



COMMITTEE WORK SESSION SEPTEMBER 19, 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
Dave White
Karla Richards

The Committee Work Session convened on Monday, September 19, 2016 at 7:01 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council. Ms. Whipkey asked for an additional moment of prayer for the Kyle Richmond family and all of those involved in the recent school bus accident. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Committee of the Whole

Silver Springs Road Reconstruction Bids

Mr. Pierson asked why this is not in Committee and Committee of the Whole and why? Ms. Whipkey replied because it was asked that we speak on this again. Mr. Pierson asked by whom? Ms. Whipkey stated that she believed Mr. Rodgers had asked for this last week. Mr. Rodgers stated he never asked for this and once again the rules are changed and he does not understand why. Mr. Kernan reminded Mr. Rodgers that Council Rules state the agenda layout is up to the President of Council. Mr. Pierson stated this is rather convenient stating the position of some on Council. Mr. Pierson stated that once again as you have pulled a fast one, he turned this over to Mr. Rodgers since he was at the start of this from the get go. Mr. Rodgers stated he thought last week he believed we had asked Mr. Markey to prepare legislation for this. Mr. Markey replied you have a draft of the legislation in the packet in front of you. Mr. Rodgers asked if it was our intent to move this forward. Mr. Kernan expressed the need to get this moving and have legislation as soon as possible.

We have been talking about this since April or May and we are running out of time this year to get it done, otherwise we may face paying a premium in order to get it done this year. Mr. Kernan stated he felt we needed to get this finalized and on the next agenda for a vote. Mrs. Carr went over the construction time line; to have it expedited done by December 15, 2016 we have to have the contract in place by October 3, 2016. Mr. Rodgers moved to move to approve the public and private construction with the expedited schedule, seconded by Mr. Pierson. Ms. Whipkey stated that without the expedited schedule the landscaping would not be done this year, correct? Mrs. Carr stated she cannot predict the weather and if the weather stays the same, the contractors have indicated there is a pretty good chance they can get things done. If you want a guarantee, then you need to select the expedited solution. Ms. Whipkey clarified it we do the public and private portions without the expedited process the costs is \$363,136.93 and it goes up to \$396,162.82 for the expedited process for the public and private sections. Mr. Rodgers called appoint of order because the motion and the second is for the expedited process. Ms. Whipkey agreed and stated this is for the City picking up the full bill and Mr. Markey stated there are blanks in the legislation and the City would pick up the construction portion. Mr. Markey stated if you are going to award the contract then the blanks will be filled in appropriately, and yes the City is responsible for paying for this project. Ms. Whipkey stated she has a problem with us paying for the private drive at the City's expense when if other citizens comes forward later on a private drive wanting their roads fixed, they would be told they are going to get assessed for it. Ms. Whipkey stated that she would like to see a portion of the costs to be picked up by the private residents owning those properties. Mr. Rodgers stated that Norton does not assess for road projects. Ms. Whipkey stated that if the people on that road ask for an improvement they would be assessed, correct? Mrs. Carr stated that since she has been here there have been no petitioned road projects, and Mr. White concurred. Ms. Whipkey asked what is the policy then? Mr. Kernan agreed and explained that since he has been here there have been none, however the policy if the City is to repair and maintain the public roadways, that is what your taxes pay for. When we make an improvement to a private roadway we are bringing up the standards to become a public roadway, and then it would be turned over to the City and would become part of the public roadway. Generally when a developer brings in a residential development, they bring the roadways up to the public road standards, and they ask the City to accept the dedication of those roads for public use. Mr. Pierson asked Mr. White if in 2013 we did affect any repairs on this road at a cost to the City? Mr. White replied he was not sure he would have to check. Mr. Pierson stated he was told the City had shored up this area at the City's expense. Mr. White repeated he did not know. Mr. Rodgers stated there was some shoring up and Mrs. Carr was aware of it. Mrs. Carr stated there was some shoring up and it may have been done by the City but she could not recall the exact amounts. Mr. Pierson stated the City has done this and you have set a precedent by making those repairs and we have used it as a turn around. Mrs. Carr stated when she was hired she was surprised to learn that we had done some repairs and advised Mr. Reynolds from that point forward not to continue this practice. Mr. Pierson stated we do bear some responsibility here because we have repaired it at the City's costs. We have been using it for a thoroughfare to plow and turn our trucks around, etc and may have helped damage it by doing so. Ms. Whipkey stated she was not suggesting assessing them a full assessment, just some type of assessment.

Ms. Whipkey recalled a similar incident with Parkway Drive residents where they wanted to turn this into a cul-de-sac because they were getting too much traffic down their roads. There was a community meeting for these residents and they were told that if that is what they want they would have to bear those costs. Mr. Rodgers stated we have discussed this before and he was enlightened by a visit in this area last week. We have talked about the storm water runoff to that private driveway and the damage it has done in the past. Mr. Rodgers stated the neighbors walked him back through some of their yards. We actually have pipes underground collecting storm water from the west which brings it down under Silver Springs Road and going to Summit Road and also from a catch basin at Carillon that feeds into the former retention pond. This is where a lot of water is coming on from beyond what happens with a rain event. Mr. Rodgers stated we have responsibility here whether we want to admit or not for the damage cause here. Mr. Rodgers stated he has no idea who put that fifteen (15) inch pipe in; whether it was the County, the City or whomever. Mr. Rodgers noted that there is another one is on Rt. 261 on the north side of the street and collects water from Wilbanks and takes it down Silver Springs that is supposed to dump onto Summit Road to a pond that used to be there, and now water is coming up out of the ground probably from broken lines. Again we have some responsibility in this case. Ms. Whipkey asked isn't that the portion that we are going to repair and asked Mr. White? Mr. White stated that we are picking up some drainage on Silver Springs Road that is coming down from St. Rt. 261 which is part of this project. Mr. Rodgers stated these lines through private property were put in the past to collect water at Norton residential streets and take it to the Wolf Creek area. Mrs. Carr asked if these are public pipes going through private yards to collect the storm water and Mr. Rodgers stated if a catch basin feeds a fifteen (15) inch pipe he would call this a public pipe. Mrs. Carr asked Mr. White if he was aware of any easements we have regarding that storm drainage and Mr. White replied no; he is not aware of any. Mrs. Carr asked Mr. Slaga from GPD to comment on these collection pipes. Mr. Slaga stated that yes there is a series of storm sewer pipes collecting in this area, it is not a very well organized series and it is sporadic in nature. Mrs. Carr clarified Mr. Rodgers' statement that this is dumping into Silver Springs, and contributing to the water issues, and that we have two (2) issues in this area; we have ground water and storm water. Mr. Slaga concurred adding that there is about a thirty (30) acre drainage area that is going to feed into the culvert that runs under Silver Springs Drive. It does follow the topography of the land in this area; from the higher elevation down to the lower elevations of Silver Springs. Mrs. Carr asked what the new drainage system would do? Mr. Slaga stated the catch basins would help with the slope stabilization from the water running down Silver Springs and the deteriorating of the wall along the roadway. It will not be addressing the other drainage area. All we are doing is replacing the culvert to the adequate size to alleviate ~~elevate~~ that flooding, but we are not doing anything to the route bringing the water there. Mrs. Carr clarified in order to do that we would have to go into other neighborhoods and Mr. Slaga concurred. Mr. Rodgers asked if he is designing a roadway with a storm water system and installing a catch basin which purpose is to collect the water and take it away and Mr. Slaga replied yes. Mr. Rodgers asked if we have City created catch basins in this area would you say that it is designed to do this?

