

**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 9, 2015**

Roll Call:	Scott Pelot	Also Present:
	Dennis McGlone-Excused	Mayor Mike Zita
	Danny Grether	Valerie Wax Carr
	Dennis Pierson	Ron Messner
	Paul Tousley	Justin Markey
	Charlotte Whipkey	Karla Richards
	Rick Rodgers	Ann Campbell

The Regular Council Meeting convened on Monday, February 9, 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

Continued Discussion from Finance Committee:

Mr. Pierson suggested we have a town hall meeting to address the questionnaire the residents failed to complete. Mr. Pierson stated he wanted to be sure we capture as much of a discount as we can get. Mrs. Carr stated she would look into this and see if we can still take advantage of this. Mrs. Carr stated that we are also looking at getting CDBG grants and this requirement will once again from the residents. Mrs. Carr stated the forgiveness of the interest questionnaire was less intrusive than the CDBG funding questionnaire. Mr. Rodgers noted that no one is going to see any assessments for a couple of years out. Mr. Grether stated the Barberton has a foundation that helps their residents, and asked if Norton can form such a foundation. Mrs. Carr noted that Barberton sold their hospital which is their funding source. Mr. Tousley asked about the package plants and that he had asked Mr. Demboski about this and he indicated that was all paid from the roll back and if that is the case then can we get that paid back into the roll back account? Mrs. Carr asked Mr. Markey to explain, and Mr. Markey stated that you can recover that engineering for that part of the project and Mrs. Carr explained that it would only be allowed to go back into the roll back account. Mr. Rodgers stated we have already spent money because of the engineering, if we get that money back and we are still charging the residents. Mr. Markey stated you would not recoup the costs spent on engineering for gravity it that is what you go with, or the same with vacuum. Mr. Rodgers stated they did not begin from scratch with the vacuum design because we had already engineered for vacuum and should be recovered. Mr. Markey stated that would have to be a legal basis and with the numbers presented that is not the case. Ms. Whipkey stated that is because the studies are overlapping. Ms. Whipkey asked if Mr. Tousley was requesting that we eliminate that engineering expense from the roll back account? Mr. Tousley stated that all he wants to clarify this is spent properly and this could or could not be debated.

Mrs. Carr noted for clarity we could list this separately although she had not discussed the detailed information with Mr. Demboski.

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PUBLIC HEARING

ORD #5-2015-AN ORDINANCE VACATING PARTS OF JULIEN AVENUE WITHIN THE CITY OF NORTON, OHIO.

At 7:15 PM Mr. Rodgers temporarily adjourned the Regular Council Meeting in order to convene the Public Hearing for Ord. #5-2015. Mr. Rodger asked the Clerk to certify the Public Hearing. Mrs. Richards certified a notice for this public hearing was published in the Barberton Herald on January 22, 2015, and that notices were mailed to the property owner. Mr. Rodgers called three times for anyone in favor to come forward. Mrs. Lori Stover (the applicant) spoke in favor of this application. Mrs. Stover stated that they have owned our parcel for 37 years and have maintained the road the entire time. It's never been an actual road, only a patch of grass and we have improved drainage so there is no standing water. We now own both sides of the land and want to continue to maintain this and improve our land here.

Mr. Rodgers called three times for anyone to speak against the application-No one came forward.

At 7:20 PM Mr. Rodgers closed the Public Hearing and reconvened the Regular Council Meeting.

Continued Discussion relating to the Newpark Drive information.

