



COMMITTEE WORK SESSION JANUARY 16, 2007

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

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

The Committee Work Session convened on Tuesday, January 16, 2007 at 7:03 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, James Price. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee Work Session General Discussion:

Mr. Price reminded residents wishing to speak on agenda items to raise their hands and wait to be recognized when their issue is addressed. Those wishing to speak on non-agenda items will need to wait until after new business is discussed. Mr. Price stated that regardless of when you speak, everyone needs to sign in just for the record.

Service Materials Bid:

Mr. Pelot stated that this issue is for the yearly purchase of road materials for road patching, and this authorizes the city to go out for bid for the various materials. Mr. Pelot stated that Ted Weinsheimer was present in the audience if there were any questions. Mr. Pelot moved to place this on Councils next agenda, waiving the second and third readings, seconded by Mr. Jones.

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

Motion passed 6-0.

Service Dep. Equipment Purchase:

Mr. Pelot stated that Mr. Weinsheimer is applying for the purchase of a boom mower for the city crews. This is for a mower for operation on one side of the street and the boom reaching out to the ditch and berm area and it is a safety issue. Mr. Pelot stated that Mr. Weinsheimer has secured a demo model price from Akron Tractor for a total of \$86,194, which does include a full warranty. Mr. Pelot stated that the amount of \$100,000 was already approved in his budget for 2007 for this particular purchase. Mr. Pelot stated that this would be a cost saving of \$13,806 for the city. Mr. Collins added that this is a State bid item and is not required to go out for public bidding. Mr. Pelot stated that there are a few other cities also interested in this demo model and he is requesting waiving the readings with emergency language so that Mr. Weinsheimer could place the order as soon as possible. Mr. Pelot moved to place this on Councils next agenda waiving the second and third readings, as an emergency, seconded by Mr. Braman. Mr. Pelot thanked Mr. Weinsheimer for getting such a good price on a demo model.

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

Motion passed 6-0.

Note Renewal for Various Improvements:

Mr. Jones turned this discussion over to Mr. Moss for the details. Mr. Moss explained that we have two separate issues here for the purchase of equipment for the Service Department. The previous discussion and approval is for new equipment this year. The following discussion relates to purchases in 2003 and the notes are coming due on February 16, 2007. Mr. Moss stated that the replacement notes are \$25,000 less than the amount the city borrowed years ago and are at \$60,000 for the Johnson Road waterline project and \$75,000 for the Service Dept. equipment. Mr. Moss explained that for the Johnson Road project, Council has two (2) options. One would be to renew the note for the full \$60,000. Another option would be to take \$25,000 out of the Debt Services Fund and renew the note for \$35,000. Mr. Moss stated that by using the latter option we would save approximately \$250 in interest per year and would eliminate this smaller debt faster. Mr. Price inquired about the fees associated with the issuing of the notes. Mr. Moss explained that the costs are a small limited amount unless you take it to bond sale. Mr. Moss stated that there are some legal fees associated with the note process. Mr. Price questioned the length of the notes, and Mr. Moss stated that the note renewal couldn't exceed one year, although it can be less than one year. Mr. Price asked if the fees are paid out each time the notes are renewed and Mr. Moss answered yes. Mr. Jones stated that he agreed with Mr. Moss' suggestion on the renewing the note at his suggested amount of \$35,000. Mr. Moss discussed using this same option of also reducing the equipment note by \$25,000 for a renewal amount of \$75,000 instead of \$100,000. Mr. Jones stated that he also agreed with this option, and we would be paying it down faster. Mr. Jones moved to follow Mr. Moss's suggestions and place this on Councils next agenda, waiving the second and third readings with emergency language, seconded by Mr. Braman.

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

Motion passed 6-0.

Ord. #93-2006 Sewer Construction

Mr. Jones stated that he had asked the Clerk of Council to have Mr. Esdinsky, (the Municipal Engineer) review the proposed Ord. #93-2006 and highlight any areas of concern, and tweak it where he felt necessary. Mr. Esdinsky was unable to do so due to his pending schedule. Mr. Jones stated that he saw a few items where he felt it should state *shall* instead of *may*, and other issues.