Mr. Slaga stated it could be that this may have been in pieces and parts and expanded over time trying to follow the water's natural flow and it was not done comprehensively so you are reacting to what has been done previously. Mr. Rodgers discussed the older retention pond where the water was directed that may have been a ½ acre at one time that has now grown over. Didn't we look at having a retention pond and Mr. Slaga concurred that was one design we had looked at. Mr. Rodgers stated so what is in place and antiquated over time, we are not sure who put it in place and Mrs. Carr added it could have been the developer. Mr. Rogers stated that we maintain the catch basins and Mr. White replied yes. Mrs. Carr clarified that we do not do this on private property. Mr. Rodgers stated he was referring to ones in the public right away and argued again that we have the responsibility when we went out there in 2013 and attempted to shore up that bridge. What is the hold up here or what is the problem, this is completely different than a private street. Mr. Tousley stated when he and Ms. Whipkey went out there in July several residents commented about the extensive erosion on their properties. An additional pipe was installed by one resident to keep from getting additional damage so we need to take some responsibility. Mr. Tousley wanted it clarified whether or not there was an official petition from the residents. Mr. Rodgers replied no but there was a request for dedication of this roadway. Mrs. Carr concurred there is no official petition for improvement, but there was talk of potential cost sharing and we never got to a formal request where we would have had it petitioned. Mr. Kernan stated this can be split into two (2) projects; the construction of the public portion and then the private portion with cost sharing if Council is unwilling to pay for all of it. Mrs. Carr stated that from the beginning the cost to do private and public together does have some savings here. The other issue is how long the road would last, both the public and private portion, and Mr. Slaga replied the way the bids are done it's either just up to that drive or you are doing the drive and the private portion; which there is a higher cost involved to do it separately. Mr. Rodgers asked if you are doing the public portion would you be accessing other parcels and impacting that private drive? Mr. Slaga replied we would end before the private drive and would need to have an impact onto one property (Kostalief) and it's included into the bid alternate for additional work on private property. It is accounted for in the quantities so we do not double charge for this expense. We have to get onto that property to do all of the work required. Mr. Rodgers questioned how much it would increase if you could not access that property and Mr. Pelot stated it wouldn't. Mr. Rodgers stated you are planning on impacting that property if you do one or both pieces and Mr. Slaga concurred, but it would be temporary or you could not build it. Mr. Pelot questioned if Mr. Rodgers was going to stop it. Mr. Rodgers stated we are essentially telling Mr. Kostalief we are going to assess him \$85,000.00 so we can access his property, and maybe Mr. Pelot you don't understand this. Mr. Pelot stated he totally understands all of this and you Mr. Rodgers are just full of it. Ms. Whipkey inquired when they say they have to access the property, are they saying they have to cross that bridge and Mr. Slaga responded they would only cross the bridge if they did more than the public portion. Ms. Whipkey again stated, for clarity, she did not recommend a full assessment, she stated a partial assessment. The trash trucks and mail trucks are there to provide a service to the residents and should not even be discussed. Mr. Rodgers asked if you can do this project without using that driveway this property?

Mr. Slaga replied it would be a temporary work agreement with Mr. Kostalief to do this work and after this work is complete we would no longer have access to the property. Mr. Rodgers stated we are asking the owner of the property to help the City to save some money and get the project done; but by the way we are not going to help you out because it going to cost you the \$85,000.00. Mr. Kernan stated that from what he understands, the residents are not willing to share in the costs of the private drive at all. Mrs. Carr stated she does not know that answer, you would have to ask them. Mrs. Carr stated there was a meeting with the residents and it was discussed the idea of some cost sharing to help get Council to approve this. Initially through those discussions the costs were pretty high so we asked what price could you afford and one of the residents indicated they felt some of them could afford \$5,000.00 on their taxes and it was never formalized or petitioned or in writing. Mr. Kernan stated so we have two options to do the whole thing or just the public portion; we really are out of time to be having these discussions now. Mrs. Carr agreed and if a cost sharing is something they are willing to do, she was sure Mr. Markey could have a petition prepared for them this week. Mrs. Carr stated we have already delivered to the homeowner's the temporary and permanent easements and work orders, and she would like to have most of this done this week. Mr. Kernan stated we have a lot of private roads that are substandard and will need work, and Houston Road needs some serious repairs. There are some public roads that are substandard and we are not able to repair them. Now we are looking at spending \$85,000.00 on this portion of a private drive. Mr. McGlone added that if this gets expedited the difference is really \$90,000.00. Mr. Rodgers stated no one on Council or in this room can afford an \$85,000.00 assessment. Mr. McGlone asked about a portion and Mr. Rodgers stated he spoke with everyone here and there is an affordability issue and they are a bunch of seniors. We impacted this road by bringing our vehicles down there. Mr. McGlone stated that is why he likes Ms. Whipkey's idea of these residents paying a portion. Ms. Whipkey stated she is more interested in them paying the majority of this cost.

Ms. Amy Addis, 2694 Silver Springs Drive, Norton, Ohio stated that she has a real issue with the fact that at the meeting before Council went on summer recess, when you had this legislation before you to authorize the bid and the final design. When you came back from break this matter was not on the agenda and now five (5) weeks have gone by. The Administration clearly expressed their urgency to get the bids back and get this all done when you come back and nothing has been done and she wanted to know why.

Mr. Keith Kondic, 2739 Silver Springs Drive, Norton, Ohio stated that one of the storm sewer pipes does cross his property and supplied Mr. Rodgers with the pictures proving this. Mr. Kondic stated that for the last 5 years this has been plugged. Mr. Kondic stated that the water should have been routed down St. Rt. 261 and should have been routed near Wilbanks. Now we are getting flooding and with this work to be done will just have this happen all over again. The City is obligated to maintain the storm sewers that are all in place. We are dumping storm water into all of these properties. As far as the water under the bridge, the City has made these repairs at least one time and that's great. Most of this water is coming down from St. Rt. 261. Mr. Kernan asked once the public portion is done, will that prevent any further damage to the private drive.

Mr. White stated it will protect the public portion by the work being done. Mr. Kernan asked about the damage coming down to the private drive from the water, can we determine where it is coming from (public or private)? Mr. White stated the work in the public portion will protect the public portion, but it has very little connection with all of the other things that are going on with all the directions it comes from. Mr. Pelot stated there will still be storm water runoff that will come to that bridge. Mr. White stated these are totally separate issues, there is obviously a lot going on there and if we take care of the public portion this is a permanent repair. Mrs. Carr stated that GPD did run a storm analysis and their information relating to the water was on a twenty-five (25) year level storm and it did not overflow the driveway portion until we got to the twenty-five (25) year level storm and Mr. Slaga concurred. Mrs. Carr reminded everyone the public acceptable standard is for ten (10) years for a residential road and Mr. White concurred. Mrs. Carr felt we really should be looking at the twenty-five (25) year storm. Mr. Pierson asked Mr. Slaga if GPD took into account the fifteen (15) inch line that is bringing water down from the north side of St. Rt. 261 to Silver Springs? Mr. Slaga stated we did trace that water and it appears to be coming parallel with St. Rt. 261 and then comes across to Silver Springs Drive south of what would be impacting our project. We do not feel this would be a continuing factor in causing an issue with this project, and Mr. Rodgers noted the pipe on Carillion would continue to cause drainage and Mr. Slaga replied yes. Mr. Rodgers stated the condition of the bridge and repairing the public portion will stop damage to the private portion. Currently the roadway that is in place now and the flow of water coming down Silver Springs and turning the corner and coming out of the grates is damaging that bridge. If you go to the most southern portion of the bridge, the erosion is right where it turns and goes to the George is contributing to the erosion and Mr. Slaga concurred. Mr. Rodgers stated the condition of Silver Springs Road as it is has also added to the erosion of this private bridge. Ms. Whipkey asked about Mr. Kondic's comments about the line across St Rt. 261 and causing flooding and Mr. Slaga replied we do not find the line at St. Rt. 261 directly contributing to the flooding at Silver Springs Drive and would be a separate project. Ms. Whipkey stated she saw fish in the pictures provided regarding the areas of flooding and found it disturbing that there are carp in some of these yards. Ms. Whipkey stated that she does not like dragging this out but it seems apparent that we have not seen everything.

