



## COMMITTEE WORK SESSION JULY 6, 2009

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

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

The Committee Work Session convened on Monday, July 6, 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:**

Mrs. Elaine Tompkins, a Norton resident, commented on the billing for Roetzel and Andress. Mrs. Tompkins stated for the record that last February she talked about the amount of money we have spent with Roetzel and Andress to date and at that time it was approximately \$84,000.00. From May through December it was \$41,480.00. From January through May it was \$43,321.00. In addition to that we have a check for \$12,000.00 that has been put away in the safe for payment when it is so required. Mrs. Tompkins stated this brings it to a total of \$96,000.00 for one law firm. Mrs. Tompkins gave a comparison from 2003 of \$37,132.00 and that was for bonds to be re-written and several other issues. In 2004 the total was \$26,289.00 for the same services. In 2005 it was \$12,901.00. In 2006 we had a new Finance Director who had law in his background and there was nothing happening that year. Then in 2007 we had bond review at a cost of \$6,000.00. The total for the past 5 years was \$82,323.00, compared to nearly \$96,801.00 for the past 12 months. Mrs. Tompkins suggested we are over lawyering for a city of this size. Mrs. Tompkins discussed the contract with Mr. Klingensmith-the architect for the new fire station, and that we have paid him nearly \$90,000.00 of his \$120,000.00 contract. Mrs. Tompkins discussed the waterline project for Cleveland Massillon Road and her concerns that we already have a change order before the project has even begun. Mrs. Tompkins stated that this project has kicked up another \$290,000.00 and questioned why?

Mrs. Tompkins stated that now we are taking the water line east up Wadsworth Road, which is not exactly the "Cleveland-Massillon Road Project". Mrs. Tompkins stated there is nothing wrong with change orders if they are done right, but questioned if it was sensible to co-mingle projects. Mrs. Tompkins suggested that since this is an election year, you should spend some money and get the televisions operational again so that the residents can see how you are operating here.

Mr. Alex Stavarz, a Norton resident, spoke about the pending elections and beyond. Mr. Stavarz stated he was surprised and disappointed that after the suggestions from himself and the Charter Review Commission, you bungled something up that he thought was pretty clear about the partisan elections. Mr. Stavarz stated the problem we had was with independents throwing their hats in creating the situation where most of the people voted for a loser. Mr. Stavarz stated he thought it was clear, and was not sure if the Charter review was not taking notes, if Council wasn't listening, or if the legislation was not prepared correctly. Mr. Stavarz stated that now we are almost guaranteed to have more elections with three (3) people in the General Election, unless there are four (4) or more there will not be a primary. Mr. Stavarz stated that he hopes this Council would see fit to look at amending this in the future to correct it and put this on the ballot.

Ms. Charlotte Whipkey, a Norton resident, stated that Summit County has been busy last week with septic inspections. Ms. Whipkey stated she was surprised to hear the cost of \$57.00 per inspection, and that some of the residents did not even know they had to pay that fee. Ms. Whipkey stated that originally there were 1,456 septic systems on the list from Barberton that were to be inspected. Ms. Whipkey stated her system was not even on the list, but she let them do the inspection anyway. Ms. Whipkey asked how many systems would the County be checking as she recalled there are approximately 2700 septic systems in Norton. Ms. Whipkey discussed a \$25.00 late fee if you don't pay your inspection fee on time and questioned where does all of that money go, does it go back to Summit County? Ms. Whipkey asked if the City of Norton gets any benefit out of all of this money, its almost \$150,000.00 if every septic is inspected. Ms. Whipkey discussed the referendum petitions for the tax credit and asked why they have not been turned over to the Board of Elections yet? Ms. Whipkey discussed a comment she read in the Norton Post about this not going into effect until January of 2010 and that the way she understood things the petition process stopped all of this, and asked for an explanation on that. Ms. Whipkey discussed a recent Letter to the Editor in the Barberton Herald about the residents not being told the whole story about the petitions, stating well isn't that the pot calling the kettle black. If the citizens take it upon themselves to use their rights and their own initiative, they get reprimanded and told that they are not telling the whole story. Perhaps if they ever get the entire story from our representatives, they would be able to do a better job.

