



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MAY 23, 2016**

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

The Regular Council Meeting convened on Monday, May 23, 2016 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE**

Mr. Pierson moved to add Ord. #46-2016-Cell Tower Agreement to the agenda for a first reading, seconded by Ms. Whipkey. Mrs. Carr stated that Mr. Jason Woodward from TowerCo was present this evening for any questions Council might have.

Roll Call:     Yes:   Pierson, Whipkey, McGlone, Kernan, Tousley, Pelot  
                  No:    None

Motion passed 6-0.

Mr. Pelot moved to add Ord. #47-2016-Award Paving to Karvo Company for Cleve-Mass. Road Widening paving project to the agenda for a first reading, seconded by Mr. Tousley.

Roll Call:     Yes:   Pelot, Tousley, McGlone, Kernan, Pierson, Whipkey  
                  No:    None

Motion passed 6-0.

**COMMUNICATIONS FROM THE PUBLIC**-No one signed up to speak.

**CONSIDERATION OF MINUTES**

Minutes of the Committee Work Session of May 9, 2016 were approved as submitted.  
Minutes of the Regular Council Meeting of May 16, 2016 were approved as submitted.

**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS-**There were no reports.

**PUBLIC HEARINGS-**None

## **INTRODUCTION OF NEW LEGISLATION**

### **ORD #46-2016**

Mrs. Carr gave a brief overview of Ord. #46-2916 the cell tower legislation. Mrs. Carr stated over six (6) months ago the TowerCo expressed their interest into leasing another cell tower in our community located at Dorothy Court. They will supply all of the housing and fencing required. They would pay a \$700.00 fee to the City to hold our spot and this would continue the next year at \$700.00 until the agreement is in place. Once an agreement is finalized the fee they would be paying is \$1,400.00 per month for five (5) years with the option to continue the lease for another five (5) years and increasing each year by 2%. Mrs. Carr noted the Tower Co is familiar with the requirements through the Planning Commission. Mrs. Carr stated that this location is less residential and it falls into the current zoning which is I-1. Mr. Jason Woodward, Central Regional Director of Development for TowerCo, spoke on behalf of Verizon Wireless which is who they are building the tower for, adding that TowerCo will be the owner and operator of this structure. Mr. Pelot asked how long has Tower been in business and Mr. Woodward replied since 2004. Mr. Pierson noted this is in a residential area in Ward 4 and he asked about the aesthetics added at this particular location. Mrs. Carr replied this would be located back on our property at the Service Garage and the public would not have access to this and the residents probably would not even know this is there. Mr. Woodward stated we are open to additional buffering if necessary. The standard is to build a chain link fence around the tower base that is 8 ft tall and could or could not include barb wire to keep someone from climbing the fence. We can also do landscaping if this becomes an issue, but with your vehicles this can deteriorate the vegetation rather quickly. Mr. Tousley asked about the height being 199 feet or less and asked if it would be constructed right up to the 199 feet? Mr. Woodward replied that he is looking at just under the 199 ft. Mr. Woodward stated the FAA requires any tower that is over 200 ft. will need to be lit and we want to avoid this expense. Mr. Tousley stated looking at the, map which is hard to read, does this require a separate entrance facility and Mrs. Carr stated they would need to have a code access to enter our service gate and then the entrance for their designated tower would be secured separately, but they would have access to our facility 24/7. Mr. Woodard noted we could arrange a call ahead to advise we are in route and will be on site. Mrs. Carr noted the tower behind city hall is open access and their area is locked and gated. Mr. Tousley stated he would like to continue to have call ahead for access to our facilities. Mr. Woodward stated they would like to have a 24/7 access in case the radios go down we would need to get back there to do quick problem solving. Mr. Pelot asked about having communications options for the city's use. Mrs. Carr replied this is something that could be negotiated within the contract, and Mr. Woodward indicated that he had in fact offered this as this is becoming more common for two (2) way communications. Mr. Markey noted this could change the cost in the agreement. Mr. Woodward stated this would require a more costly construction for a Level 3 tower to include the 911 system as it needs to be 15% more powerful. Mr. Woodward noted if all they is required is a two (2) way communication then there would not be additional charges. Mr. Tousley discussed the contract details and what is stated in the legislation before Council.