Ms. Jenny Sutton, 2685 Silver Springs Drive, Norton, Ohio, addressed the concern of Councils issue with setting a precedent, and read a statement (see attached).. Ms. Sutton noted that even Mr. Reynolds had stated in a previous meeting that Silver Springs Drive is the only private drive in the entire City that is laid out this way. If the private part was repaired it would not set a precedent for every other private drive within the city. We are asking for the private drive to be repaired and felt those sitting on Council would do the same. If you have not seen the video if water going over the private driveway she encouraged Council to watch this. Ms. Sutton discussed a recent law suit involving Accurate Die Casting vs City of Cleveland, the ruling was in favor of Accurate Die Casting and their 10 year construction plan was not sufficient.

Mr. Russel Daniel, 2738 Silver Springs Drive, Norton, Ohio, provided a copy of the storm water coming from the west (see attached).

Mr. Daniel stated that he has lived here for over nineteen (19) years and for the first fifteen (15) years there was no problem. Mr. Daniel stated that since 2013 to present this has happened several times and has had some issues with his septic and has had to put something in to keep from losing his yard. There is a cause and effect and the cause is all of this runoff.

Ms. Kathy Gossen, 2729, Silver Springs Drive, Norton, Ohio, stated that this is so black and white here and it has now become a safety issue. Ms. Gossen commented that most of them are picking up large chunks of asphalt and there have not been any recent heavy rains. Every one of our yards is in disarray and we are all concerned with any of these residents with EMS and safety crews getting to them. Ms. Gossen stated we know the problem does not just lie with the runoff of St. Rt. 261; it's the water that is coming from the side street road of Carillon. The bottom line is this has now become a safety issue and that is what scares her the most. Mr. Kernan asked what is budgeted and Mr. Messner, replied \$350,000.00 and there are bills for engineering of \$73,000.00 has been paid to GPD which was \$35,000.00 for the engineering and about \$38,000.00 for the design. Mr. Messner stated that we have about \$277,000.00 left over. Mr. Kernan asked of the figures in front of us now, do they include these costs? Mrs. Carr stated what is in front of you is just for construction cost. Mr. Kernan stated we are going to have to ask for additional money and Mrs. Carr concurred. Ms. Whipkey stated we are really looking at nearly \$450,000.00. Mrs. Carr stated she felt the original numbers that GPD came up with are very close to that, when you add in the engineering costs. Mr. Tousley commented how your government is working for you. Mr. Tousley stated that prior to this year all seven (7) members were on all of the Committees. In the beginning of this year the Committees were set as a three (3) member committee which is all fine and good; however tonight we are learning that is unless the idea of that Committee does not match the President of Council. Therefore there really is no point in the number of members on a given Committees because each week it could change. Mr. Tousley stated that is not an insult to the people who might vote your way; it's an insult to the voters. Mr. Kernan stated this item sat in Service Committee for more than six (6) months and nothing was done. Now the first time it's in Committee of the Whole format it might actually have some type of resolution. Mr. Rodgers stated this is not an answer this is just a statement. Mr. Rodgers stated we could have resolved this issue months ago; and Mr. Kernan asked then why didn't we? Mr. Rodgers stated there were delays in getting the bids. We had delays on Council because it was something that he brought forward and as most of you know when he brings things forward it will be met with opposition. Mr. Rodgers stated that Ms. Whipkey wants them to share in some of the costs, no matter how small because we can all agree the flooding is causing the damage to their property. Mr. Rodgers stated that within the last year, the City of Norton, to help Ms. Whipkey with the flooding on her property, the City spent around \$15,000.00 with man hours and Mrs. Carr denied work was done on Ms. Whipkey's property. Mr. Rodgers clarified it was not on her property but was damage caused by storm water that affects her property. Mr. Rodgers stated that now Ms. Whipkey is objecting to helping these folks in the same predicament.

Ms. Whipkey found it disturbing that she saw a bill the City had at \$3,000.00 bill due to the order from the County Health District to help get the water directed off of her property because you and your friends called them and telling them her septic was failing and this is where all of the water was coming from. Ms. Whipkey stated that after inspection was done by Summit County and the Health District it was directed the City to get the waters off of her property. Mr. Rodgers stated that most would agree that storm waters that are sending into this area is what is causing damage to that bridge, wouldn't we come together and say fix it? No, we won't. Ms. Whipkey stated you are not just saying we should fix it you also want to make this a dedicated street which is above and beyond just fixing this bridge. Mr. Rodgers stated let's not make it a dedicated street, just fix the damage that we did to their private drive.

Roll Call: Yes: Rodgers, Pierson Tousley
 No: McGlone, Kernan, Pelot, Whipkey

Motion failed by 3-4 vote.

Mr. Rodgers made the comment that there you have it folks and you voted these people back in. Mr. Pelot moved to approve the bid of \$363,136.93 for the public and private portions without expediting, seconded by Mr. Rodgers.

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

Motion passed 7-0.

Mr. Kernan moved Mr. Markey to amend the appropriation budget for next week, and Mr. Markey stated he would have it ready for next week. Mr. Markey stated you will have two (2) ordinances on the agenda for consideration. Mrs. Carr stated now that we know the direction Council is going we can meet with each homeowner and have their signatures for the permeant and temporary takeaways. Mr. Markey stated there may be some more legislation forthcoming.

Council Chambers Audio-Video Upgrades

Mr. Rodgers discussed the bid from RPC and that now we are getting another bid. Mr. Messner replied yes I was told he would be out here sometime this week and if that does not happen we can move forward. Ms. Whipkey noted there was some feedback from Mr. Ring regarding the WOWZA streaming. Mr. Pierson commented on getting the costs for the same equipment and proposed and Mr. Messner stated it's not for the exact equipment however this contractor would be given the same tour and see what is needed and they will provide their proposal.

General Topics of Discussion:

Games of Skill-Amend Legislation Moving Locations

Mr. Kernan stated that we have talked about penalties for an application and the availability to move a business location.

Mr. Markey stated he did provide Council with a draft and is looking for Councils comments. Mr. Pelot discussed the potential of moving his license to a new location and the problems it could bring. Mr. Kernan stated what we wanted is to have the owner come back to the City to obtain permission and for the city to be sure we have it zoned properly. Mr. Messner stated one item that may not be here is if we go the ninety (90) days and they don't start we would charge the full amount and that is not refundable and Council agreed. Ms. Whipkey noted we do not want to have another year with nothing happening on an application. Mr. Kernan lets review it one last time and discuss at the next Work Session.

