



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
JANUARY 26, 2015**

Roll Call: 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 Regular Council Meeting convened on Monday, January 26 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, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE**

Request for Liquor License:

Mr. Grether stated this issue came before Council last week and it was Councils desire to wait until we have feedback from Chief Dalessandro as to whether or not Council would request a public hearing on this. Mr. Grether stated that we now have Chief Dalessandro's comments, and again questioned if Council wished to have a public hearing on this new application and no one requested one. Mr. Grether moved to grant said request, seconded by Ms. Whipkey.

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

Motion passed 7-0.

Res. #6-2015 Resolution of Necessity Nash Heights Gravity Sewers

Mr. Pierson stated that he thought that we are going to postpone this until next week until Mr. Demboski could be present for the discussion. Mr. Rodgers clarified that we can still move the resolutions forward and he would be present next week for the meetings. Mr. Pierson moved to add Res. #6-2015 and Res. #7-2015 o the agenda, seconded by Mr. Pelot. Ms. Whipkey asked for clarification on what we are doing, adding this for a first reading only, and no discussion at all? Mr. Rodgers stated we can discuss but when it comes to the cost we really need to defer that until next week. Mr. Pierson noted that he has about eighteen (18) questions right now as to the costs aspect. Mrs. Carr suggested that all of Council's questions be made available now so that we can have those specifically answered for next week, and Ms. Whipkey also urged to have those public. Mr. Rodgers noted that also on February 2, 2015 we will also have a Finance & Utilities meeting where Mr. Demboski is also present starting at 6:00 PM.

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

Motion passed 7-0.

Ms. Whipkey noted as chair of the Property Committee, there was some confusion this past weekend with a scheduling mishap at the Community Center. The Norton Baseball Association and a wedding reception were scheduled at the same time. A judgment call was made to allow the Norton Baseball Association to use the Council chambers, which was the right thing to do. Ms. Whipkey noted the Kiwanis has generously donated an item for the community, and Mrs. Carr noted there was to be a presentation in the near future and those details would be forthcoming. Mr. Grether noted as the Chair of Planning Committee he and Mrs. Carr had met with a company called Insite Development in relation to the CRC-Community Reinvestment Corporation. Mr. Grether stated that he had intended to have a presentation for next week but he feels this could hold off for another week, or so. Mr. Rodgers stated he will be asking for future legislation to be prepared for setting the assessment for Nash Heights at \$5,000.00 and waive all tap in fees for those residents if they tie in the first year. To do so we will need to use funds from the roll back account. Rather than take from that account, we would need to borrow against those funds. Ms. Whipkey noted there was a previous Charter amendment for this very same thing and was turned down by a large amount of the voters. The second issue she has is if we are giving rollback money for one neighborhood what's going to be left over when is our turn in other neighborhoods? Mr. Rodgers stated he wanted this to go forward for all projects and to start with Nash Heights. Mr. Rodgers stated we have previously told the County that we are probably ten (10) years out for our next sewer project. Mr. Rodgers stated the problem with Nash Heights is we are taking one of the oldest neighborhoods with some of the most elderly residents. They have paid their dues, their taxes. There are some people that did take care of their systems and are still functioning properly and now they are getting hit with this. Most of these residents are at least 55 and older, and are facing fixed incomes. Mr. Rodgers stated he thinks we can grow the city and we can do better. Mr. Tousley stated he did some research on the roll back history and shared what he found. Mr. Tousley commented on his own point of view and some minutes on the roll back from 2004. That intent was for a 5 yr plan to pay for road repairs. Residents got a petition and had more than double the required signatures and it was approved by the Board of Elections. Mr. Tousley noted this was also at the same time the City was considering an income tax increase of 1% and with both issues facing the public the Council at that time decided to pull the tax credit, fearing it or both could fail. In 2009 the idea came back by former Mayor Koontz it was brought back to the Council. Mr. Tousley noted the petitioners were different in each attempt, which he felt was worth noting because you may have two (2) different standpoints within the City. After a review of the petitions by Mr. Moss he felt a technicality was warranted and the petition did not make it to the ballot. Later that year Council passed it under their own power. Mr. Tousley read a small excerpt of the August 17, 2009 Committee of the Whole meeting minutes as stated : *"Mrs. Hlas stated enough has been spoken on this and its time be done with this and she would like to move on. Mr. McGlone stated of course you would and Mr. Jones agreed. Mr. Jones stated it's just the way it was handled and that was all he is going to say. Mr. Mowery stated this is a horrible situation, in all of the ten (10) years on Council, he has never....Instead of a recall, I think we all ought to resign if we cannot represent the people any better in their voice. If this is going to be an example of what has been going on now for how long, what else? You can see you have the public backed into a corner. Its not going on the ballot, it looks to him like it was a time line issue. It was mishandled, it*