Mr. Gilbert Chaney, a Norton resident, spoke again about trash companies and that now he sees it as a form of communism. Mr. Chaney stated that he and his wife were discussing the septic issues, she had mentioned they were going to put meters on the septic systems, and he could not imagine what it was all about. Mr. Chaney stated his wife wanted to keep Norton the quiet bedroom community that they moved into. Mr. Chaney stated he doesn't want sewer and water.

He grew up in Akron drinking water with chlorine and fluoride in it and nearly everyone in his family lost most of their teeth by the age of twenty-one (21). Mr. Chaney discussed making English the official language for Norton, he is tired of working with foreigners from Canada, Mexico, etc.

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

#### Municipal Engineer Contract

Mrs. Hlas turned this over to Mayor Koontz for the details. Mayor Koontz indicated the Administration has been working with the Summit County Engineer for a couple of months on a deal to provide services at an hourly rate just under \$64.00 per hour. We sent them our revised version of the contract for their review and are hopeful to have their response in time for the next Council meeting. This would be for the same scope of services as we currently receive, in addition to other services. Mayor Koontz indicated this agreement is similar to what the City of Munroe Falls has. Mayor Koontz stated that in addition there would be some ditching services, which fall outside the Municipal Engineer services. Mayor Koontz stated that advantages of going with the County is their experience, and that their staff can assist at a substantial cost savings. Mayor Koontz stated he was looking at having more collaboration with government agencies for greater efficiency. Mrs. Hlas asked what the current hourly rate is for the Municipal Engineer was and Mayor Koontz replied it varies, but the range is about \$100.00. Mrs. Hlas stated that right now he is here three (3) days a week, and Mr. Moss replied these are not full days. Mayor Koontz stated that we would have an employee from the Summit County Engineers office physically here, we pay no benefits, just like the current contract. Mayor Koontz stated the individual that would be representing us would be Mr. Dave White. Mrs. Hlas asked if there is any reason we could not wait until after the recess? Mayor Koontz indicated he hoped to have this to Council very soon but it is not crucial, it has been discussed and dragged out for some time. Mayor Koontz asked to have it placed on the agenda for next week. Mrs. Hlas stated we would not place this on the agenda unless we get the information, and then it would be discussed during Committee of the Whole. Mr. Zita asked if anything has been expressed to the current Engineer? Mayor Koontz indicated that we let him know actually last year that we would be looking around. Mr. Pelot asked if this must also be approved by Summit County Council, and Mayor Koontz replied he did not believe so, the Summit County Executive is authorized to sign all agreements, but he would follow up on that. Mr. Jones asked what we are presently paying the current Engineer, and Mayor Koontz replied it varies if they have a technician working on something, but the Engineer is around \$100.00 per hour.

#### Public Records Retention Policy

Mr. Pelot stated that the memo in our packet does not appear to be correct, it is for something that is already in front of Council. Mr. Pelot stated we really don't have any information to discuss on this subject. Mr. Moss stated that in review of the Public Records Policy, the Law Director has suggested we adopt a policy the State has promulgated and we have something similar, but this sets the process to determine issues. Mr. Pelot suggested Mrs. Richards get a copy of the proposed policy to all of Council and this could be addressed after Council returns from summer recess.

Ms. Whipkey stated she asked this at the last meeting; why would we need the Law Director to have legal review of the records request, and who is going to pay for that? Is this to be added to the cost of the person making the request, or is the city paying for that? Mrs. Hlas stated she believed the purpose was so that sensitive information such as social security numbers, dates of birth, etc., are reviewed and removed from police and EMS records. Ms. Whipkey stated she has received things from the Police and doesn't see the need for this, it should be common sense.

#### Resolution of Support – CDBG Block Grant - Columbia Heights

Mrs. Hlas stated this is really two (2) items and turned this over to Mayor Koontz for discussion. Mayor Koontz stated this is Phase V and includes a grinder pump station for Union and Maple Streets in Columbia Heights. This is a critical area that has issues with raw sewage and needs addressed. Mayor Koontz stated it has been four (4) years since the last phase was done. There would be a public information meeting held this Thursday at 5:00 PM in Council chambers, which is part of the grant requirement. Mayor Koontz indicated there are approximately six (6) homes directly affected in this project. Mrs. Hlas moved to place a resolution of support on Councils next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Pelot.

