



COMMITTEE WORK SESSION MARCH 2, 2015

Committee Members Present: Scott Pelot-Excused
Dennis McGlone
Danny Grether
Dennis Pierson
Paul Tousley
Charlotte Whipkey
Rich Rodgers

Also Present: Mayor Mike Zita
Valerie Wax Carr
Ron Messner
Justin Markey
Karla Richards-Excused
Ann Campbell

The Committee Work Session convened on Monday, March 2, 2015 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick 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:

InSite-DB Hartt

Mr. Grether continued this discussion from two weeks ago and they had done a power point presentation and other information provided at this time. Mr. Tousley asked if there was extra legislation for the InSite proposal. Mrs. Carr reminded everyone that these two (2) companies had made their initial proposals back in October and they were going to be working jointly. Mrs. Carr stated that as we got into their work we were able to reduce the costs because they do not want to duplicate their work. Originally DB Hartt was at \$22,500.00 and was reduced down to \$21,500.00. InSite was originally \$6,250.00 and was reduced down to \$5,600.00. Mrs. Carr stated she is now proposing that DB Hartt stays the same. As time went on with she looked at the number of calls relating to the economic development InSite is willing to give us a monthly retainer of \$2,500.00 and the CRA work would be part of that contract, it would not be extra. We can still consider the \$6,250.00 just for the CRA work only. Mrs. Carr explained that a CRA is a Community Reinvestment Area. This allows us to do our own rules established; which Council has a say on. This would allow us to consider offering a tax relief for businesses that want to come into our City. This mechanism has State regulations to it. Mr. Markey stated some requirements that must be met up front with the State.

You have to do a small study, which needs certified and sent down to the State for proper certification. Mrs. Carr stated this is an important tool we need in our tool box. Mrs. Carr stated that the top two (2) questions she gets when companies contact our City are do you have utilities and do you offer any tax incentives. If both of those answers are no, they are going down the road. Mr. Grether stated that on having a State certificate would this be a benefit? Mrs. Carr and Mr. Markey both agreed. Mr. Markey stated this would allow you to offer a tax abatement with the school district's consent up to 100% for a 15 year period. They would still have to pay compensation to the school district. Mr. Grether stated if we have this State CRA certification we could advertise this in local magazines and newspapers. Ms. Whipkey stated we have no one on staff that is capable to doing all of this. Mr. Rodgers clarified that this work is included in the proposal for the \$2500.00 a month, and Mrs. Carr concurred. There was discussion as to the length of the InSite contract and the potential of going over that monthly retainer amount. Ms. Whipkey noted that Ms. Syx has never worked with Norton before. Mr. Rodgers asked if this was approved within the 2015 Budget and Mr. Messner noted we have approved \$45,000.00 for consulting fees. Mr. Pierson discussed the current contacts and leads we already have for future business that would be turned over to her, that should be at a discounted rate because we have already done the work ourselves. Ms. Whipkey discussed the needs for our own safeguards, as well as having a guarantee that all of the work product stays within the City of Norton. Mrs. Carr assured everyone there is a confidentiality agreement between InSite and the City of Norton to protect just that. Mrs. Carr noted that she is working in other communities and she does have options to bring leads to us from these communities. Mr. Pierson stated he is aware on a current Norton business owner and property owner that had sent a letter to the Mayor and received no response. Mrs. Carr stated that since she has been here she has responded to every single letter, email or phone call and would like to follow up on that with Mr. Pierson to get those details. Mrs. Carr stated she has done some research on other communities and their departments of Economic Development staff, not part time consultants. Mr. Rodgers stated we are not going to catch up with these other communities, but we have to start somewhere. Mr. Pierson agreed we need this but felt it should be more income based not a flat fee and wants to see a review every 60-90 days. Mrs. Carr stated as part of the contract we will get a monthly report of the work being done. Mr. Grether stated that there is no provision for a commission here, just her flat monthly fee. Mr. Tousley had a concern that she takes the work product elsewhere at the end of the contract. Mrs. Carr stated that Mr. Markey could prepare something to this for the contract. Mr. Richard Easterling, 2996 Givens Drive, Norton, Ohio stated he keep hearing Council say we have nothing to offer, we don't want to extend sewers throughout the City. We cannot have it both ways here. You are nitpicking the responsibilities of these consultants. Is there anyone on Council that thinks we should have a Community Development position to take on the duties of these consultants? Mr. Easterling stated right now he is not liking what he is hearing from this meeting. Mr. Easterling stated he wants to see the sewers expand out through the City and lets look like a real City. Mr. Easterling stated he is disgusted on the amount of short sidedness he sees here tonight. Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio echoed Mr. Easterling's comments. Mr. Gainer stated that he has spoken on the need for a Community Development Director as required in the Charter. Mr. Gainer agreed with what Mrs. Carr is proposing, but we also need to fill the position and enforce the Charter.

