



COMMITTEE WORK SESSION MARCH 16, 2015

Committee Members Present:

Scott Pelot
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
Ann Campbell

The Committee Work Session convened on Monday, March 16, 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:

Summit County Public Health Presentation

Mr. Rodgers turned this discussion over to Mr. Pruett for the discussions. Mrs. Carr stated that Mr. Pruett discussed the new rules for sewage rules by the State of Ohio and had not been updated since 1977. The new code went into effect state wide on January 1, 2015 and is governed under Ohio Revised Code Section 3701.29. The rule changes are very similar to the 2007 minor changes. Some of the changes relate to the size of the system, the resting leach areas, etc. There is now a state wide test for septic contractors. The rules also reduce gray water which is laundry and sink waters. The Ohio Department of Health oversees these rules. One interesting point is that with these rules we will no longer have the distance for property lines like we have had in the past. This can be important to your local zoning codes. Since 2007 we have been required by the State for new homes to have current and future locations for on site systems. The main change in the State code is the operation permits. Mr. Pruett stated that homeowners will have to renew these permits and provide proof of compliance. Mr. Pruett stated we will be issuing permits that have septic systems installed in 2007. This first year they expect to issue around 7,100 operational permits in Summit County.

These permits will last for one year. In 2017 is where it will start to cover all of Summit County and at time they expect to permit about 17,500 systems. The costs for permits are \$30.00 for one year. A permit for an on lot system will cost \$20.00 for two tears. Homeowners will be required to have samples done yearly for NPDES permits. Mr. Pruett stated that with new installs a service contract is generally covered for two (2) years. You are required as a homeowner to test your system, and last year only about 4% of the residents complied so the remainder of 96% did not comply. The inspection program that they have been running since 2004 will continue. Mr. Pruett stated that there would be more information forthcoming at the public meeting on March 25, 2015. Mr. Pruett stated that what is gone is the requirement that states you must pump your system ever 3 or 4 years. This will address the actual need for each homeowner's use. Mr. Pruett stated most of the new requirements will be easy for the homeowners to do and can also be done by the service providers. If things are not done and we don't get reports back we will be out to do some of that inspection at a higher fee of \$65.00. We will still be doing some spot checking to make sure the service providers are doing their job and if we do that there will be no charge to the homeowner. Mr. Rodgers asked if a service provider comes out, checks the sludge level and its not required to be pumped, how would that be addressed. Mr. Pruett stated that service providers will be required to file their report with the County. Mr. Pruett discussed the point of sale inspection program that has been in place since 2008. We also like to look at records for the property before we even go out. Mr. Pelot asked if the service providers are required to be licensed and registered and Mr. Pruett replied yes. Mr. Pruett noted the homeowner will be provided with information that needs to be checked sometime this spring. Mr. Tousley asked about the permit fees and if this is State mandated? Mr. Pruett replied no, that is their fee not the State. Ms. Terakedis noted various costs in other communities such as Cuyahoga Falls at \$70.00; Medina at \$50.00 and Lake County at \$60.00-\$145.00 per year. Mr. Tousley asked if the residents will get a bill with the mailer this spring? Mr. Pruett replied yes it will be a tear off they receive with the permit. Mr. Tousley asked where can this information be found, and Mr. Pruett replied it's on the front of their webpage. Mr. Grether asked about the smaller lots that were previously deemed too small and did not qualify for a replacement system, how does this now affect those lots? Mr. Pruett replied in 2007 that acreage requirement and preferred soil condition requirement went away. Mr. Pruett stated if you have a heavy clay soil, you may need to have two (2) acres for a proper system. We look at the specific soil conditions for the property. Ms. Whipkey asked about the point of sale program. Mr. Pruett stated that the purpose is to provide both the seller and the buyer what condition the system is in prior to the sale. We still require you to have this inspection; the property can still be transferred even if there is a problem. Mr. Pierson asked about the NPDES number of 7,100 and the funds generated over \$200,000.00 and is that earmarked specifically? Mr. Pruett replied it is to fund this program. Mr. Pierson asked for the record if there is a failing system, what is the homeowner's option? Mr. Pruett stated very rarely there is no on lot system or an off lot system and sometimes temporary tanks must be used. As for the on lot systems, there are various systems that could be an option for the property. There was discussion on what causes a nuisance to the environment such as a system that was properly installed 40-50 years ago and discharges directly to the ditch which is now considered a nuisance.

Mr. Pierson asked what if you have a resident that never calls for an inspection or has never pumped their system in over twenty (20) years? Ms. Terakedis stated that we have records and if we have not heard from you over a certain time frame we will go out and do a full on site inspection. Mr. Pierson asked if the County is willing to have information meetings for the residents to explain their requirements and how to educate the residents how to properly maintain their systems, and Mr. Pruett replied sure. There was discussion on the open house meeting by the Summit County Board of Health on March 25, 2015. Mr. Rodgers stated we asked them to come here tonight to give the residents a head start on this.