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

Motion passed 6-0.

Mrs. Hlas moved to place an Ordinance to apply for the grant on Councils next agenda, waiving the second and third readings, as an emergency, seconded by Mr. Pelot. Mr. Jones asked if there would be any additional costs to the residents? Mayor Koontz replied that anytime residents connect to sewer lines there are tap in fees and connection costs, however he did not believe it was an assessment because of the low income area, but he did not have the details. Mr. Zita asked who would be hosting the meeting on Thursday, and Mrs. Richards stated she believed it was Mr. Jim Oberdorfer, the Planning Director.

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

Motion passed 6-0.

#### Cleveland-Massillon Rd Waterline PH-II

Mr. Jones stated he was totally taken by surprise on this one, he did not know anything about it and that as the Utilities Chair a courtesy call or an email would have been appropriate. Mr. Jones discussed the paving project on Wadsworth Road and that he was rather upset about the whole thing. Here we are at the end of June and he was under the impression this project was to be started at the end of May, and that the completion date was August 31. Mr. Jones stated that he started making some phone calls to the State (ODOT). He tried to reach Tony-on vacation; JoAnn-on vacation, and Jack Noble and he told him to call someone else. He finally got in touch with Jim Barnstrum with Shelly and Sands.

After having discussions with Mr. Barnstrum, he found out that they are not doing that job right now because they were told by the city to hold up. Mr. Jones asked why and he said because of a waterline on Wadsworth Road. Mr. Jones stated this is really some kind of a run around here, it's an absolute joke. This is an additional \$290,000.00 and has nothing to do with Cleveland-Massillon Road, its on Wadsworth Road. This project should be bid out again and he is not in favor of doing anything about it tonight. Mr. Jones stated he was not sure if Mr. Braman even knows about this, and Mr. Braman replied he did not. Mr. Jones stated this is taxpayers money you are just wanting to throw out there and to hold up a project on St. Rt. 261 and no body tells us, he doesn't know where the Administrator is coming from. Mr. Jones stated that Mr. Ryland isn't here, and Mr. McGlone isn't here for the discussions. Mr. Jones asked why would the city tell the construction company to hold off on the paving project? Mayor Koontz stated that he is not sure that we did. Mayor Koontz stated that the work has begun around the bridge areas, and Mr. Jones stated he understands that as of today they are starting up around Collier Road heading west. Mr. Jones stated the whole thing is a big disappointment to the people, 70 percent of this is in Ward 1 and its approximately 5.3 miles long with 2 lanes. Mayor Koontz stated we asked the current contractor for prices and we felt we got a favorable price for the current job and we would get a fair price for the second phase. Mr. Jones asked who else bid on this project? Mayor Koontz stated that project we bid out did not include that, it was a replacement project that we received 50 percent funding. Mr. Jones stated this should go out for bid and Mayor Koontz stated you have a chance of getting a higher bid. Mr. Pelot stated we did discuss this a couple of times to possibly extend it to Loyal Oak, and Mr. Jones agreed, but that was only to St. Rt. 261. Mayor Koontz discussed the specific time lines of the dates of the change order that was submitted on June 29, 2009 and the memo from Mr. Ryland to Council on June 30, 2009. Mr. Jones asked why do we have committees on Council when the Administration does not inform us on issues? Mrs. Hlas asked if we are able to get grant money for Phase II, and Mayor Koontz replied probably not because it was added after the fact. Mayor Koontz stated that we got grant money for the first phase because it was a replacement to the school and that he was not aware of grant money available for new lines. Mrs. Hlas stated she was ok with moving forward on this tonight, and did not see any purpose of holding up. Mr. Jones stated he wanted to see the other bids that were turned in, and Mayor Koontz stated all the other bids were higher and we accepted the lowest bid. Mr. Jones asked Mr. Moss if we have the money to do this now? Mr. Moss replied yes, we have enough cash, but as always with assessment project you don't like to use up all of your cash and we generally borrow the funds. Mr. Moss stated that it's not a necessity and we do have a waterline fund. Mrs. Tompkins discussed the original bid and that this all has the flavor of awarding the project to the lowest bidder with the opportunity to get the second job. There was further discussion and Mrs. Tompkins questioned the dates of the bid opening and the resolution that Council passed in regards to House Bill 1-that includes the online internet auctions, and asked if anyone looked into this. Mrs. Hlas stated that the original intent for reverse online auctions was for the purchase of small objects like office supplies, and it evolved into construction projects. Mrs. Tompkins alluded to a report from the US Army Corp of Engineers and they advise all states to eliminate this process, you should not confuse construction with consumer products. Mr. Jones stated that he wanted to hold off on this, and Mr. Braman stated he had no problem moving forward on this and so moved to place this on councils next agenda, seconded by

