



COMMITTEE WORK SESSION SEPTEMBER 8, 2009

Committee Members Present: Ken Braman
Brenda Hlas
Tom Jones
Dennis McGlone
Bill Mowery (Excused at 8:00 PM)
Mike Zita
Scott Pelot

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

The Committee Work Session convened on Tuesday September 8, 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:

Ms. Charlotte Whipkey, a Norton resident, spoke regarding an editorial in the Norton Post of September 6, 2009 and the Mayors comments referring to us as “self appointed representatives”. Ms. Whipkey stated that you seem to forget we are the vocal minority, we are the citizens exercising our rights, as a citizen and a taxpayer. The problem lies with the fact that the Administration and some members of Council don’t approve of hearing that we disapprove, and of us coming up here every week. Ms. Whipkey stated that she is proud to be a self appointed representative, a nay-sayer, or a vocal minority. She refuses to be intimidated and kicked down to the point where she refuses to come down here and make here statements heard.

Mr. Jim Lino, a Norton resident, spoke regarding the co-op agreement with Barberton and Norton and that he felt this is a good thing. If we would have had this back in the 1960’s we would all probably have water and sewer by now. Mr. Lino questioned the fact there was no mention of the City of Norton waiving any of their fees to the residents like Barberton is doing for the Brentwood residents. Mr. Lino discussed all of the assessment fees and the amount of various tap in fees involved and said this should be called a tap out fee instead because everyone would be all tapped out of money.

General Topics of Discussion:

Discussions on General 2009 Budget Changes

Mrs. Hlas turned this discussion over to Mr. Moss for the details. Mr. Moss stated he was not quite ready to bring anything to Council yet, he was still working on the details. He is working on putting the numbers together for the purchase of the Beldick property for next year's budget. In the event we do not acquire that property, we can always remove it later. Mr. Moss discussed the Fire and EMS division and the heavy runs they have experienced this year already, which has affected their budget, they are just not making it with what is within their budget. Mr. Moss also discussed some potential reductions in the general budget; one would be in the carryover audit and another is the income tax revenue is down. Mr. Moss indicated that he expected it to be at about 3% which is not uncommon, however with more fluctuations possible in the future he would be addressing this area. Mrs. Hlas asked to keep this on the next agenda for further details from Mr. Moss.

Authorize Then & Now Certificates

Mrs. Hlas stated these were something new to her and turned this discussion over to Mr. Moss for the details. Mr. Moss stated she was correct, it was something new that has come out of the audit reviews. Mr. Moss explained the details of the first item, which is for the striping for Clark Mill Road. This was from the 2008 Road Project that was budgeted and carried over from last year. About a month ago we got a bill for this project and we understood this to be the last bill and we closed out the purchase order. Then along came this billing for the road striping, and since the purchase order is closed, we cannot recreate one, and we are left without a purchase order to pay this. This does exceed the \$3,000.00 limit and needs Councils authorization to pay it. The second item is for Storm Water engineering services and surveying relating to the Norton Fire Station and storm water management and the engineering for roads, etc. This one slipped through the cracks, it was authorized however there was no purchase order in place for it. We do have the resources to pay it, and again it exceeds his legal authority to pay and needs Councils approval. Mrs. Hlas asked how this differs from going to the Board of Control? Mr. Moss stated the Board of Control has jurisdiction of \$15,000.00 to \$25,000.00 to review and approve contracts. This is not within that range and is not required. Mr. Moss added that since there are no existing purchase orders with an encumbrance, technically he couldn't pay them. Mr. Moss stated that you would probably see more of these requests in the future as they arise. Mr. Jones asked about the 2009 Budget changes to the Fire and EMS specifically how much more money are you requesting for that department? Mr. Moss stated he is struggling with the right answer for that. It seemed like a lot of money at the time, but he does not exactly know at this point. Mrs. Hlas moved to place the Then and Now Certificate for the Clark Mill Road striping on Councils next agenda, waiving the second and third readings as an emergency, seconded by Mr. McGlone. Mr. Pelot asked if the striping was included in the original bill because he remembered this was to roll over from last year's road program? Mr. Moss replied it was in the contract, but not included in the original billing. Mr. Moss added that we are not paying for this twice, we did go back through the paperwork to double check.