Sewer Costs

Mr. Rodgers stated that last Wednesday we had a meeting with Mr. Demboski, Mrs. Carr, Mayor Zita and Mr. Markey. We discussed the sewer line beyond the scope of the project. The church on Greenwich Road has expressed interest to connect to the sewer. Over the weekend he and Mr. Tousley spoke to some of the residents, west of Shellhart and from this discussion there are five (5) properties including the Seiberling-Lewis farm that do not want this. There are two (2) that do want it, the church and the lot Mr. Gainer's son in law owns. Mr. Rodgers' concern is do we impose this on the five (5) residents that don't want it. Mr. Pelot asked what is the total amount of footage we are talking about here; and Mr. Rodgers stated it's about 3,000 feet. Ms. Whipkey asked if Little Blvd. and Brookside is included or not? Mr. Rodgers stated that they are included on this list and we are asking for them to be removed. Ms. Whipkey asked if you have talked with these people and did you ask them if they want it or not? Mr. Rodgers replied no we have not done that. Mr. Rodgers stated that one resident on Brookside called him to say he does not want it. Ms. Whipkey stated she wanted to have letters in writing from these few parcel owners in question stating they don't want it and also that they will not hold the city liable if they are forced to do so later and at a higher cost. Mr. Pelot asked if the church has any issues with their septic and Mrs. Carr replied not that she was aware of, and added that we are the ones that approached them to let them know sewers are coming their way. Mr. Grether agreed with Ms. Whipkeys' concerns and questioned the removal of anyone on the approved assessment listing. Mr. Grether noted there are only three (3) properties before the church and Mrs. Carr concurred and there are two (2) more past the church. Mrs. Carr noted there are a total of seven (7) properties involved. Mr. Grether expressed concerns with wherever that trunk line stops and the 200 ft requirement to connect and how that affects the residents in this area. If you look at this there are really only two (2) residents out of the seven (7) that say they don't want it. Mr. Pierson stated these are all on lot systems and it makes no sense to bring sewer to them at this time. Mr. Pierson stated it keeps coming up about future development and it's not right for someone to speculate the use of Ms. Lewis's property. Mr. Pierson stated he would bet that a lot of the members from the church probably don't even live here and this church does not even pay taxes. Mr. Grether stated if they want to pay for the assessment and the surcharges that go along with those three (3) benefits then let them. Mr. Grether asked if anyone knows the costs to extend the trunk line past St. Rt. 21 and Mayor Zita stated we had not asked for this. Mrs. Carr stated she would get estimates from Mr. Demboski on that.

Ms. Whipkey stated if these residents don't want to tie in then they should not have any issues with giving the City a letter. Mr. Rodgers asked Mr. Markey what his thoughts are on the letter idea. Mr. Markey stated if you can get a release it's a good thing. Mr. Rodgers asked if there is a way we can force them to tie in if they refuse to tie in? Mr. Markey stated he understood that Council was looking to repeal the ordinance to tie in. Mr. Rodgers stated the option goes away if a sewer line comes within 200 ft of your property. Mr. Markey stated there are two options: leave the resolution as is, and give the residents along Greenwich and Shellhart would not be delaying anything; or if you change the plans and specs for moving the pump stations, you would need to restart that Resolution of Necessity process all over again. Mr. Pierson asked what the cost involved would be and Mr. Markey stated there is a timing issue in addition to the costs of the redesigning of the pump station. Mrs. Carr discussed the May 12, 2014 proposal for the pump station was at \$174,600.00 and if there is anything new added it would be an additional cost because the legislation was a not to exceed this amount. Mrs. Carr stated that if you do a change order, that is outside the contract approved by Council. Mr. Markey stated that contract with EDG did not include changing the pump station and anything above the limit must come back to Council for your approval. Mr. Rodgers stated we discussed this issue back on January 27, 2015 about taking some of the areas out in addition to other conversations to change the pump station. Mr. Rodgers stated if there was any indication there could be a problem with this, it should have been discussed back then, not at this point. Mr. Rodgers stated this is his first time around with sewers and he expects those of you that have been around for them in the past should have made it clear. Mr. Rodgers stated that EDG has been working with the City on this and many other projects and felt we need more conversations with EDG on this. Mr. Rodgers stated he felt all of Council thought that all the bases on the design had been covered. Mr. Rodgers stated the project ends at Shellhart, not Golf Course Drive. Mrs. Carr stated the project area has always been bigger than the consent order area. Mr. McGlone stated that until recently there was not discussion about taking Little Blvd out. Mrs. Carr stated we were told that Little Blvd should be in and Mayor Zita stated we were also told to include the church. Ms. Whipkey asked about the two farms on Greenwich and if they are agricultural and Mr. Rodgers stated that Ms. Lewis is in an agricultural district. Ms. Whipkey asked are they not exempted from assessments? Mr. Pierson replied yes if they produce enough product. Mr. Pelot stated the purpose of being in an agricultural district so the land owners would not go broke with assessment. Ms. Whipkey stated her point is with an agricultural district they don't have to pay and questioned why she is saying she does not want this improvement. Mr. Rodgers stated we are talking development and that everything west of St. Rt. 21 we have to look at differently. Mr. Rodgers stated he has been talking with Wadsworth and this could be an option later on. Mr. Rodgers discussed Medina Line Road where a huge development went in and asked how much have the Copley residents invested for this-absolutely none. Mr. Rodgers stated if we cannot look at what has been successful and follow their patterns, then we are making a mistake. Ms. Whipkey then asked why are we looking at taking the pump station to the other side of the Golf Course Drive? Mrs. Carr stated because that is where the plans started. Mayor Zita stated the original facilities plan has the pump station at Golf Course Drive. Mrs. Carr stated that is also the plan that the EPA has that on their records from out City.