Mr. Markey stated the Charter requires for the position to be created and for Council to and for the organization of that department. Mr. Markey stated the Charter does not required that department to be filled, Council has complied with the provision by ordinance. Mr. Markey stated it comes down to the legal issue verses the policy issue. Mr. Rodgers stated he does not disagree we need this, we are trying to begin this process and wont happen over night. Mr. McGlone stated last year we had the Community Development funded and then it was taken out. Mrs. Carr stated initially it was budgeted and it was taken out. Mr. McGlone stated that alone tells him that someone on Council did not want to fund this department. Mr. Pierson stated at that time he had asked what other communities pay and a salary study was to come out of this discussion. Mr. Pierson stated we did not have the funds to support this department. We have to do with what we can with the dollars we have. We need to pay for this as we go and not take on a large debt for the City. Mr. Rodgers stated he went to Mr. McGlone and others on Council about the Community Development issue and asked Mrs. Carr if she wanted to fill this position in addition to the consulting services. Mrs. Carr stated she is trying to extend the olive branch and bring in some development. Mr. Rodgers stated it was taken out of the budget so that we could get that budget past last year and we would bring this department back up for discussion this year. Mrs. Carr stated we need to stop playing games here. Mr. Grether reminded everyone he has the floor as Chair and stated that he does not see games played, we have good proposals brought up. Mr. Grether stated he does not expect to see immediate results with the CRA, it's a plan to get the necessary tools in place to get us in a better position to provide for a Community Development Department. Mr. Grether stated he welcomed the Administration restructuring that department and to bring this back to Council for review. Mr. McGlone stated this is a no brainer for him and it seems like we are struggling with this and its something that some of you don't want to do. Mr. Pierson stated anytime we are spending money we need to be cautious. Mr. Pierson stated if we bring someone in for this position and they should have a twelve (12) month bench mark to bring in businesses. Mr. Pierson stated if they can't make the mark, then they are out of here. Ms. Whipkey stated she is fine with these consultants as a start and gives it a base to work with, she is not saying we need to hire a Community Development Director at this time. Mr. Grether clarified that Mr. Markey will address the confidentiality issue as well as that all work product remains in Norton within the contract. Mr. Grether moved to add legislation for InSite to Council's next agenda for a first reading with emergency language, seconded by Mr. Rodgers.

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

Motion passed 6-0.

Mr. Grether moved to place legislation for DB Hartt on Council's next agenda for a first reading with emergency language, seconded by Mr. Rodgers.

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

Motion passed 6-0.

