



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
JULY 11, 2016**

Roll Call	Rick Rodgers	Also Present:
	Dennis McGlone	Mayor Mike Zita
	Joe Kernan	Valerie Wax Carr
	Dennis Pierson	Ron Messner
	Paul Tousley	Justin Markey
	Scott Pelot	Karla Richards
	Charlotte Whipkey	Dave White

The Regular Council Meeting convened on Monday, July 11, 2016 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer. Ms. Whipkey asked for extra prayers for all of the Police officers and their families across the nation that have lost loved ones or were wounded this past week.

COMMITTEE OF THE WHOLE

Ms. Whipkey officially acknowledged the June Budget reports from Mr. Messner, Director of Finance.

Mr. Pierson moved to add Ord. #53-2016 and Ord. #54-2016 to the agenda for a first reading, seconded by Mr. Kernan.

Roll Call: Yes: Pierson, Kernan, Rodgers, McGlone, Tousley, Pelot, Whipkey
 No: None

Motion passed 7-0.

Mr. Pelot moved to add Ord. #51-2016 to the agenda, seconded by Mr. McGlone.

Roll Call: Yes: Pelot, McGlone, Kernan, Whipkey
 No: Rodgers, Pierson, Tousley

Motion passed 4-3.

COMMUNICATIONS FROM THE PUBLIC

Dennis Boltenhouse Sr. 1275 Norton Avenue, Lot #7, Norton, Ohio stated that he is a resident of the Sunset Village Mobile Park, spoke about trash pick-up or lack of.

Our bins have been picked up, like we have been treated like second class citizens with no notice. Mr. Boltenhouse stated that we are zoned B-3 however, our trash has been picked up for the last sixteen (16) years individually. Mr. Boltenhouse asked why all of the sudden is this changed? It's like the City is saying we are not worthy like the other citizens to have our trash picked up. One neighbor has one (1) leg and can hardly get to the road and another one with a heart condition. Mr. Boltenhouse asked if we are permitted to contract with other companies to have our trash picked up as commercial customers? Mr. Pierson asked if he has had any communication with the Administration and Mr. Boltenhouse replied yes, several times he contacted the Mayor's office on about three (3) occasions and his Councilman. He was told it was Councils decision not the Mayors which he finds hard to believe. Mr. Boltenhouse asked is your trash being picked up regularly, because he would bet it is. Mr. Boltenhouse commented on the fact that he pays his taxes and spends his money locally here in Norton. Mr. Pierson stated that no one is considered a second class citizen and for Mayor Zita to tell this individual that it was Councils decision not to pick up your trash is totally incorrect. Mayor Zita stated he never personally told this resident anything. Mr. Boltenhouse clarified he spoke with his secretary and a receptionist on another occasion. Mayor Zita explained from day one they had a pick up from door to door and he is unsure when this started. Many years ago prior to this they had one dumpster in the park for trash pickup. Mayor Zita stated this park is a commercial business and is no different to the Columbia Woods apartments where they have one (1) dumpster. It's up to a ~~of~~ the trailer park owner as to what type of pick up they want. As a City, it's irrelevant as to the type of pick up they have just as long as it is being picked up. Mr. Pierson stated that with Kimble there was door to door pick up and this was set as a precedent, so why was this not followed up with Republic? Mrs. Carr stated yes that may have been correct but it was always a commercial account and at some point in time Kimble changed their services with the owner; it was not done through the City. Mrs. Carr stated for her staff to say that its Councils decision, is not correct although Council did approve the final contract. Mrs. Carr discussed the terms of a commercial account and the management can negotiate with the vendor in any way they want. The City is not concerned how your trash is picked up; we are only concerned that it's just getting picked up. Mr. Boltenhouse stated that if you're saying Kimble was here doing separate pickup, and then management must have made up these arrangements. Mrs. Carr stated this helps her with the possibility that management made some arrangements for individual service; the City had a contract for individual residential pick up, but the trailer management sat down and negotiated their trash service. Mr. Boltenhouse suggested making better communication with the residents the next time you do this, there was trash sitting around all over this City. Mr. Boltenhouse stated we called each company and got nothing more than he said and nothing was done. Mr. Pierson suggested those residents in the trailer court that are infirm; let's make an accommodation for those over 60 and handicapped. Mrs. Carr stated when it's a commercial account like the apartments it's not her call to tell them how to handle their trash or negotiate the contract for them. Mr. Rodgers asked if he was billed individually by Kimble, and Mr. Boltenhouse replied yes it came to his daughter and his bills were always paid and he has receipts to prove it. Mr. Rodgers asked who made the decision for the trailer court what trash bin to have and Mrs. Carr replied it was their management.