Mrs. Carr replied that if they do all of their due diligence and if they like everything then the contract is eventually completed than it would not be required to come back to Council but it would have to come back to the Planning Commission. Mr. Woodward explained the lengthy process through the FCC, and other entities' requirements and the timing for their construction. Mr. Woodward discussed the endangered species relating to bats and that no trees can be downed during the months of April –October, in addition to bird migration. This due diligence process can take as little as six (6) months to as long as two (2) years to complete although it has been indicated that there are no red flags relating to this project having any problems. Mr. Woodward noted that he has been told by Verizon that this tower must be up and operating by 2017 and needs to be up in the air and ready by the end of March. Mr. Woodward stated he is under a very extreme deadline and if we miss this date this can be pushed until the following year. Ms. Whipkey asked if we need to waive readings for this tonight, and asked if this is an issue with their timing. Mr. Woodward explained this could be an issue, and Mrs. Carr stated if Council would be willing to waive readings this would be very helpful. Mr. Woodward stated there have been times when the companies have put projects on hold due to the time frames involved with readings. He had been to two other communities, North Ridgeville and Twinsburg, who obliged with waiving readings and they got their sites built in advance due to that. Mr. Pelot asked at what point does our Planning Commission come into play, and Mrs. Carr answered once they submit their site plan. Mr. Woodward replied roughly two months after we sign we would submit the plan. Ms. Whipkey asked if we could have a special meeting on June 6, 2016 to have the second reading and the third reading June 13th. Mr. Tousley expressed concern with the residents living on Dorothy Court not having a say on this. Mrs. Carr explained the closest homes are at the front of the complex. Mr. Tousley asked if they would be contacted and Mrs. Carr indicated they would be when it went to the Planning Commission after Council passed it. Mr. Tousley asked if the Planning Commission can stop this process if the residents have complaints? Mr. Markey noted that there are specific laws to follow. Mrs. Carr stated she did not believe a resident could stop it and Mr. Woodward added it is very hard to block it due to a past Federal act. Mrs. Carr stated she felt this was an ideal spot and there is a tower right here at the Administrative Building. Mrs. Carr stated that initially the Tower Company had expressed interest in a more heavily residential area and this location is less intrusive to the residents. Mr. Woodward stated it's not crucial that we need the full 100 x 100 size; we could begin smaller at the start and then branch out to the full 100 x 100. Mrs. Carr stated that there would be natural buffering at the site and you would not see.

**ORD #46-2016**

Mr. Pierson offered Ord. #46-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER AN OPTION AND GROUND LEASE AGREEMENT WITH TOWER CO 2013 LLC.

First reading only. Council scheduled a Special Council Meeting for June 6, 2016 prior to the Committee Work Session due to the timeline of the project.

**ORD #43-2016**

Ms. Whipkey offered Ord. #43-2016 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, 2016.

First reading only.

**ORD #44-2016**

Ms. Whipkey offered Ord. #44-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE A PAYMENT TO SETTLE CLAIMS RELATED TO HOLIDAY PAY UNDER SECTION 258.04 OF THE CODIFIED ORDINANCES OF THE CITY.

First reading only.

**ORD #45-2016**

Mr. Kernan offered Ord. #45-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE DECLARING A MORATORIUM FOR A PERIOD OF TWELVE MONTHS ON THE INSTALLATION OF TILE PIPE PURSUANT TO CHAPTER 1028 OF THE CODIFIED ORDINANCES OF THE CITY, AND DECLARING AN EMERGENCY.

First reading only.

\*\*\*Added to the agenda during Committee of the Whole

**ORD #47-2016**

Mr. Pelot offered Ord. #47-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF KARVO COMPANIES, INCORPORATED IN AN AMOUNT NOT TO EXCEED \$784,860.00 FOR THE CONSTRUCTION OF THE CLEVELAND-MASSILLON ROAD SANITARY SEWER PHASE 1 PROJECT, AND DECLARING AN EMERGENCY.