Building & Zoning Department Services

Mr. Rodgers stated we have spoken with Barberton and looked at Summit County, and we need to make a decision here. Mr. Rodgers stated he has spoken with Mrs. Carr and would like to make a ninety (90) day trial period with Barberton while we decide which way to go with it. Mrs. Carr stated the way the contract is set up with a sixty (60) day limit. Mr. Markey stated that what makes it effective is the State Department of Commerce has to certify that the City has a Chief Building Officer, otherwise you cannot issue building permits within the City. This process does take time and can be as much as two or three months to get done. The ninety (90) day Mr. Rodgers suggested would all be within that period. Coming out of that you will need a Certified Building Officer certified, which raises some difficulty with the ninety (90) days. Mrs. Carr stated you now have legislation that needs an up or down vote from Council. Mrs. Carr stated we could do like a pilot program with Barberton and we have that sixty (60) days to see how this is going. Mrs. Carr stated we have got to tell the State who our officer will be and this has been going in since January. Mrs. Carr stated the State was told we are looking at going with Barberton and not pursuing our own department. Mr. Pierson asked if Barberton is doing all of the plumbing inspections or subcontracting this out to Summit County? Mrs. Carr replied Barberton is doing all of it. Mr. McGlone noted the citizens would not have to go to the County and felt it was best to make it easier for the citizens. Ms. Whipkey stated she understands if we go with the County there is no way of bringing this service back to Norton. Mrs. Carr concurred we would be fully integrated with Summit County. If we go with Barberton, we are a sub-department with them and we would keep our certification under their jurisdiction and would be a lot easier to bring this back. Mr. Markey stated this is clearly spelled out in the agreement. Mr. Pierson asked where would it leave us if Barberton later on decides to go with Summit County? Mr. Markey replied that if Barberton disbands their department then you are back to square one to either go with Summit County or create our own department again. Ms. Whipkey clarified that this has absolutely nothing to do with our zoning. Mr. Pierson asked if any code changes in the City of Barberton would not change in Norton unless it's a State Code and Mrs. Carr concurred. Mr. Markey stated the agreement states it's the State Code. Mr. Pierson stated there is not that much of a cost saving and would rather go with Summit County and be done with it. Mr. Pierson asked how many cities in Summit County still have their own building department? Mrs. Carr replied City of Barberton, City of Macedonia and City of Peninsula and Munroe Falls-but they go through Stow, and City of Norton, Village of Reminderville, City of Stow and City of Twinsburg. Mr. Rodgers suggested we go with that sixty (60) day time line and see how things go. Mrs. Carr noted you need to have some type of agreement, and if you don't the State will eventually force you to do something. Mr. Rodgers suggested Mrs. Carr get an exact time line from the State of what our cushion is here. Mr. Rodgers continued this for the next Committee of the Whole meeting. There was discussion on the past vacancy in Barberton and for a short time we were backing them up. Ms. Whipkey asked if there is any benefit with going with Summit County? Mrs. Carr replied they were not willing to offer us a revenue source. Mrs. Carr stated the feedback she was getting was to get a revenue source and that the residents were not willing to travel to Tallmadge Avenue.

Mr. Rodgers welcomed any feed back from the residents as well as the contractors. Ms. Campbell asked for clarification as to when this is to be continued and Mr. Rodgers replied if Mrs. Carr has that information in time for next Monday fine if not he would remove it until the next Committee Work Session.

Blighted Property-AP Gas Station-4358 Cleveland Massillon Road

Ms. Whipkey noted this station has been closed for more than ten (10) years and she would like to get discussion started on what is need to get these tanks out and the area leveled. Mrs. Carr stated we have already started to pursue this a while ago and Mayor Judge from Barberton was helpful with providing her with some information to get this process started. Mrs. Carr stated one of the things is to track down the owner. Mayor Judge reported their Building Dept issued orders on the building and cite to be cleaned up and if not done in a timely manner the property would be condemned. Once this happens the City of Barberton demoed the proper and received a No Further Action letter which does not allow for anything to be done on the property. Mrs. Carr noted that the costs involved are upwards of \$30,000.00 to get this done. The Barberton property was foreclosed on and had owed back taxes and she expects this to be the same case with the AP property. Mrs. Carr noted she has at least two (2) environmental companies she can be working with as far as the brownfield issue. Mr. Pierson asked if back taxes are owed and if the tanks are leaking and Mrs. Carr replied she was not sure of either one, and suspects we have some tank issues to be dealing with. Ms. Whipkey asked if CT-DB Hartt could help us with this issue and Mrs. Carr replied possibly so. Mr. Grether discussed the CRA issue and that this could help us along with that.

Mr. Rodgers brought up the Crawford Cider Mill issue and Mrs. Carr noted that Mr. Crawford indicated he would address the building issues in the spring. Mr. Pierson asked if there are any historically designation and Mrs. Carr stated no but there is a longtime local history with this property.

