



COMMITTEE WORK SESSION JANUARY 5, 2015

Committee Members Present:

Scott Pelot
Dennis McGlone
Danny Grether
Dennis Pierson
Paul Tousley
Charlotte Whipkey
Rick Rodgers

Also Present:

Mayor Mike Zita
Valerie Wax Carr
Ron Messner
Justin Markey
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, January 5, 2015 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Mr. Rodgers, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

General Topics of Discussion:

Approve 2015 Meeting Schedule

Mr. Rodgers asked for motion to approve and Ms. Whipkey made that motion, seconded by Mr. Pelot. Mr. Tousley noted that March, June & November have 5 Mondays for Council to keep in mind for a potential workshop dates.

Roll Call: Yeas: Whipkey, Pelot, McGlone, Grether, Pierson, Tousley, Rodgers
 Nays: None

Motion passed 7-0.

Review-Approve Council Rules.

Mr. Rodgers noted there have been no changes since our last approval. Mr. Grether commented about this past year had many late night meetings and suggested the option of Moving starting times to either 6:30 or 6:00 PM, and that he would be in favor of this. Mr. Rodgers discussed the fact we have nine (9) committees and we have seven (7) Council members and would like to combine the Planning/Economic Development, and since the Mine Committee is not really active at this time we could possibly combine this with the Property Committees.

Mr. Pelot agreed with combining the Planning & Economic Development Committees. Mr. Rodgers moved to combine Planning & Economic Committees and the Property & Mine Committees, seconded by Mr. Tousley. Ms. Whipkey asked how the Mine Committee applies to us as far as the property goes at the moment? Mr. Markey noted there is a deed in escrow so there is an interest in ownership by the City. Ms. Whipkey discussed the terms of the long term lease and asked how long this was for and Mr. Markey stated he was not certain, with Ms. Whipkey adding she thought it was possibly twenty-five (25) years.

Roll Call: Yeas: Rodgers, Tousley, Pelot, McGlone, Grether, Pierson, Whipkey
 Nays: None

Motion passed 7-0.

Mr. Grether moved to present a change the starting time to 6:00 PM, and Mr. Pelot noted he could never make it at 6:00 with his job. Mr. Pierson asked for a compromise at 6:30 and Mr. Pelot stated he still would have a tough time with that and Mr. Tousley concurred. Mr. Grether removed his motion from consideration.

Mr. Rodgers moved to change our Council Meetings to the 1st and 3rd of the month, go to two (2) Council Meetings/Work Sessions a month and have a Work Session prior to each Council Meeting, seconded by Mr. Pierson. Mr. Rodgers noted it is not a unique idea, other cities do it, we still will have Committee meetings, and get accomplished what we need to do and he is not trying to get out of anything here. It would be more efficient and we would still get our work done, we just don't need to be here every week. Mr. McGlone asked if the meetings would need to be moved up and Mr. Rodgers we could start the Work Session earlier, but he did not want to inconvenience anyone. Ms. Whipkey stated so instead of having a three hour meeting, we could end up with a five or six hour one and. Mr. Rodgers replied he didn't think that and our long meetings were brought on mostly by ourselves by getting long winded on things and other communities do it. Mr. Grether asked what is required and Mr. Markey stated the Charter states Council shall hold at least one (1) meeting a month. Mr. Tousley read the section of the Council Rules Section 1.08 that states "*Committees shall not be required to hold more than two (2) meetings a month*". Mr. Pierson stated if the Committees would meet it would shorten the regular meetings, but they do not seem to meet and he thought they should start. Mr. Tousley stated he is opposed to this as these meetings are the public's meetings too and we need their input and the opportunity to do so adding the work sessions go pretty long as it is now. Mr. Rodgers agreed but if they want to be involved they still can be here and not four (4) times a month but twice a month stating most of his contact with the public is on the phone or in person. Ms. Whipkey pointed out that with the meetings, everyone knows what is said as opposed to polling individually. Mr. Rodgers asked the public if we were here only twice a month if that would be a problem, and Mr. Jack Gainer, a Norton resident, stated it's not a problem, you have been holding these meetings this way all along, and he questioned who is benefiting from this proposal? Ms. Whipkey pointed out we could even have an executive session included on for the night.

