



**COMMITTEE WORK SESSION  
SEPTEMBER 6, 2016**

Committee Members Present: Rick Rodgers  
Dennis McGlone  
Joe Kernan  
Dennis Pierson  
Paul Tousley  
Scott Pelot  
Charlotte Whipkey

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

The Committee Work Session convened on Tuesday, September 6, 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. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

**General Topics of Discussion:**

**Games of Skill-Amend Legislation Moving Locations**

Mr. Kernan stated we discussed this before break and to look at the possible change in the waiting period for getting a license and actually opening. Mr. Markey stated more significant was the timing of issuing a license and opening within so many days. Mr. Kernan explained the delay in the past and there are two (2) ways to approach this; once you have a facility ready you can apply or you can apply and we can set a time frame for opening the business. Mr. Pelot stated its worth looking at and of someone wants to apply they don't necessarily need to have a location established in case they don't get the license. Mr. Pelot suggested setting a time frame and if failed to open within then we start charging a tax of some sort. Mr. Kernan agreed this was discussed, and asked Mr. Messner for his comments. Mr. Messner suggested when anyone makes application no one currently pays an application fee and suggested a \$25 fee just to go on a waiting list. Mr. Messner also suggested we think about if they are not up and open for business within 90 days we charge them the \$1,000.00 fee and take it from there. It may not seem fair but it's something we should discuss and look at. Mr. Kernan stated this application fee could only be charged going forward and you cannot go back retroactively, and \$25.00 is not a big expense.

Mr. Rodgers agreed and once awarded the license you should have to pay that license fee and it's not refundable and 90 days is not unreasonable to open the business. Mr. Kernan asked what Mr. Rodgers meant by the license fee, and Mr. Messner stated that would be the \$1,000.00 annually and \$500.00 per machine that is paid semi-annually. Mr. Kernan asked for clarification, if Mr. Rodgers was saying they paid the \$1,000.00 license fee and if they were not open at the end of the 90 days they forfeited the fee and license; Mr. Rodgers concurred. Ms. Whipkey agreed with this and that 1 year to build and get open was way too long. Mr. Kernan asked what happens if the applicant wants an extension on the 90 days, should we consider that if they are in the process of building and need another month or two? Mr. Rodgers stated he felt it could be hard to build in 90 days once you have received a license. Mr. Messner stated most of them are an existing building and they come prepared, not like the one new building that took over a year to complete. Mr. Kernan stated most people would be taking that into consideration. Mayor Zita noted we are discouraging new buildings. Mr. Tousley asked if the license is tied to one address and if not should they be? Mr. Markey stated that also was an issue raised before recess, about transferring a license if a location were to move. Mr. Pierson asked how State liquor licenses are done and Mr. Markey stated that is a gray area, and Mayor Zita clarified there is no liquor sold at the games of skill. Mr. Pierson stated he believes the 90 days is sufficient with the fees being a cost of doing business and was not in favor of transferring a license. Mr. Markey stated that is the way we would want to do it; they cannot transfer before going through zoning and administration to permit this once all of the qualifications are met. Mr. Kernan clarified we are looking at a license can be applied for with a \$25.00 fee and once a license is approved they have 90 days to open and they pay the \$1,000.00 fee that is non-refundable and after 90 days the license is forfeited, and allowing a location transfer. Mr. Pelot suggested if they wanted to pay the \$500.00 per machine fee that could be an option for keeping their license; there could be a time limit on that option as well. Mr. Pierson agreed they paid the fees and we got our money. Mr. McGlone asked if you can transfer ownership and Mr. Markey replied no, not currently. Mr. William Paluch stated there were 4 of these on Canton Road and now all are shut down, and he questioned if Norton is doing what is right by the law in allowing these. Mr. Kernan stated the ones in Norton have complied with the new State law and are legal to which Mr. Markey concurred. Mr. Rodgers stated as long as we have a waiting list, no one should be issued more than one (1) license going forward. Mr. Markey stated this is difficult to track in Administration to manage because they can formulate under an LLC, the wife's name, etc. Mr. Rodgers stated he would be happy with limiting to just one name on a license. Mr. Pelot asked if there are a minimum number of machines that can start up so someone couldn't say they are going to have one machine and pay the \$500.00 to keep a license? Mr. Markey responded that is a gray area, but a limit could be added. Mr. Messner stated the normal is 25-30 per business with the seven we have now. Mr. Pierson asked if the State has any guidelines and Mr. Markey indicated he would look into this. Mr. Messner questioned the one (1) on the waiting list that already have a location, and Mr. Pelot stated they would be grandfathered in; it would be from this point moving forward. Mr. Rodgers asked why would we say it's ok this time and then say from this point forward. Mr. Kernan stated when someone does something according to the existing list and law, they should not lose their rights then when the law changes. Mr. Markey agreed that is the way it is generally viewed. Mr. Pierson clarified that all applications would be time stamped and dated and Mr. Messner concurred. Mr. Kernan discussed the number of seven (7) currently permitted and asked if anyone on Council wants to entertain changing this number.

Mr. Pierson stated he believed it cheapened the community but agreed that seven (7) was sufficient and we are bringing in some revenue. Mr. Kernan stated with the size of this community he felt seven (7) was enough as the Chief had stated and Mr. Pelot agreed. There was discussion on the few robberies in the distant past at some of these locations, and Mr. Pelot stated that's no more than gas station or other robberies. Mr. Kernan asked to have amendments ready for the next Committee of the Whole meeting.

