussion on it. Mr. Stavarz stated that if you pass an ordinance now, you are imposing hardship on the developer who may or may not already have financing in progress and cause a real problem for that developer. Mr. Price stated that this is not for that one project, it is for the future of Norton. We need laterals, you cannot keep digging up the street each time someone needs to connect. We need to have the laterals there so that when and if their system fails, the lines are there. Mr. Stavarz stated that he felt Mr. Price was on the right track for any future development, however he was referring specifically to the current project. Mr. Pritchard discussed other issues that Council needs to take into consideration, such as the pros and cons to requiring laterals per ordinance.

Sewer Construction Ordinance-Continued:

Mr. Pritchard stated that we need to coordinate very closely with the property owners along the project site, and where they want the laterals to be located. Many factors need to be addressed such as; location of septic, depth of the work, if there is a road cut, size of the lot. Mr. Pritchard stated that you also should have the homeowner sign off on the location of the lateral. Mr. Pritchard cautioned that under the road borings should be the standard method because you are dealing with the integrity of the roadway. Mr. McGlone stated that he has never heard in any discussion how much laterals cost. Mr. Collins stated that it is site specific, and depends on the depth. Some laterals are generally 10-feet to 15-feet deep, others may be as much as 25-feet deep. Mr. McGlone stated that it was reported most contractors don't want the job to bore under the roadway. Mr. Collins stated that was not true, there are some contractors that don't want to because they would have to hire a third party to do that portion. Mr. Collins indicated that there are many contractors working within the city from time to time and possibly the homeowner has a hard time getting them. Mr. Collins stated that he has yet to see one come to his attention, where he instructed the contractor to bore it, it was done every time. Mr. Zita questioned if it was the lay of the land that dictates the depth, and Mr. Collins stated this was correct. Ms. Brenda Anderson, a Norton resident spoke regarding the privatized-commercial lines on Weber Drive. Ms. Anderson stated that the Millers are paying \$45,000 for that sewer line. Ms. Anderson was concerned that this would set a precedent throughout the city. Ms. Anderson stated that the Weber Drive residents are faced with of \$20,000 to \$25,000 per homeowner for a sewer line. Ms. Anderson stated that the city does not need more black eyes. Ms. Anderson stated that of these twenty-two (22) homes, there are seven (7) residents here who are retired and on fixed incomes, and three (3) of these residents are widowed ladies who are eighty (80) years and older. Ms. Anderson discussed stopping this with passing legislation that requires privatized commercial sewer lines to be responsible for all of the laterals and boring them under the road. Ms. Anderson stated she obtained a cost from Crano Construction; Summit County requires a twelve (12) inch steel casing with a six (6) inch plastic pipe inside for under the roads. The average costs for this is \$11,000, which is passed on to the homeowner if you don't enforce new legislation. Ms. Anderson discussed the average cost of a home in the city is \$112,000.00, which is about right for the Weber Drive area. Ms. Anderson discussed that this commercial line should bear the costs to the person who is installing it in the first place, they are the ones to reap the biggest benefits. Ms. Anderson discussed this spot zoning has devalued their property, and now with the costs of the sewer it reduces their homes down to approximately \$75,000.00. Would you want this or could you afford this on your home? We have to find a way to work with one another if we want this city to thrive, we all want to thrive, but not break our backs. Ms. Anderson stated that she is all for business, but don't put sewers on the backs of your voters. Mayor Kernan stated that we discussed requiring laterals, and agreed it would be cheaper to do the laterals now, regardless of who pays for it. Mayor Kernan discussed being developer friendly, and their additional costs of developing would be passed along to the buyers, it won't be costing the developers one dime. At end of the day someone has to pay for it, and there are three (3) choices; the homeowner, the city or the developer. Mr. Stavarz stated that at some point in time, you need to assess that cost to the property owner either at the beginning or later on. You cannot ask the rest of the city to pay for certain individuals' sewer laterals, and you cannot ask a private person who is extending a public sewer to pay out of their pocket. The city could loan the property owner the money, and then they could get it back at the time of hook up, or if the homeowner wants to pay in full right then and there. Mr. Stavarz stated that septic contracts have stated that as of 2007 the costs for replacement of septic systems will be in the \$15,000 range. As we all know, septic systems don't last forever. Mr. Stavarz stated that rules and regulations from the EPA and State & Federal will only get worse. Mr. Stavarz stated that everyone should pay for their own, not the city or the developer.