Mrs. Carr stated that all of our records showed this as a commercial account and she has no problem going back to bring everyone to the table and work this out. Mr. Rodgers stated we need to stop playing the blame game and get with the management and the residents and get them their individual trash containers. Mr. Pelot stated we did not tell Kimble to stop servicing them because they were commercial and Mrs. Carr concurred. Mr. Pelot clarified that Kimble could have continued to service the trailer park and Mrs. Carr concurred. Mr. Rodgers stated some of our citizens then would have a higher bill than others. Mrs. Carr stated she has heard that the property owner has tacked on a surcharge to your trash bills, and she is not saying she agrees with that, but it's just like he does with the water bills. Mr. Pierson suggested a meeting with the management and the residents. Mr. Rodgers moved to allow for more comments, seconded by Ms. Whipkey.

Roll Call: Yes: Rodgers, Whipkey, McGlone, Kernan, Pierson, Tousley
 No: None

Motion passed 7-0.

Mr. Dwayne Stern, lives on Oak Street and is the manager of the trailer park. Mr. Pierson asked if he was aware of any deals with the trash companies. Mr. Stern answered that we have had one meeting today with Republic to get individual service and we are waiting on their reply. We have gone nearly two weeks without trash pickup and it's been stacking up so they brought a dumpster in and they need to see how deep they are into that. Mr. Stern discussed the issue with elderly and handicapped that cannot get to the dumpster. Mr. Carr stated she would be happy to intervene on the dumpster and that the time frame was longer than it should have been due to a communication problem and not by the City's end. Mr. Stern stated they should have been made aware of the service change and he has people stopping him and asking where their trash cans went which he cannot answer. Mr. Stern stated it will go back to the way it was before and it will be cheaper, it's just a matter as to who we are going with. Mayor Zita added the City discontinued the service with Kimble for the City residents, not the trailer park, and somewhere the trailer park got lost in the mix. Ms. Whipkey stated in retrospect it was not the City's responsibilities at all because it is a commercial area. All we did is request that our residents have a trash service provided to them. Somewhere on the other side of the spectrum is where the communication error took place. Mrs. Carr added she had no idea why Kimble pulled their account and they had the information on the account. Mr. Boltenhouse stated we pulled the trigger with Republic for the bin on Friday afternoon because of this mess. Mr. McGlone asked who is picking up the trash now and Mr. Boltenhouse replied now there is one dumpster, we have offered to pick up the trash and the overflow and invited Council to take a drive by and see. Mr. Pierson asked if we have a name and number for the person Dwayne spoke with at Republic and Mr. Stern indicated he did and would pass this along to the Administration. Ms. Kathy Stone stated that she has lived here for over 30 years, owned her trailer and trash was included when she moved in. At some point Kimble had the original dumpster when she moved in. Shortly thereafter we were given the choice for individual containers.