#### Review of Chapter 618.05 Animal Cruelty

Mr. McGlone stated that we discussed this in June and the Governor had signed the Goddard Law and we need to change our legislation so they would be the same rules. Mr. Kernan stated it's already an Ohio law so we are bound by this, and in essence creates the same law and allows for fines to come back to the City as opposed to the State. Mr. McGlone moved to add this #69-2016 Councils next agenda, seconded by Mr. Kernan.

Roll Call:     Yes:   McGlone, Kernan, Rodgers  
              No:     None

Motion passed 3-0.

#### Review of Chapter 1064 Community Center & Park Rental Fees

Mr. Rodgers turned this discussion over to Mr. Messner for the details. Mr. Messner stated we reviewed the fees and policies and he has worked closely with Mrs. Carr and Mrs. Campbell to update the application forms. There are not a lot of changes to the policies other than the new door locking procedures. Mr. Messner stated one thing he hopes would be a benefit is that in the past we charged a security deposit, in addition to the rental of the facility which was mostly about six (6) to eight (8) hours with a fee of \$200.00-\$300.00 or whatever. One thing he received feedback from the community is they don't always need the room for six (6) hours so he has incorporated an hourly fee for each room, still paying the security deposit. The names of the rooms have changed; the Ballroom is now the Oak Room and the fees respond accordingly. There are fees for non-residents and residents, for four (4) or more hours and per hour, and we have done the same thing in the parks, other than just a slight increase in the parks. Other communities such as Wadsworth and Copley charge much more than we do and we just are trying to make the facilities more accessible to the residents. Mr. Rodgers asked about the higher neighboring fees, is that for the residents or non-residents? Mr. Messner stated it can go both ways. For instance Copley fees are \$25.00 for resident for parks and no-resident is \$75.00, a Copley business is \$100.00 and a non-Copley business is \$150.00. In Wadsworth, the rates are residents \$45.00 and non-resident is \$70.00, and Barberton is \$45.00 and up from there. Mr. Rodgers stated we should be more competitive with the non-resident fees. Mr. Tousley agreed, asking about the minimum number of thirty-five (35) required in the Oak Room rentals and if they are paying for the room why do we care how many attended. Mr. Messner stated in the past some had fewer than ten (10) attending and it still costs the City for maintenance, heating, and lighting and is a rule of thumb he had looked at. Mr. Messner noted total expenses from Jan-Aug 2016 \$8,000.00 annually for utilities water/gas/electric, Romaster comes in twice a week and strips the ballroom four times a year, at \$3,500.00. The insurance is \$1,059.00 a year and the repairs and maintenance about \$1,000.00. The salary and benefits are \$2,315.00 so the overall annual expenses are about \$16,400.00 and the annual revenue to date is about \$5,875.00.

Mr. Tousley asked if the thermostat is set on constant or a timer and Mr. Messner replied the heat shuts down to 65 degrees at night and at 8:00 AM it comes back up. Mayor Zita clarified that is for the winter season. Mr. Rodgers stated a Community Center is something for the community and should not be considered as a profit mechanism and Mr. McGlone agreed. Mr. Messner agreed as well and stated his desire would be just to break even because we are not even close to this. Mr. Rodgers stated the point of Mr. Tousley's concerns with 35 required attendees or less, if someone wants to pay the fee that helps the profit line. Mr. Messner stated that some non-exempt renters start out with higher numbers and over time their numbers fall down. Mr. Tousley asked if we had contacted any of the non-profits about these fees? Mrs. Carr stated we had talked with the Parks Board, and they did follow up with some of the civic groups to see if they had any concerns, and we did not get any feedback that there were any big concerns. Mr. Tousley stated he wants to make sure these non-profit groups like the Norton Women's Club are aware. Mr. Messner stated we are working with the Women's Club, 4-H, Kiwanis, two girl scout groups, Native American Indians, Grace Church, Norton Fire Association, Norton Youth Football, Norton Soccer, Seniors, widow's group, etc. and they are all free. Mr. Rodgers stated that if a paying customer is paying and has only ten (10) members attending we should still be grabbing the money and Mr. Messner replied that's what takes place now, there would be no change to that; he did not mean to imply that paying customers are denied. Mr. Pelot asked if we advertise and Mr. Messner replied no, it's mostly word of mouth and repeat business. Mr. Kernan agreed we need to be competitive for non-residents and leave it lower for our own citizens and non-profits should be free. Mr. McGlone asked if we have a cancellation policy and Mr. Messner replied yes we do for the Community Center and some have come down to 2-3 days before. Mr. Rodgers and Mr. Markey both agreed this should be formalized in writing and state so on the forms. It was discussed making this also apply for all rentals including the parks maybe with a thirty (30) day notice for when a deposit is returned. Mrs. Carr agreed and stated that she would look to other communities on their policy. Mrs. Carr stated the parks do not have a non-residential fee and Council agreed this needs to be addressed and brought back to Council for more discussion and approval. Mr. Pelot asked about the dogs in the parks issue and Mrs. Carr stated this is the next item on the agenda and we will be allowing them in all of our parks. Ms. Whipkey discussed the room the seniors use and the need to provide them more space for them that have walkers, etc., so that they have better access and if a larger room is not being used they should be allowed to easily move over to it if needed as this could even be a safety issue. They could even need to have wheelchairs so we need to be able to accommodate them. Ms. Whipkey wanted to be clear in the exempt organizations the member numbers required must be 50% it should not be based on the number in the room. Mr. Rodgers asked Mr. Messner to incorporate all of these changes and bring back to Council. Mr. Messner indicated he has a very good relationship with the exempt groups. Mr. Messner stated that he worked very closely with Ms. Linda Theisman of the senior group and he was not aware that their group is having difficulty getting around their tables and their numbers are growing so he would be reaching out with them to work this out. Mr. Messner stated he was willing to work with any of the exempt groups; they only had to call. Mr. Pierson suggested when many different outside community groups like in sports teams, should we be charging a higher or different fee structure? Mrs. Carr stated she is not sure how the athletic teams would receive this, and you have to realize the monetary benefits with them being in our community such as; eating, shopping, etc. and if they have a very large group some will even bring in their own port-a-potty. They are also responsible for any damages done to the fields and do take care of the maintenance.