Mr. Tousley asked when the EPA mandates a project map is it even legal to add parcels to that project? Mr. Markey replied you are mixing concepts here. Can the EPA consent order require that additional properties be included, most likely not. However if you have a benefit project you can legally assess. Mr. Tousley asked if we are allowed to burden Nash Heights with the additional properties being added? Mr. Markey stated under State law you can extend the benefit area. It's not really an issue of the consent order; it's more of does the property actually benefit. Mr. Grether stated the last time Mr. Demboski was here, one of the residents had asked about the pump station and the boggy areas. Mr. Grether questioned if the soil borings can support that pump station. Mr. Rodgers stated the problem here is the Gulf Course pump station area has water at nine (9) feet and you will have to always pump this. There will be extensive electrical costs to address this. You would not build a house here knowing this. There was discussion as to the results for borings and Mr. Grether questioned if we have this for the Shellhart and Gulf Course. Mrs. Carr stated that is not to be done under the current contract and she is willing to see if we cannot go back and do a deduction on that. Mrs. Carr stated she would like to have a full consensus from Council before moving forward. Mr. Grether stated he does not want to spend any more money on this but we have to do what makes sense. We have to make sense of this before moving forward. Mr. Rodgers stated there is some boring on Greenwich that possibly could be used. Mr. Richard Easterling, 2996 Givens Drive, Norton, Ohio, discussed the cap on the assessments and asked if this is to be for all future projects in the City? Mr. Rodgers clarified this is not a cap; it is a result of the formula we have used based on the estimated costs for developing both options. We then took the 41% of the surcharges and the result was \$8,000.00 for gravity sewers and \$5,000.00 for vacuum. Mr. Easterling asked if this same formula would apply to all future projects and Mr. Rodgers replied he felt that it should. Mr. Easterling discussed the rights provided for everyone equally in the 14th Amendment. Ms. Whipkey stated she had received a call from a Norton resident who seemed to think that Nash Heights is getting sewers for \$5,000.00. Mrs. Whipkey stated that no one is getting sewers for \$5,000.00. Mr. Tousley stated that Ms. Whipkey's comments are correct, no one in Nash Heights is getting sewers for \$5,000.00 even when you take into the added costs for connections, etc., Mr. Grether clarified that we as Council have not made a decision on either gravity or vacuum let alone the life cycles costs that we are still waiting to see. Mr. Markey discussed the process with the assessments and the project will go out to bid and that is when you will get the life cycle costs for either system. Mr. Rodgers stated GDP, Barberton and Air Vac will all be providing these life cycle costs to Council for review. Mr. Pelot agreed with Mr. Rodgers concerns with the water level at the pump station and the costs involved. If the water tables are an issue we really need to get this looked at. Ms. Whipkey asked where exactly are the pump stations supposed to go in and Mr. Rodgers explained the details and that you need to look at the soil borings. Mr. Pelot stated that even if you put the pump station up the hill, water runs down hill and can also be an issue. Mr. Rodgers stated he would like to talk with Mr. Demboski and noted that the legislation does not take effect until April 5, 2015. There was discussion to see if Mr. Demboski could come to the next Council meeting on March 23, 2015 during the Committee Work Session. Mrs. Carr noted she would contact Mr. Demboski to see if he is available. Mrs. Carr noted that Mr. Demboski has been to more meetings for Council way beyond their contractual obligations.

