



COMMITTEE WORK SESSION JUNE 16, 2008

Committee Members Present: Ken Braman
Brenda Hlas
Tom Jones
Dennis McGlone
Bill Mowery
Mike Zita
Scott Pelot

Also Present: Mayor David Koontz-Excused
Rick Ryland
John Moss
Jeff Pritchard
Karla Richards
Ann Campbell

The Committee Work Session convened on Monday, June 16, 2008 at 7:02 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Scott Pelot. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee Work Session General Discussion:

Nuisance Ordinance

Mr. Pelot stated that the Administration has asked for a little more time to review this with the Mayor before proceeding and we will leave this on the Matters Referred list.

Barberton Health District Contract

Mrs. Hlas stated that the Administration has requested that we review the Barberton Health District Contract and she turned this discussion over to Mr. Ryland for the details. Mr. Ryland asked Council to consider not renewing their contract and by not renewing the contract it gives us 9 months to review our options and discuss it with Barberton. Mr. Ryland stated that it is not saying that we will not be dealing with the Barberton Health District after the 9 months, it is a requirement of the contract that we have to serve them notice of our intentions. Mrs. Hlas asked what is the reason that we want to look at other options? Mr. Ryland indicated that they do a fine job in some areas, but there are some areas such as waste water, connections to sewers, C & D facilities, sanitation enforcement.

Barberton Health District Contract continued

Mrs. Hlas asked if we have discussed our concerns with the BHD (Barberton Health District)? Mr. Ryland indicated that we have had some discussions with Mr. Binic and Mr. Meusel with our concerns, however he has not sat down and discussed them personally with Ms. Kline. Mr. Ryland noted that Ms. Kline was present in the audience this evening. Mr. Ryland stated that we have issues with off lot discharge and septic tanks that have failed and permit were issued without consulting with the city. Mr. Braman stated that as Councils representative to the Norton Health Advisory Board, he has dealt with the BHD and they have always been very helpful and they do a real good job. Mr. McGlone stated that he felt it was time to review all districts and compare the best one, we are not saying we are done with the BHD. We are just looking at all options. Mr. Ryland stated that he agreed, its only that this contract has a 9 month opt out notice and should we take another rout we would not have to wait another 9 months. Mr. Jones asked how much we are paying the BHD, and Mr. Ryland replied roughly \$80,000.00. Mrs. Hlas stated that according to the 2008 contract it is \$80,340.00. Mrs. Hlas asked if we would do this now, do we have to give a minimum of 9 months can we extend it longer? Mr. Ryland stated that he did not have that answer. Mrs. Hlas asked if we are telling them that we want to terminate the agreement, does it mean that we have to terminate it? Mr. Ryland replied no, it means it is possible we may not renew the agreement come April next year. Mrs. Hlas stated that in the meantime we could meet with the BHD to discuss our concerns. Mr. Pelot stated that competition is good, it keeps you on your toes, allows you to see if your current supplier is going to take care of the issues and supply you with the best service. Mrs. Hlas moved to place this on Councils next agenda, and in the meantime invite the BHD to address our concerns. Ms. Charlotte Whipkey, a Norton resident questioned the situation about failed septic systems and the BHD issuing permits without consulting with the City of Norton. Mr. Ryland explained the process and how this can occur and that some off lot discharge require the city to dig up roads and pipes to be put in. Mr. Whipkey stated that about a month ago there was a system that failed and they wanted to do that and the city would not allow it to happen. Mr. Ryland agreed that we will not put pipes under the road because once that is done, then who would be responsible for those pipes? Ms. Whipkey discussed minutes from the Planning Commission when there was discussion regarding alternative septic systems (chlorinating systems) as a type of septic systems and was this option given to these residents? Mr. Ryland stated that we are talking about 2 separate issues here. Mr. Zita seconded Mrs. Hlas' motion.

Roll Call: Yeas: Hlas, Zita, Braman, Jones, McGlone, Mowery, Pelot
Nays: None

Motion passed 7-0.