Mr. Tousley asked what the process is with the 501- C filings and Mrs. Carr stated they bring in a form and we have to follow up with the State and Mr. Messner stated we also follow up with the IRS as well. Mrs. Carr stated we want to see the forms that show they are a truly non-profit status, not just providing a tax exempt form as many businesses furnish those to their employees.

#### Review of Chapter 1066 Park Rules-Dogs in Park

Mr. Rodgers turned this discussion over to Mrs. Carr for the details. Mrs. Carr stated we had a conflict in the ordinance banning dogs and an order from the previous Administrator that dogs were not banned. If you want to continue to have dogs in the parks the ordinance needs to be put in place. Mr. Markey stated the drafted Ord. #70-2016 would allow dogs subject to the guidelines in exhibit A. Mrs. Carr stated the Parks Board also wanted to see something that would prohibit dogs at special events like the Cider Fest. Mr. Markey stated the draft present does not include this request for special events and if Council desires he can add this and would have this for the next work session. Mr. Rodgers asked if the parks currently have waste bags in the parks and Mrs. Carr replied no. Mrs. Carr also discussed that the language does not state the dogs must be on a leash; it only states be under control, and Mr. Kernan stated they all must be on a leash. Mrs. Carr cited an example that we have a Norton officer that trains his personal dog and runs through the park and is not leashed. Mr. Kernan reiterated they should all be leashed, no exceptions. Mr. Rodgers stated we should not restrict a canine or service dogs from running free in the park. Mr. Pelot asked if we have had any issues with dogs loose and injuries, and Mrs. Carr replied not that she was aware of but the law says within control. Mr. Rodgers asked for more discussion on this for the next work session. Mr. Markey stated the codified prohibits firearms in state parks, and the State law has changed this and states you cannot limit this and the City of Cleveland had challenged this and lost in the Supreme Court. Mr. Markey stated that they can be carried in accordance with the State law and suggested we change our ordinance to be in compliance with the State law. Mr. Rodgers stated last year we had talked about feral cats and wanted to see this on the next Work Session Agenda. We are still having a problem with them and we need to act on that.

#### Amend Nash Heights Phase II Plans-Agreement

Mr. Pelot turned this over to Mrs. Carr and Mr. Markey for the details. Mr. Markey explained under the Sewer Agreement that was passed last week, its contemplated that the City of Barberton would be awarding the contractor for the construction. This ordinance addresses the issue raised last week with Council approval of the procedure of moving the pump stations and the amended pump station plans are now on file with Mrs. Richards. Mr. Kernan stated this is to approve the move of the pump station to Golf Course Drive and Greenwich Road, Mr. Markey concurred. In addition it approves an agreement between Norton and Barberton dealing with transferring the plans and specifications and the bidding procedure; it is all laid out in the ordinance. Mr. Pierson asked how can you do something after the fact, you already did this and approved it? Mr. Markey replied that Council can approve the amendment at any time. Mr. Pierson argued that you already did this without Council's authorization and approval and now you want us to approve it after the fact? Mr. Kernan stated that he recalled that at the last meeting Mr. Tousley expressed his disappointment on the way it was done where Council did not get to approve this which is what is before us now. Ms. Whipkey stated this also involves approving the contract with Rudzik Excavation.

