



## COMMITTEE WORK SESSION SEPTEMBER 8, 2015

Committee Members Present:        Scott Pelot  
   Dennis McGlone-Excused  
   Dennis Pierson  
   Paul Tousley  
   Charlotte Whipkey  
   Rick Rodgers

Also Present:                                Mayor Mike Zita  
   Valerie Wax Carr  
   Ron Messner  
   Justin Markey  
   Karla Richards

The Committee Work Session convened on Tuesday, September 8, 2015 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

### General Topics of Discussion:

#### Road Improvements Report by Benza & Associates

Mr. Pelot stated that all of Council had received copies of the road study by Mr. Benza and turned the discussions over to Mrs. Carr. Mrs. Carr stated that Mr. Benza was present with a short power point presentation. Mr. Benza also introduced Mr. George Sendrey an associate from his office. Mr. Benza stated he was originally here before Council last December and has since then he has prepared his report. Mr. Benza stated that the City of Norton has approximately 92 miles of roads. Mr. Benza stated the purpose of the report was to establish a pavement rating system in order to determine how to repair the roads in order to raise the rating system levels. After this system is implemented over several years you most likely won't see a lot of pavement treatments. You may see on a curve scale if a road is in a failure process. Mr. Benza stated the US Navy developed this method to rate the runways airports for maintenance. We sent out one guy in May and June and he rated every road. We did not look at I-76, St. Rt. 224 and St. Rt. 21. We took the 92 miles of roads and broke it up into 400 sections and tried to do so in a logical manner. We rely on a visual inspection of the roads and if they are asphalt we look for cracking and we try and average that condition out. In addition to a visual inspection there is also structural defects and are considered failures of the total pavement. There is a form we use that we would mark all of the defects seen and is done from a 10-1 rating. The conditions are then transferred over to a pavement condition rating form.

Every road is rated on a consistent basis. Mr. Benza discussed the various ranges of the ratings and when a road is determined to need a total rehabilitation. Mr. Benza stated that those roads that have a ditch running along side which will help to preserve the roads. Mr. Benza discussed the various corrections needed for the roads and the types of treatments necessary and the pavements potential life cycles. Mr. Benza stated we would like to look at those roads that will be falling from one category into the next lower category and maintain them to get them back up to where they need to be. We would put the streets together like this in a smaller group and would look to getting contractor discounts since they are all closely located. With a budget of \$650,000.00 we broke it down to very good and good at \$25,000.00; fair and fair to poor at \$150,000.00; and very poor at about \$325,000.00. Once a program like this is set up you need to determine how to pay for this such as State of Ohio Gas Tax fees, License Place fees, grants and loans from ODOT and AMATS. Mrs. Carr stated we already utilize all of these funds and they all go for out capital improvements. Mr. Benza added there are five (5) other options; a road levy, a project assessments, or a General Fund with project assessment where the City can absorb more of the costs which differs from a project assessment, General Fund if the City funds it, or Federal and ODOT Funding, and finally instituting and increasing user fees. Mr. Benza stated that the costs we have prepared are subject to change once you decide to address certain roads and you will need to conduct road core boring inspections, this was designed for you as a planning tool. Ms. Whipkey asked Mr. Benza to clarify that there were no coring studies done with his report and Mr. Benza replied that was correct. Mr. Rodgers stated it is his understanding that our road bases are not very good and were just simply built over time and Mr. Benza concurred. Mr. Benza stated if we find out the base is substandard, you may want to come up with a better way to extend the life of that road base, and if that was done with roads in the past you could have premature failures. Mr. Pierson asked if there is something the City can do like ditching to help the road condition. Mr. Rodgers discussed the different qualities in chip and seal as some roads look better than others. Mr. Sendrey associate stated that some of the chip and seal roads had received the fogging sealant which is darker and makes it appear as a better treatment. Mrs. Carr stated that this year we are using the fog treatment on some roads. Mrs. Carr stated that some of the roads we are looking to do more of the fogging process which is also called Loctite on our roads, and they do look better and can extend the life if they are caught at the proper time. Mrs. Carr stated we may want to specify a certain material or process when we go out for bid to ensure we get a good chip and seal product. Mr. Pierson asked if it is counter productive to cover the concrete roads with asphalt and Mr. Benza replied no it's not an issue but most neighborhoods that have concrete roads don't want them turned into asphalt. Mr. Benza stated that concrete is much more expensive than asphalt, and noted that most communities no longer use concrete do to the higher costs and the ease of maintenance issues. There was discussion about the life cycle of concrete and Mr. Benza stated it's about 5-7 years and that asphalt is even less than that. Ms. Whipkey asked of the 92 total road miles did you say that 91 was asphalt and 1 mile of concrete and Mr. Benza concurred. Mr. Rodgers asked about the ODOT and Summit County funds and if these were loans or grants? Mr. Benza replied ODOT is usually a grant where they pay 60-70% and the City pays the rest. The OPWC would deal with loans.