*was misrepresented, and the people spoke. They signed the ballots, the paperwork issue, the Board of Elections, etc. It's just a farce.*

*Mr. Mowery stated it should be discussed further, it should not end here, it's just the beginning of more things. Mr. Mowery stated that as Council if we do not nip this in the bud, then what is the need to have a Council, what is the need to vote for any of us. Mr. Mowery stated it's a well planned dead end issue. Mr. Mowery stated you hate to see your city go through all these recalls, it is as simple as what they want, what they voted on and people put their time and effort to live in this community. It's a travesty, a farce, it's a three-ring circus and the people are getting tired of it, they have been getting tired of it. Mr. Tousley stated this is a glaring example as to where the people have the mistrust with their local government. It's just one example. To do what is the right thing and heal the relationship between us and the citizens is to do the only right thing which is what it's stated for in the first place; it's for the residents. Mr. Tousley noted that Mayor Koontz held a town hall meeting on March 30, 2009 comparing the costs between septic and sewers and the meeting highlighted "Clean Water". At a Regular Council Meeting on May 11, 2009 Mr. Koontz stated "this is vitally important to the citizens, something we must do to clean up our waters to protect our health. It would also keep residents from losing their homes because they are unable to connect to a sewer and don't have enough land to build a new septic system" Mayor Koontz also stated that "He does not want people to lose their homes or anyone else in the City". Mr. Tousley stated that is a direct quote from the man who brought this forward, that he wanted it to go to the residents. It's very clear that this should be used for the residents. Mr. Tousley noted it was a short time after that we started having the EPA issues in the City. Mr. Tousley stated it's a no brainer to use as much of this as we can for the citizens; this is the only logical answer. Mr. Pierson elaborated and answered Ms. Whipkey's question about the Charter amendment, which was attempted twice. Mr. Pierson stated that fund was written very loosely. The exclusivity use to water and sewer, that's what it was written for and that's what is to be used for. Mr. Pierson stated that this Council should not deny the citizens the use of this fund, it's their money, it's not the Administrations money, and we should help them as much as possible. The money in this fund would always be built back up due to the fees that are continually being collected. AS Mr. Rodgers had stated we are going to use that money for the base of the loans. Mr. Pierson stated its not like we are not depleting the entire amount, we are guaranteeing the loan amount because funds will continue to come into that fund. Mr. Pierson asked if the Summit County DOES customers should have to pay for all of them, is it fair to assess them? In the past these County customers were fortunate enough to have grant money to assist that area back them. Mr. Pierson stated the City is nothing and the people are the City. As Mr. Rodgers commented this is really a moral question and as a Christian you are supposed to look out for each other. Mr. Rodgers stated that Mr. McGlone and all other residents in the Mt. Vernon did already pay those costs when they purchased their homes from the contractor. Mr. Pierson stated the former Mayor Koontz was using all kinds of figures some as close to \$25,000.00. Mr. Rodgers stated that we as a City and everyone else has to be treated fairly, and commented on the definition of sanity; doing the same thing over and over again and expecting different results. We are still talking about the same issues and it's 20-30 years later. We can use roll back funds all we want, but until we get a tax base we will not get ahead. Ms. Whipkey stated she was here in 2009 and was at the public rail quite often. Ms. Whipkey explained that rollback credit had a lot of support at the time and she does not see how you can say if we get business in that will help; that is funds that come from a different source. Ms. Whipkey stated getting loans would be a problem in the future. Ms. Whipkey stated she is concerned with all of the other citizens in all of the other wards, and she does not want to see the next group not get the same assistance. We cannot give it all to one and not help everyone, we have a lot of elderly residents in Ward 4 just as in as other wards. Ms. Whipkey discussed the potential of using bonds which cannot be paid back early. Mr. Rodgers asked if we are limited to where we can spend the tax credit and Mr.*

Markey stated that money comes into the General Fund. Mr. Rodgers stated if we have growth that money too would come into the General Funds.