Mr. Markey stated this all transfers the responsibility over to Barberton to take on the loans, the responsibility of EPA mandates and they have the right to award the contract. Mrs. Carr stated they still have to follow State Law and they are the lowest bidder and approved with the State bid. Mr. McGlone asked if we have ever worked with Rudzik before and Mrs. Carr replied no, but she did check a reference check on them and everything came back clean and Barberton has also done their own reference check as well. Mr. Rodgers discussed the change of plans and that Mr. Markey's opinion was clear as day when we wanted to move the pump station from Golf Course Drive to Shellhart. You gave us that opinion citing Ohio Revised Code and even some Supreme Court rulings on it and now all of the sudden that ruling does not stand. Mr. Rodgers stated that he has spoken with several other attorneys and showed them the opinion by Mr. Markey and they all agreed that you cannot do this without another Resolution of Necessity. He sees it as an end around and believed it was done to achieve the means they wanted to achieve. Mr. Rodgers asked if a Board of Control was held to approve the letting of a contract and spending the extra costs of \$288,000.00 to \$300,000.00? Mrs. Carr replied that nothing has gone to the Board of Control because the contract is through the City of Barberton so they will have their Board of Control to do the approval. Mr. Rodgers argued that it is not transferred to them because when you let this out for bid it was done by the City of Norton because we were to be the ones building the sewer system. If you were to pass this legislation, then that would have to go to their Board of Control. Mr. Markey stated the sewer agreement stated that once signed, the burden falls to Barberton. Mrs. Carr reminded Council that you have already passed an agreement allowing for this control and Mr. Markey concurred, adding that it's already in the Barberton sewer agreement. The sewer agreement stated that upon signing which will be in the future that Norton transfers the responsibility for construction which includes awarding the contract over to Barberton. Barberton would then seek the loans, take on the responsibility of the EPA's findings and orders and build the project. Mr. Rodgers stated that none of this has taken place yet and you have already let out for bid with the pump station being moved so someone has authorized a contract and it was never brought before Council. Mr. Rodgers argued that if Mr. Markey's opinion was valid then it has to be valid now; he doesn't know how you square that. Mr. Markey stated for the record, when we moved the pump station from Golf Course Drive to Shellhart; we changed the properties being assessed including some of those fringe properties. When you change the assessments that is what requires a new Resolution of Necessity. To move the pump station back since there were no changes to the assessments you do not need to do a new Resolution of Necessity. Mr. Rodgers stated he had emailed Mr. Markey asking him for an opinion on this and he has yet to receive one. Mr. Markey replied that was correct and reminded Council that he would need a motion from all of Council to draft a written legal opinion. Mr. Rodgers stated that your last opinion was asked by former Councilman Danny Grether and you offered up your opinion without a vote of Council. Mr. Kernan stated its different here because the assessments did not change and clarified that before when we moved the pump station we changed the assessed property owners and a new Resolution of Necessity was required. Now we are not only moving the pump station and the assessments are the same and we do not need to have a new resolution of necessity, and Mr. Markey concurred. Mr. Kernan stated that there is no change in the assessments everyone remains the same, so there is no need to have new legislation. Mr. Rodgers stated that Mr. Markey had said moving the pump station cause the need for a new Resolution of Necessity. Mr. Rodgers stated that Mr. Markey cannot chose when to follow the laws of the State of Ohio and when not to. You represent this Council, the City and the entire community. If legal action is needed it will be taken.

Mr. Markey responded he had heard him say that multiple times and he did understand. Mr. Kernan commented on the previous email from Mr. Markey stating “ *As I mentioned on Monday, if the pump station is moved to Golf Course Drive to Shellhart Road, then my opinion is that the assessment proceedings need to be restarted*” to which Mr. Markey agreed he believed those were his statements. Mr. Kernan made the point that that is not what is happening here and Mr. Markey concurred. Mr. Pierson asked how this Administration spends upwards of \$300,000.00 without coming to Council for approval? Mrs. Carr stated that it has been bid and we have a bid price, which is under the estimate. First of all we have not spent anything because there has been no contract approved, whether it be you or Barberton and is not sure what the concern is there. Mr. Pierson stated he felt Council should have been talked to or consulted and Mrs. Carr responded she attempted to do that with Mr. Markey adding Council was aware. Mr. Kernan stated he got the email on it. Mrs. Carr indicated that you have not voted yet on spending the money and that’s the part that all of you are missing here. Mr. Kernan stated if you don’t like the amount of the monies then vote against it. Mrs. Carr responded if you don’t want Barberton to take over the utilities and if you don’t agree to that price then you vote no on this legislation. Mr. Pierson stated you have done what you darn well pleased, and now after the fact you are bringing it to Council. Mr. Kernan reminded Mr. Pierson that they cannot do anything without this Council voting for it. Mr. Pierson stated he feels that this opens this us up to further litigation if someone in the community wants to bring it forward. Mr. Tousley stated Mr. Markey’s opinion to Mr. Grether further reads “ *there is no case law that supports the concept of amending the plans and specs after the Resolution of Necessity is passed*”. Mr. Tousley stated he believes that to mean that under no circumstances. Mr. Kernan stated that’s not correct, it just means that there is no case law that exists. Mr. Markey clarified that opinion relates only to special assessments. Mr. Markey stated that you cannot take one line and twist it like a gotcha on the floor. Mr. Tousley stated we have been told we had to vote on the legislation when the project shrunk and now it’s enlarged and now you are saying we don’t have to vote, this just makes no sense. Mr. Markey explained again that there are no additional assessments being levied. The scope of the area had changed but the boundary was not expanded out, but it was moved. Mr. Tousley argued the point that several times in Ord #71-2016 and in the sewer agreement with Barberton it keeps talking about Ord #41-2016 where that states that Council authorizes the Administrator to bid the project and that is not what was bid and is not what was on file and is not what we approved for the bid. Mr. Tousley stated that the many whereas clauses explained that after Ord #41-2016 was adopted the plans changed and in the agreement in Section 1A it talks about the special assessments and authorizing the Administrator to get bids and that all of this is not what happened. Mr. Tousley stated that he cannot sign his name to something that is not correct, and questioned if he has this all wrong here? Mr. Markey stated Phase II plans were different than what was on file in Ordinance #41-2016. The difference between them two are that we have to get approval to award a bid and in Phase II, which is not the assessment portion does not require approval to get authorization for a bid. Under ORC 727, for special assessments, we do need authorization from Council to bid any special assessment projects. That is the difference between the two types of projects. Mrs. Carr stated in terms of the bid process wherever there was an amendment it was made public. Mr. Tousley stated it still was not authorized by this Council. Mr. Tousley stated then why in the last few Executive Sessions was this not disclosed to us then? Mrs. Carr reminded him the last Executive Session was for pending legal action and not to approve this issue. Mrs. Carr stated that is exactly why she emailed all of you before break because there was no clear direction from Council.

