



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, SEPTEMBER 28, 2015**

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

The Regular Council Meeting convened on Monday, September 28, 2015 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE**

Mr. Rodgers adjusted the agenda to address the Resolution of Appreciation for Officer Sams now since his is currently on duty. Mr. Rodgers stated that when Officer Sams does arrive we can address him at that time.

**ORD #57-2015**

Mr. Tousley offered Ord. #57-2015 for its first reading and asked the Clerk to read it:

**A RESOLUTION OF APPRECIATION FOR THE SERVICE OF OFFICER JASON SAMS FOR HIS SERVICE AS BAILIFF OF NORTON MAYORS COURT, AND DECLARING AN EMERGENCY.**

Mr. Tousley moved to waive the second and third readings, seconded by Ms. Whipkey.

Roll Call:      Yeas: Tousley, Whipkey, Pelot, McGlone, Pierson, Rodgers  
                  Nays: None

Motion passed 6-0.

Mr. Tousley moved to adopt Res. #57-2015, seconded by Ms. Whipkey.

Roll Call:      Yeas: Tousley, Whipkey, Pelot, McGlone, Pierson, Rodgers  
                  Nays: None

Motion passed 6-0.

Ms. Whipkey stated that when we get to the new pieces of legislation she would like it known she would be combining Ord. #53-2015, #54-2015 and #55-2015 to go forward at once for the first readings since they are all so similar. Mr. Rodgers asked if we could vote on all of them at once and Mrs. Richards noted tonight is just a first reading only for all of them. Mr. Markey noted when they come up for the vote to adopt they will have to be separate motions. Ms. Whipkey stated she wanted to have some discussion for Nash Height's information now and again for the COTW for next week since we have new information from Mr. Markey from last week. Ms. Whipkey stated although she is not the Chair of Utilities, she referenced that Mr. Rodgers asked recently in an email about the 30 year bond for funding that was recently in the Beacon Journal relating to the City of Akron is looking on and we did have some information on that. Ms. Whipkey stated that as she understands it we cannot go 30 years for the vacuum and the EPA won't accept it. Mr. Markey concurred. Mr. Markey explained the thirty (30) yr program was originally introduced in 2014 and was introduced as combined sewer overflow projects. In 2015 going into the funding year for 2016 they opened up the funding to all projects with the caveat of the useful life of the project financed has to be more than the term of the loan or at least the same as the term of the loan. If you want a thirty (30) year loan you need a thirty (30) year live asset. The EPA has indicated they have evaluated the vacuum system as a twenty (20) year asset based on an independent standard; however the gravity system would be eligible for a thirty (30) year loan or a thirty (30) year bond as they call it. Ms. Whipkey stated she thought they had said fifteen (15) to twenty (20) years. Mr. Markey stated the actual report stated fifteen (15) to twenty-five (25) years and they looked at twenty (20) as their number. Ms. Whipkey stated if we had been looking at thirty (30) the final assessment cost would have been lower for everyone on a yearly basis. Mr. Markey clarified its just like looking at a mortgage, you would have a smaller payment if you finance over a longer term, depending on the interest rate. Mr. Markey stated he would be happy to share what the difference between twenty (20) and thirty (30) years would look like for the vacuum system. Mr. Pierson stated that as the Chair of Utilities he and the Co-Chair and Council President were not emailed this information, and we just received this information he would like to move to not have the discussion tonight and put this off until the next work session. -He is not prepared to discuss this until he has a chance to review it. Ms. Whipkey clarified that you all received the email packet and Mr. Pierson stated well he wanted to look at it more, this is in his Committee and he is the Chair and he still wanted to wait for this and if you want take a vote now then fine. Ms. Whipkey stated she wanted the subject braced tonight to allow the public to come with whatever questions they have that she was fine with next week; adding the fact that we are already behind the EPA scheduled deadline of September 8th and what she really wanted to see was a discussion on it next week.