Ms. Whipkey asked then what are we going to do about the roads then? Mr. Rodgers stated that if he were king, we are going to do this road study this year and we are going to get a true picture of the condition of our roads, and what it's going to take. When that comes back he would be asking for a road levy that is targeted for a certain time. We have got to get away from the old way of doing things in Norton. We have a good chance to get into the position where people decide they want to come to Norton. Mr. Rodgers asked how many new jobs, new businesses have we seen coming into Norton lately? Ms. Whipkey asked if this \$5,000 reflects the MOU we are negotiating with Barberton? Mrs. Carr stated the MOU stated that of you look at the model we are looking at the \$8,000.00. Mr. Rodgers clarified that \$8,000.00 number has to be there to make that model work and as long as the funds are there no matter how the funds come together. It does not have to come from the tax credit roll back from the residents if the City kicks in that amount, it will still work. Mrs. Carr clarified that she was verifying the \$8,000.00 and that is what Barberton is expecting that \$8,000.00, and if you go with a different number that model will not work. Mr. Rodgers stated there is no jeopardizing the MOPU if we were to take this action. Mr. McGlone questioned the fees for the tap in fees and if we are adding the waving of the tap in fee that's another \$3,000.00 so now we are looking at a total of \$9,000.00. Mr. Rodgers stated that if we waive the tap in fees we have to get that money back from the tax credit roll back fund. Mr. Rodgers explained that it's roughly a total of \$6,000.00 times 300 homes for a total of \$1,800,000.00. Mr. Rodgers stated are not going to empty that account, we would be borrowing against that. Mr. Grether stated that is more than what's available in the tax credit roll bank account, we only have \$1,500,000.00. Mr. Messner discussed the borrowing of 1.8 million for 20 years at five (5) percent interest with a payment of \$145,000.00. Mr. Messner noted that we may have look at that because the roll back fund would expires before the loan would be paid so we may have to go back and refinance it for 17 years or less. Mrs. Carr discussed the debt ceiling and that is also based on your bond rating and if you go over that amount your bond rating will be affected. We need to seriously look at this and have many factors to consider, you don't want to spread yourselves too thin. Mrs. Carr also cautioned the date of the expiration in 2034 for the tax credit roll back. Mr. Rodgers asked if a utility bond was different than other bonds? Mr. Markey stated yes, there are general obligation bonds, and then they are utility bonds, and these utility bonds are subject to debt limits. Mr. Tousley noted right now there is about \$1,400,000.00 sitting in the fund, by the time 2017 or 2018 there would be more. What's to stop the City from putting away \$400,000.00 or \$500,00.00 a years towards that debt service? Mr. Messner called to attention the total expenses paid out of that fund since 2011 to date, we have spent \$980,000.00, although we are adding to it, it is being used for various projects. Ms. Whipkey commented about the \$100,000 being used to pay back the Barber Road debt which is still a sore subject with her. Mr. Rodgers stated that this is all tax dollars and is the resident's money that is paying for all of this. Mr. Grether agreed with that, however, it's when we cross over onto some owner's property to pay their portion, and that's not right. Mr. Grether stated we are basically right back to what was presented originally, and it's still the same. Mr. Grether stated he feels that is over reaching of government. Mr. Grether noted that Mr. Tousley's comments were spot on. Mr. Grether argued this is not a common intersection, or roadway, and it's the private property owner's piece of that project. Mr. Grether commented on the figure of \$8,000.00 and on the past it was more like \$15,000.00 or more at least this figure is a manageable number. Mr. Rodgers commented on the recent storm sewers that were replaced and he asked who paid for that—the City did not the residents. Mrs. Carr stated that was public infrastructure paid with public money. What Mr. Grether was getting at is these are private sewers, not a public infrastructure. Mr. Rodgers stated that when you buy into a development you pay for it at that time. Mr. Grether stated when he bought his

house with sewer and water he had builder's appliances that failed after five (5) years and he had to replace them. As a home owner that's a responsibility of a home owner.

