



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MAY 11, 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  
Dave White

The Regular Council Meeting convened on Monday, May 11, 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**

Acknowledge receipt of the April 2015 Budget Reports

Mr. Rodgers officially acknowledged Councils receipt of the April 2015 Budget reports.

Nash Heights Timeline Discussion

Mr. Rodgers reminded everyone we had a meeting with the EPA last Thursday and we need to provide them with an updated timeline for this project. We need to get everyone on the same page with Council and the Administration. Mr. Rodgers stated we will go over them and discuss these issues again at the next Committee Work Session and to be prepared. Mr. Rodgers stated Mrs. Carr has selected a listing of issues that need Council's clarification, in order to update our timeline schedule as the EPA has requested, (see attached). Mrs. Carr stated some of the questions directly impact the creation of the new the timeline in addition to some issues relating to terms of procedures and we need to all be on the same project before finalizing. Mrs. Carr reminded Council the first issue related to boundaries; if they want to remove Little Blvd. cul-de-sac, and the south side of Greenwich, it is currently stated in the legislation this way. Mr. Rodgers stated it was his understanding that we agreed to take Little Blvd. out. Ms. Whipkey asked why we are not addressing Brookside? Mrs. Carr stated there is a consent area and a project area. Mrs. Carr stated that the project area is what you have seen on the drawings that included some of the outlying areas. The consent area is only the area that the EPA has focused on. Mrs. Carr noted that Shellhart is considered in the project area and not the consent area. There will be a line going down Shellhart so the Mayor could potentially be in the project if he had a bad septic or if he chose to be in the project due to proximity. Mr. Markey noted these outlying parcel owners may be required later to tie in later on due to a bad septic, or whatever reason, and these parcels would not have the benefit of the assessment proceedings and would have to pay a lump sum tap in cost.

Mayor Zita pointed out that Brookside cul-de-sac, into the east, is not in either the project area or the consent area. Mayor Zita stated that when and if that area is served, you can pick up Brookside cul-de-sac that point and time. Whereas with Little Blvd. cul-de-sac, you would have to go back into a project to add Little Blvd., Mr. Pierson explained the properties on Little Blvd., and North of Shellhart, between Shellhart and I76, are not in the designated consent area while those to the South are in the consent area; going east, the project stops at Brookside and does not continue east between Brookside and Easton. Mrs. Carr stated that because of the location of Mayor Zita's parcel and the new line is there, they could be required to tie in if there was an issue with his septic system. Mr. Markey concurred and if there is a need for a connection after the project is done, there would be a full connection cost to those parcels. Mayor Zita stated that Brookside cul-de-sac and east of that could all be another project at a later date if Council decides to do that. Mayor Zita stated Little Blvd. is right in the middle and you have streets on both sides. Mr. Rodgers suggested Mayor Zita get with his neighbors on Little Blvd., and petition them if they want in. Mr. Markey stated that they are currently included as stated in the Resolution of Necessity. If you want to take Little out now you would need to vote on this and amend the legislation and would not need a petition as it is currently. Mr. Pierson suggested we stick with the boundaries as spelled out last year with the consent area. Ms. Whipkey stated she is not willing to take anyone out just for them to have to connect later on at a much higher cost unless they say they want out. Mr. Pierson stated that is exactly why we need to go to these residents and get this in writing and have a paper trail to back up whether they want in this project now or later. Mr. Pelot inquired if that would be done with a certified letter and Mr. Pierson stated he would take it a step further and go to each homeowner and explain it to them so they understand clearly and precisely what the ramifications are involved. Ms. Whipkey stated they also need to be informed that if the opt out now they could be paying up to three times the costs later on. Mr. Rodgers stated we need make some changes to that resolution as Golf Course Drive is out of it and have to eliminate the pump station at 21 and 261 as well. Mr. Rodger clarified that this whole thing came about by trying to bring it back to the original order and satisfying that order. If Council agrees to stick to the original consent order, then Little Blvd. is out, the pump stations to the west are out and the only thing we have to think about is the south side of Greenwich Road. Mrs. Carr stated her point with Little Blvd. is that you have people on the fringe that could be affected and we should ask these residents what they want. Mr. Rodgers stated we need to go back to the original order, define the areas and then give any property abutting to this area the petition to come in. To put them in now puts pressure from their neighbors that don't want to be in. Mr. Rodgers noted that we may have residents like Mrs. Canfora who came to Council expressing her concerns with being brought in like that, adding that the original orders is what we should have been trying to satisfy in the beginning and anyone else can petition to get in. Mr. McGlone asked about the petition process and what is required and Mr. Rodgers replied 60%. Mr. Pelot asked how Little Blvd., got into this plan in the first place and Mr. Rodgers stated it was brought up because there were concerns that they Mayor were exempt from this project so it was forced into it. Mr. Pierson suggested the City meet with these residents on Little just like we did with the residents on Golf Course Drive and discuss this and have them sign off on this with a waiver or something and Mrs. Carr agreed, however she wants something in writing. Mr. Rodgers still wanted to return to the original order and it should be confined to that unless we are petitioned and it actually abuts up to that.