Sewer Construction Ordinance-Continued:

Mr. Stavarz stated that it is in everybody's best interest to face the problem as soon as you can. Mr. Price stated that he is in favor of laterals, and does not feel this is against businesses. Mr. Price stated that the current project is proposed as an eight (8) inch line, which may be why this is still on the EPA's desk. Mr. Price stated that he met with Mr. McCarthy, Summit County Executive, to discuss this issue. It was stated that if the Millers need help with upgrading to an oversized line, they could get help from Summit County. Mayor Kernan stated that he also was in this meeting, and they indicated if we wanted to oversize the line, this is a cost the city would bear, not the Millers. Mayor Kernan stated it was indicated that an eight 8" line would be appropriate for this development. Mr. Pritchard stated that he was not at the meeting, however he is certain that an eight (8) inch line can serve that area, across the street and extending over to Woodbine as well as Trotter. There was discussion as to the required depth of laterals if legislation was presented. Mr. Stavarz stated that on average 8-11 feet depth is fine, and you must also use the topography of the land. Mayor Kernan stated that if you are going to require laterals, you do it for all depths. Mr. Pritchard stated that long term, this is a good thing. Mr. Price moved to have the Law Director prepare legislation, no emergency language required for Councils next agenda, seconded by Mr. Jones.

Roll Call: Yeas: Price, Jones, Braman, McGlone, Mowery, Zita
Nays: None

Motion passed 6-0.

Section 1042.01 Reimbursement Charge-Wooster Rd. Sewers

Mr. Price discussed the previous request from Mrs. Sargent to amend this section changing the word from "may" to "shall". Mr. Collins commented that even with Council changing this one word, it would not have changed the decision from Barberton. Mr. Collins stated that he understood that Mrs. Sargent was trying to make the connections in the least expensive way possible. There was brief discussion on this and Mr. Price asked to have Mr. Lyons provide Council with an opinion on this and we would revisit this at the next Committee Work Session.

P.C. Resolution #18-2006 Rezoning-City property

Mr. Braman explained that this resolution is to rezone property currently owned by the City of Norton where we presently store the salt. Mr. Braman stated that this zoning change would make the property more marketable once we get the new salt dome and the old facility is cleaned out. Mr. Pritchard stated that this zoning change is from R1 to B-1. Mr. Pritchard stated this rezoning would make it more compatible with surrounding business uses. Mr. Braman moved to place this on Councils next agenda, seconded by Mr. Jones. Mr. Collins stated that we plan on selling this building eventually, and we have known for some time that it was zoned residential. Mr. Jones inquired if we have anyone interested in this property? Mr. Collins stated that the property owners on both sides are interested in this, and would want it for either commercial or industrial purposes. Mr. Collins added that one nice thing about this property is that it has half of the right away included in the parcel, which is approximately twenty-five (25) feet.

Roll Call Yeas: Braman, Jones, McGlone, Mowery, Price, Zita
Nays: None

Motion passed 6-0.

Waterline Reimbursement for Grace Church

Mr. Price stated that this originally started several years ago with Mr. Bill Blue working with Mr. Collins on some type of an agreement for repayment for the waterline they installed. Mr. Price stated that this is also patterned after the Stricklands Ice Cream waterline reimbursement. Mr. Collins stated that the total cost is \$74,854.00 for the waterline. Mr. Collins stated that the hold up was that the city had asked for proof of the costs and Grace Church had difficulty getting a copy of the cancelled checks or bills. Mr. Collins stated that this caused the church to go back and re-create and re-investigate these figures. Mr. Collins stated that the notarized statement is very close to the figure they had bounced back and forth all along. Mr. Jones inquired why the city is involved in collecting this fee for them? Mr. Collins stated that it's a standard practice and most cities do this. Mr. Jones inquired if the city charges a collection fee? Mr. Collins stated no, it has not been done in the past. Mr. Jones stated that he felt we should be charging something for our trouble to collect the fees, we charge for everything else. Mr. Price moved to add this to Councils next agenda, no emergency language required, seconded by Mr. Braman. Mr. Collins added that should anyone come to him before this is adopted, he would ask that they set funds aside in an escrow account in that amount.

Roll Call: Yeas: Price, Braman, Jones, McGlone, Mowery, Zita
Nays: None

Motion passed 6-0.

2006 & 2007 Budget discussion

Mr. Moss stated that he anticipated having all of the documents together, however he is still working on this. Mr. Moss stated that the discussion has come up in the past as to what is the Rainy Day Fund used for. Mr. Moss distributed a draft of language taken from the City of Columbus, (see attached). Mr. Moss proposed changing the name of the Rainy Day Fund to the Economic Stabilization Fund, which is more specific as to what its purpose is. Mr. Moss discussed possible uses, guidelines, and funding levels for replacement. Mr. Moss indicated that a report would be submitted for the Budget regarding the payroll net changes, and would have more information ready for the next Committee Work Session.