Mr. Rodgers stated in 2014 we budgeted 2.5 million dollars and in July we still had that money to spend and in 2015 we requested to spend \$500,000.00 Mr. Messner stated that was correct and that none of the funds were used. Mrs. Carr noted we quickly had to go back to the State because we did not spend that 2.5 million and we asked for 2015 to spend only \$500,000.00. Mrs. Carr noted this was for a grant/loan. There was discussion of still looking into a bio-retention options. Mr. Rodgers noted that this past Thursday we did some tours of two facilities for vacuum systems and he submitted a report, (see attached). Mr. Rodgers noted there was also Mp3 recordings; however they are not very clear to listen to due to the background noise. Mr. Rodgers corrected the figures of 200 vacuum customers, not 500 and 80 gravity customers not 1500. Mr. Rodgers indicated that the controllers have to be timed and if set up properly there really are no problems. There were few back up calls in Mahoning and were caused by the home owner. There is a way the homeowner can correct if something was accidentally flushed. They did note one situation where there was a commercial and residential discharge into one pit, a valve did fail. One thing that Randolph has done to correct this is to install a check valve. They showed no real concerns with maintenance, and they estimated valves lasting 8-10 years. Mahoning County had some type of electric grinder pumps and their electric bills were rather high. Mr. Rodgers stated we did ask Mr. Weaver and Mr. DeSantis if they had to do it over again what would they have done and he replied gravity. Mr. Rodgers stated he also asked if cost were not a factor which system did he prefer and he stated vacuum. Mr. Rodgers noted you should not be introducing anything but sewage into these systems, once something unusual occurs that just drives the costs up for everyone. Mr. Pelot asked if they determined how many man hours it takes to maintain? Mr. Rodgers stated we need to get more relevant costs that would be coming from Barberton in the next several weeks.

Mr. Rodgers noted the letter from Jeff Lonzrick from Portage County and his comments on the vacuum systems. Mr. Tousley asked about the respective ages for each system and Randolph was built in 2007 and Mahoning County was done in 2001. Mr. Rodgers stated he spoke with a

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director from Mt. Pelier, Ohio and that was done in 1993. Mr. Pierson stated that even if the operating costs are higher, the costs of the INI are lower so that would be offset. Mr. Rodgers noted that in all of the communities he has spoken with none of them are charging the customer a surcharge. Ms. Whipkey asked about assessments in these communities and Mr. Rodgers noted that in Randolph they had grant money so there were no assessments. Ms. Whipkey asked why Mr. Dougherty attended and Mr. Rodgers noted this was his meeting and tour and he was invited. Ms. Whipkey asked who was answering most of the questions and Mr. Rodgers stated it was Mr. DeSantis and Mr. Lonzrick. Mr. Rodgers discussed the time and labor involved to change a valve. Mr. Grether asked at what point will be able to show the residents what kind of a savings for them to really see to justify the additional costs for the maintenance. Mr. Pierson stated it still won't matter if its vacuum or gravity, they still have to crush their tanks and repair their lawns and whether it's in the front yard, back yard, if they have a facility in the basement, etc. Mr. Rodgers stated it's the cost of the build will determine the savings. Those that are currently connected to a gravity line like in Mt. Vernon and the line from your house fails you are responsible for repairs for under that road to the main. With vacuum you are only responsible to repair to the pit. Mr. Rodgers noted we did have a resident on Greenwich with the newer system there was a break or a line that gave way so even with new installs there can be issues. Ms. Whipkey asked if this is something that could have insurance on something like this. Mr. Pelot recalled there was something that came from Barberton referencing a waterline. Mr. Rodgers stated this is something that we could look into in the future. Ms. Whipkey stated she is really interested in the maintenance costs would be and wants to see solid answers. Mr. Rodgers stated we will getting all of this information as to the hard costs or true costs but we won't know that until we get the bids back. Mr. Pierson clarified even if we go with gravity it is not maintenance free. Ms. Whipkey stated she has concerns that there is only one company that does this and Mr. Rodgers clarified they only sell the valves, the lines can be bought anywhere. Mr. Rodgers stated whatever information does come back to us would be shared with the public. Mr. Rodgers moved to allow the public to speak, seconded by Mr. Tousley.

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

Motion passed 6-0.

Mr. Paul Reese, 4052 Wadsworth Road, Norton, Ohio, suggested that maybe AirVac has a patent and that would make sense they are the only ones? Mr. Tousley stated he also thought he saw a company called Flow Vac in his past searches. Mr. Rodgers stated when this goes to bid and what ever company we pick they can buy the product from anyone, not just AirVac.