Mrs. Carr stated we had two (2) Council meetings after this and not one of you on Council brought it forward to proceed with the eminent domain. Ms. Whipkey asked if anyone is in favor of eminent domain to get that other piece of property? Ms. Whipkey added that she may have been the one that mentioned this in an Executive Session. It would put us behind the EPA schedule and the last time we did an eminent domain it took about six (6) months to get through the court process. Mr. Kernan moved to proceed with eminent domain for the property at the corner of Shellhart and Greenwich Roads, seconded by Mr. Tousley. Mr. Pierson asked how the taxpayer will benefit by going 150 yards down the street and it's all under the threat of a business owner. It was not a problem six (6) months ago, and now all of the sudden it's a problem; he thinks there is a lot more to it than that. This is all being done by design, and it's just ridiculous. Is this worth it for eight (8) new condo's or are we running a line for someone else's bigger project or for four people. Mrs. Carr clarified we are not running any lines on anyone's private drive as she knows that is being said. Mr. Pierson questioned the need to pump water at the Golf Course Drive end and Mr. Markey responded that he believed Mr. Demboski had indicated it was about the same at either end. Mr. Pierson stated he was in favor of eminent domain but knew the other four would not be and would allow the citizens to take it on the chin again. Mr. Markey stated that we have to be under construction by November and with the eminent domain idea you would not be within the time line with the EPA. Mrs. Carr added you would jeopardize the loans and Mr. Pierson responded you are always bringing up the loans and the EPA. Mr. Rodgers asked what would happen if a citizen filed a law suit; and Mrs. Carr stated that you could lose the loans and the City would have to cough up the money out of whatever fund and that's going to be a problem. Mr. Rodgers discussed when this Council was seated and several of us reached a solution and came up with one for vacuum and one for gravity. Mr. Rodgers stated when he was away at his father in laws funeral he was stabbed in the back by some of you on Council because we had reached an agreement to a level of assessment and then it came down to screw the people and screw Rodgers. This is all coincidental that all of it has changed because he doesn't want to sell anymore; it smells and is Norton politics at its worse. Mr. Markey asked Mr. Rodgers if he has seen the legal letter from the Golf Course Drive resident's attorney? Mr. Rodgers stated that you can go around the legal opinion but this is not over. Mr. Markey stated that the difference here is that in Phase III the West project is all that changed; there is no change in Phase II. Mr. Rodgers stated we would find that answer out. Mr. Tousley asked about the EPA and the timeline and that they could change that if they deemed it necessary. If we go to them and tell them we have eminent domain process in front of us, is this not unreasonable to ask them for an extension because we are asking for eminent domain and wouldn't they be concerned with the change in plans? Mr. Markey stated he believed the EPA has the new plans and they are reviewing them as it is part of the loan application and we can ask about an extension. Mrs. Carr stated the EPA had already reviewed the original pump station at Golf Course Drive. Mrs. Carr noted that the EPA loan division is separate from the EPA enforcement division and if we miss the loan deadline, we are going to have an issue. Mrs. Carr stated that if she misses the deadline as being the Administrator then she would be criticized for that as well and rightfully so because it's her job to keep this project moving on schedule.

Roll Call:     Yes:   Tousley,  
                  No:    Kernan, Pelot

Motion failed 1-2.

Mr. Pelot moved to add Ord #71-2016 to Councils next agenda, seconded by Mr. Kernan.

Roll Call:     Yes:   Pelot, Kernan  
              No:     Tousley

Motion passed 1-2.

Mr. John Lombardi, 3660 Golf Course Drive, Norton, Ohio stated the amount of fine the EPA would be \$10,000.00 if they chose to do so. Mr. Lombardi stated he would like to know who the genius was that thought to spend \$288,000.00 or more to bring this down to Golf Course Drive. Mr. Lombardi stated this project is not going to happen because there is going to be a lawsuit because there is a delineation process that needs to be done with the Army Corp of Engineers and their fine is \$45,000.00, plus \$25,000.00 per day if the project starts without their approval. Mr. Lombardi stated the way this was done is wrong without Councils approval. There are four (4) of you that really don't care about citizens of Norton. If any of you think of running in the future he would do everything he can to see you do not get reelected.

Mr. Charlie Zenner, 3853 Valley Drive, Norton, Ohio asked about the \$300,000.00 to pay to move the pump station who is paying for this? Mrs. Carr stated this is paid from the sewer fund so if you don't have sewer now you are not paying for this. Mr. Markey explained there are two funds; Fund 127 is the sewer fund and is used for tap in fees, etc. Mr. Zenner stated that when we passed the tax for sewer and water and we wanted to use some of this to subsidize our Assessments and Council said no because it's to be used for new business and new projects or something. Mr. Zenner asked so none of this money is coming from this fund and Mr. Markey concurred that none of that money is going toward that \$300,000.00. Mr. Zenner asked if his assessment of \$11,200.00 is going to change, and Mr. Markey stated no. Mr. Pierson argued that when the project is all done then new final assessment letters will go out for better or worse. Mr. Markey corrected Mr. Pierson's statement that the assessments cannot be higher under Ohio Law, however they can go down. Mr. Zenner stated if the sewer line is going all the way down in front of the golf course, then the golf course should pay for it and charge him by the foot. He has no choice; he has to pay for two properties. Mr. Rodgers stated that the surcharges will be paying for this and with the new deal with Barberton that fund will be going away because we will not be getting that revenue.