Van Hyning Bridge Replacement

Mr. McGlone stated that according to a memo from Mr. Pritchard dated June 13, 2008, Summit County Executive is applying for a Ohio Public Works Grant with the City of Norton as a co-applicant for the replacement of the Cleveland-Massillon Road bridge over the Van Hyning Run at a cost not to exceed \$14,600.00. Mr. Pritchard added that because of a timing issue for the grant application he is asking that Council waive the readings, and this also has to be presented to Summit County Council for their adoption. Mr. Pelot stated that this total project cost is \$292,400.00 and the grant is a 90/10 split. Mr. Pelot questioned why Summit County is paying \$14,600.00 and Mr. Pritchard stated that Summit County is responsible for all bridges over waterways. Mr. Jones clarified that this is the bridge by the Middle School and questioned if this bridge would be closed for any period of time? Mr. Pritchard stated that it is unknown at this time, the project would not begin until 2009 and the bridge would include sidewalks. Mr. McGlone moved to place this on Councils next agenda, waiving the second and third readings with emergency language, seconded by

Roll Call: Yeas: McGlone, Jones, Braman, Hlas, Mowery, Zita, Pelot
Nays: None

Motion passed 7-0.

Newpark Drive Assessment Project

Mr. McGlone stated that last week we received a memo from Mr. Pritchard that the city is applying for an Ohio Public Works Grant for the replacement of Newpark Drive and some construction for controlling storm water. Mr. McGlone stated that the estimated total project costs is \$2,700,000.00. Mr. McGlone stated that the Administration is asking for a resolution to assess 50% of the total cost for the project to the local business affected by the project, in addition to apply for the grant. Mr. Pritchard stated that this area has a long history of flooding problems, and the city has been approached by the business owners to try and do something about this problem. Mr. Pritchard stated that again because to the OPWC grant timing, he is asking that Council waive the readings. Mr. Pelot clarified that the engineering firm has already been hired and they were already paid. Mr. Ryland concurred, adding that the engineering firm was paid \$88,000.00. Mr. Pelot questioned if that payment is part of the grant funding, and would we be reimbursed? Mr. Pritchard stated that any time you apply for Issue I funding, the city receives extra points if the project is already engineered. The engineering is complete and they are working at this point to get everything ready to apply for the Issue 1 funds. Mr. Jones questioned if we have secured the retention pond in that area? Mr. Ryland stated that he has talked with Mr. Silver about his 4 acre parcel and everything is in place to move forward, and the 4 acres is included in the \$45,000.00 for the property. Mr. Jones asked how high the road would be raised and Mr. Ryland replied 31 inches and it ramps up from Barber Road. Mr. Jones questioned if this would cause flooding on Barber Road in that area and Mr. Ryland replied no.

Mr. Pritchard stated that we would have bio-retention swales along the new road, which would address that issue. Mr. Ryland stated that once completed this area would be able to withstand a 100-year year flood event, which is the equivalent of 4 inches of rain in 1 hour. Mr. Jones asked if this would affect any of these businesses, and Mr. Ryland indicated that it should not, everything should stay at the back of the site. Mr. Ryland indicated that this is not a 100% guarantee that flooding will not occur, but for the normal events and recent events this will hold the water. Mr. Pelot questioned the timing of receiving the funding and is there any reason to believe that we would not receive the funding? Mr. Pritchard stated that we should score very well with the funding and hopeful we will receive the funding, and should receive notice by July 1, 2008. Mr. Pelot asked if there is a contingency plan if not approved or approved at a lesser costs, and Mr. Pritchard did not have a response. Mr. McGlone moved to place on Council's next agenda a resolution to apply for the grant, waiving second and third readings as an emergency, seconded by Mr. Braman.

Roll Call: Yeas: McGlone, Braman, Hlas, Jones, Mowery, Zita, Pelot
Nays: None

Motion passed 7-0.

Mr. McGlone moved to place on Council's next agenda a resolution to assess 50% of the project, waiving second and third reading as an emergency, seconded by Mr. Braman.

Roll Call: Yeas: McGlone, Braman, Hlas, Jones, Mowery, Zita, Pelot
Nays: None

Motion passed 7-0.

Consent Legislation for ODOT I-76 Road Repairs

Mr. McGlone stated that this is for the installation of guardrails from the Medina County line to the eastern corporation line. Mr. Ryland stated that this is to be installed in the center median, and that that ODOT has recognized that the city has had several accidents due to crossing over the median and will be addressing this. Mr. McGlone asked how much would this cost the city of Norton, and Mr. Ryland replied nothing. This is a boilerplate type piece of legislation that is requested by ODOT. Mr. Pelot asked who would be responsible for the maintenance and upkeep of the guardrails, and Mr. Ryland replied ODOT. Mr. Jones stated that he thought that the State of Ohio and other entities were to widen I-76 all the way up to Battles Avenue in Akron. Mr. Ryland stated that this project is still on the drawing board, however it got killed due to funding issues and is on the back burner. Mr. McGlone moved to place this on Council's next agenda waiving second and third readings with emergency language, seconded by Mr. Jones.