First reading only. Mr. Pelot noted that within the bid packet the chart was a cut off in the printing. Mrs. Carr noted there were actually six (6) companies and that she would provide this in better detail to Council. Mr. Tousley asked to have more discussion on this legislation at the next Committee of the Whole.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #35-2016 Thru ORD #39-2016**

Mr. Pierson offered Ordinances #35-2016 thru #39-2016 for their second readings and asked the Clerk to read them:

**ORD #35-2016**

AN ORDINANCE DETERMINING THAT CERTAIN PROPERTY OF THE CITY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DETERMINING TO DONATE

SUCH PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT- PHASE 2 (PARCEL 44-WD); AND DECLARING AN EMERGENCY.

**ORD #36-2016**

AN ORDINANCE DETERMINING TO GRANT AN EASEMENT OVER CERTAIN CITY-OWNED PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT-PHASE 2 (PARCEL 42-U); AND DECLARING AN EMERGENCY.

**ORD #37-2016**

AN ORDINANCE DETERMINING TO GRANT AN EASEMENT OVER CERTAIN CITY-OWNED PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT- PHASE 2 (PARCEL 44-TV); AND DECLARING AN EMERGENCY.

**ORD #38-2016**

AN ORDINANCE DETERMINING THAT CERTAIN PROPERTY OF THE CITY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DETERMINING TO DONATE SUCH PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT-PHASE 2 (PARCEL 42-WD); AND DECLARING AN EMERGENCY.

**ORD #39-2016**

AN ORDINANCE DETERMINING TO GRANT AN EASEMENT OVER CERTAIN CITY-OWNED PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT-PHASE 2 (PARCEL 42-TV); AND DECLARING AN EMERGENCY.

Mr. Pierson moved to waive the third readings of Ord. #35-2016 thru Ord. #39-2016 as a group, seconded by Ms. Whipkey. Mr. Markey noted that was fine to do for the suspension of the rules, but the adoption would have to be done as separate motions for each ordinance.

Roll Call:     Yes:   Pierson, Whipkey, McGlone, Kernan, Tousley, Pelot  
                  No:    None

Motion passed 6-0.

Mr. Pierson moved to adopt Ord. #35-2016, seconded by Ms. Whipkey.

Roll Call:     Yes:   Pierson, Whipkey, McGlone, Kernan, Tousley, Pelot  
                  No:    None

Motion passed 6-0.

Mr. Pierson moved to adopt Ord. #36-2016, seconded by Ms. Whipkey.

Roll Call: Yes: Pierson, Whipkey, McGlone, Kernan, Tousley, Pelot  
No: None

Motion passed 6-0.

Mr. Pierson moved to adopt Ord. #37-2016, seconded by Ms. Whipkey.

Roll Call: Yes: Pierson, Whipkey, McGlone, Kernan, Tousley, Pelot  
No: None

Motion passed 6-0.

Mr. Pierson moved to adopt Ord. #38-2016, seconded by Ms. Whipkey.

Roll Call: Yes: Pierson, Whipkey, McGlone, Kernan, Tousley, Pelot  
No: None

Motion passed 6-0.

Mr. Pierson moved to adopt Ord. #39-2016, seconded by Ms. Whipkey.

Roll Call: Yes: Pierson, Whipkey, McGlone, Kernan, Tousley, Pelot  
No: None

Motion passed 6-0.

**ORD #40-2016**

Mr. Pelot offered Ord. #40-2016 for its second reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD FOR THE NASH HEIGHTS GRAVITY SANITARY SEWER SYSTEM IMPROVEMENTS FOR THE EAST PHASE I, THE PUMP STATION PHASE II AND THE WEST PHASE III, AND DECLARING AN EMERGENCY.

Second reading only.

**ORD #41-2016**

Mr. Pelot offered Ord. #41-2016 for its second reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO PROCEED WITH THE NASH HEIGHTS GRAVITY SANITARY SEWER SYSTEM IMPROVEMENTS FOR THE EAST PHASE I, THE PUMP STATION PHASE II AND THE WEST PHASE III; AND DECLARING AN EMERGENCY.