Ms. Elaine Coffman, 3017 Golf Course Drive, Norton, Ohio stated he should have to pay for that trunk line as he will be benefit from all of this, and so will his condominiums. The four (4) of you wanted this to happen and that sewer line to come down Golf Course Drive, so that you can expand your sewers and make more money off of our backs. Ms. Coffman stated that sewer line was supposed to go on Joe Flogg's property just so he could get Golf Course drive paved, correct? Mrs. Carr and Mr. Kernan both stated that they have never heard this. Mr. Kernan stated he is not voting for this to put in a sewer line on Golf Course Drive. Mrs. Coffman stated that at the last meeting Ms. Whipkey had stated that we would not do that, we're going to let the EPA do it. Ms. Whipkey clarified that was not correct, what she said is that the City is not going to do it, we probably could not do it but that the EPA or the Health District can come in and tell us where sewers have to go.

We do not have that power to force sewers on you, just like they did with Nash Heights. Ms. Coffman asked Ms. Whipkey if she had been to the Golf Course Drive meeting and asked why are the properties being surveyed if this is not what's really happening and is what they were told by the man surveying. Ms. Whipkey responded that she was not at the meeting as she was not made aware of it until after the fact or she would have been there. Ms. Whipkey stated that she has no idea why their properties are being surveyed and the plans we have on file do not have any sewer lines on Golf Course Drive. Mrs. Carr explained that the original plans on file before she was here had all of Golf Course Drive included in the original map area although she did not know why. The reason for the meeting, which did include some of the members up there on Council, was to see if these residents wanted to be included and we got the message from all of the residents that none of you wanted this so you were all removed from the assessment project and the project was shrunk. We heard you loud and clear, we took you out and there was a new Resolution of Necessity done. The only reason we would have built a line down Golf Course drive was if the people wanted it. Ms. Coffman stated she was the lady that you said went up and down Golf Course Drive. Mrs. Carr denied that she had said that or ever used her name and she had said a Councilman had gone up and down the road as was reported to her. Ms. Coffman then stated she was the Councilman and she went to four houses to which Mrs. Carr stated she knew nothing about that and Ms. Coffman responded she knew she didn't. Mr. Rodgers stated he would echo Ms. Whipkey and explained that the EPA via the Health Dept., can force sewers down Golf Course Drive if they find contamination; and if you don't think the City of Barberton will pass up any customer base in our City, then he has something he wants to sell you. Mr. Pierson argued that if you think Barberton is going to pass up 1,400 new customers to shore up their tax base, you're wrong. Mrs. Carr commented that if everyone would do their part and maintain their septic systems there would be no issues. Mr. Pierson stated don't say that cause that is exactly what you are going to do; he argued he knows of one resident that just paid in 2009 over \$3,000.00 to fix their septic system and when this new sewer line comes his way and he is forced to connect he will just have to swallow that \$3,000.00. Mr. Pierson stated that you have our Mayor running around telling everyone you won't have to connect for ten (10) years if they have a new system. Mayor Zita boldly and emphatically denied these allegations. Mr. Pierson countered back stating that the Mayor told the Cunningham's on Rosebay that. I hope you didn't as they are going to be forced in and he agreed with Mr. Rodgers on Barberton. These guys that voted for it, he doesn't think they pay attention to what they vote on. Mr. Kernan stated he is sick and tired of Mr. Pierson sitting up here and acting like we don't know what we are doing or that we don't know what we are talking about. We have a different opinion and that's why we were voted in and that's why we are here. Mr. Kernan stated that he is sick and tired of some of you telling us we don't know what we are doing and that we are working against the citizens of Norton. Mr. Kernan stated there are a heck of a lot more people in Norton than just those in Nash Heights. Mr. Pierson stated you're absolutely right and they are all going to get sewers. Mr. Pierson asked again what is the benefit in this line going down Greenwich to the people and how will that benefit the taxpayer in Norton by moving that line? Ms. Whipkey stated that she had asked Mrs. Carr previously to look into the fact that if there is a home past the sewer line that the Health District and EPA came along and said they have to have sewer because they could not put a septic in; is that still the case that they can force this on that one homeowner to pay all that cost? Mrs. Carr stated that she would need to follow up with the Health District, but she thought it was rare.

Mrs. Carr stated that just because there is a pump station at Golf Course Drive it does not mean there is a line there and there may be a misnomer out there that just because there is a pump station there everyone on Golf Course would have to hook up to sewer. Mrs. Carr stated that is just not the case. Ms. Coffman asked if you can do what Medina has done where they got a grant for \$300,000.00 to help the residents fix their septic systems. Mrs. Carr stated Summit County has a program and you can do this on an individual basis, and its income based to help you fix your septic.