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

Nays: None

Motion passed 7-0.

Mrs. Hlas moved to place the Then and Now Certificate for GPD Engineering on Councils next agenda, waiving the second and third readings as an emergency, seconded by Mr. McGlone.

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

Motion passed 7-0.

Resolution of Necessity-Oak Street

Mr. Braman turned the discussions over to Mr. Ryland for the details. Mr. Ryland distributed the attached memo with the detailed information. Mr. Ryland indicated that we have a number of failed and failing septic systems in this location that need to be addressed. This would be approximately 600 ft of new sanitation lines between Cleveland Massillon Road and Long Drive down to Oak Street. There are areas where you can walk and actually sink down in the ground into raw sewage. Mr. Pelot stated he had talked with Mr. Ryland about the idea of doing this whole area and not just Oak Street, and asked for Councils input of looking into this further. Mrs. Hlas asked if it would be cheaper doing the larger project? Mr. Ryland replied it could be a possibility because you would be laying down more sewer line and the cost would be a one-time fee. If you wanted to do the entire neighborhood, it constitutes laying down the same length of pipe on Pleasant. Mrs. Hlas asked about Columbia and Manila and Mr. Ryland replied these would probably be done with Oak Street. Mr. Zita discussed the 250 ft. requirement to connect, and as we move along that 250 ft. keeps getting closer and closer to the surrounding households. Mr. Moss agreed for the most part until you run into a section of non-failed systems. Mr. Zita asked for clarification on the mandatory 250 ft. connections. Mr. Ryland stated if it has not been extended and they have a system that is functioning they would not have to connect; however if they have a system on the other side of them that has failed and they are required to connect, then you would also have to connect. Mr. Braman asked if we talked about doing 100% assessment, and Mr. Ryland indicated that is Councils decision, and given that thought the breakdown he provided listed \$13,000.00 being fully assessed. Mr. Braman stated this is a lot cheaper then he thought it would be. Mr. Ryland stated that the average cost for a good septic system is about \$12,000.00 and this is only a temporary system, sewer lines are permanent solution. Mayor Koontz added that the city would be paying about 2% of the construction costs plus the costs for the intersections. Mrs. Hlas discussed the fact that some of the lots on Oak Street are too small to do a new septic system, this is their only option. Mr. Moss stated that we are trying to stop these problems and keep the residents from being put out of their homes, this project is more of a crisis management issue. Mrs. Hlas asked how long of a delay would this be if we decided to add Pleasant, and Mr. Ryland stated he would have the answer by tomorrow, he does not have Pleasant engineered. If you do not do it now you will be doing it later.

Mr. Jones stated he has talked with some of the residents on Long Drive and he would like to hear from some of the other residents and get a yea or nay on how they feel. Mr. Jones asked about the Walkley law office and the other building and if they were connected. Mr. Ryland replied he believed they were because they are not on the listing of those who are not. Mr. McGlone stated we still have some on Barber Road that have never connected. Mr. Ryland agreed; we have approximately 17 that have not connected throughout the city, not only on Barber Road. Mr. Moss stated that Summit County is aggressively addressing these issues. Mr. McGlone asked if we are negotiating on the rates with Barberton, and Mr. Ryland replied not at this time, and this line for Oak is a County line. Mr. Pelot discussed the \$761,798.00 in the fund and he thought part of this money was not only for repairs but also for extending the sewer lines. Mr. Ryland explained that we are picking up the entire tab to bore under I-76, we also pay 100% of the engineering for all projects, which comes from these funds. Mrs. Hlas stated that since this is a County line the residents would have three connection fees to pay. There was a further discussion and Mr. Ryland suggested in order to get this moving that Council consider approval for Oak Street and let him continue on with the details for adding Pleasant later on. Mr. Braman moved to place this on Councils next agenda for a first reading only, seconded by Mr. Pelot. Ms. Whipkey discussed the 250-ft. requirement and asked if it used to be 300 ft or 400 ft? Mr. Ryland replied that at one time it was 400 ft for commercial businesses, however we are talking residential in this project. Ms. Whipkey asked what ever happened to thing about there would not be mandatory tap ins? Mr. Ryland replied that you have never heard that statement out of his mouth. The Ohio Revised Code requires that if you have sanitary sewers available, you are required to connect. Ms. Whipkey asked if this was ORC or Summit County? Mr. Ryland replied this was ORC regulation. Ms. Whipkey asked if they did not get the moratorium that they had talked about. Ms. Whipkey stated they were supposed to have a moratorium that was to end in 2009 and they were looking into extending it for two more years, and that it would be left up to the individual health departments. Mr. Pelot stated this may be more of an enforcement issue, and if they have the staff to actually get out there and enforce it.