Mr. Rodgers stated under the newest Health Dept, rules if you have a properly functioning septic system now and you maintain it; there is no reason why that system cannot run for quite a while. Mr. Pelot stated that we need to let these residents decide and not put them in or out at the 12<sup>th</sup> hour. Mr. Rodgers stated he had talked to some people on Little that did not want in on it and Mr. Pelot responded that is fine, but let's give them the choice. Mr. Rodgers pointed out that they were not supposed to be in to begin with, to which Mr. Pelot stated we put them in it, and Mr. Rodgers answered we could take them out he has owned up to making mistakes in the past and we can say that now and own up to it. Ms. Whipkey stated she thinks it would be mistake to arbitrarily take them out and not give them an opportunity to get in. Mr. Rodgers said he believed a property like the Mayor's could get in without his neighbors and asked the Mayor if would like in. Mayor Zita stated he for one would like to be included in the project. Ms. Whipkey pointed out that then the project is that much closer to the next home and Mr. Rodgers answered that's the way it works, we cannot change the law or rules Mrs. Carr suggested preparing letters for next week to discuss for Little cul-de-sac, Brookside cul-de-sac and south side of Greenwich and Council agreed with this. There was discussion to stop going west from Shellhart. Ms. Whipkey asked about any parcels that are abutting to the south side of Greenwich Road and Mr. Rodgers stated it had to be within 200 feet. Mrs. Carr stated we will create a map marking the parcels you feel should be getting the letters and have this ready for Monday. Ms. Whipkey stated she was good with waiting until we got the property owners answers back before moving forward with taking anything out. Mrs. Carr discussed work to be non-performed and we are going to have to bid. Mr. Rodgers stated we are going with a new plan. Mr. Markey stated new plans would need to be filed with the Clerk of Council and adopt a new Resolution of Necessity and then you can repeal the prior one; changing the plan triggers the new legislation requirement. Ms. Whipkey asked what the non-performance means and Mrs. Carr stated if we are not going to do a part of the project we need to tell the bidders that we will not be doing it so we do not have to pay for it. Mr. Rodgers stated we will need new legislation regardless due to the removal of the pump station. Ms. Carr discussed the types of pump stations, and the need for deeds for purchase of the lot from the Golf Course owner which needs done before the EPA will approve the loan. Mr. Rodgers stated that EDG and AirVac are working on the proper type of pump station and are working very close with each other on this. Ms. Whipkey stated if we are going with vacuum we need to build a structure to house this but that is not necessary for a gravity system and Mrs. Carr concurred. Mr. Rodgers pointed out we needed to look at that as the pump station was identical in cost for both types of systems and we cannot build a building as cheap as a tank in the ground. Mrs. Carr pointed out the important thing is location now and then discussed the Minority Business Enterprise (MBE) requirement of the contract being awarded to a minority business which is an Issue 1 funding. Mr. Tousley asked what the percentage or cost involved and Mrs. Carr replied approximately \$10,000.00. Mrs. Carr discussed the submittals of applications and loans and that the EPA wanted to see the applications under the name of who owns the sewers; however since we have missed our timeline the EPA is now moving away from and they now looking for the PTI to be under Norton's name. Mr. Markey stated that if we don't have the Barberton agreement by the time the loan goes through, Norton would be the owner of the sewer and the recipient of the loan which would then be transferred over to Barberton Mr. Rodgers stated he didn't see a problem as in the beginning it was going to be under Norton's name. Mr. Markey stated that is where he felt DEFA has a problem with this. DEFA states they want the owner of the sewer to be the borrower of the funds.