We had tires, dead animals in the big dumpster and we all had to deal with this insane stinky mess. Since we have had the individual cans, this mess is not an issue. She has had two (2) heart attacks and other issues, one neighbor has a prosthetic leg, and we have older residents that cannot get their trash to the dumpster. Our lot rent goes up \$20 for trash when it's supposed to be \$14.00 by Republic. Obviously the management is trying to make money off us. Ms. Stone stated that it's a challenge for her to load her trash into her car and drive to the dumpster and try to reach over to the top is just beyond her. She lives on a very fixed income, as do most of her neighbors. If there are going to be meetings with the management and Republic or others she would like all of the residents here to be aware of it. Mr. Daniel Keller, also a park resident, stated that there are rumors that the Mayor stepped beyond Council and everyone else's back and ordered to have the trash cans removed without anyone's knowledge in the park. Mr. Keller stated it appears the Mayor is trying to shut the park down. Mr. Keller stated that having a dumpster is messy to have around; you need to get the trash cans back in there. From the hearsay in the park is that the Mayor is the one that called and had everyone's cans removed because it's commercial not residential. Why was this done without Councils approval or these residents approval? Ms. Whipkey stated that the Council nor the Mayor nor Kimble were told to remove your trash cans because we want the trailer park gone. What was done is that Kimble was not picking up the residents trash cans as scheduled when Republic was to be coming in with the your new service and everyone had three or four trashcans. We had nothing to do with this at the trailer park. Ms. Whipkey stated the misunderstanding was between your management and the trash companies as a private business. We will try to intervene and get your trash cans back as we understand the issues for you, but it was not the Council, the Mayor or anyone in Administrations intention to get the trailer court closed. Mr. McGlone stated he spoke with the trailer park owner-Joe and with Mrs. Stone and he was very involved in these discussions and he had copied all of Council and Administration. Mayor Zita stated we do not require any commercial business to have one single hauler in the City and that is for the company to decide. Mr. Tousley stated regardless we have a situation where garbage is piling up and suggested the Administration do something to get this addressed. Mrs. Carr stated their contract is for four (4) pick-ups per week and that she has been checking on this and will get back with them on this. Mr. Pierson stated he has two (2) residents in Brentwood that still are not getting theirs picked up and/or returned at their back door. Mrs. Carr noted if you provide the address she can check on this. Mr. Keller stated that his concern is as a homecare provider for an 82 year old woman who is worried about all of this mess; this is causing her headaches which she has not had in over 40 years. She is worried she will have to move again, buy another trailer, move on, or whatever. Mr. Keller expressed concerns with having her go through all of this stress, which is not necessary. She has paid over \$19,000.00 for her trailer and he wants to be able to tell her this is going to be fixed. Mr. Pelot stated you can tell her to rest assured management will be meeting with them and get this issue addressed. Mr. Keller stated this park needs to be a DARE community and a neighborhood community, and he has talked with some Council members about this. Mr. Keller stated he is concerned for their safety. Mr. Rodgers stated tonight we have addressed these trash concerns and the other issues; you need to contact the Police Chief and other Council members and let your elderly lady friend know that they will not have to move out of their homes.

Mr. Stern stated he is in constant conversation with the Chief about this and he is aware of all of the things that are going on. We are trying to clean everything up and make it a better place; it did not get broken overnight and it will not get fixed overnight.

CONSIDERATION OF MINUTES

Minutes of the June 27, 2016 Council Meeting-Approved as submitted.

Minutes of the July 5, 2016 Special Council Meeting-Approved as submitted.

Minutes of the July 5, 2016 Committee Work Session-Approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita announced the Summit County August Kids Month (see attached)

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION **Added during Committee of the Whole

****ORD #51-2016**

Mr. Pelot offered Ord. #51-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A SANITARY SEWER AGREEMENT BETWEEN THE CITY OF NORTON AND THE CITY OF BARBERTON.

First reading only. Mr. Tousley commented on the discussion last week and asked if the concerns raised were addressed and for the four (4) of you that moved this forward to please explain the reasons for moving this forward. Mr. McGlone stated we have three (3) readings to get this through and we still have plenty of time to talk about this. Mrs. Carr clarified the issues raised last week. Mrs. Carr stated that we resolved last week the issue of Barberton not being able to mandate sewers in Norton. Mrs. Carr stated that the rates and surcharge issue being the same as the Citizens of Barberton. Obviously the rates are the same, the surcharge rates are different. The final issue was that the surcharge money going back into the reinvestment in Norton infrastructure. They have agreed to some change in the language because as owners of the system they are obligated to fix our issues in Norton. We went back to Barberton and their Administration and that have agreed to some new language which we are finalizing to basically giving an accounting each year as to what the money was used for in the City of Norton. Mrs. Carr indicated that they were open to this. In terms of the surcharge; it was lowered for anyone and does not anticipate any future change here. Mrs. Carr stated in terms of the rate, she does not see any changes on that, it is typical that another utility is going to have a surcharge fee with another entity. You have to remember, they have to justify why they are providing a service outside of their borders. Mrs. Carr also indicated that she has never seen this not being stated in an agreement. Mr. Markey stated it also the existing rate under the water and sewer agreement. Mr. Tousley stated that in short there will be some changes to this contract and Mrs. Carr concurred. She would be happy to provide the changes to all of Council via email once Barberton confirms.