Officer Sams arrived at this point in the discussion and was invited into the meeting for receiving his Resolution of Appreciation. Mr. Rodgers thanked Officer Sams for his service and that he is well known in the community. Officer Sams thanked Council, the Administration, and Mayor Zita for this Resolution and noted that he has been serving now for 16 years in the City and this is the first time he has been at the podium as a police officer. Officer Sams stated that he appreciates the opportunity to service the community. Officer Sams noted that he has served under three (3) Mayors Court Magistrates. Mr. Rodgers asked to have this available for the website and copies available at the desk for the public to be informed. Mrs. Carr stated she would get with Mr. Markey as to what is public at this point and we would have something posted.

Mr. Markey asked Mr. Rodgers if he was more concerned with the models and numbers on financing as opposed to the resolution and Mr. Rodgers concurred. Mrs. Carr asked if the memo packet from Mr. Messner and the first several pages of Mr. Markey's packet would be sufficient and Mr. Rodgers replied we can talk about that in the morning.

Ms. Whipkey asked if we are not going to at least address Resolutions rescinding Resolution #6-2015? Ms. Whipkey concurred with Mr. Markey that we would need a Special Council meeting to address those and that we cannot do that in a Work Session; and Mr. Markey concurred. Mr. Pierson stated he would assume we address all of them next week. Mr. Pelot stated that we could schedule the Special Meeting for after the Committee Meeting, if we don't need it than we can cancel it and if it's needed at least it's scheduled.

#### COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items

Mr. Jeff Rummer, 3276 Whipple Drive, Norton, Ohio, stated that he runs Wolf Creek Baseball and he thanked City Council, the Administration and especially Mrs. Carr for working with us. We very much appreciate the chance to play ball here, the parents and the players also thank you. We want to continue to work hard to be good partners in the future.

Terry Hamilton, 1298 Overlook Drive, Norton, Ohio, stated that he and his wife have lived here 42 years and own a business here as well. He has been annoyed most of this time due to the excessive noise at the Barberton Speedway. In the past years the noise was so bad he could not sit in his back yard in the evenings and talk with guests or watch tv with his window open or turn the volume up. The past three years it's been wonderful not to have to listen to the noise, but now they are back and he also cited the City ordinances for noise, and wanted the City to enforce these ordinances about noise. Mr. Hamilton stated he is here to push the Barberton Speedway to do something to quiet the noise and not to make them go away. Right now they are a bad neighbor and a menace to hundreds of the people in the area, and some of the residents are just furious about this. Mr. McGlone stated he also has received many complaints and he has emails that were sent to Mrs. Carr and the Mayor. Mr. McGlone stated he and Mr. Pelot have this practically in their back yards, and this year seems louder and more frequent and he has never seen four (4) days in a row. Mr. Rodgers stated he also has received numerous complaints relating to excessive noise, and one neighbor said he could actually fall asleep to the noise. Mr. Rodgers stated it did seem louder and he would like the Administration to respond to these complaints. Mr. Bill Long, Fair Oaks Drive, Norton, Ohio, stated that he and his wife were sitting on their porch and could not even carry on a conversation. Mr. Long stated he is not sure if it is really louder or just because they were gone for so long and now it's back. Are they going to be racing every night of the week isn't there supposed to be a cut off time? Just because they have been there forever does not make it right. Mr. Brent Bower, 2718 Floraway Drive, Norton, Ohio, stated he grew up here and raised his kids here. He can remember going to the speedway ever since he was a child. After this weekend it was so loud, he was sure if they were out on the roads they would get pulled over. Mr. Bower stated last night they were out past 10 PM. Something needs to be done, why should a handful of people affect so many residents. Dr. John Thielenhaus, 3755 Mt. Vernon Blvd., Norton, Ohio, thanked those on Council that serve for their leadership and direction. Mr. Thielenhaus stated because we are at a time and age in which there is a dearth of leadership and where we have a lack of heroes. Commonsense, leadership, and wise direction of authentic leadership seems to be missing.