If this is not done you will be the applicant and Barberton would be the borrower, but he believed we could work through it. Mrs. Carr stated that we need to be clear for Mr. Messner to make certain we are in full compliance. Ms. Whipkey asked if there are any advantages or disadvantages with everything in Norton's name? Mr. Markey stated if it's all in Norton's name you would have the final say so. Mrs. Carr stated one of the last meetings with the EPA they felt that who ever is the owner of the system should be involved and have a say so they would be comfortable with it. Mr. Markey stated he felt we can ultimately work out the issues of ownership and loans. Mr. Rodgers stated that in order to stay in the timelines everything at this point should be in Norton's name, and we should proceed in that manner. Mrs. Carr briefly discussed the restoration portion which is typical and is paid for through the surcharge monies. Mr. Rodgers stated that if we do not assess any residents for road work and then why are we assessing this to these residents now? Mr. Markey stated that any restoration is a typical cost of any assessment project and should be included. Mrs. Carr stated we could do the patching in now and let it wait for the full resurfacing schedule in the future. Mr. Pierson asked could we wait until we get the road surfacing report and then decide. Mr. Pierson stated he did not want to see us tearing up the roads twice. Mr. Rodgers stated he did not think this is right to tie up the surcharge money to do resurfacing and Mr. Markey explained it's done because it's tied to this sewer project. Mr. Pelot asked about using the utility fund money because of the projects from the tax credit rollback money was designed to address the roads as part of a project. Mr. Markey replied the language in the tax credit rollback is pretty broad. Mrs. Carr asked if anything comes to mind after tonight to please let her know via email. Mr. McGlone asked with these proposed changes what is the projected time line for the bids to go out? Mrs. Carr stated we re supposed to be under construction in August and the bids should be going out June 1, 2015. Mr. McGlone asked if we approve of the change of plans when would this take place? Mrs. Carr stated she needs to check with the engineer on the details of the requirement with Issue 1 funding that we may have to be under construction in 2015. If that is the case that means it could be later in the fall/winter, which is not the best time of year to begin the construction. Mrs. Carr stated we had originally been set for Assessment Board to be set up in February which has not been done so we are at least three (3) months out already. There was discussion about the two pump stations and Mr. Rodgers argued that the consent order specifically states two pump stations were involved, which will necessitate a change in the plans. Mr. Markey clarified that 261 was not in the order, it a typo, it was stated as station not stations and that it was Mr. Fishbine who drafted the order and that ambiguous at best, however it was never the intention to have two (2) pump stations for this project, this would be clarified on the amendment of the plans according to Mr. Stohl. They agreed if we need to go back and get the order amended, they would clarify that. Mrs. Carr added that the location still needed clarified and Mr. Rodgers stated we would take care of that next week.

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

Mr. Paluch, 3740 Shellhart Road, Norton, Ohio, asked if it is true that Flesher Allotments polluted more than Nash Heights Estates? Mr. Rodgers stated not from the reports that he has read. Mr. White replied not from the reports, adding that the readings were high but not as high as Nash Heights. Mr. Paluch stated we still do not have any grant money for this project, is that correct and Mr. Rodgers concurred. Mr. Paluch stated then the homeowners are footing this entire bill, is that correct? Mr. Rodgers concurred. Mrs. Carr clarified that this project is not eligible for grant money, and Mr. Rodgers concurred.

Mr. Rodgers stated that the residents of Norton are footing the whole bill for it. Ms, Whipkey stated but not the Nash Heights people directly, it's all of the residents that are footing the bill. Mr. Paluch stated that the Mayor brought the EPA in here, and he signed the contract with the EPA. The Health Department is charging \$65.00 for every septic tank to be inspected. Do any of you know which septic systems in Nash Heights are bad? Mayor Zita stated that he did not bring in the EPA and enforce that. Mr. Tousley stated that from his understanding the meeting in the Norton High School gymnasium is where the nuisance declaration came from and it was based on outfall counts in the area. Mr. Pierson stated that is not correct. The outfalls are generated from off lot discharges. The one area in question has a home that is running raw sewage into the ditches as we speak and no one was concerned with it. Mr. Pierson stated that is beside the point now, we have a consent order and we are required to fix it move forward with this project and not beat a dead horse. Mr. Paluch argued that this whole project should not even move forward if you have the ability to correct your system if you can. We are frustrated here because no one is telling the truth, not everyone's septic is bad. Mr. Paluch stated that you are not on the same page with each other and we all have to foot the bill.

### **CONSIDERATION OF MINUTES**

Minutes of the Committee Work Session of April 20, 2015 were approved as submitted.  
Minutes of the April 23, 2015 Special Finance Committee Meeting-*Deferred to 5-26-15*  
Minutes of the April 27, 2015 Regular Council Meeting-*Deferred to 5-26-15*  
Minutes of the May 4, 2015 Committee Work Session-*Deferred to 5-26-15*

### **REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS -None**

### **PUBLIC HEARINGS-None**

### **INTRODUCTION OF NEW LEGISLATION**

#### **ORD# 30-2015**

Mr. Pelot offered Ord. #30-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER AN AGREEMENT TO PARTICIPATE IN THE SUMMIT COUNTY ENGINEER'S OFFICE ROAD MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #30-2015, seconded by Ms. Whipkey. This will allow the Administration to enter in to a contract with the County. The following roads will be addressed: Johnson Road between Hametown & Medina Line; Gardner Blvd. from

Hawthorne to Barberton Corporation line; Summit Road from McCoy to the Barberton Corporation line.