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

Motion passed 7-0.

Cleve-Mass. Corridor Right of Way-Budget & Engineering

Mr. Braman turned this discussion over to Mr. Ryland for the details. Mr. Ryland discussed a concept plan to widen Cleveland-Massillon Road into 3 lanes, with 5 lanes at the intersections for turning left or right. This all fits within the existing right of way, and the project would begin in 2012. This would reduce the waiting time at the traffic light from 96 seconds down to 36 seconds. Mr. Ryland stated one caveat is that we do not have room for sidewalks and if we want them we will need about an extra 10-ft. of easements. Mr. Ryland indicated at this time he was asking Council for direction; do we attempt to do this with sidewalks? Mr. Ryland stated the ordinances on the books state that sidewalks are required.

Mr. Ryland stated the good thing is if we decided to do sidewalks there is AMATS funding out there for the construction of sidewalks and the purchase of land. If we are going to plan for this we need to plan for that now and start the process. Mrs. Hlas inquired about the waterlines going in now, and how this would be affected. Mr. Ryland replied the lines would be under one of the lanes, and fire hydrants would be off the roadway. Mr. Ryland stated it widens to 5 lanes south past Pleasant going north on Cleveland-Massillon. Mr. Pelot questioned the road already being so close to the school and playground now, will this be a problem? Mr. Ryland stated the new guardrail we just put up would move to where the fence is now. Mr. Braman questioned if we should do sidewalks on one or both sides. Mr. Ryland stated he really has not got that far into it yet, but if you need a minimum of 6 ft for sidewalks, we may be talking just one side. Mayor Koontz stated he would like to see sidewalks on both sides, and Mr. Ryland agreed so we could be looking at buying 15 ft. of right of way. All of Council agreed to include sidewalks and Mr. Braman stated if we require everyone else to do it we need to do this. Ms. Whipkey questioned the total easements required, and if this goes to Shannon? Mr. Ryland replied it takes it to Shannon and that Barberton is looking into going from Shannon to Johnson's Corners. Ms. Whipkey asked how this affects some of the homes and the cemetery. Mr. Ryland replied it would not affect any of the Norton residents, however the cemetery is an environmental issue and the cemetery will need to be x-rayed. We have no marked graves on the ease side of the fence, but this needs to be verified. Mr. Jones stated that in 1989 when he served on AMATS with Ken Hanson, he proposed 4 lanes and Mr. Morgan wanted 5 lanes, and we were stockpiling money for this project. Mr. Jones asked if we are still holding this money? Mr. Moss replied yes, since then we have used some of that funding on Wadsworth Road. Mr. Jones asked if this money was used for other things and Mr. Moss replied he did not recall that it was used for anything else. Mr. Jones stated the last time he looked there was about \$288,000.00 in this fund. Mr. Moss indicated there might be approximately \$140,000.00 coming back on the Wadsworth Road project and whatever comes back will go back into that fund. There was discussion on the traffic flow patterns and estimates and how this was calculated. Mayor Koontz stated that the estimate of 20 years is based on AMATS growth patterns, and current trends. Mrs. Hlas asked Mr. Jones if you were working on this 20 years ago, why did this project never happen? Mr. Jones replied that basically Mr. Morgan just let it die for whatever reason, it just never happened. Some of it was lack of money and it fell through the cracks. It was on the back burner with Mr. Hanson and ODOT, it laid dormant, and every once and awhile it would come forward. The plan was just like Mr. Ryland indicated all the way to Shannon, and when you get down below Shannon it would affect a lot of businesses and homes. Mr. Crawford had appointed him to the AMATS committee when he was the Mayor. Mr. Ryland clarified that we have decided to go with sidewalks and additional easements.