Mr. Tousley stated his concern is we are changing this along the way until it comes to a final vote without really reading it. Mrs. Carr stated the only change would be changes that are only beneficial to Norton. Mr. Pierson discussed the surcharges would be collected and held back for Norton's infrastructure use, and Mrs. Carr concurred. Mr. Pierson countered that point as Mrs. Carr had just previously said they would send us an accounting and he wants to see more control over this. Mr. Pierson stated that he does not want to see them give us a so called allotted funding; he wants to see it as 100% coming back to the Norton taxpayers specifically. Mrs. Carr cautioned using the term all taxpayers because they are not all taxpayers. They are a utility customer; which can become confusing. Mr. Rodgers cautioned that because this is a ninety (90) year agreement with being re-signed every thirty (30) years. We are going out ninety (90) years so most of the Norton residents will be subject to Barberton's rates. Mr. Rodgers stated that the City of Norton is in strong negotiation position with the City of Barberton and yet we don't act on that. From the last MOU that was presented, we have given millions of dollars of revenue to Barberton, and yet you say it's a good deal. Mr. Rodgers stated he just does not get that and the residents of the Nash Heights area being hit with the higher assessments, probably don't get it either. There is a better deal that could be made, negotiate for Norton and don't just take what Barberton gives us.

ORD #52-2016

Ms. Whipkey offered Ord. #52-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE TRANSFERS FROM THE GENERAL FUND FOR CALENDAR YEAR 2016 INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

Ms. Whipkey noted this is more of a house keeping matter and to keep the Auditors off our backs and keep our books in line. Mr. Messner concurred, and in the Council reports each month you can see the negative dollar amounts in each column. We are basically moving money from the General Fund to make things whole. Last year he only did this once and the Auditors feel I need to be doing this monthly to keep in a positive cash position on each fund balance. Ms. Whipkey noted this was also explained to all of those that attended the Auditors meetings in the past. Ms. Whipkey noted we are going out on break and we want to have this adopted as soon as possible. Mr. Tousley clarified that all departments are staying within their budgets, and these funds need to be filled in from time to time in order to stay within the budget and Mr. Messner concurred.

Ms. Whipkey moved to waive the second and third readings, seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Rodgers, McGlone, Kernan, Pierson, Tousley
 No: None

Motion passed 7-0.

Ms. Whipkey moved to adopt ORD #52-2016, seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Rodgers, McGlone, Kernan, Pierson, Tousley
No: None

Motion passed 7-0.

****ORD #53-2016**

Mr. Pierson offered Ord. #53-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH GLAUS, PYLE, SCHOMER, BURNS & DEHAVEN, INC., and FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE FINAL DESIGN OF THE SILVER SPRINGS ROAD RECONSTRUCTION PROJECT (OPTION 1), AND DECLARING AN EMERGENCY.

Mr. McGlone stated the difference is one is for the private drive and one is without and Mr. White concurred. Mrs. Carr stated that Option #1 is for handling the public roadway, stabilization, under drains, etc. Option #3 is the public roadway plus the private drive easement. We are asking you to pick one and fail the other one in order to get a final design and get a bid package out. We are trying to be as fiscally responsible as possible here with only doing one design. We need to focus on one or the other, and honestly she does not care either way. GPD does believe either design will satisfy the public roadway. The question on the private drive is if you want to go that route. All you are passing if you pick option #3 is for a final design and the bid. Once it is bid and the cost comes back, Council has the final say. If you don't want to touch the private driveway option at all then you just go with option #1. Mr. McGlone asked if the owner of the private driveway is aware and Mrs. Carr noted yes and he is here tonight. Mr. McGlone asked if this owner is responsible to maintain this and Mrs. Carr deferred that to Mr. Markey. Mr. Markey stated that there is a shared driveway easement and he understands this falls to that property owner to keep it maintained. Mr. McGlone asked Mr. White if he felt it had been maintained. Mr. White responded he did not know the details on the maintenance. Mr. White clarified that with Option #1 is the existing dedicated roadway and Option #3 goes beyond that. Mr. Rodgers stated he gives easements within his driveway and it's not stated in his deed does it read about maintenance, and added it he has never been challenged on it, but questioned Mr. Markey's comments. Mr. Markey stated it's his understanding from the engineering firm that this driveway easement states it is the property owner's responsibility to maintain it, but he does not have the documents in front of him. Mr. Rodgers stated that historically that maintenance has been shared on that road as it has been in his own driveway. Mr. Markey stated this is all speculation as to what the residents were told back then about getting access to their property; the decision is for Council to decide if we take on the public roadway or both. Ms. Carr noted this would give her the opportunity while Council is on break to get the bid design out there without losing more time. Ms. Whipkey noted there are actually two (2) driveways there that are private; and there was discussion about putting culverts under both, and what is in front of us only putting culverts under the first driveway. Mr. Markey stated what is in front of you is with the existing culverts and not culvert replacement at this time. Mrs. Carr clarified it was for the shared drive and stated the other driveway Ms. Whipkey is talking about is downstream.