Mrs. Carr discussed the issues with the Silver Springs Drive and will be an expensive repair and some of the issues came up after this report was submitted. Mrs. Carr stated that we may be able to apply for OPWC funding and we may be able to get this at a 0% loan to fix this area. Mrs. Carr asked about the Medina Line Road Waterline Project and Mr. White stated that is going out with OPWC and we did apply but we did not have enough points so we are re-applying. Mr. Tousley asked about Medina Line Road and Cleveland-Massillon Road Widening and how that is budgeted? Mrs. Carr explained that Cleveland-Massillon Widening already has a line item within the budget and we are currently doing the land acquisitions now. Mrs. Carr explained that in 2019 Medina Line Road would need future funding decisions; however she would rather see that as a separate capital project. Mr. Rodgers discussed the \$650,000.00 figure and the way he sees this about 30% of our roads need some substantial work on them. Mr. Benza clarified that about 6% are in the very poor conditions. Mrs. Carr reminded everyone when we did this report we took out the roads in Nash Heights because we have agreed those would be paid for from the separate \$500,000.00 and we did not want to mix that in with the \$650,000.00. Technically with that plus the \$650,000.00 we are closer to the 1 million dollar mar. Mr. Pelot stated that Silver Springs Drive is not included in these figures. Mr. Rodgers stated he feels we need to be more aggressive on what we spend on the roads, and with \$650,000.00 per year our older citizens (himself included) may not see the improvements to these roads. Mr. Rodgers stated he would rather like to see \$1 million each year. Mr. Benza stated if you take our estimates today in the poor and very poor categories, you are spending \$450,000.00 a year it will take you 19 years to get them in better conditions. Mr. Pelot reminded the Nash Heights, Silver Springs and Cleveland Massillon Road, those are additional expenditures above the \$650,000.00. Ms. Whipkey stated with that being said we are already over the \$1 million dollar range. Mr. Rodgers stated we have neglected our roads for too long and we need to aggressively address them. Mr. Pierson asked if we would be advised to set weight restrictions for certain roads and areas? Mr. Benza stated yes; that can be done, it's political in nature but can be done and most of your damage is from garbage trucks. Mostly the County puts limits on their roads but not for the residential areas. Mr. Benza stated that if you restrict the garbage trucks then you will see an increase in your fees. Mr. Pierson asked about the weekly trips with the trucks in excess tonnage and Mr. Benza stated regardless of their weight, they do cause damage to the roadways. Ms. Whipkey discussed the current contract for trash hauling and noted that the last time we sent out the contract we did this incorrectly and we did not get the best price for the unlimited service. Mr. Pierson stated the current vendor is not the lowest bidder. Mrs. Susan Welch, 3108 Monteray Drive, Norton, Ohio, read a statement and handed out her photos relating to the poor road conditions on Monteray Drive (see attached). Ms. Welch discussed various issues within the Benza Road Study Report which she had concerns with. Ms. Whipkey asked how Mrs. Welch received this report? Mrs. Welch stated that that it's a public record and asked were we were not to distribute this report? Mrs. Carr stated that by the advice of the Law Director and pending the full presentation tonight by Mr. Benza and Council was advised not to share this report. Mrs. Welch stated she was not aware of that and would not state how she received the report in advance. Ms. Whipkey stated she has an issue with this when we as Council are directed not to share something and with some members of the public having this document puts others at a disadvantage.