Consent Legislation for ODOT I-76 Road Repairs continued:

Roll Call: Yeas: McGlone, Jones, Braman, Hlas, Mowery, Zita, Pelot
Nays: None

Motion passed 7-0.

Unfinished Business:

Mr. Ryland discussed the memo from Interim Chief Hete in response to the inquiry about a traffic light at Hametown and Greenwich. Lt. Hete indicated that it was his opinion that it is not needed and it works best as a flashing light. Mrs. Hlas questioned 5 accidents in a year and a half seems high to her. Mr. Ryland indicated that he was not clear on what the Chief used to determine what is sufficient. Mr. Ryland stated that with the number of accidents, most of them were fender benders and 2 had injuries. Mrs. Hlas asked if there was some concern with the hill at the bridge, and Mr. Ryland replied yes. Mr. Jones stated that he has to go along with Mrs. Hlas on this one, especially with trying to turn left heading east. Mr. Jones discussed putting a blinking traffic light on a utility pole warning you when the light is about to change. Mr. Jones stated that he would like to see a more through investigation, since we already have a light there it should be activated. Mr. Ryland stated that although there is a traffic light there, it would cost roughly \$80,000.00 to activate that light to a fully functional stoplight. Mr. Pelot discussed having a traffic study done and Mr. Ryland stated that he has contacted ODOT about this and their most recent study indicated that it does not warrant a light. Mr. Ryland indicated that there is an increase in traffic due to construction on St. Rt., 21 and Eastern Road. Mr. Richard Easterling, a Norton resident stated that the Summit County Engineers have discussed the use of round about and this would be good location for this to be considered. Mrs. Hlas stated that she recalled that there was funding available for a round about. Mr. Jones suggested that we leave this on Matters Referred for future discussions. Mr. Jones asked about getting the speed bumps addressed on St. Rt. 261 and St. Rt. 21 east and west. Mr. Ryland stated that he is still waiting on getting a price quote from the paving company. Mr. Jones asked how long does it take? Mr. Ryland stated that it has been about 2 weeks since he asked for the prices, he had initially forgot about this request. Mr. Jones asked about a trash hauler being out earlier than 5:30 AM and Mr. Ryland stated that he is aware of this and it is a second complaint for this company. Mr. Pelot inquired about the house that is partially burned down on Easton Road and where we stand on this. Mr. Ryland stated that we have inspected this and it is in terrible condition, and we have contacted the Barberton Health District for them to inspect and we have contacted relatives in Wadsworth regarding this property. Ms. Paulette Kline, Barberton Health Commissioner, stated that 2 inspectors were there today and inspected the property. There are 3 public health violations; we have issues with solid waste. There is an uncapped well, which is a serious safety, issue. There are open holes in the floor where there was evidence of open burning to heat the house, pooling of water within the property. We are in the process of writing orders and will be sent to your Law Director on Wednesday and will be posted on the building.

Unfinished Business Continued:

The Law Director has indicated that he will decide how this is to be published in the newspaper. Mrs. Hlas asked what the next process is? Ms. Kline stated that it would be officially condemned and then it can be torn down. Mrs. Hlas asked how long that process could take and Ms. Kline stated approximately 30 days. Mr. Pelot discussed capping the well right away, and Ms. Kline stated the orders state it can be done right away, but she would prefer that they wait a little bit on that. If there were a relative that has interest in the property they would take the financial obligation to make repairs and costs. Mr. Ryland stated that this is a situation that we do need the BHD's help on. There was a death in the family and probate was not done properly and now we are looking at 2 deaths back on the transfer of the title in the family. Ms. Kline stated that she supports the city's right to evaluate other options for public health issues. Ms. Kline gave a brief report on the status of the Summit C & D and the McCoy C & D facility and that the BHD has been commended by the Environment Review Appeals Commission and the Ohio EPA for their efforts. Ms. Kline stated that the Summit C & D's appeal was resolved and the improvements were above and beyond what most sites would have never agreed to. Ms. Kline stated that the BHD feels that it has been quite a success to get them to agree to these standards and this will protect the residents of Norton. Ms. Kline discussed the license modification for the Summit & McCoy C& D Landfill, which requires the entire 11.6-acre area to be contained by a barrier layer to prevent any leachate from contaminating the soils. Ms. Kline stated that this is another grandfathered site, and if we did not get this approval, there is no law to protect this leachate. Ms. Kline stated that in the future she would be asking the city to consider joining orders with the Building and Zoning Departments and the Health District when there are properties that are a health risk. This way we can go in and get a double bang at the same time. Ms. Kline reported an illegal food vendor in Norton that was reported to her on Cleveland-Massillon Road on Friday. It was a mobile unit that was inspected and shut down within 45 minutes. Ms. Kline discussed the sewer tie ins, and that under Ohio Revised Code Section 3701.56 the BHD has the full authority to prosecute, instead of going through your prosecutors office. Ms. Kline reported that she has evaluated 36 total businesses, 16 have tied in, 15 have mandatory tie in orders, and 5 have closed their businesses down. Ms. Kline stated that she knows the fees to tie in are high and suggested that Council consider incremental fee schedules to help. Mr. Pelot questioned the Administration as to where we are with the Johnson Meadows Project. Mr. Ryland stated that they have made contact with the original architect to get an update on the road design, and have made significant changes to the plans. Mr. Ryland indicated that they would have come to the Planning Commission. Mr. Pelot asked about when would they begin making payments back to the city? Mr. Moss replied assessments would start at the end of the year and go out with the next tax bills in 2009.

New Business:

None

Public Comment-Non Agenda Items:

Ms. Charlotte Whipkey, a Norton resident, asked about the condition of the injured city worker. Mr. Ryland stated that his condition is still in a medically induced coma and his outcome is iffy. Mr. Ryland indicated that another city worker, Fire Capt. Shaw was injured falling off of his barn and broke his back, leg and arm, and he has been released. Ms. Whipkey stated that she attended a Norton Health Advisory Board meeting and thought that they had already cited residents in the mobile homes area. Ms. Whipkey stated that after reading the memo from the Prosecutor it sounds like these people were cited and if they had the money to fight the nuisance complaints the city would lose. Ms. Whipkey stated that on May 30, 2008 she requested public records and she has yet to get any of them. She was told that there isn't anything like she wanted. She had asked for names and opinions, recommendations from the other architects concerning the fire station and community center. She got to look at 3 booklets and 3 booklets do not pertain to us as a city, those are general booklets put together. Ms. Whipkey discussed Charter and that Administrator should be keeping the Mayor abreast of things going on. Ms. Whipkey stated that she had asked for the maintenance and costs reports for both of the fire stations for the last 10 years. Ms. Whipkey stated that the city wants to bring us a maintenance code and yet the city is not responsible for maintaining. Ms. Whipkey stated that that should have been one of the first things you would have looked up before proposing any ideas about the community center or the fire station. Ms. Whipkey stated that she was even referred to go to the Council Clerk to get this information, that is not her job, her job is taking care of you. None of this leg work was done before hand, notes should be take, you are responsible to us, you should be able to tell us who you talked to and what they had to say. It should have been accumulated long before this was ever brought forward as an idea to the people, and the Mayor.

Mr. Jim Lino, a Norton resident, discussed an article in the Barberton Herald regarding household hazardous waste drop off for Barberton residents. Mr. Lino stated that he called Summit County to find out how much it costs Barberton and he was told it was free. Mr. Lino suggested getting Norton, Copley, New Franklin together and get our stuff collected. Ms. Lino discussed the mosquitoes and how bad they are getting with all of the rain. Mr. Pritchard stated that he has been working with Summit County on getting a hazardous waste day here in Norton for 2009.

Mrs. Kathy Cunningham, a Norton resident, discussed the recall and that a lot of things are going on that the people need to know about. Mrs. Cunningham stated that she was warned that this would get ugly and she should bow out, well she is not bowing out, she is committed to doing this. Mrs. Cunningham stated that shortly after the recall petitions were filed she got a phone call from a resident, asking her about her registration number for her office in Kuwait. What does that have to do with anything on Norton? The next statement this resident made was that I had a vendetta over Issue #45 and that the Sheriff should be patrolling our streets. Mrs. Cunningham stated that she told this resident if she felt this way she should move to Green.