Mr. Markey stated that if the culvert is upsized here would have to be upsized further down. Mr. Markey noted the engineers believe the two (2) culverts that are 18 inches in place now would be sufficient. Mrs. Carr noted if the culverts are maintained properly, it would be sufficient for a ten (10) year storm which is what a residential roadway calls for. Ms. Whipkey stated all we are looking at is what is in front of the four (4) residences and Mrs. Carr concurred and that we are trying to stabilize what is there. Mr. Rodgers asked Mr. White what would he classify the storm from 2013 and Mr. White stated these were extreme storms of this century. Mr. Rodgers stated he recalled statements that we are nearing the end of this cycle. Mr. White concurred; with the biggest flood in the area was the Ohio River in 1913. The weather cycles are not as extreme as they were in 1913 and if it follows the same pattern from 1913 to 1930 then we will be heading for a drought by 2030. Mr. Rodgers asked if it is really prudent to be looking at a ten (10) year storm build, and questioned if we should not be looking at something larger? Mr. White explained that's another decision to make. Mr. White stated that if the roadway is designed to deal with the overflow damage, then that's considered an overflow plan that works and the frequency is very low for something to happen. Mr. Rodgers stated that the issue at hand is the private drive. Mr. Rodgers stated we know the water is going to overflow that driveway unless we take corrective measures and retention ponds are not in this design. It would appear that we are throwing good money after bad, and we are not correcting the problems. The problem here is not whether it's a private drive; the problem is there is too much water coming into that private drive from the west and Wadsworth Road. We are correcting some of it, but are still going to have a problem here whether the City accepts the dedication or not. Mr. Pierson noted that in option #1 the engineer pointed out several weeks ago that the main problem is because of the loose soil and shale, and this is not resolving that problem. Mrs. Carr replied this is why it is so expensive as it is absolutely being addressed with the under drains, the second issue is the over topping of the area. The engineers are telling us we need to do this to capture the surface water and that is being caught by the under drains. Mr. Pierson discussed the issue of no retention pond and Mrs. Carr stated that the homeowner can address this at any time to correct that. Mrs. Carr stated our responsibility is to get this road stabilized as soon as possible to keep the water from entering the homes as it has not yet. Mrs. Carr stated these residents on Silver Springs have been cooperative, respectful, and patient. Mr. Tousley stated that beyond the driveway in question we have at least two (2) culverts and to do the construction the way we want to it still has to get to those two (2) other culverts, and they suggest replacing three (3) culverts. If it backs up downstream just a little bit, it would destroy the construction. Mr. Tousley stated in the memo from Mrs. Carr she states we need to do the road and then we can work on the culverts later. Mr. Tousley stated that seems backwards to him. If we put in a brand new road and then later have to install culverts, we would be ripping up the road. Mrs. Carr stated what the engineers are saying is the culvert at the Kostalief property is sufficient up to a twenty-five (25) year storm according to the Engineer. That is separate than the other two (2) culverts. All of the changes hit at the twenty-five (25) year storm; which is where we will start to see over topping. To Mr. Rodgers's point if we want to upsize to take care of a larger storm then that is when we would review the need to upsize the culverts. At the point of the twenty-five (25) year issue we can look at culverts.