Review of Chapter 1064 Community Center & Park Rental Fees

Mr. Rodgers stated that Mr. Messner made all of the changes we discussed last week with higher fees for non-residents, etc. Mr. Messner asked Mr. Markey if Council approves this then the Codified needs to be updated and Mr. Markey concurred. Mrs. Carr noted the Ordinance does not refer to policies and procedures that falls within the Administrative rules. Mr. McGlone asked about the cancellation fees and deadlines, and Mr. Messner stated he thought he had clarified these and Mr. McGlone stated he is looking for something for the ballroom and last minute cancellation. Mr. Kernan suggested most places state you have to cancel within thirty (30) days or fifteen (15) days before the event for you to get your money back, less than that we can keep the deposit. Mrs. Carr stated someone can call and ask to reserve or hold a room and months go by and nothing happens and we need to establish a time limit. Mrs. Carr stated all of these little items really do not need to be codified, this all falls within the Administrative policy. Mr. Rodgers suggested if they cancel within the last minute and still charge a small fee of \$50.00 and Mrs. Carr stated most places do that. Mr. Tousley stated that he has had some push back with some of the non-profits that use these facilities and suggested Mrs. Carr sit down with all of them and go over these new changes. Mr. Tousley suggested the rules need to be posted in the rooms and provided to all of them when they are rented. Mr. Tousley discussed the security deposits for all three (3) rooms and if two (2) leave early how can you tell who leaves the rooms clean and who does not? Mr. Messner stated he has spoken with every non-profit group's Presidents or at least the Chairperson for all of the larger groups. If there is one group specific Mr. Tousley is referring to please let me know and he will be happy to look into this. Mr. Tousley stated that two of the people he has spoken to do not want their names used because they fear it could be held against them by the Administration. Mr. Messner stated the rules are posted in the building and when the security deposit is paid they are aware of it. Mr. Messner stated that 75 % leave the rooms as clean as their homes, the others not so much. Mr. Messner noted the check list is provided to them in their reservation packet. Mr. Messner stated that Mr. Tenney inspects the rooms once they leave and provides him with a check list. Ms. Whipkey commented about the 50% being Norton residents and they are affiliated with one of the tax exempt non-profits and she felt this needs to be made clearer that it is a group made up of 50% but they do not need the people present do not have to be at that 50%. Mrs. Carr stated she felt they all understand this and that they are sanctioned groups that certify to us by proof of the 501C-3 status and other paperwork that they are a 50% of Norton group and the problem we get into is they say they are sanctioned through the organization and they are not.

It's something that has been going on for years and this has all been under review by Mr. Messner. Some people are now upset with this because we realize now that this was done and used under false pretenses. Some of these groups are upset that their name was being used to access the property when they had not authorized that. We have straightened this out and it should not be a problem. Ms. Whipkey stated that from now on anyone using those buildings, these groups will know about it and Mrs. Carr concurred, we will call the leadership and make sure they are aware of it. Mr. Tousley asked to have this written into the rules that it does not require the 50% presence and Mrs. Carr stated we can do that. Mr. Jason Sams, 3782 Long Drive, Norton, Ohio, questioned the comments by Mr. Tousley about the resident being afraid of the Administration. Mr. Tousley stated that the concerns were that their comments might cause issues with their club or organization and Administration. Mrs. Carr stated that we are not here to cause any harm to any group, and she is the biggest cheerleader of all of our civic groups. Mrs. Carr stated that she has never seen them being so active in a community. We have one group that we have issue with and we have addressed it with them and if necessary we will sit down with this group one more time to make sure we are all on the same page. Mr. Tousley stated it would like it made clear to this group that there are no repercussions in sitting down with the Administration to talk this over and Mrs. Carr concurred there would be none. Mr. Sams asked if the Cider Festival still uses the library and not the Community Center and Mr. Messner replied they do; however during the week of Cider Festival they use the Community Center Ballroom to lock supplies. Mr. Sams discussed adding the use of cameras to the inside to the building to elevate any issues and Mr. Messner stated we already have them in place that he can monitor. Mr. Messner stated he can see who comes in and out and can access back to the past forty-five (45) days. Mrs. Carr stated that going back to some of these tapes we have witness to some of the damages and have gone back to them and we tend to keep their deposit. Mr. Rodgers noted that one of the complaints was that they felt they did not have a good interaction with the City in the way they were treated they and the end result is that they would never shop in Norton again. Mr. Markey stated he would look at the rules and the ordinance and follow up with Council on this. Mr. Messner stated he knows who Mr. Rodgers is referring to and has the email right in front of him. Mr. Messner stated that he takes exception to anyone that says he speaks unkindly to anyone or acts out of line. Mr. Messner strongly disputed what has been said and the email that was sent by this one person to the Mayor because this is not how it came down. Mrs. Carr offered to provide Council with all of the email traffic back in forth if necessary. Mr. Rodgers moved to place this on Councils next agenda, seconded by Ms. Whipkey. Mr. Markey stated he would take from this discussion and compare it to the rules and prepare the necessary legislation to correct it in the code. Mr. Tousley stated one other comment from a non-profit group they had stated to him is that sometimes they feel they need the ballroom whether it's a large group or not and asked Council if they are in favor of the group contributing a small donation to the City to cover any of the expenses in order to get that room if not already rented. Mr. Kernan stated he believed it was discussed the last time with the non-profits this was mentioned and we generally let them have it. Mr. Messner stated again he believes he knows who Mr. Tousley was referring to and one of these groups had originally started out with a fairly large group and then their numbers started falling off to about 15-18 and then they started to increase a little.

Mr. Kernan stated if any non-profit from Norton wants to use the ballroom that is not in use and free of charge then let them. Mr. Rodgers asked can they use the ballroom if they are non-profit? Mr. Messner stated that we have tried to indicate if they are non-exempt and they don't have at least thirty (35) we can fit them into the small room, but in this particular case they never came to him to let him know they have special needs. Mr. Rodgers stated to avoid the point of special preference here the Norton groups that are non-profit; we should let them use whatever room they want. Mr. Tousley took exception that we are laughing at the concerns and he has been contacted by someone to look into this; and this is not funny. Mr. Rodgers apologized for everyone involved and he stated we are not laughing at any group we were laughing at the comments by Mr. Messner that he knows who you are all talking about.

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

Motion passed 3-0.

Review of Chapter 1066 Park Rules-Dogs & Guns in Park

Mr. Rodgers stated that was discussed last week and we stumbled when it came to the police officers dog exercising. Mrs. Carr asked are we using the word controlled or leash, and most of Council felt control was fine. Ms. Whipkey stated she agreed controlled is sufficient and she has an extensive background in dog training and there is a level of control that you do not need a leash. If you cannot control your dog off leash, then it is not under control and the liability should fall to the owner, not the City. Mr. Kernan asked how exactly do we define that? Mr. Markey stated the term leash would be the safest way and easier to enforce. Mr. Kernan stated that the issue last week about a police officer running with his personal pet, and not a police dog or K-9 unit so why should he be any different than any other person in the park. Mrs. Carr stated we get phone calls all of the time as to why dogs are running lose in the parks. Mr. Kernan stated he would bet the rule in all of the parks in Summit County and Silver Creek stated they must be on a leash. Mr. Rodgers stated if they are in the park with their dog and playing catch with a Frisbee and take their dog off the leash they assume responsibility and Mr. Markey concurred because the rule states they are to be leashed. Norton Police Officer Brody Fratantonio was present and he is the one all of you are referring to and he has a shock collar that is radio controlled up with a hand held remote up to forty-five (45) feet. Mr. Kernan asked how this would affect our criminal code where someone can be ticketed or fined for not having their dog on a leash and Mr. Markey stated he would have to look at that but that is not what Code 1066 refers to. After further discussion Mr. Rodgers, Mr. Pierson, Mr. McGlone and Mr. Kernan all felt that they would be leashed versus controlled. Mrs. Carr noted that Chapter 1066 says there are no dogs allowed in the park at all. Mr. Rodgers moved to place this on Councils next agenda, with the term leash, seconded by Mr. Pierson.