EPA Report-Failure to Implement Plans & Procedures

Mr. Jones stated he was not aware of the meeting on July 16, 2008 and as the Chair of the Utilities Committee, he felt he should have been invited or one of the other members. Mr. Jones stated the letter was addressed to Mr. Arters and wished he were present for the discussions. Mr. Ryland stated that Council is welcome in our offices at any time, the EPA audit and is a part of the Administrations day to day jobs.

If you want to be invited to all of our functions, you are more than welcome we have one tomorrow at 9:00 AM relating to the billing on Spano Brothers. Mr. Jones asked who was the other representative at this meeting, Mr. Ryland replied Mr. Weinsheimer. Mr. Jones asked what do we need to do to comply here? Mr. Ryland indicated that most of these issues we have found we are complying with. It was mostly getting into Jeff Pritchard's computer files and locating the documentation that we are in compliance with, which we now have located. We just could not get our hands on it when the audit team was in. Mr. Jones questioned the issue with the Service Garage. Mr. Ryland stated one issue is the sanitary sewer there, in addition to the drains as well as the drains at the Fire Station. We are not sure if they go into the existing storm sewers or where they run off into, which needs investigated. Mr. Ryland stated his reason of bringing this to Council is to inform you that we need to reply to the EPA by September 21, 2009; and most importantly to call to your attention to the first item on page #2. This refers to what is coming from our septic systems into our ditches and into our streams. When we discussed reducing our tax credit and gathering certain funding we had a plan. Now that it seems we are regressing from that position, we have no plan or procedures. Therefore, unless you give me some direction or other procedure we will receive another failure from the EPA. Mr. Jones asked if we could be fined and if so how much. Mr. Moss indicated yes we would be fined and the EPA would take a look at the city's finances and come up with a big number that would really hurt. Mr. Jones asked how does the EPA know about all of these violations and Mr. Ryland stated they go around and dump dye into the drains, they require plans for things that don't exist, etc. Mr. Ryland reiterated that he needs direction on what to tell the EPA. Mr. Ryland stated the most disturbing part of this report is the reference to the Cuyahoga County Board of Health statement that 70% of our septic systems are failed in the city, that is a huge number. Mr. Jones asked Mr. Ryland if he was not aware of all of this since Mr. Pritchard was no longer here? Mr. Ryland replied oh no, we knew this was coming, we are in the final stages of a 5 year plan for Storm Water Management. We knew when we held the town meeting about the tax credit and we had representatives from the EPA sitting in the front row. Mr. Braman stated that he hoped this paragraph gets published so that the residents know we were not pulling their legs when we said something had to be done and the tax credit was the easiest way. So what we said was going to come down on us is now coming. Mr. Ryland suggested having Ms. Campbell put this up on the city's web site for everyone to read. Mr. Zita stated that comes back to our discussion on Oak Street and costs involved. If you take the cost of \$12,000.00 to \$13,000.00 for septic which is not permanent, and if you take that money and use to tie into a sewer line, then its permanent, you're all done. Mrs. Hlas stated she wished Mr. Mowery were still present for this discussion, and asked those of Council that do not support the tax credit; what is your alternative method of funding sewers? Mr. McGlone stated this issue is still going to the voter's right? Mrs. Hlas stated it's not a done deal to repeal it, it's only had one reading. Mr. McGlone stated the Mayor said he would send it to the voters to vote on. Mayor Koontz replied, yes and that was before he received this letter from the EPA. Mrs. Hlas stated let's say it goes to the voters and they end up turning it down, then what? Mr. McGlone stated this would be just to do the trunk line, the homeowner would still have the expense to connect to the line, and Mr. Ryland agreed. Mr. Zita stated at this point we couldn't even say we would do assessed projects unless you start from point A to point B including the trunk line.