Mr. Grether stated we have two (2) resolutions on the floor here and no where do they say \$5,000.00 or to connect which are about another \$2,000.00 to \$10,000.00. Mr. Tousley clarified that \$8,000.00 figure and does not include the tap in fees of about \$3,000.00 and the contractor fees to connect which are about another \$2,000.00. Mr. Pierson agreed with Mr. Grether and why should he have to pay for Nash Heights, and why then should he have to pay for the package plants in other areas? Mr. Pierson stated we should have to help all neighbors. Mr. Grether stated that MOU states he will be paying for the package plants. Mr. Grether asked about all of the other people that have already paid for their assessments in the past, where is their money? Mr. Grether commented on his point that the voters spoke about the \$5,000 and they did not want their money used for this, so if this is what you want to do then put it back on the ballot. Ms. Whipkey agreed with Mr. Grether's comments that he already paid for sewer and water when he bought his home; that was all included in the price of his home. However it's the residents that are faced now with sticker shock. Ms. Whipkey discussed the MOU and she just wants to make sure everyone else gets the same deal when it's their turn, show her where and how it can be maintained. Mr. Rodgers stated we will work on this in the next couple of weeks. Mr. Rodgers discussed his first EPA meeting when the \$15,000.00 figure was discussed and the officials then felt that was not so bad. Mr. Rodgers stated that may not be so bad for some but that's huge for others and its not just pizza money. Wait till we go to Ward 4, and its next there will be foreclosures like you have never seen. Ms. Whipkey discussed the fact its going to get worse for the citizens in the future. Mr. Pierson discussed the fact that this is not a wealthy community and we just cannot burden them. Ms. Whipkey stated that sewers are a domino effect; they are coming no matter what. We currently have new laws that went into effect just this year. Mr. Markey noted that was correct and the County Health Board is looking ad revisions. Ms. Whipkey stated part of the new rules are more frequent inspections and pumping, its just more costs for the homeowner. Sewers are coming to all of us so don't think it won't get to you some day. Mr. Pierson noted we need to educate the citizens on how to properly maintain the septic systems they do have. There are a lot ways to do it smartly, and you cannot draw blood where there is none. Mr. Rodgers stated he is not calling for gutting the rollback fund. Mr. Pelot stated if you encumber loans against the roll back money, you are freezing up those monies. You can only borrow so much and we have already mentioned the debt ceiling issue, however he agreed it's something we need to carefully look at. We have to look at sewers and our economic growth, such as the widening and sewer lines going in on Cleveland Massillon Road. We need to grow and make changes; we need to be sure we have the funds to do that. We cannot continue to take it from the taxpayers, there is just not enough funds coming in. There are not enough households to take care of the needs for the roads. The residents are our bosses, and out us into our seats, the same people that said no to the \$5,000. Mr. Pelot discussed the costs for borrowing, and not sure we can do this. We just cannot afford to give everybody everything. We have to think about our children and the next generations as well. Mr. Rodgers asked Mr. Pelot as being on Council back when the roll back was presented, wasn't that to help the residents for sewer and water? Mr. Pelot stated he could not speculate what that the residents understood, and that he believed it would help the citizens. Mrs. Carr noted that we have been helping with the citizen's; we have spent over \$300,000.00 in Nash Heights for engineering the best options. Mayor Zita stated that he felt that the fund would not be solvent. Mr. Rodgers clarified that we can still move with the

Res #6 and #7 with the \$8,000.00 in the estimated assessment figure and that could be changed later and be in our time line.