Mr. Jeff Dillinger, 3826 Golf Course Drive, Norton, Ohio, stated it's a cost thing and \$23,000.00 for sewer; we are not in the way of progress, it's just the costs. Mayor Zita stated the reference for \$23,000.00 is because that homeowner has two properties. When one neighbor does not keep it up then why should we all have to pay this? Mr. Dillinger agreed with Mrs. Coffman you need to get grant money to help these residents. Mr. Pelot clarified the real cost per property is \$11,200.00 and if you have to replace your septic system is about the same. Mr. Dillinger stated you need to find another way to absorb the cost. Ms. Whipkey explained to Mr. Dillinger was not being assessed the \$11,200.00 as he was not getting a sewer line. Mr. Markey clarified that there were \$300,000.00 grants that have been applied for to help with septic systems. Mr. Lombardi stated that Medina received this last year and they are getting this again this year. Mrs. Carr stated that she believed Summit County has the same program. Mr. Lombardi stated that was not correct, this program in Medina is a totally different program.

#### Then & Now Certificate

Ms. Whipkey stated that the auditors have been after us for this and we need this policy in place for expenditures. If the expense is under \$3,000.00 the Finance Director can go ahead and pay it. If it's over \$3,000.00 Council has to approve a Then and Now. Due to the widening for Cleve-Massillon Road there are some items that got started in 2015 and are just now coming due for payment this year is an example. Mr. Messner stated this is something that can come up every month but it does not necessarily have to happen every month, however it might. Mr. Messner explained that under \$3,000.00 he can issue the Then and Now Certificate and he has the authority to pay that as long as he is certified. Anything over \$3,000.00 would need a Then and Now Certificate and has to come to Council. Mr. Messner explained with Cleve-Massillon Road widening last year we had the Transystems temporary easements, which was a then item and it has now come to be paid, also he cited the rental payment for the Trommel Screening Plant for \$18,000.00 which had originated in July. Mr. Tousley asked so that basically we will be seeing these from time to time and Mr. Messner agreed. Mr. Markey stated this is not uncommon in the audit process and Ms. Whipkey agreed, adding this is not the first one we have done. Ms. Whipkey asked if there was any need to move on this tonight and Mr. Markey stated he felt we would better off legally to hold off until next week as it wasn't listed on the special agenda.

Ms. Whipkey moved to add this to Councils next agenda with emergency and waiving reading, seconded by Mr. Pelot.

Roll Call:     Yes:   Whipkey, Pelot, Pierson  
                  No:     None

Motion passed 3-0.

Lease Payment-Trommel Screening Plant

Mr. Pierson stated that this is a rental, not a lease. and the item may have been listed incorrectly. Mr. Pierson stated he wants to know again the actual amount of soil we use by the yard each year. Roughly are we paying \$9,000.00 a month in rental fees for soil that then costs us \$9.00 per yard? Mr. Pierson stated he spoke with a leasing company out in Medina on St Rt. 18. Mr. Pierson stated we could have bought brand new for \$88,000.00 versus the proposed used Trommel for \$133,000.00. This new unit is a 506 Rover and we could lease that for \$5,800.00 a month. We need to look into a few more companies not just the one based in Columbus that we have been working with in the past. Mr. Pierson moved to add this to Councils next agenda with emergency language and waive the readings, seconded by Ms. Whipkey.

Roll Call:     Yes:   Pierson, Whipkey, Tousley  
                  No:     None

Motion passed 3-0.

**UNFINISHED BUSINESS**

Mr. Rodgers asked about an update Silver Springs and when the bids would be done? Mrs. Carr relied they will be opened this week.

**NEW BUSINESS**

Mr. Pierson stated last week when we talked about the sealing of the Administration parking lot and felt we need to look into this. Mr. Messner stated that due to an action brought before the City we had to reseal and mark the handicap areas in front of the building. Our City lot is basically falling apart and these two spaces cost us about \$6,400.00. We did this sealing with Melway Paving because they were close and we have done work with them before. Mr. Messner stated to do the entire parking lot would require full competitive quoting process. Mr. Messner stated he was hesitant in doing so for being criticized in spending the money and second by the residents complaining their roads are so bad yet they don't get done. Mr. Pelot asked about doing a two (2) part bid for the completion to be done over a two (2) year period. Mr. Rodgers started last week we met with a representative from RPC about the Council chambers audio/visual system and you have the proposal in front of you. Mr. Rodgers stated that he learned a lot and one thing he learned is that we do have the ability to put out a good product, however the equipment we are using is not up to par. Mr. Rodgers asked to have further discussion at the next work session for everyone to have time to look over this information. Mr. Kernan suggested we have legislation drafted for the next Committee Work Session. Ms. Whipkey stated we would have to get a new server as the equipment would not work with our current one. Mr. Messner concurred adding that we could go with a company called WOWZA and this is at an additional cost of about \$2,300.00 to \$6,000,00 per year above the \$9,000.00 in the proposal. Mr. Messner stated it's been normal practice of Council to get three (3) bids and he only got this one after reaching out to Wadsworth. Mrs. Carr pointed out it was quotes, not bids. Mr. Messner stated he would have to go out there and search some more; he just doesn't know who they are or where. Mr. Messner stated if Council wants to do something this year, you need to appropriate more funds and that we have about \$1,000.00 left for this year in Council's budget.