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

Motion passed 7-0.

**ORD #31-2015**

Mr. Rodgers offered Ord. #31-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the second and third readings, seconded by Ms. Whipkey. Mr. Rodgers stated we need to move funds around to accomplish our program for this year.

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

Motion passed 7-0.

Mr. Rodgers moved to adopt Ord. #31-2015, seconded by Ms. Whipkey. Mr. Tousley asked Mr. Messner to explain why we need to move the entire \$100,000.00. Mr. Messner stated this is basically in the budget for roads and can only be used for roads. Mr. Messner stated that we are already \$65,000.00 over budget and he would rather not have to move funds more than once.

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

Motion passed 7-0.

**ORD #32-2015**

Mr. Rodgers offered Ord. #32-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE A TRANSFER FROM THE GENERAL FUND FOR CALENDAR YEAR 2015 IN CONNECTION WITH THE CITY'S PARTICIPATION IN THE COUNTY'S ROAD MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Rodgers moved to adopt Ord. #32-2015, seconded by Ms. Whipkey.

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

Motion passed 7-0.

## **INTRODUCTION OF PRIOR LEGISLATION-None**

### **UNFINISHED BUSINESS**

Mr. Rodgers stated that last week he indicated he would have some comments to the Mayor from the last Council meeting, and provided some email materials (see attached). Mr. Rodgers stated most of the public has seen these emails dating back from 2012 between Mr. Ryland, Mr. Pruett and Michael Moore. Mr. Rodgers commented on the Mayors previous comments about there not being any ghosts out there or mistrust. Mr. Rodgers stated anyone reading these emails would feel differently. Mr. Rodgers stated that although we need to move on and the trust needs to be there. Mr. Rodgers stated that he realizes that Mayor Zita did not order the EPA into Norton but Mr. Ryland certainly did whether or not Mayor Zita was aware of this or not as acting on the Mayors behalf. This is what began the process of where we got today with the issue in Nash Heights, and Mr. Ryland should have been fired for that. Is there a reason for this mistrust, we can all determine this.

### **NEW BUSINESS**

Mr. Pierson asked about jurisdiction over the Parks and baseball fields and if this falls to Ms. Neva Gibson to make the determination as to who gets to use these fields or not. Mrs. Carr asked for details on this complaint and Mrs. Carr stated she is working with the Parks Board as to who is using what parks and when. Mrs. Carr stated the past practice that goes back more than twenty (20) years where certain leagues that maintain the fields are given priority on the use of the fields. Mrs. Carr stated Ms. Gibson has no jurisdiction on who uses them and she is working on getting standards in writing. Mr. Pierson stated that no city taxpaying person should ever be denied use of the fields. Mrs. Carr stated one of the teams in this issue is not a Norton league. Mrs. Carr suggested that she sit down with Mr. Pierson and get the facts and work out the details. Mr. Grether stated several of his constituents and they maintain the field behind the middle school and any time that agreement can be pulled. Mr. Grether discussed some of these field teams in other communities and the amount of revenue coming in to those communities with concessions. Ms. Whipkey stated this December the Clerical union is up for negotiations and that we have non-bargaining have not been addressed. Ms. Whipkey asked if we could not start these union negotiations earlier. Mrs. Carr stated that there is no reason we cannot start discussion the non-bargaining soon, and Mr. Markey stated we can discuss this but not on the floor of Council until the unions start negotiation. Mrs. Carr stated that both the Service and Clerical units have been meeting and she has not been asked to open these contracts at this time. Mr. Tousley stated that he would like to start discussions in Executive Session as soon as possible. Mr. Pelot asked the Administration to take a look at the gas aggregate program and we are currently at about 4.6 and now it is down to 2.6% if you have no contract. Mrs. Carr stated that she will look at our contract and get back to Council on this and any resident can pull out of our agreement now and go with the new rate. Mr. Tousley expressed concerns with that and regardless of what we do; we need to be clear in the letters going out. Mrs. Carr stated at the time when the letters went out

we had information on the City website and she intends to do that again and have better clarification on the next round.

**PUBLIC SERVICE ANNOUNCEMENTS**

Mayor Zita read several announcements (see attached).

**PUBLIC UPDATES**

**ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:20 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 May 27, 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.