Ms. Whipkey stated that the resolutions to not state the \$8,000.00 figure and Mr. Markey stated the estimated assessments need to be on file for inspection with the Clerk of Council. Mr. Rodgers moved to change Council Rule as it reflects to the quorum since he has set the Committees to seven. Mr. Rodgers wanted to change that rule to the Majority rather than two (2), and changed his original motion, seconded by Mr. Pierson. Mr. Markey suggested you should have one (1) rule to address all types of committees, and Mr. Rodgers withdrew his original motion and restated that all quorums will be a majority. Ms. Whipkey asked what happens if we don't have the votes to pass? Mr. Markey stated they stay the same. Ms. Whipkey noted then only one (1) person can get together and talk without violating that rule. Mr. Markey stated that as he mentioned last week the quorum of two (2) would potentially create a problem with the Sunshine Laws. Mr. Pierson stated that if nothing is being voted on and its informational then he does not see this as being a problem. Mr. Pelot noted that the Sunshine Law states you have a quorum discussing issues then they are in violation and Mr. Markey concurred. Mr. Tousley noted that Mr. Rodgers stated in the past this would be reviewed in June. Mr. Rodgers stated we need to be more involved and felt this is going to work. Mr. McGlone stated it sounds like you don't trust the Administration and want to be involved. Mr. Pierson stated the Administration works for you. Mr. Markey corrected Mr. Pierson's stated the Administration does not work for the Council, you need to read the Charter. Mr. Pierson stated we need to be involved so we have all options available to us, and Ms. Whipkey stated that's not the way she is seeing it. It only works when those attending brings forth what has been discussed. Ms. Whipkey asked if the EPA meeting took place today and who attended. Mrs. Carr stated Barberton and Norton and the EPA district office. Mrs. Carr noted that Mr. Rodgers and Mr. Pierson both attended, although she did not know Mr. Pierson was attending. Mr. Rodgers clarified that we did not discuss any legislation and Mr. Rodgers stated that we did discuss the MOU with Barberton, and he understood they were concerned if the City has received any feedback from the residents. Mr. Tousley commented on the trust issue and that is exactly why governments were established in the first place. Mr. Rodgers discussed had the last Council done what they were geared for with the assessment that would already be a done deal by now. Ms. Whipkey stated we did not have to go with seven (7) on a committee, we could have done 4 and a quorum would have been 3. Mr. Pelot stated the distrust is not that we should not be going to meetings, it's what's going on beyond closed doors that raises the trust issues. Mr. Rodgers stated that we need to have more than just a couple of us attending the meetings. Mr. McGlone asked so you can't come to the rest of us and share what has been discussed in those meetings? Mrs. Carr stated she felt Mr. Rodgers is implying that the Administration is not sharing with Council. As Ms. Whipkey noted the council manic functions are to be the checks and balances. We have tried very hard over the last year to be forthcoming coming and sharing everything. Mr. Rodgers stated he has had no phone calls from the residents complaining about the new seven (7) members, Ms. Whipkey stated she has and they feel this is all about the sunshine laws. Mr. Grether noted our rules don't match the Sunshine Laws. Mr. Markey stated the Sunshine Law require a quorum of public body, and it basically looks at the number of members as the quorum and they would take issue with your quorum of two (2). Mr. Grether suggested taking the Committees back to four (4) or otherwise as go as we are here tonight. Mr. Rodgers stated he intended for the Committee Chairs to have their meetings prior to the Council Meetings so we can have these discussions, the flow would be better.

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

Motion failed 3-4.