Mr. Pierson stated you need to look at the City of Richmond Heights because their room is twice the size and their broadcast is phenomenal as far as the sound and the utility used to see everybody speaking. Mr. Pierson stated we need to move forward on this and the money can be obtained from the two (2) funds we recently moved over into the General Fund which is about \$100,000.00 and we have the Charter ruling that we would provide this. Mr. Pelot stated we need to research this some more and find other competitive people that can build this. Mr. Tousley stated that he thought when Ms. Whipkey was in charge of this last year she had asked for \$5,000.00 to be appropriated for any upgrades. Mr. Messner stated we did, but we had some other expenses in Council that had to be met. Mr. Rodgers asked about other bids as Mr. Pelot referenced and Mr. Pelot stated that he is asking for other companies to come in and bid on this. Mr. Rodgers stated the biggest issue is the equipment we use and Mr. Messner concurred. Mr. Messner explained that the audio system is more than adequate, but part of the problem is the microphones and a better camera which ours will pick up the sound from the room. Mr. Messner stated that Mr. Ring suggests a new camera towards the door opening and would take a picture of the front of the room. We could also move the podium. Mr. Rodgers stated that we were told the camera we are using is just something you take photos of your grandkids with. Mr. Messner clarified that Ms. Whipkey had kept saying to fix it and our IT guy at the time brought this in as an experiment and the experiment goes on. Mr. Rodgers asked if Mr. Messner wants to get other quotes. Mrs. Carr stated she understood Mr. Pelot was asking for us to price out other servers like YouTube, WOWZA or others. Mr. Rodgers agreed and noted that with these other servers you will get advertising along with this unless you pay for them to remove it. There was consensus of Council to get bids on all of the equipment and the servers. Ms. Whipkey noted that all of the money we have spent with this for equipment has not gone to waste it's all good and is reusable outside of the camera and mikes. It not something that will just be thrown away it will be used to upgrade from what we have. Mr. Rodgers thanked Ms. Connie Dean, a Norton resident for bringing this contact information for Mr. Madding of Wadsworth forward for us to look at. Mr. Messner reminded everyone that Wadsworth has had their own TV broadcasting station and their own cable system for some time, and they are light years ahead of us and have been for some time.

### **TOPICS FOR NEXT WORK SESSION-Monday, September 19, 2016**

Legal Defenders Agreement-2017 (Whipkey-Finance)

Feral Cats

RPC Video

Games of Skill

Parks and guns in the Parks

Community Center & Park rental fees

### **PUBLIC COMMENTS**

Ms. Robin Kerns, 3732 Golf Course Drive, Norton, Ohio, thanked Council members Rodgers, Pierson, Tousley for sticking up for us and listening to them. Mrs. Kerns told Mrs. Carr that there was no Council member walking their streets to speak about the sewers and that she is the one that was talking with a few of the neighbors about what is going on. She has seen a truck out there taking soil samples; she has also seen people checking the water levels and surveyors in this area. Mrs. Kerns stated she does not trust you guys, even if you were standing on a stack of bibles.

Because every time she turns around there is some kind of crap going on down here of not telling the people the truth. Mrs. Kerns stated that she is sick and tired of the comments by some of you that we don't own the town, we all own this town. Mrs. Kerns stated Golf course Drive is a private road and we get no City services for our road and if you're not bringing sewers up here then why are you out there surveying it? Mrs. Kerns stated she would be dammed if she would be paying for sewers to go onto Joe Flogg's property. Mrs. Kerns discussed all of the extra fees for connecting to the sewers and all of the high sewer bills. Mrs. Kerns stated she cannot believe you can don't have any consideration for the residents. Ms. Whipkey asked Mrs. Carr if we are surveying or not? Mrs. Carr explained way back when this project started it was part of the original project over two (2) years ago that yes they would have been surveyed. Mrs. Carr stated that when the project was shrunk down and there was final survey done by EDG in this area because they were part of the original project. Mrs. Kerns stated Mrs. Carr may be right it was about two (2) years ago, but now the pump station is being moved and what is going on is disrespectful and she is sick of this and you need to be removed from office.

Mr. John Lombardi, 3660 Golf Course Drive, Norton, Ohio, stated there was an original trunk line that was supposed to go up Golf Course Drive and that was kyboshed, thank God. Mr. Lombardi asked Mr. Markey if he or his company also represents the City of Barberton, and Mr. Markey replied yes. Mr. Lombardi stated in the sewer agreement with the City of Barberton you are selling the future of Norton to Barberton is a real shame. Mr. Lombardi questioned who was the genius that did the negotiation with Barberton? Mr. Rodgers stated it was Mr. Markey that negotiated the deal with Barberton. Mr. Markey asked who negotiated the original deal, wasn't that you Mr. Rodgers? Mr. Lombardi stated that you really need to look at the sewer deal with the amount of money you are giving away; it's really shameful with what has happened. You are giving away all of Norton. Barberton is done; they are one of the poorest City's in Summit County. Mr. Lombardi discussed the vacant houses in Norton, and the property values dropping in Norton. You should find out who did the negotiating with Barberton, it's a horrible situation for Norton.

### **Public Updates**

Ms. Whipkey stated there is a MAD meeting on Sept 8, 2016 at 6:00 PM at their offices on Snyder Avenue. There is a Special Council meeting immediately following this meeting.

### **ADJOURN**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:35 PM.

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Charlotte Whipkey, 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.**