Mr. Carmine Toria, Executive Vice President of the Home Builders Association serving Summit County spoke regarding this ordinance. Mr. Toria expressed his concerns with the language in Section 1 which states: *When a public sewer main is constructed as a part of an improvement plan, the developer shall install sewer lateral connections to the property line for each developed, unconnected lot that could be served by that sewer main.* Mr. Toria stated that this sentence is an abnormality for rules of new sewer mains in our area. Mr. Toria discussed the increase of sewer fees and the funding of improvement plans. Mr. Toria stated that this entire region is competing for economic development and as well as across the state. Mr. Toria stated that this city has worked very hard at getting a piece of that economic pie and has really improved the situation with your tax base. However, what we are discussing here could cause new developers to walk away from the City of Norton. Mr. Toria asked Council to very carefully consider what you are about to do with this ordinance as it is written.

Mr. Jim Lino, a Norton resident, spoke about his concerns with the language that states the homeowner is responsible to make the repairs. Mr. Lino stated that he spoke to residents in other communities and they are only responsible up to the curb for repairs. Mr. Lino stated that he also questioned how is it determined as to who is responsible for the repairs, is it the city's portion of the line or the residents? Mr. Lino stated that he was told who ever comes out to inspect the lines would be able to determine what section broke and what party is responsible for the repairs. Mr. Lino stated that the way it is written it does not make any sense. Mr. Lino expressed his concerns with who and how the lines are installed, and if he is going to be held responsible for repairs, he should be involved with who is hired to do the job in the first place.

Mr. Pelot stated that both of these gentlemen raised some good points, and that he was glad to see this legislation come back to Committee for discussions. Mr. Pelot questioned what has been done in other cities, and Mr. Pritchard stated that it is usually done from the right of way, adding that he was concerned with Section E. Mr. Pritchard stated that it really is site specific, and if we mandate this to apply to all laterals on all projects, this would kill any future development within the city. Mr. Pritchard stated that any major developers will have laterals as a requirement for their project, but anything else would be a financial burden on all other private and smaller projects. Mr. Pritchard stated that you would be defeating trying to promote being "business friendly" with this legislation. Mr. Pritchard suggested that Council reviews the charts in the last few pages of the Master Plan on how we compare to other communities, it is not good. If we continue down this path, this City would stagnate and we would not see economic development in this City. Mr. Pritchard urged Council to be very careful in your decision with this legislation.

Mr. Moss expressed his concerns with Section E-1 and that in some areas the actual property line could be in the middle of the street. Mr. Moss discussed extending the tracer wire into the building, which is inconsistent.

Ord #93-2006 Sewer Connection Continued:

Mr. Jones stated that this is why he had asked for input from our Municipal Engineer. He wanted the Municipal Engineer to look over this and massage it with the issues brought forward tonight.

Mr. Alex Stavarz, a Norton resident, stated that he brought this issue to the table and agreed with Mr. Pritchard on not slamming the developer with the costs. You need to develop a plan to assist the developer, and the homeowners. Perhaps the city could develop a fund to loan the property owners the money to pay for the laterals. Mr. Stavarz stated that a lot could be done to get the project complete when it is started, rather than over time adding unreasonable costs. Mr. Stavarz stated that he looked forward to having the Municipal Engineer here for discussions. Mr. Jones stated that he appreciated the comments made by Mr. Stavarz. Mr. Jones asked if it was feasible that you would install the laterals at the same time the sewer line is going in, rather than digging up later on to put them in one by one? Mr. Stavarz stated that if you are breaking the eggs to make an omelet, you might as well do it all right then rather than going back and pecking at it one at a time. Mr. Stavarz stated that it is cost effective in the long run to do it that way. Mr. Stavarz discussed the excessive project along Greenwich line as there were many areas 25 ft. deep or more. The sewer line went in as it was with no connections available, and when someone wants to connect later it will be extremely expensive to do. Mr. Stavarz stated that the area on Weber Drive does not have this depth issue, however, it still makes sense for someone in the city to work with the residents and the developer to get this all completed at the same time. Mr. Jones stated that he believed that this is what Council was striving for. Mr. Price announced that there would be no action taken on this item tonight, and that Mr. Esdinsky would be present at the next meeting on February 5, 2007 for further discussion. Mr. Braman stated the Council was concerned with the depth of some sewer lines if the laterals are not put in when the sewer line is installed. Mr. Braman stated that he did not feel it was Council's intent at any time to require the developer to bear the full cost of this. We wanted a plan to work out the costs and relieve the developer from the full costs. Mr. Price stated that we are not trying to run business out, we are trying to develop a partnership and cooperation to have the option to install laterals when you start a project. Mr. Price expressed his concerns with undersized lines and they should do it right the first time. We need to work together on this; the City, the developers, and the residents. Mr. Stavarz stated that this city has been known to be anti-business and difficult to deal with projects. Mr. Stavarz said that what Mr. Price stated regarding forming a partnership makes perfect sense. Mr. Stavarz stated that the developer is entitled to receive paybacks over a certain length of time, but if someone waits until that time expires, they can avoid the costs all together and shift that on to the developer. Mr. Pritchard stated that he agreed with what is being said. Mr. Pritchard stated that this is a very large issue, and it will be difficult to keep our arms around this. If we develop a partnership, we will need to be extremely careful and protect our connection fee costs. If we give that up we will not be able to assist anyone in the future. Mr. Pritchard stated that we would have to remedy water quality issues, and failing septic systems. Mr. Pritchard stated that the difficult thing is that much of the city has roads without utilities and we are going back and retro fitting these areas. Mr. Carris Sr., a Norton resident, asked how much is it going to cost to have our Engineer look at this? Mayor Kernan stated that this would be done during normal business hours. Mr. Pritchard stated that this partnership idea could potentially become costly, and is an unknown cost. Mr. Pritchard reminded everyone that Summit County approved their sewer rates this past year and has allocated over eight million dollars towards wastewater treatment projects. One project is a new treatment facility within the City of Norton, which includes the abandonment of current package plants. With that comes the responsibility of the city for local match, and we may have to purchase property for the treatment plant construction.