Mr. Thielenhaus stated he does not always agree with Council's decisions, but submit to them as that is his responsibility so he first wanted to thank Council, but he was here for two other reasons. Mr. Thielenhaus stated the decision to invite Kimble Trash into the City was a wise decision. Mr. Thielenhaus discussed the company's use of the trucks and hitting their brakes extremely hard which can tear up the roads. Mr. Thielenhaus said he contacted the leaders at Kimble to no avail. Mr. Thielenhaus said he likes racing however, he does not like loud racing, however what took place last weekend was atrocious, and encouraged the City to do something about this. Ms. Barbara Martens, 2728 Pinegate Drive, Norton, Ohio stated that Thursday night the noise was so intrusive and with her grand daughter living with her it was hard to get her to bed. Ms. Martens said she had to call her sister in Aurora and said she is coming to spend the weekend with her to get away from the noise. Ms. Martens stated she had moved to Norton about eight (8) years ago because it is a quiet and safe neighborhood. Ms. Martens stated any attention you could give to this would be appreciated. Mayor Zita stated this was a special event and the only event they were to do this year as the new owners. Mayor Zita stated the late times for running the race last night was due to a rain delay earlier in the day. By 8 PM our police officers working this detail were to see that the cars were shut down but this was delayed due to the rain earlier. Mayor Zita stated later this week there is a meeting with Mrs. Carr, Chief Dalessandro, and the owners regarding this. Mrs. Carr discussed the noise ordinance and we may need to look at this further and with next year's race season we may be coming to Council to address this and the owners had indicated that Saturdays would be the primary racing day. Mrs. Carr stated that we are also looking at a entertainment tax for this use. Mrs. Carr stated she understands that the owner was to distribute an informational flyer to the residents in Mt. Vernon, apparently what she is hearing that did not take place. Mr. Pelot stated he also received numerous complaints and did some research on this. Other tracks all across the nation have muffler requirements as opposed to open headers, which only lower the horse power a small amount. Mr. Pelot suggested working with Mulch Makers and asking if they could build some type of a sound barrier here. Mr. Rodgers encouraged looking into this and having something in place before next year's season. Mr. Hamilton stated it should just not annoy the residents and like any other business they need to be mindful. Mrs. Carr stated she believed they would be open to a sound barrier.

Mr. Rodgers moved to allow for more public comments, seconded by Ms. Whipkey

Roll Call:      Yeas: Rodgers, Whipkey, Pelot, McGlone, Pierson, Tousley  
                  Nays: None

Motion passed 6-0.

Mr. Robert Copen, 2518 Sue Lane, Norton, Ohio, spoke in favor for the Speedway. This weekend was called a cavalcade for all tracks from within a 100 mile radius or so and those tracks have different rules. Some of the cars already have mufflers, not the same as some. Mr. Copen stated that there will be practice runs and racing on weekends only. Mr. Copen stated even the mini sprint cup racing had mufflers. Mr. Copen stated in the past the City of Barberton had a sound decibel machine to control the sound. Mr. Copen stated that they cannot run when the track is wet due to the slick tires. Mr. Rodgers asked what was the normal shut down time in the past; and Mr. Copen replied that it used to be 11:00 PM on Saturdays and Sundays.

Mr. Copen added that in the past, the louder cars were run earlier and the quieter cars ran in the **evening hours so the noise was much less then.** Mr. Copen stated he believed the owners would work with us and are very reasonable people. Mr. Copen pointed out that the track looks beautiful and they have put a lot of time and money in the improvements. Mr. Copen added that the normal season ends before school is back in session and the cavalcade is held only once a year generally at the end of the season. Mr. Pelot noted there is an industry standard for having a decibel reader if we decide to go that way.

Mr. William Paluch, 3740 Shellhart Road, Norton, Ohio, stated that a lot of people have been asking him about the sewer. The people in Nash Heights want to know why they did not have a say as to whether or not they wanted sewers. Mr. Paluch spoke on checking for and correcting the bad systems and asked if this wouldn't have been cheaper than spending the millions for engineering? Mr. Paluch stated their biggest complaint was they did not have a voice and that the Mayor never sent out flyers and that should have been done like it was recently done for those few along Greenwich going west. He believed it was unfair and hoped you would re-think putting sewers up there.

