



COMMITTEE WORK SESSION SEPTEMBER 18, 2006

Committee Members Present: Ken Braman
Tom Jones (Excused)
Dennis McGlone
Bill Mowery (Left at 9:00 PM)
Scott Pelot
James Price
Mike Zita

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

The Committee Work Session convened on Monday, September 18, 2006 at 7:008 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:

Charter Review Res. #6-2006

Mr. Zita introduced Ms. Barbara Vimont, Chairperson of the Charter Review Commission. Ms. Vimont explained Res. #6-2006 which adds a new paragraph regarding the Master Plan and that the Commission wanted to have a provision in the Charter for this. Mr. Pritchard was concerned with having specific approval from Council, which is not really required. There was further discussion on this and Mr. Pelot suggested we modify the last sentence in the Resolution to state "submitted to Council for their review". Mr. Moss suggested that it just read "submitted to Council." Mr. Zita moved to add this item to Councils next agenda with the modification of "submitted to Council.", seconded by Mr. Pelot.

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

Motion passed 6-0.

Charter Review Res. #7-2006

Ms. Vimont continued with an explanation on this Resolution, adding that Mr. Lyons has reviewed this and has approved of this. Ms. Vimont indicated that there is no change to section A, Section B was simplified and made easier to understand. Mrs. Elaine Tompkins, a Norton resident, suggested a modification in the seventh (7) line down, it should be Mayor and/OR Council.

Charter Review Res. #7-2006 continued:

Mrs. Tompkins also suggested the Commission show the old version and the new versions in the future so Council and the public can see what was modified or added. Ms. Vimont agreed this should be done. Mr. Zita moved to add this to Councils next agenda with the modification of Mayor and/OR Council, seconded by Mr. Price.

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

Motion passed 6-0.

Charter Review Res. #8-2006

Ms. Vimont explained that reason for this was so that there would be six (6) members instead of five (5) on the Board, which would represent all wards. Mr. Pelot inquired if all six (6) members show, do they all get paid? Mayor Kernan stated that they are paid if they attend. Mr. Pritchard stated that even though you may have a quorum, it would take a positive vote of four (4) of an application in order for it to pass. Mr. Bill Helmick, a member of the Building & Zoning Appeals Board spoke in favor of this modification. Mr. Helmick stated that at times only the minimum amount of members were present and the applicants had to wait for another meeting when more members were present for a vote. Mr. Helmick stated that just since he has joined the Board, there have been a couple of situations where we did not have enough members to vote. Mr. Zita moved to place this on Councils next agenda, seconded by Mr. Pelot. Mr. Pelot stated that he felt this is a positive thing and would assist the residents going before the Board, and felt this was a nice job well done by the Commission in addressing this issue.

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

Motion passed 6-0.

Street Design & Construction Standards Ordinance Revision

Mr. Pelot discussed one correction under Section D-it mentions a four (4) inch aggregate base, however on the section page under Item 3.04 it lists it as three (3) inches, both should reflect four (4) inches. Mr. Pelot stated that this is for an alternate design in the base process of our roads through a chemical stabilization process. Mr. Pritchard stated that this issue was raised by an applicant before the city. It was suggested that the city have an alternative type of road process. Mr. Pelot introduced Mr. Gene Esser of Cem-Base, Inc. who provided a power point presentation on this new process, (see attached). Mr. Esser's proposal would provide the city with better roads long term; current standards require repairs and or replacements in 12 years. The chemical stabilization process would stretch this out to approximately 25 years. Mr. Esser stated that these new road standards are approved and accepted by ODOT. Mr. Pelot questioned how long these standards have been in place, and Mr. Esser replied since 1935. Mr. Esser stated that the Army Corp. of Engineers have been a long-standing proponent of this process.

Street Design & Construction Standards continued:

Mr. Jim Lino, a Norton resident discussed the heavy trucks using our roads and we will continue to need stronger roads in the future. Mr. Lino stated that back in the 1930's most roads were paved with brick and held up very well. Mr. Esser concurred, adding that back in the 1930's there was a lot of time spent preparing solid road base for bricklaying, which is why they held up so long. Mr. Helmick stated that this issue was before the Building & Zoning Appeals Board for their approval as a good alternative to the current standards. Mr. Helmick explained that the members were reluctant to issue a resolution because they are not engineers nor are they experts in this field, so they turned it down, which ultimately caused delays for developers. Mr. Helmick urged Council to adopt this into the standards as an alternative to the current road specifications. Mr. Pelot inquired if this process has occurred anywhere within the city? Mr. Pritchard stated that this was done on Woodglen in Stonewyck and also in the Baughman subdivision. Mr. Collins stated that our Engineer and Osborn Engineering have reviewed this and they are comfortable with this alternate. Mr. Pelot stated that he would like to see this process used when we implement our road program once the road levy passes, and suggested Mr. Esser attend those discussions Mr. Pelot discussed a correction to the Section 2 (c) adding a comma after the word applied. Mr. Braman stated that he was at the last BZA meeting and agreed with Mr. Helmick's comments and concerns. Mr. Helmick stated that he has seen what the core samples look like and to see this is worth a thousand words-its amazing. Mr. Braman concurred, he also saw these samples, and they look like rock to him, very hard and solid. Mr. Pelot moved to add this to Councils next agenda with the two noted changes. Mr. Collins addressed the time frame and that Ms. Pat Rakoci of Pride One Norton was present to explain the need to rush this through. Ms. Rakoci stated that they would like to have only two (2) readings instead of three (3). They hoped to begin breaking ground in another week or two and get the road installed in November if not sooner. Mr. Collins stated that the weather impacts the road conditions, and would rather have it done sooner. Mr. Pelot modified his motion to include suspending the second and third readings, seconded by Mr. Braman.

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

Motion passed 6-0.

City Park Listing

Mr. McGlone stated that Mr. Pritchard recently discovered that Wilderness Park was not listed in the current parks listing ordinance. Mr. Pritchard stated that this was discovered during a recent analysis and this area in question is a total of 5.79 acres. Mr. McGlone moved to add this to Councils next agenda, seconded by Mr. Mowery.

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

Motion passed 6-0.

Fire Lane Ordinance

Mr. Mowery stated that this is to update an ordinance that has been on the books since 1988. Mr. Mowery explained that with this revision would require new business to be responsible for installation of fire lanes. This revision would mandate the size, colors, and required dimensions, etc. Mr. Mowery moved to add this to Councils next agenda, seconded by Mr. McGlone.

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

Motion passed 6-0.

Frashure Park Agreement

Mr. McGlone stated that Mayor Kernan had submitted a proposed agreement to Council. Mayor Kernan gave a brief history on this issue, stating that this proposed agreement would require Councils approval or denial. If denied by Council, the Administration would proceed with enforcement of the removal of the storage sheds from the various property owners as originally intended. Mayor Kernan stated that he needs direction from Council on how they wish to proceed. Mr. Braman suggested the removal of the sheds, possibly allowing them until the June 1, 2007 to remove them. Mr. Braman stated that this would save complications down the road, with winter coming this would give them until the spring to address this. Mr. Mowery stated that it is city property and they don't belong there, he would like to see these sheds removed by December 31, 2006 because with the spring thaws it would be a muddy mess and its better to do it now. Mr. Mowery stated that a lease option is not proper, its taboo and sets a bad precedence. Mr. Pelot agreed with Mr. Braman and Mr. Mowery, adding that he would like the city to work with the residents and expedite the removal and be a little more accomodating with the time element. Mr. Price stated that he had introduced the leasing option, however it seems this is not an option. Mr. Price stated that he was not against giving the residents more time to move the sheds. Mr. Zita stated that it is park property, the sheds do not belong there and must be removed. Mr. Zita stated that it would be better have this done by December 31, 2006 due to the fact that when spring coming and the thaw, it would be difficult for big equipment to come in and move them, also would keep from tearing the park property if they were removed now. Ms. Jill Wooley was present and commented on the fact that some sheds have been there for twenty (20) years or more. Ms. Wooley stated that if they sheds were not on her property then they don't belong to them, so how can the city charge us for removing them? Mr. Pelot inquired if they are currently storing items in these sheds? Ms. Wooley replied that yes she is storing some items. Mr. Collins stated that if these sheds really belonged to the city, he would have removed them a long time ago. Mr. Collins stated that if they are your sheds and he can prove that it is your property, the costs to remove them by city crews would be yours. There was further discussion and Council agreed to direct the Administration to address this internally and have the sheds removed.