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

Motion passed 3-0.

Feral Cats

Mr. McGlone stated that is turned over to Mr. Rodgers because he has a resident with a problem. Mr. Rodgers stated with the lack of spaying and neutering and this problem exists and probably worse on one of our roads. Mrs. Carr had met with the Health Department at a certain resident's and that resident was told if they feed the cats they belong to her now. Mr. Rodgers stated at that point they are required to vaccinate them. Mrs. Carr stated she was not sure of the follow up after the letter. Mrs. Carr stated that part of the problem is there are no licenses for cats. Mr. Rodgers stated that the problem is these feral cats are causing problems on private property and it is rumored disease is spread. Mr. Kernan stated this could be an issue if someone complains and we should have something on the books to correct this. Mr. Markey noted back in 2015 you had an ordinance prepared for feeding animals and cats were part of that ordinance. Ms. Whipkey stated you are exempting the bird feeders, squirrel feeders and questioned about deer feeders. Mr. Rodgers asked Mr. Markey if we were to enter into an agreement with Summit County Animal Control would they enforce this? Mrs. Carr replied that is the problem here because they don't touch cats because they are not licensed, however you can catch them and bring them to the County for a \$25.00 fee per cat. Mr. Pelot discussed the situation with the one lady resident that has now claimed these feral cats as hers and of someone were to trap or catch them and take them to the County this becomes a legal issue because she is the owner of them. Mrs. Carr stated this has happened in the past with the County where someone's pet was trapped and it was euthanized. Mr. Markey replied no because the cats still are not licensed. Mr. Tousley asked if we don't already have any roaming laws where if your pet roams onto someone's property; you're in violation? Mrs. Richards replied we to have on for dog's at large law but nothing for cats. Mrs. Carr commented that cats are not required to be leashed or licensed and was not sure how to enforce that. Mr. Rodgers noted that Akron came up with a very strict program in the past. Mr. Markey stated the he believed it was Brunswick that came up with legislation and it was very controversial there. Mr. Markey stated that maybe Mrs. Richards can check other communities to see what they have. Mr. Rodgers asked to continue this to the next work session.

Legal Defenders Indigent Agreement-2017

Ms. Whipkey stated that this is a contract with the County for indigent people to have legal counsel on issues. Ms. Whipkey moved to place this on Councils next agenda, seconded by Mr. Pelot.

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

Motion passed 3-0.

Part-Time Firefighters Collective Bargaining Agreement

Mr. Tousley stated that when we first did negotiations it was before the levy passed that they would have a wage re-opener.

They have asked for this and the Administration has negotiated to give them 1.5% increase for 2016. Mrs. Carr stated that they agreed to a two (2) year contract with a wage reopener if the levy were to pass. If the levy failed they were going to let the re-opener go. If the levy passed they would come to us for a wage re-opener and that levy did not pass until March. We have agreed to a one time market adjustment to get them even with the surrounding communities. Mr. Pierson asked how many part-timers we have and Mr. Messner replied twenty-one (21). Mr. Pierson stated when we went to full time he thought we were going to address this situation make cuts here and Mrs. Carr replied we have done that, and Mr. Messner added that we were at thirty-six (36) before this. Mrs. Carr noted there has definitely been a savings here, but you really need to be looking at the number of hours not the number of employees because we are not scheduling anyone more than twenty-nine (29) hours. Mrs. Carr stated sometimes we have to use more bodies to get things done based on the ACA Rules. Mr. Kernan asked if this is retroactive and Mrs. Carr replied yes to January like all other contracts. Mr. Rodgers asked if these are part-time employees and that we are covering full time with all of the shift coverages and Mrs. Carr concurred. Mr. Rodgers asked then why do we still have Lieutenants and Captains as part-time employees? Mrs. Carr replied those positions will be phased out as spelled out in the total agreement. Mrs. Carr stated that EMT-B will also be phased out because we require paramedics, and they have been put on notice to either get more training or to retire. Mr. Pierson asked about the pay and Mrs. Carr replied they are paid bi-weekly and are all under twenty-nine (29) hours per week. Mr. Pierson asked about the number of hours worked and the Affordable Health Care. Mrs. Carr stated we never allow any part-timers to go beyond twenty-nine (29) hours in a pay period. Mrs. Carr stated if you go over thirty (30) hours you are required to provide them with health care the following year. Mr. Messner stated he has to provide all of the employees at twenty-nine (29) hours or less with a 1095-C for every employee showing their hours by month along with their W-2 so don't think this is not fun. Mr. Tousley moved to place this on Councils next agenda, seconded by Mr. Rodgers.

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

Motion passed 3-0.

Energy Products-Lease-Purchase

Mr. Pelot stated that we are looking to retrofit lighting to LED, convert the service garage from electric to gas, HVAC at the Community Center. The savings is \$682,000.00 and we would use that savings to pay it back. This is a guaranteed savings or they would cut us a check for the difference. Mr. Pierson stated that is not counting the \$10,000.00 monitoring fee, and Mrs. Carr stated that \$10,000.00 is in the proposal. Mr. Pierson asked about his request to follow up with the referrals of other cities they have contracted with. Mrs. Carr replied she did contact two (2) of them in Cuyahoga County and checked their references and one community has not yet realized the savings just yet because they are new maybe two (2) or three (3) years and the other community had stated they are receiving a savings. Mr. Pierson stated he wanted to see more details on these companies and the school districts in writing.

Mr. Tousley stated the majority of the work will be the lights and asked can't our service department change out the light bulbs slowly over time and save more here? Mr. Markey stated that the whole idea is to fund for the cost of the light bulbs. If you have a way to pay for those bulbs yourself, then yes you can do that. This is a way to do this by financing it up front with a bank loan that is permitted by the Ohio Revised Code. Mr. Messner stated there is more to the change out of the bulbs because the entire fixture needs to be changed out. There was discussion as to the extensive work needed to be done with the changes at the service garage. Mr. Pelot stated the first payment is not due for one year. Mr. Pierson asked if that also included the monitoring fee. Mr. Kernan stated as he looks at this it seems like a zero sum gain for the city and then after the ten years you will not be paying the monitoring fee so you start saving. Mrs. Carr stated some cities end the monitoring after they see they are getting the savings and do not go the full ten years. Mr. Tousley asked about the lights getting covered with snow and if that were to happen is this a liability to the City. Mr. Markey stated you are referring to the street lights only and he has not looked into this. Mrs. Carr stated it has taken years and years for ODOT to approve the bulbs. Mr. Pelot moved to place this on Councils next agenda, seconded by Mr. Kernan.

Roll Call: Yes: Pelot, Kernan, Tousley
 No: None

Motion passed 3-0.

Unfinished Business:

Mr. Rodgers commented about the aggregate programs for natural gas and it was discussed with Mr. Gardner last week. Mr. Rodgers asked when do we look into these rates and Mrs. Carr noted that resident is getting a great price. Mr. McGlone referred to the recent Beacon Journal article and you can go get your own rate. Mrs. Carr stated we are not capturing the residents and if they can get a better price on their own they should go. Mrs. Carr suggested you go to the PUCO and do the apples to apples comparisons yourself. Mr. McGlone stated he recently switched to SCL at \$1.99 and has saved over \$200.00 this year so far.