Mr. Gainer stated he can voice his comments four (4) times a month instead of two (2). Ms. Whipkey stated there could be times we would be passing legislation the same night and done with a final vote. Mr. McGlone expressed his concerns of talking about it during committee and voting at the Council meeting that same night, he likes having the week lag time. Mr. Grether suggested we let the agenda drive the issue. Mr. Rodgers noted this is just a suggestion and we are here to serve the public, we ran for office and that's what we are here to do. Mr. Rodgers stated in his checking with the other communities he has discussed this with and those Council members felt they have more time to themselves. There are less restrictive time elements here and it could involve more people willing to serve on Council.

Roll Call: Yeas: Rodgers, Pierson,
 Nays: Pelot, McGlone, Grether, Tousley, Whipkey

Motion failed 5-2.

Appoint Standing Committees

Mr. Rodgers noted the appointments would be addressed next week. Mr. Rodgers asked Council to let him know if they are comfortable where they are currently serving.

Appoint Firefighters Dependent's Fund Members

Mr. Tousley commented that last year he and Mr. Rodgers were appointed and they were both fine with continuing. Ms. Whipkey noted an error in the States form for listing the Fiscal Officer as Chief Mike Schultz and in the past it has always been the current Finance Director. Mrs. Carr noted she was not sure and would have to ask the Chief about this, perhaps it was due to the vacancy in the Finance Director position in the past. Mr. Rodgers suggested holding off on the formal appointment until next week, in order to get the clarification on this.

Amend Section 242.03 Assistant Fire Chief Salary

Mr. Tousley stated this is to create a position of Assistant Fire Chief and Ms. Whipkey clarified this is not to add the position, but to clarify the pay scale in the codified ordinances. Mrs. Carr stated it's the same language as the Chief but is at 3% above the highest paid full time and the Chief is at 5% higher, so there is still a 2% gap. Mrs. Carr noted the reason for doing this is that we did not want to bump up the Chief's salary because of putting in the Assistant Chief. Mr. Rodgers questioned when we were talking about hiring an Assistant Fire Chief and that would come back to us for a vote. Mrs. Carr stated the position has always been established and there was no pay established and needs to come to Council. Ms. Whipkey stated the past discussion was made by Chief Schultz that the Assistant Chief was indeed part of the proposed eight (8) full time; and now we really should have only seven (7) going to full time as regular fire fighters. Mr. Pierson clarified that this Assistant Chief would be under the current Civil Service and Mrs. Carr concurred adding that they all were. Mr. Pelot asked if the Chief's salary increases now and Mayor Zita replied no he is still at 5% above the highest paid firefighter, not the Assistant Chief.

Mr. Rodgers suggested that Chief Schultz be in attendance for next Monday as he felt there should be eight (8) full timers plus the Assistant Chief. Ms. Whipkey asked if we are currently in negotiations and Mrs. Carr replied yes, with the full time firefighters. Ms. Whipkey noted there currently are only two (2) full time fire fighters. Ms. Whipkey stated if during negotiations the base wage goes up, then the Chief and Assistant Fire Chief would then get increased. Mr. Tousley stated he would not make a motion until hearing comments from Chief Schultz. Mr. McGlone asked if there is a problem waiting until next week, and Mrs. Carr replied no.

Purchase Police Cruiser

Mr. Rodgers commented on the three (3) quotes received by Chief Dalessandro, and the deal is to be made with Fred Martin. Ms. Whipkey asked if this needs to go to Board of Control and Mrs. Carr stated yes and we have this scheduled for January 12, 2015 before any vote of Council takes place. We do not expect this to be voted on at your first reading. Mrs. Carr noted there were four (4) requests for quotes but there was one that was not received back. Mrs. Carr noted the Crown Victoria's are no longer available, and the Dodge Chargers are what most of our current fleet is and made it easier for repairs, adding other communities use them more than the Fords. Mr. Pierson asked about the components in the vehicles and he also asked why we are not doing open bids with advertising being done. Mrs. Carr stated we have received prices under \$25,000.00 and that is what the State Bids require. Mr. Pierson stated we should open this up state wide and get the bids, adding that it seems to him we always use the same dealership. Mrs. Carr noted everyone she has talked with is surprised with the low price from Fred Martin and some communities are envious that we have such good relations with the dealership. Ms. Whipkey reminded everyone that we also have legislation offering a 10% discount to local businesses. Mr. Pierson stated for overall transparency we should always bid for this. Mr. Tousley asked if there is a negative and Mrs. Carr yes; it does take more time, and this vehicle could take about six (6) months to get it with a public bidding process. Ms. Whipkey asked for clarification in the drafted legislation; were these proposals or bids as the Ordinance states bids. Mrs. Carr stated the Charter states we have to go out for bid and they knew one proposal was below \$25,000. Ms. Whipkey stated the ordinance says bids, not proposals and could be an issue in the future. Mr. Markey suggested changing the language to quotes instead of bids. Mr. Rodgers stated he would like the Property and Finance Committees get together and design a process we feel the Administration should take. Mr. Rodgers commented about pooling with other communities such as Barberton and Copley for big equipment purchases. Mrs. Carr stated she could check with CUE pricing group and see what their prices are. Ms. Whipkey discussed the trade in values as one offered \$5,000.00, one offered \$1,000.00 and one offered none which needed considered. Mr. Pierson stated some proposals can be construed as being rigged, and by going out for public bidding you will get the real bottom line pricing. Mrs. Carr cautioned this would take time and we have a cruiser down in the back parking lot with a blown transmission. Mr. Rodgers stated for this need today we can move forward since we are down a vehicle and Property and Finance can get together on this later for future purchases. Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, asked if Fred Martin donates a vehicle to the City each year, and Mrs. Carr concurred adding that it's a DARE vehicle.