Listening Devices for Council Chambers

Mr. McGlone stated that it was brought to the Clerk of Councils attention that this is a requirement of the American Disabilities Act (ADA) and needs to be addressed. Mrs. Richards stated that this was presented to Administration and passed along to her for review. Mr. Collins stated that Mr. George Tomko had brought it up with him verbally, and was unaware that he had complained to Council about it. Mr. Zita stated that his church current uses this system, and it works very well for the members. Mr. McGlone stated that we probably do need to purchase these, however this was not placed into this year's budget. Mayor Kernan stated that because of the costs involved the he would like to look at more options and should be considered for the 2007 Budget. Mr. McGlone agreed and would rather hold off on this until next year. Mr. Zita discussed an option of adding two speakers to the sidewalls. Mr. Moss discussed making system adjustments and setting zones and feedback areas, adding that if you don't speak into the microphones no one hears you no matter what kind of sound system you have. Mr. Alex Stavarz, a Norton resident, stated that this probably could have been avoided; however some members intentionally speak away from the microphones when talking. If this was avoided in the first place, this expense may not be necessary. Mrs. Ann Campbell gave a brief history of the original wiring and that we did have someone come in and take a good look around. Mrs. Campbell stated that it was determined the wiring was not done properly, however, they did adjust the volume. One of the problems was that they system was originally wired from front to back. Mr. Pelot stated that we also need to keep in mind that this may not resolve the issue if we have a resident who is totally deaf, and we may need to look into other municipalities and see how they address it.

Sewer fees

Mr. Price stated that the current access fee is \$2,500.00 per benefit. Mr. Collins clarified that was the original fee when we started, however the current fee for 2006 is \$2,740.00, and is based on a 5/8" meter. Mr. Collins stated that we made it more business friendly at the time. Mr. Collins added that the study that was done at the time shows we could justify charging \$3,3798.00, however Council scaled this fee back to \$2,500.00 for the sewer issue. Mr. Collins stated that in 2003 the water fee was \$1,000.00 and has increased by 3% annually since then. Mr. Price asked Mr. Collins to elaborate about the reference to "independent future" as indicated in his memo. Mr. Collins stated that until Council passed these fees in 2003, we had almost nothing being collected on water and sewer access fees. Mr. Collins stated that these fees were designed to allow the city to set up a utilities kitty so that we have the money do water extensions. More importantly the 1997 Water & Sewer agreement that we have with Barberton stipulates that we are liable for water and sewer improvements to their system. Mr. Collins stated that the problem is not necessarily our fees, the reality is that you may be paying up to three (3) entities. Mr. Collins indicated that the bottom line is that we cannot get a better agreement with the City of Barberton, nor can Summit County. Mr. Pritchard stated that the City of Norton uses the a system development charge as the standard of water meter size, and that we did not charge the full tilt fee as suggested of \$3,798.00.

Sewer Fees continued:

Mr. Pritchard stated that Barberton has also set up a system development charge, which technically should go toward paying for any plant improvements, which has not been incorporated into the Water and Sewer agreement. Mr. Pritchard stated that he would argue the fact that any fees collected under the system development charge should go directly towards any plant improvement that is necessary, whether it is the water plant or the waste water treatment plant. Mr. Pritchard stated that per the agreement, we are required to replace the system and we have no utility funding to pay the costs of replacements. Mr. Pritchard indicated that we are handcuffed at this point and that many of the city package plants are already maxed out at this point. Mr. Price commented on the fact that the city owns 8.4 miles of sanitary sewers, and Mr. Collins added that was in 2003 and we now have more than this today. Mr. Pritchard stated that we would own more as future development occurs. Ms. Sargent, a Norton resident, was present and raised issues with comments made about her at the last meeting by Mr. Collins and Mr. Pritchard. Ms. Sargent stated that the comments made by Mr. Pritchard stating that Molly's had issues with the Barberton Health Department in the past. Ms. Sargent stated that her business never had any health issues or complaints filed, and she wanted to set the record straight. Ms. Sargent stated that everyone needs to use caution with comments made in a public meeting. Ms. Sargent discussed the current reimbursement charges adding that she still was not clear on this issue. Ms. Sargent stated that she believed that not all of the businesses were charged this fee, and that some have still not connected. Ms. Sargent stated that she finally has a total in permit fees of \$7,500.00 for sewer hook up. Ms. Sargent stated that now she has issues with contractor costs, and getting a contractor to do the work. Ms. Sargent stated that this \$2500.00 reimbursement fee may be slowing things down, and suggested that the city reconsider this fee. Ms. Sargent addressed the issue of when this is to be paid, and it may be a big problem for some in this area. Many families are mortgaged to the hilt already and cannot expend any more. Ms. Sargent discussed the arrangement the city recently made with a former employee to repay tuition expenses over a four (4) year period with out interest. Ms. Sargent stated that the city would be able to tweak the language for those who need some time to pay it. Ms. Sargent indicated that there are some people who hooked up in 2000 and have not been billed or paid one dime at this point. Ms. Sargent discussed the extensive construction costs, and she would have to address this herself. Ms. Sargent stated that she thought that there might only be two (2) or three (3) in the county do this type of work. Ms. Sargent discussed an option to purchase an easement from Mr. Willig to go into his manhole, this way she would not have to bore under the road, and she would be looking into this. Ms. Sargent discussed an article in the Barberton Herald stating that the Winery at Wolf Creek may be sold, it was appraised at \$800,000.00. Ms. Sargent suggested that if you were interested in purchasing Molly's for a park, it is available, we could make a deal, and it has a nice pavilion out back.