Nash Heights Sewer Project

Mr. Rodgers discussed his handouts (see attached) is what was discussed at the recent town hall meeting. Mr. Rodgers stated there has been a lot of misinformation. Mr. Rodgers stated one newspaper reported that Nash Heights was capped at \$5,000.00. That in only for the vacuum system, if we go with the gravity system its still at \$8,000.00. The handout figures are just to show the home owners the true costs over the years. Mr. Rodgers stated this will rock their worlds when this does go through and we need to understand that. Mr. Pierson pointed out that some of the press gave the impression the \$5,000.00 and \$8,000.00 cost is the total cost, which is simply not true and urged the reporters to be more careful in presenting this. Ms. Whipkey discussed the surcharges are not ever going to change and Mr. Rodgers concurred. Mr. Markey clarified under the JEDD agreement that 50% surcharge is there. Ms. Whipkey stated we still have not heard anything more on the life cycle costs. Mr. Rodgers stated we are still working on that and out engineering is working those numbers as well as Barberton. Ms. Whipkey discussed the recent problems with the vacuum systems in Boston and Michigan with freezing and backing up into homes. Ms. Whipkey discussed the high levels of snow and the clogging of the candy cane pipes and this area had to be cleaned out.

Ms. Whipkey questioned if Randolph or other areas are having the same problems. Mr. Rodgers stated that Randolph stated they had only occasional operation issues related to cold and freezing temperatures. They had only two (2) collection pods last year that required servicing, the hard part was locating the area of the pods due to the heavy snow. During the 2014-2015 season they reported several calls but upon arrival those issues had been cleared. For 2013-2014 there were no issues reported. For this winter season they report no issues with the candy cane pipes being obstructed. Mr. Rodgers stated he spoke with Mr. Joe Dugan-Operations Manager in Boston today and the problems were with the candy canes and the pits are located in the street and not in the right of way. Mr. Rodgers asked for a final and full report from AirVac and the community and this would be provided to everyone. Mrs. Carr noted there are articles going back to 2009 and Mr. Rodgers stated they have issues with either design or products. Mrs. Carr stated she would like to know if the problems from 2009 are the same as the current issues. Mr. Rodgers noted the installation and design must be done correctly. Ms. Whipkey asked if AirVac has considered making the candy cane pipes higher and Mr. Pierson replied they did and they can if necessary. Ms. Whipkey stated some of the elderly people cannot get out there in the harsh winters to clean these areas off. Mr. Grether stated that in the article referencing Plum Island it was suggested the neighbors look out for each other and clean these out for some of the elderly residents. Mr. Tousley also noted that if a gravity sewer system is not properly installed you will also have issues. Mr. Grether questioned about the electrical costs pumping from these pits and Mr. Pierson explained the check valve will kick in and the vacuum pressure will take care of this. Mr. Petrich, a Norton resident commented about three vacuum systems in a short radius and you need to compare this information. Mr. Petrich noted the installation techniques have changed since some of the older vacuum system projects were done and you need to look at that also. The comparison close by and their feedback should be more important than going to other states. Mr. William Paluch, a Norton resident, discussed the past reports that the City was going to pick up two-thirds of the cost for this project and the homeowner is going to pay one-third. Mr. Paluch stated that was lie then and a lie now, we want the truth here. We are sick of being told lies and asked Mayor Zita if that is a lie or not? Mr. Jack Gainer, a Norton resident, stated noted the terrible problems with the vacuum system and that AirVac states the problems are with operator errors. Mr. Gainer stated there are jack hammers shown fixing the problems so there is standing water in bottom that was frozen. One of the fixes suggested was antifreeze and a battery back up system that could help heat the pit are to keep from freezing. Mr. Gainer discussed the location length of the lines in relation to the pit area and he hoped the installation is done exactly to the specs and a warranty should be provided guarantee their installation. There was discussion as to the depth of the pits and even at those levels there could be gravity lines freezing as well. Mr. Gainer stated the frost line in this area is at forty-two inches down. Ms. Gayle Brenner, 4041 Harper Avenue, Norton, Ohio, asked if we go with the vacuum system does Barberton staff have to be trained? Mr. Rodgers replied yes. Ms. Gainer asked will Norton have to pay for this training and Mr. Rodgers replied that is all part of the contract with Barberton. Mr. Pierson stated the training is provided by AirVac. Ms. Brenner commented about the candy canes pipes and they are an eyesore and degrade the value. Ms. Brenner stated you have to prepare for the future, what happens when it plugs up, how long will it take to get it fixed.

Ms. Brenner discussed the information sheet handed out earlier and the costs for all of the extras for a vacuum system for fixes we would end up paying more. Ms. Brenner questioned why you would want to change from the gravity system which is a proven system in this area. Mr. Larry Perkins, a Norton resident stated he did not feel the candy cane pipes and snow would be any more of a problem than with the high efficiency furnace in the snow. Mr. Tousley stated everyone is entitled to their own opinions and noted there are problems with either systems and this does happen and it's not exclusive to vacuum systems.