Mr. Gainer stated he does not see what the problem is for Mr. Pierson; they are donating, they are a Norton business and employ over 100 + employees. Why would we even consider going with someone else, especially with someone outside of Norton? Mr. Gainer stated we should always be supporting our Norton businesses and we should be buying from them. Mr. Pierson stated the because of the mere fact that we are getting something from Fred Martin for free, it looks like impropriety here. Fred Martin is getting something back here with that donation, it's a tax write off for them. Mr. Pierson noted that we do not have a huge surplus here and we need to be cautious with our purchases. Mr. Pierson stated he wants to see competitive bids. Mrs. Carr stated two (2) of the quotes are State Bids and they do go out and bid throughout all dealers within the State of Ohio, which is what you are asking us to do again. Mr. Rodgers stated he wants the Property and Finance to come up with the plan for Administration to follow in the future. Mrs. Carr noted there is already a plan or process for the State bids. Mr. Rodgers moved to place this on Councils next agenda with the amendments discussed, seconded by Mr. Pelot.

Roll Call: Yeas: Rodgers, Pelot, McGlone, Grether, Pierson, Tousley, Whipkey
Nays: None

Motion passed 7-0.

Engineering Services-Benza & Associates for Roads

Mr. Pelot stated the proposal is for the City to have a pavement management system. Until we have a true understanding you cannot really properly repair the roads. Mr. McGlone asked about the total cost, and Mr. Pelot replied \$21,0000. Mrs. Carr noted that Mr. Benza had given Council a presentation regarding the details in the past. Mr. Pelot moved to add this to Councils next agenda, seconded by Mr. Grether. Mr. McGlone asked about the timing and if we need emergency language, and Mrs. Carr noted it's not necessary.

Roll Call: Yeas: Pelot, Grether, McGlone, Pierson, Tousley, Whipkey, Rodgers
Nays: None

Motion passed 7-0.

MOU-Sanitary Sewers

Mr. McGlone turned this over to Mrs. Carr for the details. Mrs. Carr stated that Barberton City Council will also be addressing their legislation and this was also discussed in Executive Session and not a lot has changed. Mrs. Carr noted we expected Council to take three (3) readings and we might want to break this down into sections. Mr. Markey stated the most important aspect is the financial arrangements between Norton and Barberton. The nuts and bolts are going to be easier to understand. Mr. Rodgers suggested that Mr. Demboski be present for at least the third reading. Mrs. Carr suggested we have Mr. Demboski present at the next meeting. Mr. Gainer questioned if this MOU was available for the public and Mr. Markey stated it is a public document.