Mrs. Carr stated that she has never heard a concern from the Ramirez or Carnifax residents having issues here that their driveways are washing out. Mr. Pelot stated he knew the Ramirez had this problem around 2013 or 2014. Mr. Rodgers concurred adding that it completely washed out their driveway. Mr. Pelot explained that the water came straight down Silver Springs and down through a small pond which is now overgrown and looks dry. Mrs. Carr stated that retention ponds out there are not a bad thing, however they are a private owners issue and if they want to create them that's fine and they can do this. Mr. Rodgers read a statement in the report from GPD from June 16, 2016 that states "*Failure of the northern slope of Silver Springs Drive adjacent to an unnamed tributary of the Wolf Creek, resulting in pavement failure*". Mr. Rodgers said if it's an unnamed tributary to Wolf Creek, that goes beyond the resident's responsibility. Mrs. Carr stated yes and no; if there is no easement for the public portion of that tributary, that tributary is the responsibility of the property owner. Mr. Rodgers disagreed because we are directing storm water which is our responsibility, into these areas and if we are causing damage to private property then it's our problem to correct. Mrs. Carr stated she would defer to legal direction on that. Mr. Rodgers responded that the law would state that if you direct water then you assume the responsibility like laying pipe causing harm that it's your responsibility. Mr. White commented about the riparian setback laws and all of conflicting legal opinions. The riparian issues are very conflicting and have been for over two-hundred (200) years for water responsibility. Mr. White stated that in some cases west of the Mississippi, you cannot restrict water from going to the next person because they need the water and here it is the opposite. It's a very complex resource. Mr. Rodgers stated we should err on the side of the residents on all of the issues within the city because we have the deeper pockets. Mr. Tousley asked if we use Option #1 where would service trucks turn around? Mrs. Carr replied they would have to stop at the right of way and back up. Mrs. Carr stated that the issue was taken off of the table to extend the public right of ways and a turn around. We want the road to be at a standard; however that standard impedes people's property. We are trying to satisfy two kings here to appease everyone. Mr. Rodgers asked if precedent has any play in this? We have already recognized the City has already gone in and placed concrete in this area, at the City's expense. Go down there during any rain event, it shows erosion to this private driveway, although the road repairs could help with that, and then you compound this with the water from the west running over that private driveway. In talking to the residents down there, if we can control the water, and the retention pond can do this, they don't need two (2) lanes, we don't need gutters, storm drains, etc. They need a restored and stable pathway to their homes. If we don't want to send our salt trucks there they will take care of it. We have damaged that road and we are responsible for it. Mr. McGlone stated the difference between these is about \$55,000.00 if we do the private driveway and Mrs. Carr replied construction wise yes and the design difference is about \$5,000.00. Mrs. Carr noted it would be built to our standard which is by ordinance and would be a very dangerous precedent to start by not building a public road to a public standard. Mr. Pelot discussed Rodgers comments about setting a precedent; we constantly hear the City does not do this or that. When we do go in and do something and they try to help out the homeowners; then they get crucified for doing that. Mr. Pelot stated he doesn't want it to go that way; he wants people to understand that the City can go in and try and take care of it because we have the means to do so at a minimum expense with trying to shore it up and prevent a potential problem.

Yes the City would get some benefit because we did help by going into there and providing a service. Mr. Pierson stated you're not comparing apples to apples in that particular case because it's a road to nowhere. Ms. Whipkey asked if this is built to the standards it would be two (2) lanes and Mrs. Carr concurred. Mr. Pierson asked if we could build it as a single lane and bring it up to standards? Mrs. Carr stated that is not what our ordinances say. Ms. Whipkey clarified if we do this it would be a true road right up to their driveways and Mrs. Carr concurred, and once completed we would be responsible for the maintenance of that road. Mrs. Carr also noted in Option #3 we still have to figure out how to back up, unless someone wants to help the City out because there is not going to be a turn around here and residents do not have to allow the City vehicles use of their drives to turn around. Ms. Whipkey asked what would our liability be to use their driveway and Mrs. Carr noted this is another issue all together. Mr. Rodgers stated that with Option #3 if we take in that section of the roadway, you're not going to be able to push the snow and block the private driveways. You would have to come back across that bridge and push it out, either way you are going to be on private property. Mrs. Carr stated we will either need to get a work right or an easement, we don't have a turn around which we did not do in order to be cooperative because no one wanted a turn around here. Ms. Whipkey expressed concerns of the City's liability in using a driveway to turn around and Mrs. Carr stated we would need to have some kind of an agreement with the property owner. Ms. Whipkey asked if we can go out for bid without having any legality issues? Mr. Markey stated that we would assume that we would get access to the property at some point. It's just like anything else you design; you do have to acquire the right of way; but you can get a design without that for now. Mrs. Carr stated this is why the design is more sensitive because they need to get the easements or control of the property. They will build into the design that there will be a right of way cost. Mr. Pierson moved to allow for any of these residents to speak now if they would like on either option, seconded by Mr. Kernan.

Roll Call: Yes: Pierson, Kernan, Rodgers, McGlone, Tousley, Pelot, Whipkey
 No: None

Motion passed 7-0

Mr. Don Kostalief stated that he owns the private driveway. The water not only comes in from the west it also comes in from Reimer Road Extension which is next to his backyard. We have three (3) points where it comes into our creek. Mr. Kostalief asked if you were going to put the thirty-six (36) inch pipe on his driveway, because it sounds like your mixing the two (2) projects into one (1). If so, you would need to rebuild the bridge anyway. Plans show mixing curbs and drains and he was not sure what it's going to look like. Mr. Pierson moved to waive the second and third readings, seconded by Mr. Kernan.

Roll Call: Yes: Kernan, McGlone, Pelot, Whipkey
 No: Pierson, Rodgers, Tousley

Motion failed, ORD #53-2016 stands as a first reading only.