Mr. Pelot moved to change Rule 109 to remove the words “at least”, seconded by Ms. Whipkey. Mr. Markey noted this would not change the current Committees of seven (7), it would impact just going forward. It would take affect next year at the Organizational meeting. Mr. Grether stated he understood Mr. Pelot’s intention, and does not want to appear that he is going along with Mr. Rodgers idea. Mr. Rodgers stated that this is typical Norton politics, and makes no sense here. Ms. Whipkey stated you have put us in this position in the first place, we did not want to have the seven (7) Committees. Mr. Rodgers stated he was trying to get us moving forward and now here we are. Mr. Grether stated we were expressing what our constituents asked for and now you are asking for this change. Mr. Rodgers stated a Committee meeting is not just the chairperson meeting with Administration; that was his whole point. Mr. Pierson stated he was surprised you take one persons word over the other three, your happy to hear Mr. Rodgers go to a meeting and then come back to the rest of us and tell us how to vote? Mrs. Carr asked for clarification on how this is to go as far as waiting on an invitation from Administration to attend meetings. Mrs. Carr asked how is she now supposed to communicate with you at this point? Mrs. Carr noted that for this EPA meeting Mr. Rodgers was already on the invitation list with the EPA and Mr. Pierson was not permitted because of the quorum issue. Mr. Rodgers stated that Friday afternoon he had a call from his Law Direction stating that Mr. Pierson should not be voting on the Nash Heights issue. Mr. Rodgers stated he needed some time to contact other law directors and the Ohio Ethics Commission on this issue. The end result is there is no issue on this. This all came about when a resident called our Council Clerk and asked about his pending assessment as he is working on his budget and asked if Mr. Pierson as chair if utilities should be voting or discussing project. Mr. Pierson stated this whole situation was set up and contrived. His vote is just one vote and he does not have financial stake in this, it’s not a zoning issue. Mr. Pierson commented that he has been working ever since he got elected to try and help the citizens and save money. Ms. Whipkey asked are you stating that someone complained because Mr. Pierson would be voting on the utilities issue in Nash Heights? Mr. Pierson asked Council don’t your votes affect all of the citizens, and not just yourselves? McGlone stated when he worked at Summit County and was on Council if there were any issues involving the County, he did not vote on them. Mr. Markey clarified the ethics law state if you have a personal benefit you should not vote, but this is a general benefit. Mr. Markey stated he has asked Mr. Rodgers for your opinion that is not even close to what you have in front of you. Mr. Rodgers asked Mr. Markey for a legal opinion from the Ohio Ethics Attorney Generals Office. Mr. Markey stated the Ohio Ethics will not provide a legal opinion. Ms. Whipkey stated that what Mr. Markey is staying is this Ohio Ethics Commission review does not address this specific issue it’s too general. Mr. Markey stated that he has not been asked to provide a legal opinion.

Roll Call:       Yes:   Pelot, Whipkey, McGlone,  
                  Nay:   Grether Rodgers, Pierson, Tousley

Motion failed 3-4.

### **COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items**

Mr. Tom Petrich, 3762 Easton Road, Norton, asked if this information that was handed out would be posted on the web site and Mrs. Carr stated not until released by Mr. Demboski. Mr. Petrich asked about the MOU Exhibit and Mrs. Carr indicated if Council so directs her to do so. Council had no issue with this and Mr. Pelot asked to have clarification that these are estimates. Mr. Petrich stated he felt Mr. Rodgers intention was to allow more than 1 person to go, so that is not the exclusive input

for Council to consider. Mr. Petrich stated if he was on Council and not allowed to go meetings, he would be upset.

Everyone can perceive a different viewpoint, and to him that is just shameful, as well bringing up as Issue #1 on the basis of the \$5,000.00. Mr. Petrich stated that it was arbitrary at \$5,000.00. Ms. Whipkey stated she has tried to bring all facts good, bad and indifferent, and she has tried very hard to bring these to the people. Ms. Whipkey stated we have not been getting any feedback on the meetings that some have been attending during the day. Mr. Petrich stated and now you just voted against your own opportunity to go. Ms. Whipkey argued that most of the meetings take place during the day and most members on Council have full time jobs, so it would be very difficult to attend them in the first place. Mr. Rodgers asked point blank to Mr. Markey if we broke any Sunshine Law today with the EPA and Mr. Markey stated he would not opine on such a request. Mr. Rodgers stated the reason he does not come back with some information yet is because it's been stated at these meetings that we don't want to talk about something too soon or jeopardize the issue. Mr. Petrich asked Mrs. Carr about an independent income survey, and why they did not use a third party for that. Mrs. Carr stated that was due to the fact that some of the residents failed to respond to the survey and that could have helped us get a better rate on the city's loans. We tried to use all advantages for the residents. Mr. Petrich noted in the preliminary estimates the vacuum system looks to be 1.4 million less in Nash Heights East. Mr. Petrich noted that alone would be a savings for others. Ms. Whipkey noted the Akron Beacon Journal article in today's paper about Clinton because their estimates for vacuum had nearly doubled; and they are currently looking at a S.T.E.P. system instead. Mr. Rodgers clarified that the County had designed the vacuum system for Clinton and historically they are higher. Ms. Whipkey stated we don't know what the real costs will be until the bids are in.