Mr. Rodgers suggested this also be up on line and if anyone wanted a printed copy it would be made available tomorrow. Mrs. Carr asked Mr. Markey to explain the difference between an MOU and an agreement. Mr. Markey explained that an MOU is a document that expresses the intent to move forward with due diligence with the cameras, inspection as to the conditions of the lines, etc. Any future agreements would look similar to this MOU but will have more explicit details filled in. There will be more legislation and more agreements relating to this in the future. Mr. Pelot noted an MOU binds us to nothing and Mr. Markey concurred. Ms. Whipkey asked then why does this MOU reference \$700,000.00 revenue as the maximum applied to Norton's infrastructure. Mr. Rodgers explained that means the City of Barberton would be giving us back half of our base rates of all new customers up to that \$700,000.00 figure. Mr. Markey stated since Barberton recognized they would be gaining more sewer revenue, we asked for a contribution back to the City of Norton for our capital improvements. Mr. Rodgers suggested Council take the time to review and get feedback from the residents and begin more detailed discussion on Monday. Mrs. Carr reiterated this is just an MOU that states we are willing to work together and come to an agreement. Our goal is to not to cost the residents more and in the end there will actually be a savings. Mrs. Carr explained there would be one (1) surcharge fee split between the communities instead of three (3), and Mr. Markey clarified Mrs. Carr meant to state connection fees not surcharge fees. Mr. Rodgers pointed out the surcharge fees would remain at 50%. Mrs. Carr indicated that money would be coming back to Norton to make improvements to the system. Mrs. Carr stated that the direct purchase of the lines would be between Summit County and Barberton. Mrs. Carr noted this is what some on Council had indicated that we get one (1) fee and one (1) system for the citizens and that the City of Norton should not be in the sewer business. Mrs. Carr stated she would not lie that there is a benefit for Barberton as well as Norton and the County in a sense, but felt this is a great regional approach and is really a win-win situation and would get us on track faster for economic development for this community. This would help us to get sewers in to the areas for economic development purposes that would otherwise take us years to get that done. Ms. Whipkey stated she believed Barberton was basically done for expanding economic area within Barberton. Ms. Whipkey asked how this would affect the JEDD and how that plays out in the future and its addressed in the MOU that sanitary sewers would supersede anything that was addressed in the past. Mr. Markey stated we recognized if this goes forward that it would be inconsistent with the current JEDD agreement. The intent was to say we are going to set forth a new understanding. Mr. Markey noted that Barberton is not asking for an expansion of the JEDD or any additional income tax revenue here and they have already agreed to this as stated within the MOU. Mrs. Carr noted that we do not have the written agreement yet and conceptually Barberton has already agreed to this within the MOU. Ms. Whipkey stated we have not signed this yet, nor has anyone else, and it's not really even legally binding so how can we possibly stand? Mr. Markey stated he understood Ms. Whipkey's concern, but under the recent changes in the law effective January 1, 2015 it will become more difficult for anyone to make changes to their JEDD agreements, and we are not saying we are going to amend the JEDD agreement. What we are saying is that we will have a sewer agreement that is different than the JEDD agreement.

Mr. Rodgers noted that with any proposed sewer expansions it will not expand the JEDD area and Mr. Markey concurred, adding unless it's already in a pre-existing JEDD areas. Mrs. Carr noted we wanted to have a very strong MOU for the reason that we want as much detail here to move forward with the actual agreement. Mr. Markey stated our intent with the daily flow restrictions is to protect the residents in the future and that flow restriction would go away. Mr. Markey noted this would be the new framework for sewer services in the future. Ms. Whipkey asked about her legal opinion about this JEDD she had previously asked for and Mr. Markey stated this opinion is currently in process. Ms. Whipkey stated she meant the other opinion. Mr. Rodgers stated there is enough industrial property in Barberton that is not being used, all they need to do is get the right companies to come in there. Ms. Whipkey pointed out that she was referring to their ability was what could be seen now and no expansion out. Mr. Gainer asked if this MOU is to include water and Mr. Rodgers replied no, it is strictly for sewers. Mr. Pelot stated water would need to be addressed and would require another MOU. Mr. Pierson asked for the dollar amount for the surcharges and Mrs. Carr stated it's approximately \$3,000.00 and Mr. Markey noted that it's listed on page #6 paragraph D, as a system development fee. Ms. Whipkey asked for clarification that this would not affect our tax credit reduction and Mr. Markey concurred. Ms. Whipkey asked how we got to the \$700,000.00 figure and Mr. Markey stated it was negotiated and we were originally looking at a time frame and Mr. Markey stated it started at 10 years, and we modeled it as if everyone tied in so we came up with that figure. Mr. Tousley stated that if residents are currently serviced by Summit County, there are no costs to them, and Mr. Rodgers concurred these residents could actually see a slight decrease in their fees. Mr. Rodgers suggested having a presentation by Mr. Demboski during Committee of the Whole at next Monday's Council meeting. Mr. McGlone moved to place this on Councils next agenda for a first reading, seconded by Mr. Pelot. Mr. Gainer asked how this is going to affect Nash Heights? Would Barberton be the developer instead of Norton? Mrs. Carr stated we are not about to let go of this project and it depends on the timing. We are either going to bid it ourselves, or possibly do a bid together with Barberton. Mr. Gainer asked if all of the money we have spent for the engineering fees, would Barberton be reimbursing us back? Mr. Markey stated that concept of reimbursement is not addressed in the MOU. Mr. Gainer stated what he is getting at is that the assessments were based on the engineer's estimates and with the City of Norton running it. Now Barberton is the one to benefit here unless we get those engineering expenses back. Mr. Gainer asked if we have received the bids on the vacuum flow system, and Mr. Rodgers stated we would not have this until the spring. Mr. Gainer asked if Barberton has agreed to take over no matter what system we go with and Mr. Markey stated that would all be spelled out within the agreement. Mr. Gainer asked about the solutions to the EPA mandates and Mr. Markey commented that once Barberton takes over in the final agreement, Barberton would assume the responsibilities for the findings and orders. Mr. Rodgers stated we want to still be in charge or our own destiny here and the idea here is that we will have equal planning here.