Public Comment-Non Agenda Items continued:

Mrs. Cunningham stated that they discussed the petitions and that this resident felt some of them should be thrown out, and that residents were calling the Board of Elections 4 and 5 times a day. Mrs. Cunningham stated that it was reported that she should pay for the recall, well she does every quarter with her tax dollars. Can anyone tell her how much Issue 45 cost this city? She paid for that one too. Now she sees her Councilman on her street for the first time in who knows how long visiting with a neighbor who is no longer allowed to attend Council meetings. Mrs. Cunningham stated that she came out of a meeting one night and there was someone in the parking lot taking down license plate numbers, huuummm? Mrs. Cunningham stated that it has been stated that this Councilman is the “watchdog” of the community, well let me tell you what he spends his time doing, let me tell you about vindictiveness. Mrs. Cunningham stated that since Issue #45 has happened, a packed of a complaint was filed against a Norton Police officer who attended a public meeting in plain clothes and spoke. Mrs. Cunningham stated that she knows this officer and as a person and he is in no way threatening to anyone. Mr. Pelot warned Mrs. Cunningham her 5 minutes were up. Mrs. Cunningham asked for a few more minutes. Mr. Pelot asked Council if there were any objections, Mr. Jones initially objected. Mr. Pelot polled all Council members on allowing Mrs. Cunningham additional time, Mr. Jones stated that he was out voted, so what the hell did it matter? Mr. Braman, Mrs. Hlas, Mr. Zita, Mr. Mowery, Mr. McGlone, Mr. Pelot did not object. Mrs. Cunningham stated that over the last week 3 people on her street, 2 of them are Cunningham’s got letters about trailers being parked on their property. Mrs. Cunningham stated that one is her father-in-law who has had his trailer parked there for 20 years and never had a complaint. Another neighbor just parked his there recently and her brother-in-law has parked is trailer there over 5 years and now all of the sudden they are getting letters. Mrs. Cunningham stated that she didn’t get one because her RV is parked behind her house, although she is sure they would be trying to get her for something else. Mrs. Cunningham just wanted the residents to be aware of the intimidation tactics that is being used and this why a recall is being used. Mrs. Cunningham stated that she hoped he was proud of the fact that he targeted an 84 year old man with a disabled wife because he parked a camper close to his door. We just wanted to give the people of Norton a choice if they want to continue with this type of politics let him sit in office, if we are done, then vote no.

Mr. Robert Copen, representing the Norton Fireman’s Association, presented Mr. Moss with 2 more bills; 1 for the knox box and another for \$21,815.00 extrication equipment and another bill will be coming in for that same equipment in the amount of \$15,000.00 later on. Mr. Pelot thanked Mr. Copen and the Norton Fireman’s Association on behalf of Norton City Council and the City of Norton.

Ms. Megan Booth, a Norton resident, stated that she was fascinated that for someone who does not regularly attend Council meetings has such strong opinions and talk about vendettas.

Public Comment-Non Agenda Items:

Ms. Booth stated that if anyone has questions about certain things that have been happening, give her a call, she is in the phone book and would be happy to talk with the residents. Ms. Booth commented about the lack of respect from Council given to the public when they come to the podium, some members of Council are talking, laughing, etc. Ms. Booth complained about a particular councilperson's behavior and their lack of attention, and Mrs. Hlas called a point of order. Mr. Pelot stated that a point of order was not valid because Ms. Booth was not using names specifically. Ms. Booth stated that she was raised that when people are speaking that you treat them with respect and make eye contact with them and listen to them when they are speaking. Ms. Booth stated that this should be a city where we could live here happily and we should be able to get along. Ms. Booth stated that she would love for July 10, 2008 to come and go and for the right thing to happen. Mr. Pelot warned that those of you who wish to laugh take it outside, this is not the right place for it. If you chose to have another conversation while someone is speaking at the podium, take it outside and give the person speaking at the podium some courtesy.

Mrs. Elaine Tompkins, a Norton resident, commented about the fire station, community center issues, (see attached). Mr. Copen stated that the Norton Firemen's Association paid for the 64 inch TV's in addition to the recliners at Station #1. Mr. Copen stated that the 64" TV's are located in the training room and they are used as training equipment.

Topics for the next Work Session:

MPO Ordinance, Council Rules (Votes required), Property Assessments for Elderly, Eminent Domain, Nuisance

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:17 PM.

Scott Pelot, President of Council

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

All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted. If you do not have access to Time-Warner Channel #15, you may request to view a copy of any VHS recorded meeting in Council Chambers. Please contact Ann Campbell in the Administration office to make the necessary arrangements at (330) 825-7815 ext. 14.