#### **CONSIDERATION OF MINUTES**

Minutes of the Committee Work Session of January 12, 2015 were approved as submitted. Minutes of the Regular Council Meeting of January 20, 2015 were deferred to February 9, 2015.

#### **REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS**

Mayor Zita stated he was asked about the pump house property, Last week a representative was here last week and inspected the building again. Mayor Zita stated they will be putting some of the numbers for the City to review. Ms Whipkey announced there is a MAD, meeting this Thursday evening at 6:00 PM.

#### **PUBLIC HEARINGS-None**

#### **INTRODUCTION OF NEW LEGISLATION**

##### **ORD #5-2015**

Mr. Grether offered Ord. #5-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE VACATING PARTS OF JULIEN AVENUE WITHIN THE CITY OF NORTON, OHIO.

First reading only. Public Hearing to be held on February 9, 2015 at or about 7:15 PM.

##### **\*\*Added to the agenda**

##### **RES #6-2015**

Mr. Pierson offered Res. #6-2015 for its first reading:



A RESOLUTION DECLARING IT NECESSARY TO IMPROVE ALBERTA DRIVE, BROOKSIDE COURT, BROOKSIDE DRIVE, CLUBVIEW DRIVE, CROYDON ROAD, EASTON ROAD, EVERETT DRIVE, GREENWICH ROAD, HIGGINS DRIVE, LITTLE BOULEVARD, NASH BOULEVARD, RANGELY ROAD, SHELLHART ROAD, VALLEY DRIVE, WEYRICK DRIVE AND WOODDALE DRIVE BETWEEN CERTAIN TERMINI, BY CONSTRUCTING AND INSTALLING GRAVITY SANITARY SEWER LINES, TOGETHER WITH NECESSARY APPURTENANCES THERETO, COMPRISING THE NASH HEIGHTS GRAVITY SANITARY SEWER SYSTEM IMPROVEMENTS FOR THE EAST PHASE I, THE PUMP STATION PHASE II AND THE WEST PHASE III.

First reading only.

**RES #7-2015**

Mr. Pierson offered Res. #7-2015 for its firs reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE ALBERTA DRIVE, BROOKSIDE COURT, BROOKSIDE DRIVE, CLUBVIEW DRIVE, CROYDON ROAD, EASTON ROAD, EVERETT DRIVE, GREENWICH ROAD, HIGGINS DRIVE, LITTLE BOULEVARD, NASH BOULEVARD, RANGELY ROAD, SHELLHART ROAD, VALLEY DRIVE, WEYRICK DRIVE AND WOODDALE DRIVE BETWEEN CERTAIN TERMINI, BY CONSTRUCTING AND INSTALLING VACUUM SANITARY SEWER LINES, TOGETHER WITH NECESSARY APPURTENANCES THERETO, COMPRISING THE NASH HEIGHTS VACUUM SANITARY SEWER SYSTEM IMPROVEMENTS FOR THE EAST PHASE I, THE VACUUM STATION PHASE II AND THE WEST PHASE III.

First reading only.

Mr. Tousley asked if we are to hold off on the discussion until next week and Mr. Rodgers concurred. Ms. Whipkey asked if the address and corrections have been worked out yet and Mrs. Richards noted she is working with Mr. Demboski to be certain we have the most up to date information. Mr. Tousley asked how more addresses are added in Ward 4 that were not in the original EPA mandate maps. Mrs. Carr stated she would have to take a look at the original map and the addresses. Mr. Pierson stated that he understood that Mr. Demboski was out soliciting the minister at church on Greenwich and Mrs. Carr stated he was not soliciting he was taking the lead and went to the church to inform them this was a pending project. Mr. Rodgers indicated he asked for Mr. Demboski to approach everyone that is not included in the EPA order to advise them. Mrs. Carr indicated we have also communicated with the residents along Golf Course Drive. Mr. Tousley asked why is there a trunk line at Golf Course Drive and not on the EPA mandate. Mrs. Carr stated this is a more complicated discussion that should wait to next week. There was discussion about if there is a bad septic and there is an order they would have to tap in. Mr. Markey stated if the line along Greenwich and is publicly available then one would be required to connect. Mr. Rodgers moved, and Ms. Whipkey seconded to allow the public to ask questions even though they had not signed up to speak.