New Business:

Mr. Rodgers stated he spoke with a resident on Fairway and the flooding problems he is having, and are we addressing this with the State. Mrs. Carr noted she would check with Mr. White on the details.

Topics for the next Work Session-Monday, October 3, 2016

Games of Skill

Feral Cats

Public Comments:

Mr. Dan Karant, 3545 Easton Road, Norton, discussed the petition to stop the agreement with Barberton and read a statement which he felt is full of the same half-truths, (see attached).

Mr. Keith Kondic, 2739 Silver Springs Drive, Norton, Ohio, stated that as long as you address the water issues this should work and he appreciated your help in getting this moving forward.

Mr. William Paluch, 3740 Shellhart Road, asked how many roads we totally repaved this year? Mrs. Carr stated she can do this by linear feet and we did more than last year. Mrs. Carr stated that we did Monteray, Rosebay, Givens, etc. Mr. Paluch asked about Shellhart and Mrs. Carr replied this is not going to be addressed until the sewer construction is completed. Mr. Rodgers asked to have the list if of paved and completed roads for this year. Mr. Paluch stated that maybe Mrs. Carr lives in Cuyahoga Falls; she should get out there and drive on Shellhart and others. Mr. Paluch complained about not getting his answers he has asked for on his last records request. Ms. Whipkey reminded Mr. Paluch about the process of Shellhart getting paved when the sewers went in as opposed to fixing it twice and that it has nothing to do with where someone lives.

Public Updates

There were none.

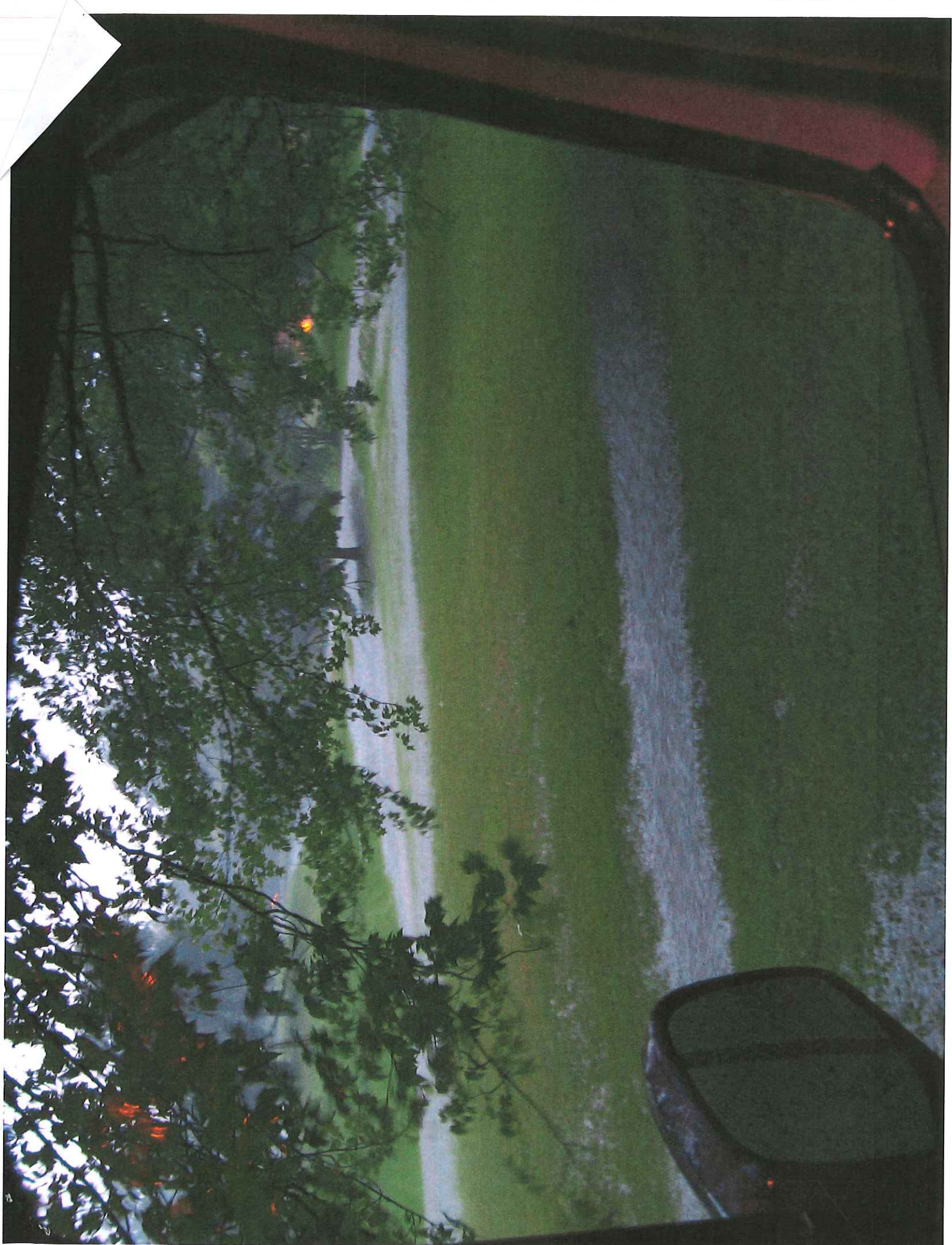
Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:30 PM.

Charlotte Whipkey, President of Council

NOTE: THESE MINUTES ARE NOT VERBATIMORIGINAL 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.