There was a discussion if there was an error or not within the road ratings of Monterey vs Caroline and Mr. Benza stated he did not feel this was an error. Mrs. Carr stated this is just a draft report and when we get into the budget and finalized listings the roads and noted that nothing is being decided here tonight. Mr. Charlie Lemon, 1401 Summit Road, Norton, Ohio, asked if you considered following Barberton's proposal of a .25% income tax for roads only with a separate fund? It would be up to the people and if they want it fine, if they don't then ok. Things cost more and more every year, we need to get an industrial base and we need to address our roads. Mr. Lemon stated there is 54 acres sitting next to him on Summit Road that needs developing. That is a lot of land and its right next to the expressway. Mr. Rodgers stated we have an 1/2 percent income tax now for sewers that generates about \$1.5 million a year so you are looking at about \$225,000.00 for a .25% that's not a whole lot of money so if we did a road levy it would not generate that much additional revenue. Mr. Lemon replied of you take that revenue and add it to the \$650,000.00 you already have that's something. Mr. Lemon stated we need to come out of the 1940's and into the 2010, and think about the oaths you have taken under God. Mr. Richard Easterling, 2996 Givens Drive, Norton, Ohio, commended Council for hiring professional people to look at this. Mr. Easterling discussed the ditches and that over years were cover over. When the roads get done maybe it time to open them back up. Mr. McCleod, 3121 Monterey Drive, Norton, Ohio stated he brought his own core samples and displayed a five (5) gallon bucket full of samples to share with Council. Mr. McCleod stated he has been here since 1963 and the last time his road was paved was in 1979. Mr. McCleod stated the biggest problem is the trash trucks. Our road is a real mess and with the school buses going up and down them, it just makes things worse. We should be rated at very, very, very, very poor. Mr. McCleod stated you should all come out here and take a look this for yourselves.

#### New Liquor Permit-Barberton Speedway

Mr. Rodgers stated the Chief of Police does not request a hearing on this request and he did not see a need for a public hearing either. Mr. Pelot stated he understands each city is allowed a certain number of permits and he questioned if Norton was at the limit. Mr. Markey concurred that each community has a set number of licenses. Ms. Whipkey asked if they had not maintained the original license since it was sold and they had sold beer there forever. Mrs. Carr explained that the there was a gap in the license and the previous owner did not renew it or keep it up. The current owner has go all through the process like it's a new application even though the license is technically just sitting there. They will not be serving anything different than they were in the past. There were no issues from Council and the filing would be sent to the State for processing.

#### Ward 2 Vacancy Discussions

Mr. Tousley stated at the last meeting there were a few questions to Mr. Markey and turned this discussion over to him. Mr. Markey stated the issues were the timing of the election and that Council should start setting the date. Mr. Markey suggested Council go beyond the 90 days and Mr. Pierson asked if there is a set time like a minimum or maximum and Mr. Markey stated no the Charter does not set a date; it states something like the nearest possible date.

Mr. Pierson stated with the outcome of the November election and the potential vacancy of another seat and suggested we could do both at the same time. Mr. Markey stated if you pass an ordinance on Monday the 90 days would be December 13<sup>th</sup>. Mr. Pierson stated with the winter he would like to see we wait until later. Mr. Markey stated in the issue if Mr. Rodgers were to win the Mayors seat there would be no potential vacancy until the Board of Elections certifies the November election which would be some time in December. Ms. Whipkey stated then we would be looking at February and Mr. Markey suggested it takes place at the Presidential March Primary would be the cheapest result. Ms. Whipkey stated this is on a maybe that we could need another election. Ms. Whipkey noted that this current vacancy election is not a city wide election, and that Ward 2 has 3 precincts. Mr. Markey stated that the Board of Election would estimate your costs. Ms. Whipkey stated that Ward 2 has no representation and Mr. Rodgers stated that we do have two At Large members that live in Ward 2 now and those residents have really more representation than most. Mr. Pierson asked about the projected costs if that has even been looked into and Mr. Markey replied one community had a ward election had costs of around \$8,400.00 so it could be double this for two (2) ward seats. Mr. Pierson stated he would like the Board of Elections to determine these costs. Mrs. Richards stated that she had already asked this and was told that until Council sets the date they cannot do that, it all depends on the date as to staffing needs. Mrs. Richards also noted that under a new Ohio Law the municipalities are now required to pay 65% of whatever those costs are up front. Ms. Whipkey stated that the Board of Elections wanted us to hold off until at least December. Mr. Tousley asked if we passed legislation does the Board of Elections require candidates to file within the 90 days? Mr. Markey stated that is another decision Council would have to make in addition to the election date. Mr. Pierson stated that candidates would need 25 signatures before that 90 days and that should not be a problem. Ms. Whipkey and Mr. Pelot both concurred that the requirement is at least 25 valid signatures. Ms. Whipkey stated she feels this vacancy needs to be filled as soon as possible and get this scheduled for sometime in December. Mr. Rodgers stated we have a member of Council missing tonight and that is not really fair to take a vote on this now. Ms. Whipkey stated we could move it to the agenda for Monday. Mr. Markey stated Section 8.03 of the Charter states to file an election for a primary you have to file within 90 days.