Mrs. Hlas questioned if we were to keep the half percent income tax credit in place, would your answer to the EPA be that we have a source and a plan? Mr. Ryland stated yes. Mrs. Hlas stated if Council had the full authority to give full 100 percent tax credit, then why is it that some of you on Council feel that it's not Councils authority to reduce that credit? This is where she is confused, if we gave the credit, we have the ability to take it back. Mrs. Hlas found several pieces of legislation in the past where Council passed legislation referring to income tax in general that had the 100 percent tax credit in it. Why do you feel it is not Councils authority to take it back? Mr. McGlone stated it's the people's money and if they want to spend it let them decide. Mrs. Hlas stated that if you as a Council person you know its in the best interest of the city to get sewer and water trunk lines throughout, Mr. McGlone interjected adding the residents would be more comfortable if they get to vote on it. Mr. Jones suggested getting off of this subject, and Mr. Zita disagreed we need to find an alternative solution to this. Mr. Ryland asked would his answer be to the EPA that residents with failed septic systems would be required to replace them? There are places where those don't fit and the costs are so prohibitive some cannot afford this, it may force residents from their homes, is this a position we want to be in? Mr. McGlone stated if you talk about this and let the people know, why do you feel they would vote no? Mrs. Hlas stated that right now we have nothing to send to the voters. Mr. Ryland stated that even if we did that it would not be a reasonable reply to the EPA. Mr. Lino questioned the details of the proposed tax credit and the revenue from the average taxpayer? Mr. Moss stated it was for 25 years and at the average salary of \$40,000.00 a year, the credit is \$200.00 a year and that would be \$5,000.00 over a 25 year period. Mr. Moss stated the idea for the reduction would not entirely pay for the trunk lines, it would enable us to seek additional funding and to help the individual neighborhoods like Oak Street. Ms. Whipkey suggested telling the EPA that your plan would be to step up the enforcement issues, which would get you off the hook for the moment. Ms. Whipkey suggested checking into that moratorium that they were discussing, this may have some impact. Mr. Ryland stated that the EPA would be checking for new holes to be dug if we reply with that and remember we are talking about 70 percent of the properties in the city. Mr. Moss stated that right now the residents on Oak Street have been permitted to work with their problem on a temporary basis rather than being forced from their homes. Ms. Whipkey questioned that 70 percent figure from Cuyahoga County and asked if we should be double checking this? Mr. Ryland replied we already have and we continue to do so on a daily basis; those numbers are based on the fallout count numbers. Ms. Whipkey stated she heard some residents are permitted to have tanks that get emptied on a more regular basis as an alternative. Mr. Ryland concurred, adding that these tanks need cleaned more often, and sometimes once a week. Mr. Zita stated these tanks are only 1,000 gallon capacity and as soon as they fill up they must be pumped. Ms. Whipkey asked why hasn't the Administration been keeping up with the catch basins and sweeping the streets? Mr. Ryland replied we have been doing some of the catch basins, we do not own a street sweeper. Ms. Whipkey stated that it seemed unfair that it seems like the burden is being put upon the citizens and if you don't do this we are in trouble. The reality is there are things that you have not taken care of and we are still not in compliance. Mr. Ryland stated no one is trying to blame anyone for this. We can sublet street sweeping and catch basin clean up, it will cost us money but one thing he cannot sublet is a sanitary sewer.