Unfinished Business:

Mr. Pierson asked about the survey question and the nomination form date and Mrs. Carr replied she thought it was in August. Mr. Tousley stated he had asked the question in past about the surcharge account, how much is in there and what has been spent. Mr. Markey stated there is currently a lawsuit under appeal and nothing has been spent on that and there is no plan to spend any on this until the court makes a final determination. Ms. Whipkey noted that although Barberton collects 27.5% and they keep the .5% and Mr. Markey concurred they do collect for a processing fee.

New Business:

Mrs. Carr handed out the City's Year in Review Report, (see attached).

Topics for the next Work Session:

Building Department Services

Sewer Connections Legislation

CIC-To be discussed at the Annual Workshop on March 30, 2015

Public Comment-Agenda and Non Agenda Items:

Mr. Brian Carr, P. O. Box 650 Green, Ohio, spoke about oil and gas wells that he owns. Mr. Carr discussed HB 278 that requires no municipality can charge a fee outside of what the State charges. In 1973 he worked for a company that drilled over thirty (30) wells and that he owns eight (8) of them now. Mr. Carr stated that the past Council authorized a fee of \$5,000.00 on these wells and that money has been sitting somewhere within the City funds. Mr. Carr stated he has discussions with Mayor Zita which has fallen on deaf ears and he wants to get these funds returned. Mr. Carr stated he as a signed affidavit that these facts took place and wants to have this issue addressed. Mr. Markey stated have already had written correspondence on this and from what he understood these were a type of a performance bond. Mr. Carr argued this was a cash bond that was paid. Mr. Markey stated we also asked for evidence that these were in fact paid and nothing has been provided to date. Mr. Markey urged Mr. Carr to contact later to discuss in detail.

Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, spoke about the maintenance costs for the vacuum costs and the information you provided on the handouts does not address this at all. Mr. Gainer stated if these fees are an exorbitant amount that needs to be considered in your final decision on which system to go with. Mr. Rodgers discussed the cushion of savings and that we would be weighing in on all of this information before a decision is made.

Mr. Gainer stated Mr. Markey has provided his advice that he felt there is in fact a conflict of interest for Mr. Pierson to vote on this and that same advice was also given to the Mayor. Mr. Pierson stated that Mayor Zita is not able to vote on this. Mr. Pierson stated that he votes on issues that affect people within all of the wards, as well as Mr. McGlone does. Mr. Pierson noted there is no direct financial benefit to either him or Mayor Zita. Mr. Gainer asked Mr. Pierson if he lives at his mother's home and Mr. Pierson replied yes. The State stated it is not an issue and so did his attorney as well as law directors in other communities. Mr. Gainer stated the point is if Mr. Markey advised differently and Mayor Zita is refraining from speaking in this and advised the public that Mr. Pierson should also be doing the same. Mr. Gainer discussed the \$5,000.00 fee issue, and that the entire city voted twice on this stating they don't want to limit any utility at \$5,000.00. Mr. Gainer stated since Council has decided to limit the assessment, you have overridden the vote of the people. If you can do that he would hope in the future any future projects should be voted on by the Council also at \$5,000.00. Mr. Rodgers clarified that every project we do would be based on a formula like this. If the next project comes along we hope the same would be true. Mr. Gainer stated even if you reduced it to \$2,000.00 the City of Norton would be paying the difference. Mr. Rodgers argued this point and stated that it's not the City of Norton, and even the engineering fees would be refunded. Mr. Gainer asked about any updates on the Wolf Creek project and Mrs. Carr stated that she spoke with Ms. Humphrys and a date towards the end of April is being considered. Mrs. Carr stated the Summit County Public Health is willing to come to Norton for a pre-meeting on the new septic requirements before their big meeting on March 25, 2015. We have worked out a potential date of March 16, 2015. Officer Bill Braman discussed the recent fundraiser for retired officer Dan Adkins and Mayor Zita stated he would provide a full report at next weeks Council meeting. Mr. Tousley reminded everyone about the Easter baskets program Karla has been working on and that the deadline is fast approaching this Friday.

Public Updates:

None

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:25 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.**