Ord #93-2006 Sewer Connection Continued:

These are the reasons we need to be very careful with the utility fund, as these funds will be needed in the future. Mr. Pritchard urged Council to delay this decision until the feasibility study is conducted and completed. Mr. Jones stated that is what we are striving to do, and get all officials involved in the decisions and to make it equal for everyone across the board. Mr. Jones implied that Mr. Pritchard had information about Summit County's plans that Council was not aware of. Mr. Pritchard stated that what he was referring to is available on the Summit County website, and look for the rate study which is a ninety-three (93) page report. Mr. Pritchard stated that he and the Administration has been working very hard with Summit County Dept. of Environmental Services to secure this funding, and stands to be a very good thing for the city. Mr. Price discussed the fact that the City of Barberton has been denying the permits within our city for business and some residential, which has nothing to do with laterals. Mr. Price stated that we need to get our act together as far as our tax base, however this discussion could go on all year and he has no problem with that. Mr. Stavarz discussed the outcome from the pending feasibility study and that once it is done, it would address all of these issues. Mr. Collins stated that it is almost done and we are going through the review process before we send it out for bids. Mr. Pelot discussed the issue with Barberton denying permits and read a statement (see attached).

Mr. Fred Zumpano, Developer for the new surgical center and medical office building on Cleveland-Massillon Road spoke regarding Ord. #93-2006. Mr. Zumpano discussed the letter he received from the Barberton Law Director advising him that his project would not be permitted to tie into sewer and water because of the pending lawsuit with the City of Norton regarding tax sharing. First of all, we are not in the JEDD area, and secondly Strickland's Ice Cream, which is directly across from us, was permitted access to water and sewer benefits. Mr. Zumpano stated that the City of Barberton is being inconsistent with their approach to this. Mr. Zumpano stated that his project would bring in thirty (30) highly skilled employees and over several million dollars of economic growth and activity for the City of Norton. Mr. Zumpano urged Council to commit to resolve these issues. Without sewer and water access, developers would look elsewhere. Mr. Zumpano stated that yesterday Mayor Kernan advised him to proceed with construction of this project, and assured him personally that the project would receive full water and sewer benefits in the near future. Mr. Zumpano thanked Mayor Kernan for his attention to this matter and they would proceed with construction. Mr. Zumpano stated that Mr. Pritchard has also been helpful with this project.

Ms. Charlotte Whipkey, a Norton resident, spoke regarding spot zoning, which can happen anywhere. Ms. Whipkey discussed the revenue for the connections, and thought that it all comes back to the developer. Mr. Pritchard stated that typically if a private developer puts in a sewer line within a county system, as individuals connect, there would be a payback to the entity that installed the sewer line. Mr. Pritchard also stated that the Weber Drive residents are not required to connect until they have a failed septic system and ordered to do so by the Barberton Health Department. Ms. Whipkey stated that anything this potential business gets would be offset. Mr. Moss stated that anything along Cleveland-Massillon Road is considered a business corridor, and affects the price of the property and there would be an impact either way. Ms. Whipkey stated that the business would be getting a tax write off, it almost like they are being paid to put in the sewer line.