Second reading only.

**ORD #34-2016**

Ms. Whipkey offered Ord. #34-2016 for its third reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO AWARD A CONTRACT TO VASCO ASPHALT COMPANY, DBA VASCO SPORTS CONTRACTORS TO RESURFACE THE TENNIS COURTS AT COLUMBIA WOODS PARK IN AMOUNT NOT TO EXCEED \$19,789; AND DECLARING AN EMERGENCY.

Ms. Whipkey moved to adopt Ord. #34-2016, seconded by Mr. Pelot.

Roll Call:     Yes:   Whipkey, Pelot, McGlone, Kernan, Pierson, Tousley.  
              No:     None

Motion passed 6-0. Ms. Whipkey noted the City will be reimbursed one half of that \$19,789.00 amount by the Norton Schools as part of our agreement.

**UNFINISHED BUSINESS**-None

**NEW BUSINESS**-None

**PUBLIC SERVICE ANNOUNCEMENTS**

Mayor Zita made several announcements (see attached).

**PUBLIC UPDATES**

Ms. Whipkey reminded everyone there would be no meeting next Monday, its Memorial Day Holiday and it's also the 5<sup>th</sup> Monday. Next meeting will be on Monday June 6, 2016 for a Special Council meeting and then on to the Committee Work Session at 7:00 PM.

**ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:38 PM.

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Charlotte Whipkey, 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 June 13, 2016.

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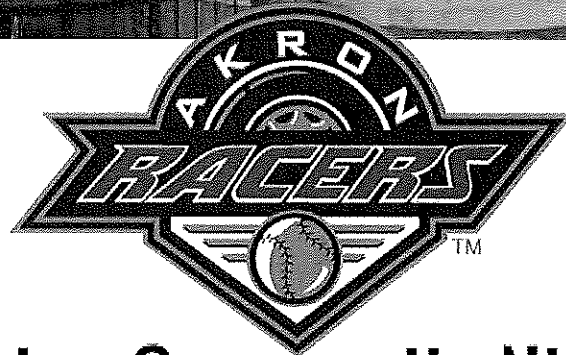
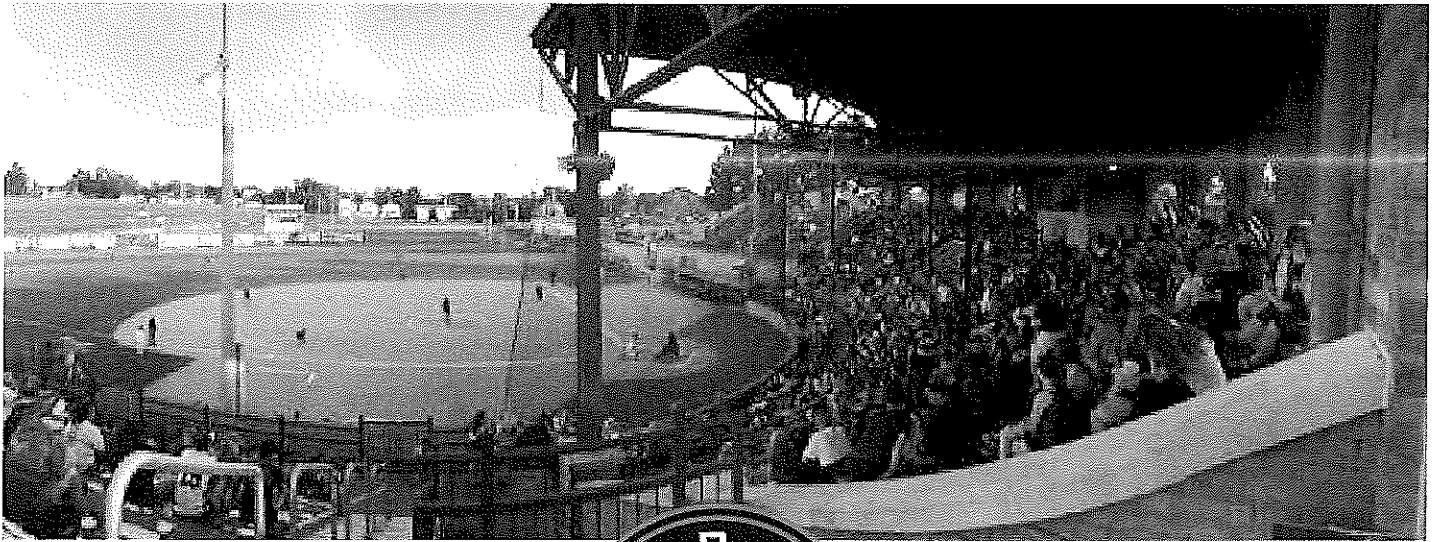
Karla Richards, CMC-Clerk of Council