****ORD #54-2016**

Mr. Pierson offered Ord. #54-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH GLAUS, PYLE, SCHOMER, BURNS & DEHAVEN, INC., FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE FINAL DESIGN OF THE SILVER SPRINGS ROAD RECONSTRUCTION PROJECT (OPTION 3), AND DECLARING AN EMERGENCY.

Mr. Pierson moved to waive the second and third readings, seconded by Mr. Kernan.

Roll Call: Yes: Pierson, Rodgers, McGlone, Tousley, Pelot, Whipkey
 No: Kernan

Motion passed 6-1.

Ms. Whipkey asked if we go with this for engineering, does this mean that we are absolutely going to take Option #3; it's just for the design, correct? Mrs. Carr stated she would need clarification from Mr. Markey. Mr. Markey stated the question is if you go with Option #3 can you design it with private road as alternate. You would get the full design and you would know what it would cost with the alternate. Mrs. Carr stated if you have no interest in doing this then you might as well just kill it now. Mr. Rodgers stated we are going away for a month now and these people have been waiting for almost three (3) years to get this fixed. Mr. Rodgers stated that this Council needs to make a decision on how we are going to handle this. Ms. Whipkey reminded Mr. Rodgers that he voted no to waive the readings for Ord. #53-2016. Mrs. Carr stated that we can still ask for a bid with an alternate, she would still have to come back to Council. Mr. Kernan stated that in a roundabout way Option #3 is just Option #1 with the private drive added, and Mrs. Carr concurred. Mrs. Carr stated we are talking about (6) weeks before we can come back to you with the bid information. Mr. Markey stated it just costs more to design Option #3. Mr. Rodgers argued if I ask someone to design something and then I don't use them; then this is a waste of money. That's what this city does; we did it on the sewer projects and others and yes we are wasting the money. Mr. Kernan stated that's why it would have been nice to vote on Option #1 tonight. Mr. Pelot stated that is why he wants to see both ways as both options to the residents. You can call it a waste of money but he wants to see it designed both ways. Mrs. Carr clarified the legalities in the legislation because it does not state with an alternate bid, and suggested there be a vote on that because she wants to be certain of Councils direction, and Mr. Markey agreed. Mr. Kernan moved to amend Ord. #54-2016 to include the alternate bid option, seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey, Rodgers, McGlone, Pierson, Tousley, Pelot
 No: None

Mr. Pierson moved to waive the second & readings of Amended Ord. #54-2016, seconded by Mr. Tousley.

Roll Call: Yes: Pierson, Tousley, Rodgers, McGlone, Kernan, Pelot, Whipkey
No: None

Mr. Pierson moved to adopt Amended Ord. #54-2016, seconded by Mr. Pelot.

Roll Call: Yes: Pierson, Pelot, Rodgers, Kernan, Tousley, Whipkey
No: McGlone

Motion passed 6-1.

UNFINISHED BUSINESS

Mr. Rodgers asked about audio issues he mentioned at the last work session about the poor sound and Mrs. Richards noted it was discussed and the Administration indicated they would look at this over break. Mrs. Richards stated she has increased the volume setting which is at the maximum setting and this is the best she can do without distorting the sound even more. Mr. Pelot asked if the system shows how many people are viewing and Mrs. Richards replied yes and that she could provide analytical data any time you want. Mrs. Carr stated she can tell you right now that there are a total of eleven (11) viewers but three (3) are in this room. Mr. Messner noted that last fall he did investigate this as Ms. Whipkey asked to look into the option of a better camera and Mr. Messner noted that he had done this and the cost is about \$2,000.00 to \$3,000.00. If we add the option for a new camera at the podium, that cost is about \$200.00. Mr. Pierson stated the low numbers of viewers may be the end result of people getting frustrated and quit watching. If a wide angle lens is the fix then we need to look at this. Mr. Messner stated that price was for a used camera. Mr. Pierson stated the complaint he is getting is our residents can watch other communities but not ours and they just don't get it. Mr. Messner indicated he would look into this and as he had suggested to Ms. Whipkey; we have the ability in our police cruisers to test internet connections. If a resident contacts us we can have an officer sit in their driveway to test the signal, if it comes into the cruiser, it should be working in their home. If it's not then it's their equipment. Mrs. Carr stated she has it live on her phone; however there is a slight delay. Mr. Pierson stated it's ridiculous to send out patrol cars out to check internet connection. Mr. Pelot stated that it appears that the issue is the residents internet provider or computer not so much our program. We can dump all kinds of money here at our end, but it's not going to change or fix it at their end. Mr. Pierson urged the Administration to get it quoted. Mr. Rodgers asked when will the speed meter get on Wadsworth Road? Mrs. Carr stated she would get with the Chief and find that date.