Ms. Pat Rakoci, of Pride One Norton, stated that she sensed the frustration in Mr. Pritchard's comments, and the fact that her company is truly paying twice to tap in fees. Ms. Rakoci stated that because of the pending lawsuit between both cities, Mayor Hart had decided the best course of action was to shut her project down. After some lengthy conversations, this did not occur.

Sewer Fees continued:

Ms. Rakoci stated that typically in other communities new development costs are \$3,000.00 and \$4,500.00 for sanitary and water hook ups per house, and lots generally sell for \$40,000.00. However, in Norton we are paying \$8,400.00 and it is hard to swallow. Ms. Rakoci stated that when she started this project she had five (5) builders on line, now she is down to two (2) builders. It may not have been just the tap in fees, but it most certainly was a part of it. Ms. Rakoci stated that when you are paying this much for double tap in fees, she has to increase her lot fees to \$44,000.00 and it is creating a hardship on the future of her project. Ms. Rakoci stated that she has calculated the tap in fees alone for approximately 516 homes, and it is a little over \$2,000,000.00. Ms. Rakoci stated that she sympathizes with Ms. Sargent and feels that they are being caught up in the situation with Norton and Barberton. Ms. Rakoci stated that she may not know the answer, but there has to be a solution that benefits all parties. To have to pay over \$8,000.00 for tap in fees, its just wrong and its unjust. Mr. Price suggested we leave this on the agenda for the next work session. Mr. Stavarz stated that Norton needs a plan and a consistent policy. It's not fair for the residents to hook up on the other side of the street after the fact. Mr. Stavarz stated that there are too many entities collecting these fees. Mr. Stavarz stated that for over fifteen (15) years he tried to get the city to set up their own utilities department, and that eventually the city will have no choice but to roll back the income tax credit. Mr. Stavarz stated that there have been a lot of bad mistakes made with all Councils going back maybe thirty (30) years, and they have failed the residents. Mr. Stavarz discussed the bonding process for contractors, adding that Barberton has a much simpler requirement, and it does not cost an additional sum to qualify. It is simply insurance in an amount required to cover the cities and your end of the liability. Mr. Stavarz suggested this would make sure the residents and businesses are get a more reasonable bid for this type of work.

Mayors Salary

Mr. McGlone stated that this was discussed two weeks ago, and the consensus was to stick with a part-time mayor and increase the salary range. Mr. McGlone suggested a salary range of \$25,000.00 annually with the option for health care benefits as it was proposed in 2003. Mr. McGlone stated that the average range is \$24,000.00 to \$44,000.00 for a part time Mayor. Mr. Pelot stated that you get what you pay for. Mr. Pelot stated that we would draw more interest and competition with a better salary. Mrs. Tompkins inquired if this passes, when would this take effect? Mr. McGlone stated that it would take effect on January 1, 2008. Mrs. Tompkins inquired if this would be a ballot issued, and Mr. McGlone stated it is not. Mr. Moss stated that Ohio Ethics laws stated that elected officials may not raise their own salaries, the only way to change the salary is to change it for the subsequent term. Ms. Tompkins suggested a range of \$22,500.00 plus the 35% in benefits and then you would be in the ballpark. Mr. Stavarz stated that he felt \$25,000.00 was too high, and that other cities you are comparing to have more wealth, residents, and tax bases. Mr. Stavarz stated he was not opposed to a salary increase, but \$25,000.00 was too much. Mr. Braman asked why Richfield was not on the list of figures? Mayor Kernan replied that we only polled cities and Richfield is a village.

Mayors Salary continued:

Mr. McGlone moved to place this on Councils next agenda for a increase to \$25,000.00 plus the option of benefits for the next term of January 1, 2008, going for all three (3) readings, seconded by Mr. Price.

Roll Call: Yeas: McGlone, Price, Braman, Pelot, Zita
Nays: None

Motion passed 5-0.

New Business:

None

Old business:

Mr. Pritchard discussed the Parks & Recreation Survey and the results indicated that the residents want to see park improvements such as hiking and biking trails, permanent rest rooms, etc. (see attached).

Public Comment-Non-agenda items:

None

Topics for Next Work Session:

Sewer Fees, and possibly two public presentations.

Mr. McGlone inquired as to the status of this year's road program. Mr. Collins stated that the roads would not be done this year. He intends to go out for bid this year and for the repairs to take place early in the spring of 2007. Mr. Moss indicated that core samples of various roads have been pulled and analyzed to determine which roads will be replaced.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:45 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.