Mr. Rodgers stated he does not believe anyone has been hard on Mr. Demboski. Mr. Rodgers stated that there will be more contracts coming before the City by EDG and others in the future. Mr. Pierson stated that is the cost of doing business and they stand to make millions on this project alone. Mr. Rodgers discussed the Building Dept. legislation and will be moving next week to amend that. Mr. Rodgers stated he has reflected on the comments, and when the building department does nothing more than take money from the community and questioned why we are trying to keep that. The State codes are what they are, and we need to spend our money wisely. Mr. Rodgers stated the Administration was offered 15% share of the fee for (5) yrs if we give up our certification. Mr. McGlone asked what was the difference of the 10% or 15% and Mr. Pelot replied it's \$8,500.000 over the five (5) year period. Mr. Pelot stated that it's not worth giving away the certification for \$8,500.00. Mr. McGlone stated that this is a small amount of money to be arguing over. Mrs. Carr stated that she would need to have something more verbal from Council and had not pursued this. Mrs. Carr stated she has not asked about the 60 day back out clause. Mr. Pierson stated that Barberton has been advertising on Monster.com for a position for Barberton/Norton inspector and Mr. Pierson stated that he agrees with Mr. Rodgers and we should go with the County.

Unfinished Business:

Mr. Pierson asked if we have a date with the information on the grants were applied for by GPD and Mrs. Carr stated she had provided Council with this and it was in a packet earlier.

New Business:

None

Topics for the next Work Session:

Sewer issues.

Matters Referred Listing:

Ms. Whipkey asked if we are ever going to do anything with the RV legislation and the sewer connection? Mr. Markey stated the RV moratorium has expired so the law stands as is. Mr. Markey stated that he was waiting for direction and after the discussion on State law changes. Mr. Tousley stated that he thought the RV issue was sent to the Planning Commission and Mr. Grether replied he would follow up with the Chair of the Planning Commission. Zip Code Issue-Mr. Grether stated we are still at a stand still and he will be meeting with our State Rep. sometime later this month. Mr. Rodgers removed the RV from matters referred list. Mr. Rodgers stated we should have legislation that was prepared by Mr. Markey for next week. Ms. Whipkey asked about the State laws; and the enforcement and commented on information she had about this from the EPA website. Mr. Rodgers reminded everyone about the Annual Workshop on March 30, 2015 at 6:00 PM and asked Mrs. Richards if she had the agenda with her. Mrs. Richards noted there are two items so far; CRC and Council's mission statement.

Public Comment-Agenda and Non Agenda Items:

Mr. Lino, 5058 Grove Avenue, Norton, Ohio, questioned the ramp exit for I-76 and Cleveland-Massillon Road which states stop here on red. That light will not change until you move up. Most people know this but last Friday there was a problem, and traffic was really backed up. Mrs. Carr noted she would take a look at this.

Terry Canfora, 2604 Shellhart, Norton, Ohio, stated that we have always been told were Nash Heights sewers and also Brookside Forest and questioned whether or not they are not part of the project? Mrs. Carr asked for clarification of the exact location and noted that her property is what is called a bordering parcel and if there is an issue with septic she could be forced to connect. Mr. Markey stated there is a law of 200 ft., and you could be forced to connect and Mrs. Canfora stated they are 250 feet back. Mrs. Carr stated she would run this by the Health Dept for verification because the line is there you could be a connection required. Mr. Rodgers cautioned Mrs. Canfora that she would be required to pay for the assessment regardless of when you actually connect. Mr. Markey noted that she is on the assessment list currently that was passed a few weeks ago.

Richard Easterling, 2996 Givens Drive, Norton, Ohio, commented about the water overflowing at the Barberton reservoir. This needs to be regulated better so that no water is flowing toward Pigeon Creek and would like to have this looked into further. Mr. Rodgers stated we would look into that and recalled past discussion on this. Mrs. Carr also recalled something on this and that she would follow up with this.

Public Updates:

Mr. Grether noted the information received by Mrs. Carr's office on Norton's recent ranking from Nerd Wallet ranking the City of Norton as #7 as Best City. This is an increase from #7 from #12 previously. Mr. Grether noted this is also now posted on the City's website and appreciated the positive information recently made available to the public.

Mr. Ralph Beddow, 4379 Greenwich Road, Norton, Ohio, stated in watching Mr. Rodgers and others on Council it has reminded him why he is not on Council anymore. Mr. Beddow thanked all of Council for their hard work. Mr. Beddow stated head originally contacted Mrs. Carr today to discuss previous plans for pump stations. Mr. Grether thanked Mr. Beddow for all of his service provided.

Mr. Rodgers discussed the Building Department Services and that on Monday he would be moving to amend the agreement. Mr. Rodgers

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:51 PM.

Rick Rodgers, President of Council