NEW BUSINESS-None

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita read several announcements, (see attached)

PUBLIC UPDATES

Ms. Whipkey announced a MAD meeting for this Wednesday, July 14, 2016 at 6 PM at their offices at 131 Snyder Avenue, Barberton. Ms. Whipkey noted that Council will be on recess after this meeting until Monday, August 15 2016 when we return for a Committee Work Session.

ADJOURN

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:58 PM.

Charlotte Whipkey, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on August 22, 2016.

Karla Richards, CMC-Clerk of Council

NOTE: THESE MINUTES ARE NOT VERBATIM*

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

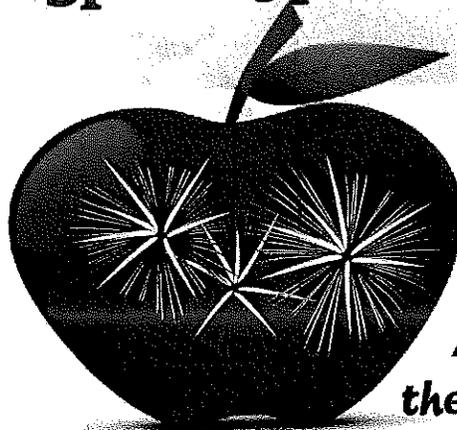
All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.



CiderJam, '16

Friday, July 15

5pm ~ 9pm



COLUMBIA WOODS PARK
4060 Columbia Woods Drive

Dogs 'n' Suds
5 ~ 8



Concert w/ the
Copper Pennies
6 ~ 9

\$5.00 Donation at the "door"

**All monies will go to
the 2016 Firework Fund!!!**

NORTON BICENTENNIAL 2018

Seeking interested volunteers to form committees for planning celebrations of Norton's Bicentennial year in 2018.

I AM INTERESTED IN:

<input type="checkbox"/>	PUBLICITY
<input type="checkbox"/>	EVENTS
<input type="checkbox"/>	FUNDRAISING
<input type="checkbox"/>	_____
	OTHER OR SPECIAL SKILL

NAME: _____

ADDRESS: _____

PHONE #: _____

E-MAIL: _____

Please complete and return to:
Norton Bicentennial
4060 Columbia Woods Dr
Norton OH 44203

Office of the Mayor

Proclamation

Whereas: we recognize the importance of early childhood care, education, health, behavioral health, family support, special needs and early intervention; and

WHEREAS, by ensuring good beginnings through early learning, we are investing in the future prosperity of our community, because high quality, early childhood development is a critical component of K-12 success and is instrumental in cultivating a skilled workforce; and

WHEREAS, the Summit For Kids Expo connects families with businesses, organizations and agencies that focus on children's programming, health, education, activities and entertainment; and

WHEREAS, health and wellness programs strive to ensure that comprehensive physical and mental health needs of children in Summit County are being addressed; and

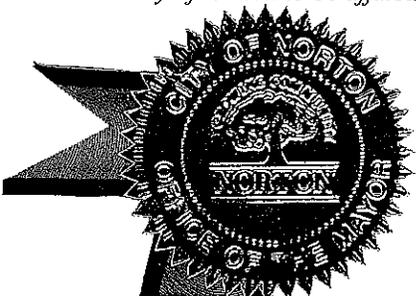
WHEREAS, promotion and implementation of strategies through the Safe Routes to Schools Program, Cribs for Kids, Safe Sitters, proper use of car seats and bike helmets will reduce preventable injury to children; and

WHEREAS, we are committed to reducing infant mortality in Summit County because Ohio has one of the worst infant mortality rates in the nation and infant deaths in the African American community in Summit County are nearly double the rate of other populations; and

WHEREAS, through the leadership of the First Things First Initiative, we can make a difference in the quality of life, health, well-being and education of children in Summit County; and

NOW, THEREFORE, BE IT RESOLVED that I, **Mike Zita**, Mayor of the City of Norton, of the County of Summit, of the State of Ohio, do hereby proclaim that the month of **August 2016** is hereby declared **Kids Month** in the City of Norton, and that the citizens of this great City are hereby encouraged to join in this acknowledgement.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of Norton to be affixed on this, the 11th day of July, 2016.



Mike Zita
Mike Zita, Mayor
City of Norton