Mr. Pelot. Mr. Braman stated he hoped to get more answers before Monday on this issue. Mr. Pelot stated that it makes sense to do the waterline before the roadwork. Mr. Pelot stated we did discuss this in the past, and Mr. Jones stated yes, but not all the way up to Rosebay. Mr. Stavarz stated that this is a substantial job and he felt it warranted a separate bid. Mr. Jones agreed it is more than one quarter of the amount of the entire original project.

Roll Call: Yeas: Braman, Pelot, Hlas, Mowery, Zita  
Nays: Jones

Motion passed 5-1.

#### ODOT Prelim Legislation - Resurfacing Greenwich Road

Mr. Mowery turned this discussion over to Mayor Koontz for the details. Mayor Koontz stated that this project is 80 percent funded by the State for the repaving of Greenwich Road and Norton Avenue. Mayor Koontz stated that this legislation is our part of the process along with the required agreement, and this project has already been approved and granted to the city. Mayor Koontz stated that this project would not be done until next year. Mr. Jones asked if this includes Norton Avenue, and Mayor replied yes, from the Barberton line to the Wadsworth Township line. Mayor Koontz stated the total funds are \$515,000.00, which is estimated to be 80 percent of the project costs. If the bids come in low, we still get up to that \$515,000.00. Mr. Jones asked if this includes berms, etc, and Mayor Koontz replied yes. Mr. Jones asked about a right turn lane and Mayor Koontz stated no, but he recalled Mr. Jones talking about this many years ago. Mr. Mowery moved to place this on Council's next agenda, seconded by Mr. Braman.

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

Motion passed 6-0.

#### Unfinished Business:

Mr. Jones discussed a recent email he had sent to Mr. Ryland about the road conditions on 3278 Easton, the west side of the road is crumbling away, and needs addressed.

#### New Business:

Mr. Jones discussed the noxious weeds legislation on the books, and asked if there wasn't something we could do to address all the weeds along I-76 along the steel cables. Mayor Koontz agreed, its something that needs addressed, and Mr. Jones stated he would try and get in touch with Mr. Frank Williams at ODOT, it really looks terrible out there. Mr. Jones stated that they are not even mowing the on and off ramps in this area.

Mr. Moss discussed the referendum petitions and stated that before this can go to the ballot in November, Council has to pass legislation directing the Board of Elections to place it on the ballot. Mr. Moss stated that Council has no choice and must pass this legislation and it has to be filed at the Board of Elections by 4:00 PM on August 20, 2009. Mr. Moss stated that he is trying to expedite things in order to have everything

ready for Council to address this next week. The other option would be to ask for a Special Council Meeting on August 17, 2009 immediately following the Committee Work Session. Mr. Moss discussed the Fire Dept. receiving a grant for \$3,000.00 to replace a full body vacuum mattress and he would need legislation to provide for the appropriations for next week if possible. Mrs. Hlas asked if this could be discussed during the Committee of the Whole and if agreed it could be added to the agenda during the meeting, and Mr. Moss replied yes.

Mr. Zita announced that Charlie's Restaurant has closed and is under new management and renovations. We will be looking into new arrangements for a posting location, and may need to amend our current legislation to reflect this information.

**Topics for the next Work Session:**

Public Records Retention Policy

**Adjourn**

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

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Mike Zita, President of Council

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

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