Mr. Rodgers acknowledged that Council has received the January 2015 Budget Reports from Mr. Messner.

Mr. Tousley discussed Ord. #8-2015-Approve Codified Updates for 2014 and moved to add this to tonight's agenda for a first reading only, seconded by Mr. Grether. Mr. Tousley noted this is for all City and State ordinances and the State law changes are not our control.

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

Motion passed 6-0.

COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items

Mr. Richard Easterling, congratulated Council and the Administration to getting the City on a single track sewer. This will make development much easier. The properties from the school being torn down soon would be open for development and he urged Council to take another look at the Master Plan. Mr. Easterling suggested improving the town center maybe with lodging. Mr. Easterling suggested a change in the Administration and since we have no Community Development Director, have the Mayor position full time and still have a Community Development Director or Deputy. The only difference in salary would be from part time to full time.

CONSIDERATION OF MINUTES

Minutes of the Committee Work Session of January 20, 2015 were approved as submitted.
Minutes of the Regular Council Meeting of January 26, 2015 were deferred to 2-23-15.
Minutes of the Finance-Utilities Committee of February 2, 2015 were deferred to 2-23-15
Minutes of the Committee of the Whole of February 2, 2015 were deferred to 2-23-15

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita discussed an invoice from the Ohio Drilling Company relating to the Brentwood Pump Station (see attached). Mr. Rodgers stated he would like to see a few more estimates and Mayor Zita stated he is not aware of who else to contact, and was up for any suggestions. Mr. Rodgers asked what is the process to sell this once that work has been completed? Mr. Markey stated that Council would have to declare this as unwanted municipal property and would have to go out for public bid. Mrs. Carr noted there was one neighbor that did express interest in this property. Mrs. Carr noted everyone she has spoken with about this have all referred to the Ohio Drilling Company and would still look into this. Mr. Tousley asked what is the recycle or scrap value on this? Mr. Tousley noted that he was aware that a local nursing home received over \$1,000.00 in scrap for something along these lines. Mrs. Carr stated we could look into this further as to the exact removal process and any potential recycle value. Mr. Pierson agreed we need more detailed breakdown or itemized and clarification the City is removed from all liability.

INTRODUCTION OF NEW LEGISLATION

**Added During Committee of the Whole

ORD #8-2015

Mr. Tousley offered Ord. #8-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

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Mr. Tousley noted he understood that once adopted each Norton Police officer would have these updated codes available to them in their cruisers. Mr. Tousley moved to waive the second and third readings, seconded by Ms. Whipkey.

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

Motion passed 6-0.

Mr. Tousley moved to adopt Ord. 8-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD. #5-2015

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

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

Mr. Grether moved to waive the third reading, seconded by Ms. Whipkey.

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

Motion passed 6-0

Mr. Grether moved to adopt Ord. #5-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0

RES. #6-2015

Mr. Pierson offered Res. #6-2015 for its second 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 GRAVITY SANITARY SEWER LINES, TOGETHER WITH NECESSARY APPURTENANCES THERETO, COMPRISING THE

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NASH HEIGHTS GRAVITY SANITARY SEWER SYSTEM IMPROVEMENTS FOR THE EAST PHASE I, THE PUMP STATION PHASE II AND THE WEST PHASE III.

RES. #7-2015

Mr. Pierson offered Res. #7-2015 for its second 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.

Second reading only.

ORD #2-2015

Mr. Pelot offered Ord. #2-2015 for its third 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.

Mr. Pelot moved to adopt Ord. #2-2015, seconded by Ms. Whipkey. Mr. Pelot stated this allows the Administration to have our roads evaluated.

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

Motion passed 6-0.

ORD #4-2015

Mr. Tousley offered Ord. #4-2015 for its third 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.