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

Motion passed 7-0.

Mr. Paul Reese, 3052 Wadsworth Road, Norton, Ohio, asked isn't that an engineering problem, where to put the pump station?

Mr. Reese questioned the boundary encroaching into Medina County and Mrs. Carr stated we would ask for an easement. Mr. Reese asked then you are asking someone from Medina to tie in? Mrs. Carr indicated that State law would be dictating that. Mrs. Carr stated we have been told engineering wise that we cannot put a line there, we did have soil samples. Mr. Reese stated he finds that very hard to believe. Mr. Petrick, a Norton resident, asked if the bore sample was pulled from the North or South side and Mr. Rodgers stated he was told it was on the North side. Mrs. Carr stated it does not mean that it cannot be done, it could be done but it would be more costly. Mrs. Carr stated we were told to find the most economic way and this is what we were told. Mr. Rodgers stated he would ask Mr. Demboski to address this next week.

## **INTRODUCTION OF PRIOR LEGISLATION**

### **ORD #1-2015**

Mr. Pierson offered Ord. #1-2015 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF NORTON, THE CITY OF BARBERTON AND SUMMIT COUNTY; AND DECLARING AN EMERGENCY.

Second reading only. Mrs. Carr stated that Barberton City Council has adopted their legislation on the MOU this evening. Mr. Rodgers moved to waive the third reading, seconded by Mr. Pierson. Mrs. Carr stated that the Administration is in agreement with this to keep things moving. By adopting the MOU it allows the Agreement to get started which is the real core of the issue. Mr. Tousley asked Mr. Markey about the question Ms. Whipkey had asked in her email regarding lines #35, #36 and #37. Mr. Markey had stated the rest of the costs would come from the surcharges. Mr. Tousley asked how do you differentiate between the different communities surcharges? Mr. Markey stated its all going to be collected in one place and the money will be properly spent and we have monthly reports, but will not be in separate accounts.

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

Motion passed 7-0.

Mr. Pierson moved to adopt Ord. #1-2015, seconded by Mr. Rodgers.

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

Motion passed 7-0. Ms. Whipkey pointed out to the public that this is basically giving Summit County a way out so they are not liable. We have to say yes to someone so we might as well get over this.

### **ORD #2-2015**

Mr. Pelot offered Ord. #2-2015 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH MICHAEL BENZA & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN OF A PAVEMENT MANAGEMENT SYSTEM, AND DECLARING AN EMERGENCY.

Second reading only.

**ORD 4-2015**

Mr. Tousley offered Ord. #4-2015 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 242.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO; AND DECLARING AN EMERGENCY.

Second reading only.

**ORD# 107-2014**

Ms. Whipkey offered Ord. #107-2014 for its third reading and asked the Clerk to read it:

AN ORDINANCE DECLARING CERTAIN CITY PROPERTIES AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE ADMINISTRATIVE OFFICER TO ADVERTISE THE PROPOSED SALE OF SAID PROPERTY AND DECLARING AN EMERGENCY.

Third Reading only. Ms. Whipkey stated that we are still waiting to get further information listed for the items to be sold. Mr. Messner suggested we table this until we have all of the information at a later time. Ms. Whipkey asked how to best do this, and Mrs. Richards stated you can table to a specific date and time or table indefinitely which it will die and you have start all over. There was lengthy discussion as to the Exhibit B, and the fact we don't know what those items will be as of this date. Ms. Whipkey moved to table this until the Feb 9, 2015 meeting, seconded by Mr. Pelot.

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

Motion passed 7-0.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**PUBLIC SERVICE ANNOUNCEMENTS**

Mayor Zita read several updates, (see attached).

**PUBLIC UPDATES**

None

**ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 9:52 PM.

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Rick Rodgers, 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 February 9, 2015.

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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.