**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.





**Norton Community Night**  
**Promo Code: NORTON**  
**June 28, 2016**  
**7:05pm**  
**Gates open at 6pm**

**Norton Mayor Mike Zita will throw out a first pitch!**

**For every \$7 ticket purchased**  
**50% goes to the Norton Cider Festival Fireworks**

**Order tickets via phone, online, or at the ticket windows.**

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**FIRESTONE STADIUM | 1575 FIRESTONE PKWY**

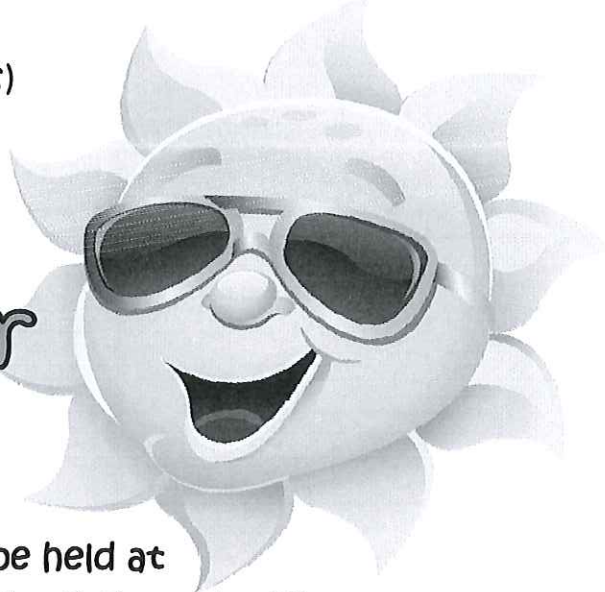
**PHONE: 330.376.8188**

**[www.akronracers.org](http://www.akronracers.org)**

Students (Norton Residents)  
Entering grades 1st thru 5th

join us for the

# 2016 Summer Recreation Program



to be held at

Columbia Woods Park

June 13 through July 28\* from 9:30a to 11:30a

\*off the week of July 4th

6 Fun weeks with your friends  
doing creative crafts, crazy games, and sports!

2-days a week ~ Tues and Thurs



Registration day is:  
from 9:00a to  
at the NORTON ADMINISTRATION CENTER

Registration  
has been  
extended



Registration fee: (Includes a t-shirt!)

\$50 for 1st child

\$35 for each additional sibling

Program is limited to 40 children!



REGISTRATION FORMS ARE AVAILABLE AT: [www.cityofnorton.org](http://www.cityofnorton.org)

Provided by the City of Norton Parks Board, with Norton Branch Public Library,  
Norton Schools Staff, and High School Volunteers.

For info, Call: 330-701-0533

# NORTON BICENTENNIAL 2018

Seeking interested volunteers to form committees for planning celebrations of Norton's Bicentennial year in 2018.

## I AM INTERESTED IN:

<input type="checkbox"/>	PUBLICITY
<input type="checkbox"/>	EVENTS
<input type="checkbox"/>	FUNDRAISING
<input type="checkbox"/>	_____
	OTHER OR SPECIAL SKILL

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

Please complete and return to:  
Norton Bicentennial  
4060 Columbia Woods Dr  
Norton OH 44203