Roll Call: Yeas: McGlone, Pelot, Grether, Pierson, Tousley, Whipkey, Rodgers
Nays: None

Motion passed 7-0.

Unfinished Business:

Mr. Tousley asked about Mr. Gainers inquiry as to the plans for the gravity sewers, and that now he is hearing we won't have those figures until sometime in the spring. Mr. Rodgers clarified that the bids would go out soon and there was discussion that they could be done in the first quarter. Mr. Pierson asked about the Brentwood plant property and Mrs. Carr indicated that Barberton still has to remove their AMR equipment and Mr. Stender-Barberton Utilities Director had stated this was to be done by the first of this year. Mrs. Carr stated when we get to the point of sale the wells would need to be capped and removal of the tanks would be the buyers duty. Mr. Messner stated as far as the other municipal property for sale we had the Ebay auctioneer here at the City recently to look over all of the items, and to determine what is marketable and what is basically junk. Mr. Messner commented on the fact that we have very little that will be marketable, and that he would be providing Council with an update at a later time. Mr. Pelot asked about the status of City owned property such as the old fire station that could be marketed. Mrs. Carr indicated we need to take a harder look at this during the first quarter and she would be getting together with the Property Chairperson on this matter. Mr. Pelot stated if we get some of the parcels sold, it could provide enough to pay the salary for an Economic Developer for several years; possibly until new business revenue would kick in. Mrs. Carr noted that she has received a text from Chief Schultz regarding Firefighters Dependent's Fund form and the reference to him as Fiscal Officer is a typo at the State level and will need to be corrected. Mr. Rodgers asked when our contract is up with Kimball Recycling and Mrs. Carr noted it's due for bid later this year. Mr. Rodgers stated he would like to see the recycle bins match the trash bins. Mrs. Carr noted this would be addressed within the terms of the new contract. Mr. Pierson asked about the soft recycling program and if we receive any reimbursement? Mrs. Carr replied that we do receive a penny per pound on what is collected. Ms. Whipkey stated she thought we go a credit on our recycling. Mr. Pierson stated that's a contract bid issue and they were not the lowest bid at the time, as they were the third from the bottom.

New Business:

Topics for the next Work Session:
MOU

Mr. Grether stated if he is still Chairman of Economic Development he wants to get together with Mr. Messner and discuss the BMV fees and zip code issues. He would like move this forward. Mr. Rodgers asked for discussion on the CIC.

Public Comment-Agenda and Non Agenda Items:

Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, discussed the stop sign issue at Hametown Road & 261 and Mrs. Carr stated we are working on a traffic study. Mr. Gainer discussed Holiday Heights and how loud the mufflers are on all of the cars turning into Holiday Heights. Mr. Gainer suggested more police enforcement. Mr. Gainer noted there is more activity at the soccer field and the public toilet and that it seems like every bum in town is stopping there to use it.

Mr. Gainer stated this parking lot is so dark at night, and suggested there be some lighting be put in there and questioned if any of our other parks have proper lighting. Mr. Gainer stated there are no street lights from the corner of Holiday. Mrs. Carr noted we do work with First Energy and we can request lighting at the street; however they will not put lighting into any of our park property.

Public Updates:

There were none.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:40 PM.

Rick Rodgers, President of Council

NOTE: THESE MINUTES ARE NOT VERBATIM

****ORIGINAL SIGNED AND APPROVED MINUTES ARE ON FILE WITH THE
CLERK OF COUNCIL.****

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