#### Nash Heights Sanitary Sewer Discussion

Mr. Rodgers stated this will be discussed next week during COTW due to time.

#### **Unfinished Business:**

Ms. Whipkey discussed the legal opinion from Mr. Markey and felt this needs discussed. Mr. Rodgers took offense to this and that he did not specifically want this discussed in this past and had a gentlemen's agreement with our Law Director that we reached an agreement that we were going to burry this, and Mr. Markey agreed with this statement. Mr. Pierson asked who requested the legal opinion and Mr. Markey replied the Administration. Mrs. Carr replied she did, she had received several inquiries as she stated in her cover memo. Ms. Whipkey stated the way it was left it, however it's only fair to the people the Council and Administration to state where we do stand on this.

Ms. Whipkey had asked Mr. Rodgers if he stood by Mr. Mendenhall's opinion and he had indicted yes. This does not leave a clear message as to how do we do things on Council floor and the position of the Police Officer. Mr. Tousley stated he has no problem talking about this but perhaps another time would be better as none of us have had the time to read the opinion. Mr. Markey stated he does not need to discuss his written opinion in detail it speaks for itself. Mr. Pierson stated in his cursory review the two opinions mirror each other. Mr. Markey strongly disagreed they do not mirror each other in any way. Mrs. Whipkey stated the do not mirror each other. Mr. Rodgers stated that what this will do is probably generate another opinion from Mr. Mendenhall and asked Mr. Markey if it would be appropriate to have Mr. Mendenhall present for that discussion? Mr. Markey replied he was not interested in debating Mr. Mendenhall on his opinion and is not relative to Council as a whole. Mr. Markey stated that interpretations of the City Codified falls under his purview as Law Director. Ms. Whipkey stated in other words Mr. Mendenhall has no jurisdiction here and Mr. Markey stated anyone is welcome to make a public comment and he is not interested in a debate. Mr. Rodgers asked Ms. Whipkey other than political gain what is her purpose here? Ms. Whipkey stated she wants Mr. Rodgers and others to understand that having a Police Officer present is not just a glorified bouncer for Council President or others. They are here working in their capacity as a Police Officer. Ms. Whipkey stated that it does not matter what Attorney Mendehall has to say as he is not our authority that we go to, we are bound to go to our Law Director, and we are not bound by him, and the only reason we could be bound by him is if we took this to court. Mr. Rodgers stated the reason he took it to Mr. Mendehall is because Chief Dalessandro stated that he was in violation of obstruction of justice, and he sought out an attorney. Mr. Rodgers asked Mr. Markey of Officer Braman was within his rights to intercede Council while conducting legislation, is he to come at the Council President or any other Council member in a heated argument? Mr. Markey explained that it is not a Police Officers role to interrupt legislative process, however when tempers flare and the Police Officer says "Hey guys knock it off" is not interfering with your legislative process and no one was singled out. Mr. Rodgers asked Mr. Markey if he thought that a professional Police Officer to say "Hey guys, knock it off" while we are conducting business here, and Mr. Rodgers answered his own question with no. There is no need to bring this up anymore. Mr. Rodgers asked is Mr. Braman is to come to Council or any others to interrupt discussion that may have got out of hand. Ms. Whipkey stated her point is that Mendenhall's opinion has no merit. Mr. Rodger's stated the officer is in the room to protect everyone from harm, and if he were to interrupt a Council meeting again I would gavel them. Ms. Whipkey stated she has never seen anyone be escorted out of this room the discussion was very loud and it was not a debate going only. Mr. Rodgers stated he has it on good authority that it was former Councilwoman Mrs. Hlas that had asked for security because it was Ms. Whipkey that had followed her into the restroom. Ms. Whipkey stated that was not correct, and she explained the detailed history on exactly what happened. Mr. Rodgers stated this all is for political purposes and we need to let this go. We need to get on with things and get the City in the shape it needs to be in. Mr. Pelot stated he was Council President when the Police Officer was brought in and the incidents discussed here tonight had nothing to do wit this. There were other factors involved back then. Mr. Pierson stated he was verbally insulted by the former Law Director and this was just ignored then.

Ms. Whipkey stated that's not correct she took offense to that issue and even wrote a letter of reprimand to Mr. Kostoff to that effect. There was discussion as to the events that brought this all about. Mr. Rodgers stated none of this matters anymore; that is history and an officer is not going to come between Council when legislation is pending. The officer is there to protect the public. Mr. Tousley moved to end discussion, seconded by Mr. Rodgers. Mr. Tousley apologized for any of the residents for this heated discussion.