A number of these issues are already taken care of, and Mr. Pritchard is not to blame here the records have been located. Mr. Ryland stated that EPA has told him the city had signed the agreement in 2003 and the fact you may not have a street sweeper or money is not the issue. You signed it and you must comply with it or you will be in failure of compliance with it. Mr. Zita reminded everyone the residents of this city fund the city. We ran into this argument with the trash haulers and that the city got its trash picked up for free. It is all the citizen's money that is actually paying that bill anyway. There was further discussion on this issue, all of the plans and drawings for sewers that were done way back in the past. Mrs. Hlas stated that her guess is that back then the issue was we did not have the money to do it; and here we are 30 years later we have a funding source and now we don't want to do it. Mr. Ryland stated there is no need for negative discussion here, this is something we have to face. Mr. Ryland pointed out that the EPA will not continue to let the city continue to dump raw sewage in to the lakes and streams that get down to the Muskingum river. Mr. Jones suggested Mr. Ryland write the EPA back and tell them we are talking about it. Mr. McGlone suggested telling them we are going to do Oak Street, and Mr. Ryland stated he intended on doing just that, but this is not a trunk line, this is a local line. Mr. McGlone asked if they already have water and sewer and they will be paying for this tax credit; what benefit would they have out of this? Mayor Koontz replied the entire community would benefit from it. Mr. McGlone discussed the enforcement aspect and found it hard to imagine enforcing this or sending someone to jail for not connecting. Mr. Ryland stated this is a Health Dept. issue, and Mr. Pelot stated they would be condemned from the home. Mr. Lino stated that assessments must only be a drop in the bucket, the tax credit is paying for more than just that. Mr. Jim Pekarek, a Norton resident, said this seems like a lose-lose situation all around. Mr. Pekarek stated that the biggest thing he sees is that if we sell it to the residents with the facts about the EPA, and if it was a quarter percent reduction for a longer time instead of half, it would go over with the residents better. Mr. Pekarek stated that \$200.00 a year, that could be someone's grocery bill or utility bill. Mr. Pekarek stated he would be more than happy to get out there to the people and put this in their face that we could be out more money down the road. Mr. Pekarek discussed some residents that just put in new septic systems and will eventually have to be forced to connect to a sanitary sewer. Mr. Pekarek stated he is 100 percent behind sewers, he lives in Columbia Heights and he has sewer and water and is very fortunate for this. Mr. Pekarek suggested they put it on the ballot, but when people get scared and worried about things, he is afraid it may just fail. Ms. Gayle Brenner stated she has spoken before about the costs everyone pays for buying bottled water, softener systems, salt, etc., and that money over time could be spent to connect. Ms. Brenner stated she was not surprised at the 70 percent failure, look at the age of the homes in Norton. Ms. Brenner stated we all know that we need it and she just doesn't understand why we keep holding it back. Mrs. Elaine Tompkins stated that this is not solving any problems, and unfortunately Mrs. Hlas was correct, Council does have the authority to adjust the tax credit. Even if we take it to the ballot, what kind of guarantee do we have that our Law Director will not tell us the voting on this was illegal, although she does believe the people should get to vote on this. We have got to get out and sell the concept to the residents, when you get sewer and water the value of your property does go up.

Mrs. Tompkins asked how many times have we applied for help for our residents, and Mr. Ryland stated as recently as today, and he was told there is no money available today, but we keep trying. Mr. Ryland stated that he takes issue with the \$7,000,000.00 that Barberton received because possibly half of that money should have come to Norton because we share the same zip code. Mrs. Tompkins stated that we still need a written guarantee that our vote will hold up to any legal review. Mr. Braman suggested that we get this on the ballot as soon as possible because its going there sooner or later, whether we put it there or another group puts it there. Mr. Braman stated he felt the question should be do you want it as a tax credit or a full assessment. Mr. Jones moved that Mr. Ryland respond to the EPA with regards to the failures we can correct. In addition the outstanding issue relating to the sewers, we are presently working on Oak and Pleasant, and we will have more discussion, Mr. Braman seconded the motion. Mr. Pelot asked if the motions were even necessary, he was not willing to tell the EPA that we are just working it. Mr. Pelot stated that Mr. Ryland was only asking for direction. Mr. Zita stated this would remain on the agenda for next work session.

Unfinished Business:

None

New Business:

Mr. Jones noted an overhead street light out at Eastern Road where it dead ends into Fairland and asked for someone to look into this.

Topics for the next Work Session:

Mr. Ryland asked for discussions on sanitary sewer lines for the service garage. Continued discussions on the EPA Report, 2009 Budget Changes and Accepting the County rates and amounts. Mrs. Hlas removed the Fair Housing Grant item until such time as Mr. Moss feels further discussion is necessary.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:55 PM.

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.