Mr. Tousley moved to adopt Ord. #4-2015, seconded by Mr. Rodgers. Mr. Tousley stated this relates to the wages and position of the Assistant Fire Chief.

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

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Motion passed 6-0.

CONSIDERATION OF PRIOR LEGISLATION

ORD #107-2014 (Tabled after 3rd reading on 1-26-15)

Ms. Whipkey stated this is for all of the unused city property and we have added a Fire Dept grass vehicle to the inventory list. Ms. Whipkey stated we can take it off of the agenda for now and bring it back later.

Ms. Whipkey moved to remove this item from the table indefinitely, seconded by Mr. Pelot.

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

Motion passed 6-0.

NEW BUSINESS

Mrs. Carr noted that Council is aware that we are testing another video program called Live Stream and we hope to move forward with a decision in the next few weeks. Ms. Whipkey stated she hoped to have at least two residents watching and hope others on Council. Ms. Whipkey stated she did sign up for this testing and won't be able to watch it live since being here tonight.

Mr. Rodgers stated he read that a service industry is looking at getting together and wanting to work on rebuilding the gazebo at Williams Park. Mr. Rodgers noted the comments made earlier made about community development from Mr. Easterling. Mrs. Carr noted that we have already looked into that information and it has a deed restriction and cannot be used for anything else other than parks property. Mr. Grether had asked if there would be an opportunity to relocate that gazebo elsewhere and his answer was no. Mayor Zita stated the foundation under the grandstand is a solid foundation. Mr. Easterling asked about using eminent domain to get that and Mrs. Carr replied absolutely not. Mr. Pelot suggested we utilize this park for updating the billboard and Mrs. Carr noted that we are looking to that but will be holding off until the widening of Cleveland-Massillion Road is complete. Mrs. Carr discussed the addition of sidewalks in this area and we are applying for grants now for that purpose. Mr. Jack Gainer asked if this park land was given to the City and if so are they still around? Mr. Markey replied yes. Mr. Gainer asked if they would take offense to the City using that land for park property, he would hope that the City would use the property in the way the family intended. Mr. Rodgers asked if we located the family and asked them to sign off on this deed restriction. Mr. Markey stated that would have to be looked into and you would have to search for all distant relatives. Ms. Whipkey stated she totally agreed with Mr. Gainers comments, and if she or anyone in her family had donated land she would take offense to it being used improperly. Mr. Grether stated he wants to see this parkland used more often and there must be more opportunities for families to gather, Mr. Markey stated he can put the process to paper and provide Council with an outline. Mr. Rodgers stated we may all have good plans for this area, but we need to make it as attractive to the public as possible.

UNFINISHED BUSINESS

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Mr. Pierson discussed the Assistant Fire Chief and how he would be hired and the issues with his service and pensions. Mrs. Carr noted we did not have all of the details worked out just yet. Mr. Pierson discussed the Mayors appointment for Committees and he would like to have those candidates presented to Council and at least one week notice.

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita made an announcement (see attached)

Mrs. Richards announced the annual Easter Basket Challenge for Summit County Children Services. We are looking to collect as many Easter baskets for all of the children in their custody. Their biggest need is for teens, boys of all ages, and newborns. They will also accept personal checks made payable to (Summit County Children Services) to purchase grocery gift cards. Mrs. Richards stated that if anyone wishes to donate baskets/checks, please drop them off at the Council office no later than Thursday, March 5, 2015 and she would deliver all items to their offices in Akron. (see detailed flyer attached).

Mr. Pelot announced a charity spaghetti dinner for the Dan Adkins Family, Norton Community Center at Sat. February 27, 2015 at 6:00 PM. This is a fundraiser for officer Dan Adkins. Mr. Rodgers indicated that officer Adkins had to take a medical leave.

PUBLIC UPDATES

Mr. Rodgers announced his town hall meeting on Wednesday, March 25, 2015 from 7-9 PM. We will be talking about sewers and assessments.

ADJOURN

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:50 PM.

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 23 2015.

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.