Old business:

Mr. Jones discussed the lighting situation on St Rt. 21 and St. Rt. 261 as previously mentioned. Mr. Collins stated that he contacted Police Dispatch that same evening and was told this is a State issue, not Ohio Edison. Mr. Jones stated the light is still out or flickering. Mr. Collins stated that he would look into this issue and see that it is addressed. Mr. Zita discussed the recent memo from Mr. Collins requesting the County to release funds from the Permissive License Plates account. Mr. Collins stated that the road repairs have already been made, the check would be released soon.

New Business:

Mr. Collins stated that he issued a Press Release this week regarding the start of construction for Gardner Blvd. Phase II. Wartco Construction will begin work on December 4, 2006 for the replacement of the waterlines in this area. Mr. Collins announced that the bid openings for the salt storage facility would be November 21, 2006 at 10:30 AM in Council Chambers.

Mayor Kernan announced the annual Shop With A Cop Raffle Tickets are being sold, please contact Ptl. Steve Davis at 330-825-2491. Mayor Kernan announced the Norton Women's Club is holding their Christmas Craft Show at the Norton Middle School on November 18th from 10:00am-4:00pm. Mayor Kernan announced the Norton Theatre Group presenting their next production "A Thurber Carnival" to be shown on November 17th and 18th at 7:30pm at Houston Hall. Mayor Kernan stated that in a recent issue of Akron Life and Leisure Magazine, Norton received an Honorable Mention for one of the top ten (10) best communities to live in. It also stated that Norton had the 3rd lowest property tax, and the 5th lowest cost per pupil in our schools.

Mr. Price inquired about having fencing installed along the I-76 overpass to protect the children, and to prevent objects from being thrown over the overpass. Mr. Collins stated that he believed the State is doing this all over and was not sure when this exact location would be addressed. Mr. Price asked Mr. Collins to look into this and reply back to Council. Mr. Jones discussed the memo from Mr. Collins regarding increasing the speed limit along Medina Line Road, and why did we need input from Mr. Weinsheimer, that's what the Traffic Control Committee is for. Mr. Collins stated that he felt Mr. Weinsheimer's comments were important, and that there no longer is a Traffic Control Committee. Mr. Collins stated that as the Director of Public Safety this is his decision, and he intends to have as much feedback from all Department Heads as possible on this issue, it is nothing to rush into without just cause. Mr. Jones stated that he thought this should come back to Council for a Resolution of Support or something, as it was done this way when he was last on Council. Mr. Collins stated that this is a State highway and a resolution is not required, however he could do so. Mr. Jones stated that when it came to Interstate and State highways it was handled that way in the past. Mr. Collins stated that about two (2) years ago the speed limit was adjusted on St. Rt. 21. Mr. Jones stated that this was never taken care of until he contacted the State about it. The State told him that the city did not have the money for the new speed limit signs. Mr. Collins stated that he recalled asking the State if they would be installing the new speed limit signs, if so he would consider the proposed speed limit change. They never got back to him, until the reporter inquired and then the State decided they would supply the new signs. Mr. Collins stated that this area in question was approximately six (6) miles and involved quite a number of signs. Mr. Collins stated that he felt the citizens of Norton should have to shoulder the cost for a State highway change in the speed limits. Mr. Jones stated he always thought we had a Traffic Control Committee, consisting of the Administrator, Chief of Police, and the Municipal Engineer. Mr. Collins stated that this was changed when Mr. Jones was on Council, earlier this year. Mr. Jones stated that he did not recall this taking place, Mr. Collins stated it was changed around the middle of February.

Public Comment-Non-agenda items:

Mr. Carris Sr., a Norton resident, spoke about the elections tomorrow. Mr. Carris Sr., thanked Mr. Collins for being the only one in Administration or Council to publicly support the Road Levy. Mr. Carris Sr., stated that he has not seen anyone on Council supporting this or asking the residents to approve this. Mr. Braman reminded everyone that Veterans Day is this Saturday, lets remember our Veterans.

Topics for Next Work Session:

Mayors Salary discussion and Assistive Listening Devices will carry over into next year.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:01 PM.

Michael Zita, President of Council

All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted. If you do not have access to Time-Warner Channel #15, you may request to view a copy of any VHS recorded meeting in Council Chambers. Please contact Ann Campbell in the Administration office to make the necessary arrangements at (330) 825-7815 ext. 14