Ord #93-2007 Sewer Connection continued:

Mr. Pritchard disagreed that this is not spot zoning, and that what is happening with a payback is that they are recouping their initial expenses for that improvement. Mr. Pelot stated that while it may be an initial tax write off, once they start to receive the paybacks that would be considered as revenue. Mr. Moss concurred, adding that with a project of this size, it would be depreciated over the life of the project.

Set date for Annual Council/Admin Workshop:

Mr. Price discussed the possible dates of February 3, 2007 and February 10, 2007, and polled the members of Council for their choices. It was decided that February 3, 2007 would be the date. Mr. Price stated that he is working to find a local business owner to attend, and is still working on the agenda.

Appointment of Council Representative to NHAB:

Mr. Zita stated that the Norton Health Advisory Board works with the Barberton Health District and this appointment would provide Norton with representation. Mr. Zita stated that he has served on this Board for the last two years and is unable to continue, and that prior to that Mr. Mowery had served. Mr. Zita nominated Mr. Braman as the Council representative because some of the issues can also fall into the areas of Planning & Utilities, which Mr. Braman is on, seconded by Mr. Mowery.

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

Motion passed 6-0.

Resolution of appreciation-Claude Collins:

Mr. Zita stated that Mr. Collins is retiring effective February 23, 2007 after seven (7) years as Administrative Officer. Mr. Zita stated that he wanted to do a Resolution of Appreciation for Mr. Collins. Mr. Zita moved to place this item on Councils next agenda, seconded by Mr. Pelot.

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

Motion passed 6-0.

Old Business:

Mr. Price stated that according to Robert's Rules of Order, a properly conducted meeting does not have old business it should be "unfinished business". Mr. Price stated that unless there was an opposition from the members of Council, he would instruct the Clerk of Council to make this change on all agendas from this moment forward, there were no objections.

Mr. Jones discussed the pending lawsuit with the City of Barberton, and asked Mayor Kernan if there was any way to get this settled as soon as possible? Mayor Kernan stated that there is a mediation meeting set in February. Mr. Jones also discussed the recent action taken by Barberton regarding denying sewer and water permits, and asked the Mayor to comment about this.

Old Business Continued:

Mayor Kernan stated that he has talked with the city's attorney about this and will be meeting with him next week to go over our options.

New Business:

Mr. Zita discussed a memo from Mr. Weinsheimer regarding action needed by Council for a change to the MPO schedule. Mr. Zita stated that the changes are necessary in order to permit a promotion at the Service Department. Mr. Zita stated that the salary changes is reflected in the 2007 Budget and he would like to discuss this at the February 5, 2007 Work Session. Mr. Collins stated that he fully supports having two (2) mechanic positions at the Service Garage. We have been doing most of our own vehicle repairs in house, which saves the city money. Mr. Zita moved to place this on the agenda for February 5, 2007, seconded by Mr. Pelot.

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

Motion passed 6-0.

Mr. Jones discussed a recent article in the Norton Post regarding our Fire and EMS Department. Mr. Jones stated that the unions are asking for a 15% increase in salaries and stated that this is outrageous. Mr. Collins stated that he did not want to make a public report, however they issued a press release. Mr. Jones stated that this is an awful lot of money. Mr. Collins stated that he does not like to negotiate in a newspaper, however this was something their representative decided to do.

Mr. Braman stated that he agreed with Mr. Pelot on controlling our own destiny.

Mr. Collins stated that the city and numerous officials from Norton and Barberton were served with a lawsuit filed by Mr. Virgil Cochran, a Norton resident. Mr. Collins stated that this suit goes back to towing of several junk vehicles and cleanup on his property in the past several years. Mr. Collins stated that he was informed that Mr. Cochran passed away last night. Mr. Collins thanked Council for considering a Resolution of Appreciation for him.

Mr. Pelot replied to an article in the Barberton Herald last week regarding residents on Weber Drive. Mr. Pelot read a statement regarding the comments, (see attached).

Non-Agenda Items:

Mr. Carris, Sr., a Norton resident, thanked Mr. Collins for all the good he has done for this city. Mr. Carris stated that Mr. Collins would surely be missed. Mr. Carris stated that he nearly came to tears when he heard about his resignation, he was one of the hopes we had in the city for helping us to move forward.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:26 PM.

James Price, 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.