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

Motion passed by a 3-2 vote.

**New Business:**

**Full Time Zoning Inspector**

Mr. Tousley stated he just wanted to bring this up for discussion to see how we want to form this position. Mr. Pierson stated he wants the job description pulled and a committee set up with Administration and re-write that before we fill this position. Mrs. Carr stated we were planning on doing that with the part time position and this is a union position so she needs to get with the union on that. Mr. Pierson disagreed adding that Mr. Arters was not union. Mrs. Carr stated that Mr. Arters was not a Zoning Inspector and the last position held by Mrs. Pat Ryan was a union position. Mr. Pierson stated that he wants to see this become a non-union position, and Mrs. Carr stated good luck with that. Mr. Rodgers stated he would like us to look at other communities and see how they are doing this. Mr. Rodgers stated we need to look at the Planning Director and maybe we can do all of this with one person and one position.

**Topics for the next Work Session:**

Ms. Whipkey wanted to have discussion on the Watershed Conservancy District and she noted that the meeting we had last week was very poorly attended. Ms. Whipkey stated she wanted to focus on the petition process and felt the signatures needed should be from the property owners instead of residents. We can focus on many aspects of this as the property owners would be footing the bill for this not the residents. Mrs. Carr stated the Law Directors of three (3) communities within the Yellow Creek area are working on their petition process and we can hopefully get something on that.

**Public Comment-Agenda and Non Agenda Items:**

Mr. Charlie Lemon, stated his has and is considering the Ward 2 Council vacancy position as he does have the experience. Mr. Lemon state we need to leave all of the animosity and personalities out side the door, just like when you enter church, you leave everything outside. Mr. Lemon stated he does not believe in animosity or vendettas and he would do his best to make sure the residents are represented.

Mrs. Neva Gibson, 3301 Higgins Drive, Norton, Ohio, stated that she was asked by Council to do some research on the sewer system options. Mrs. Gibson stated she understands this is a heated discussion.

Mrs. Gibson stated she was here on July 13, 2015 about her concerns on the vacuum systems. Mrs. Gibson stated she spoke to engineering expert on vacuum system and that expert stated that “people who do what I do view the Airvac system as an anomaly. It would be like wearing a Hawian shirt to a Christmas dinner”. Ms. Gibson stated that there are only two (2) companies AirVac and FloVac. Mrs. Gibson stated the city should check out the long term maintenance costs. He asked why the city is not looking in to low pressure gravity systems with grinder pumps, they are similar to a vacuum system but without the maintenance costs. See report submitted by Mrs. Gibson. Mrs. Gibson asked this person if he were to install one of these systems in his own home which one would he use. He replied he would select the low pressure/grinder pump system and is bias to what works and that is gravity. If AirVac is such a great company then why aren’t more of use jumping on the band wagon. Mrs. Gibson stated that it was obvious to her that at the July 13, 2015 Meeting that Ms. Whipkey has also done her own detailed research on vacuum sewer. Mrs. Gibson also provided newspaper articles as recent as June 2015 where Plumb Island has spent over \$350,000.00. for repairs. Mrs. Gibson also asked Council to consider presentation from the representatives from the low pressure/grinder company. Mrs. Gibson stated its in the best interest of all Norton residents for Council and the Admin to check out all viable options. We deserve to have multiple bids and multiple presentations. Mrs. Gibson provided detailed information on all of the companies this gentlemen mentioned to her (on file in the Clerk of Council office-too large to include in the packet). Mrs. Gibson stated she does not want Norton to be a trail run for a company like AirVac. Mr. Rodgers asked Mrs. Gibson if she was aware that our new fire station uses a grinder pump and that it has already broken down, so who fits that bill? The residents do. Mr. Rodgers stated that if the grinder pump fails it’s the residents that pay that bill. Mrs. Gibson asked who would be providing that information next week and Mr. Rodgers stated that is from engineers all over the country and even from neighboring communities. Mrs. Gibson asked Mr. Rodgers how long ago did he install a grinder pump and Mr. Rodgers replied about 20 yrs ago and Mrs. Gibson stated that’s exactly her point.

Mr. Larry Perkins, 3844 S. Neitz Drive, stated when he loses his electricity his well goes out, he has no flushing nothing. Mr. Rodgers stated that with vacuum systems, there is a generator and the resident has no involvement with it. It is outside of your home and the system continues to work.

**Public Updates:**

None

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:10 PM.

---

Rick Rodgers, President of Council



**\*NOTE: THESE MINUTES ARE NOT VERBATIM\***

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

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