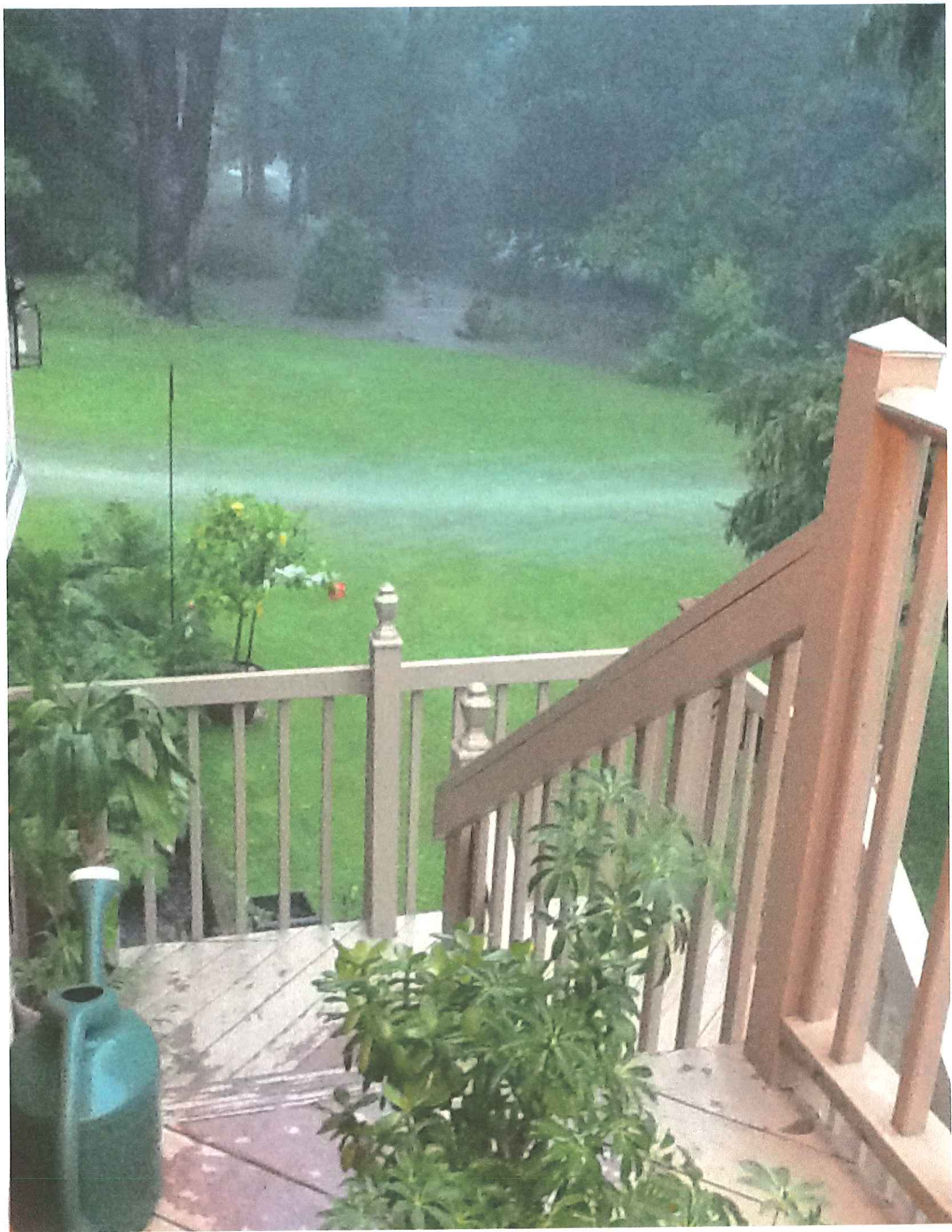




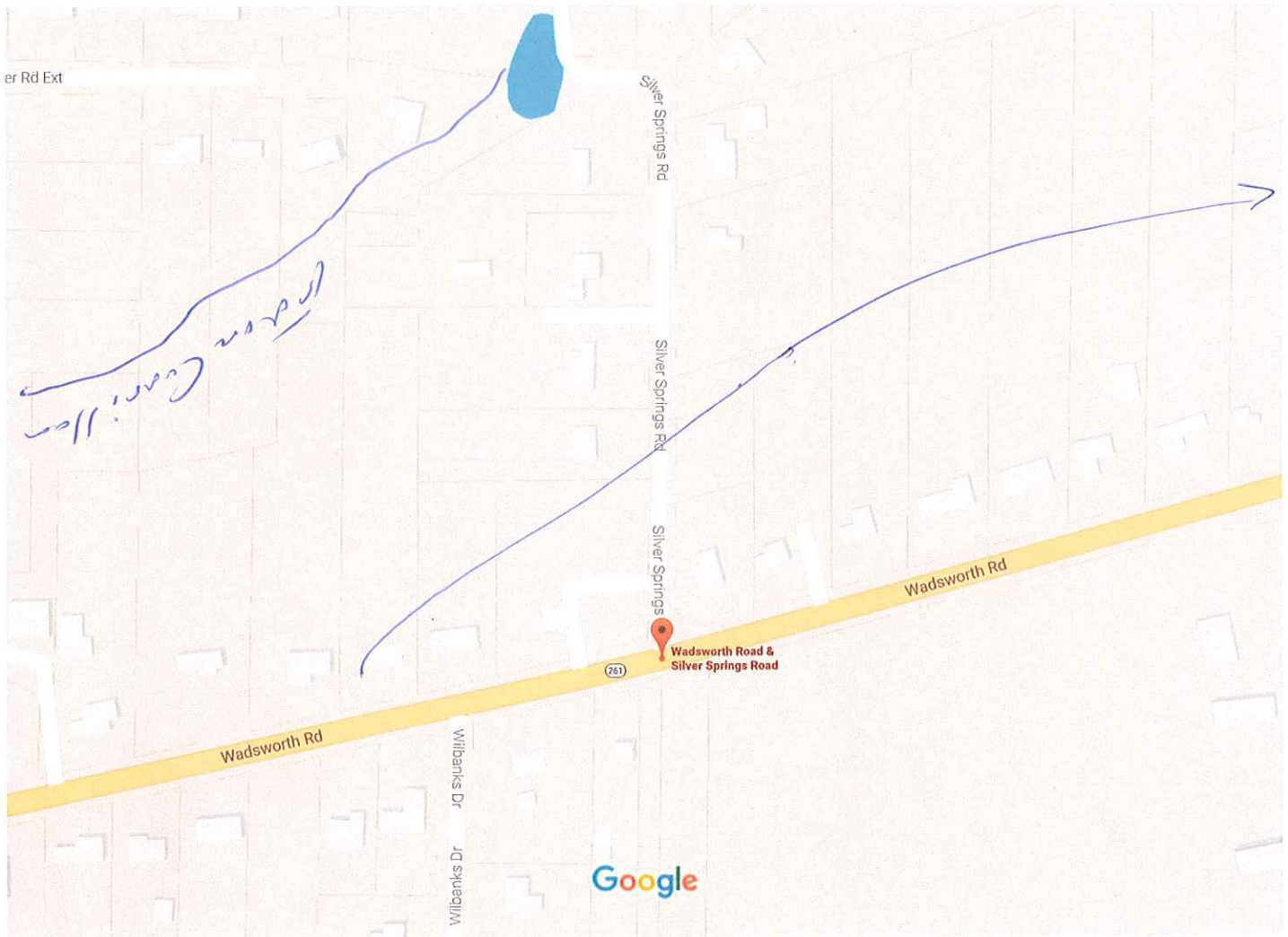












A photograph of a grassy field with bare trees in the background under a cloudy sky. The image is somewhat blurry and has a low resolution. The foreground is a green lawn, and the background features several leafless trees and a cloudy sky. There are some dark, indistinct shapes in the distance that could be buildings or other structures.

<https://www.google.com/maps/place/Wadsworth+Rd+%26+Silver+Springs+Rd,+Norton,+OH+44203/@41.0539871,-81.61737,18z/data=!4m5!3m4!1s0x8830d...> 1/2

Google Maps Wadsworth Rd & Silver Springs Rd



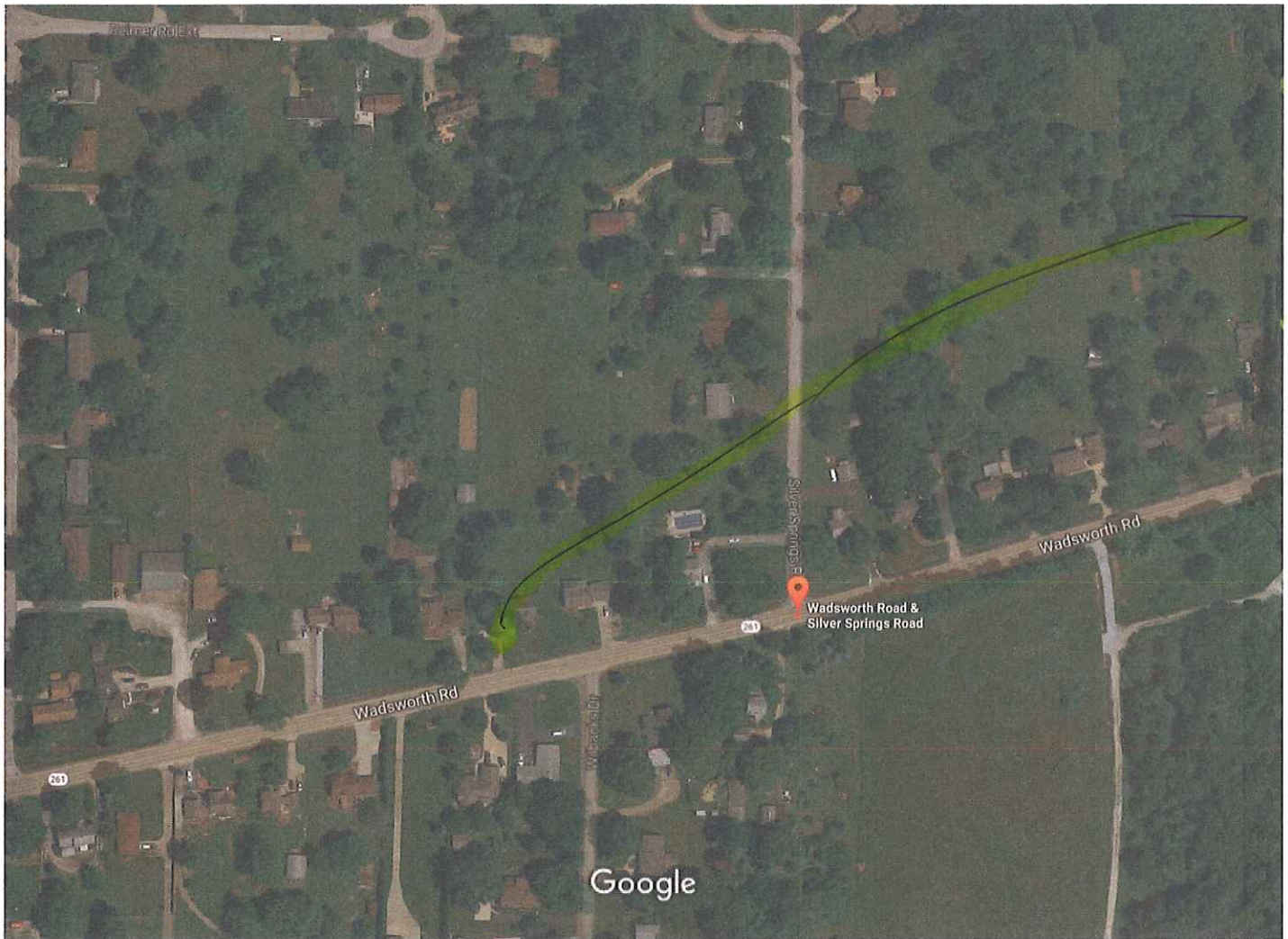
Imagery ©2016 Google, Map data ©2016 Google 50 ft



Wadsworth Rd & Silver Springs Rd

Norton, OH 44203

Google Maps Wadsworth Rd & Silver Springs Rd

*Sam L. Pitt*

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Wadsworth Rd & Silver Springs Rd
Norton, OH 44203

Google Maps Wadsworth Rd & Silver Springs Rd



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Wadsworth Rd & Silver Springs Rd
Norton, OH 44203

9/19/16 - Rec. From Jen Sutton, 2685 Silver Springs Dr. Norton, OH

- I would like to address the concern that council has to the point of repairing the private drive and setting a precedence in the city of taking care of the other private drives.
 - I attended the first official public meeting when talks began about Silver Springs Dr. At that meeting Mr. Reynold's was asked several questions in regards to why the road had been repaired and why the snow plows have plowed the private drive. He shared that night that in order for the trucks to safely plow the public portion of the road he had to have his trucks pull through to use the private drive to turn around. Which has been done for over 40 years (according the Croghan's) and was never an issue for truck drivers or private residence. He also stated Silver Springs Dr. is the only private drive in the entire city laid out like ours.
 - The majority of you have been back to see the road. When you drive back you do not have a clear understanding of where the public and private drive begin nor does anyone else who drives back on our road.
 - If the private drive were to be repaired this would not be setting a precedence that all private drives are to be maintained. Each road or issue has to be addressed individually.
 - We in fact are not asking the city to maintain, but repair what has been damaged as a neglect from the city to control public storm water runoff which has occurred for over several years. The Croghan's themselves have repaired the damaged private drive 5 other times over the lifetime that they have lived on the road.
 - We are asking for the private drive to be repaired by the city, and I do in fact believe each of you sitting on council would be doing the same thing if you had property that you kept repairing and it kept getting damaged over and over again. The water you are asking us to control is way stronger of a force than we are able to maintain and this is because we are getting hit from three different areas running into the creek bed. For us, this goes beyond cleaning out a ditch and keeping a pipe clean. (If you have not seen video of the water the runs over I encourage you to view it)
 - GPD has stated what is in place is efficient for a 25 yr storm which may be true, but when looking at past court history you can find where courts found in favor of private owners in regards to improper storm sewer design.
 - In the court case Accurate Die Casting Company vs. City of Cleveland, Accurate Die casting was suing for water damage to the private property that had occurred over several decades. The court found in favor of Accurate Die Casting stating "The city had not designed its storm sewer system merely to conjoin a natural watercourse. The city argued the system was sufficient to handle a ten year storm. The courts ruled in favor of Accurate Die Casting finding the city's construction of a ten- year storm sewer system was reasonable but rather its imposition of liability was premised upon the city's failure to provide for the overland flow which it knew would occur at intervals of approximately ten years. There are other court cases that follow this pattern.

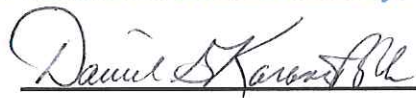
- During these heavy storms you're telling us it is our responsibility to control the water flow and it is our responsibility to repair damages even though we know that the water we are taking on is yes, the lay of the land, but also directed through dug out ditches and pipes that are laid in our direction. So while others are getting the reprieve from under ground drainage and ditches we are being told it is our responsibility to take on the water that is being pointed towards us.
- We are being told the private drive cost would be around 85,000 for 50 ft. A cost that will be put on one person and a cost that has raised over 20,000 since the first time we began talking about options.
- Silver Springs Dr. project was budgeted for 350,000. To do the project including the private drive you have a quote at 363,000.
- Why should we put any money into the private drive if nothing is being done to control the water from the west?
- Thank you for listening and I hope you consciously consider some of the points and facts I have shared tonight.

□

I have seen that a petition has been started to stop the agreement with the City of Barberton. It is being promoted with the same half-truths and half lies that have gotten us in the position of a warning by the EPA. We have an agreement. We need to move on it. Any attempt to dismantle the process is going to adversely affect every citizen in Norton financially. I would hate to see our city fined at any rate for not doing what we knew we had to do as long ago as the early 1990's. Which budget are you promoters of the petition going to take it out of? The road program? Administration? Eliminate more of the tax roll back? Before promoting any petition, you must consider the cost of your actions. Is this really helping our city?

I heard comments that we needed to negotiate a better more favorable contract. Barberton is not in a position of weakness in this. We have revenue potential for them. But, we are the ones getting fined, not Barberton. Stop playing politics.

Just because you can do this petition, doesn't mean it is a good idea. Our city needs leaders that can work together to solve the problems we face. Not being able to work out these differences impedes progress for us all. We need to put this past issue behind us and break ground ASAP. Finding ways to delay the process is merely childish. This petition needs to be withdrawn immediately.



9-19-16

Daniel G. Karant, RPh
Resident
3545 Easton Road
Norton, Ohio 44203