Mr. Dan Newman, 3172 S. Cleveland-Massillon Road, Ohio, discussed the sound at the track and the wind was coming out of the east this entire weekend and that was probably why it was louder. Mr. Newman discussed the lease agreements for the ball fields, do you get to see these leases before deciding. Does Norton get the fees? Do other organizations get to bid on this; is this a year to year lease, or what? This can be a problem and some may be taking advantage of in this process. I know they said that they take care of the fields, but we used these fields this year and they (NBA) did nothing to the field we used. Mr. Rummer dragged the field and that is basically all a team does outside of drawing lines. Will we have to pay on top of the city's fees to the NBA as that's not very equitable? Mrs. Carr stated there is nothing in the contract relating to mowing, although they would consider doing the mowing in the future and have mown before a game late in the season when the City has moved on to other issues. Mr. Newman stated he had an experience this summer where he took his son to 5 different tryouts all over Summit and Stark County and there were at least 2-5 Norton kids in all of these tryouts. They are willing to pay up to \$800.00 to get away from Norton just to get their kids to play elsewhere. Mr. Newman stated you need to be asking why would parents want to do this to leave Norton. Mr. McGlone stated that could be true for all sports not just baseball. Mrs. Carr reminded everyone that the agreement is attached to your legislation and is a public record. We had agreements with these various groups going back to the 1980's. We tried from this point forward to get this in writing and be for everyone involved. Mr. Rodgers discussed the lack of opportunity and if that is the case then it does become a City issue. Ms. Whipkey stated we also put a clause in all of the leases that at least 51% of the players are Norton Players. Mr. Toulsey asked to also have a listing of the costs involved with the maintenance of the fields supplied to all of Council.

## **CONSIDERATION OF MINUTES**

Consideration of the September 8, 2015 Committee Work Session

Consideration of the September 14, 2015 Regular Council Meeting-*Deferred to 10-13-15*

Consideration of the September 21, 2015 Committee Work Session-*Deferred to 10-13-15*

Consideration of the September 21, 2015 Special Council Meeting

## **REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS**

Mayor Zita-Summit County celebrating its 175<sup>th</sup> Birthday, (see attached proclamation) we will have the Summit County Liberty Bell at the Norton Cider Festival this weekend.

### **PUBLIC HEARINGS-None**

#### **INTRODUCTION OF NEW LEGISLATION**

##### **ORD #53-2015**

Ms. Whipkey offered Ord. #53-2015 through #55-2015 for their first reading and asked the Clerk to read it:

#### **AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A LEASE AGREEMENT WITH NORTON BASEBALL ASSOCIATION, INC.**

First reading only.

##### **ORD #54-2015**

Ms. Whipkey offered Ord. #54-2015 for its first reading and asked the Clerk to read it

#### **AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A LEASE AGREEMENT WITH NORTON YOUTH FOOTBALL ASSOCIATION, INC.**

First reading only.

##### **ORD #55-2015**

Ms. Whipkey offered Ord. #55-2015 for its first reading and asked the Clerk to read it:

#### **AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A LEASE AGREEMENT WITH NORTON SOCCER ASSOCIATION, INC.**

First reading only.

##### **ORD #56-2015**

Mr. Rodgers offered Ord. #56-2015 for a first reading and asked the Clerk to read it:

#### **AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER AN INTERGOVERNMENTAL AGREEMENT FOR ANIMAL CONTROL SERVICES WITH THE COUNTY OF SUMMIT, OHIO.**

First reading only.

##### **ORD #58-2015**

Mr. Pelot offered Ord. #58-2015 for a first reading and asked the Clerk to read it:

#### **AN ORDINANCE PROVIDING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING THE PROJECT DESIGNATED AS SUM SR 21-0.00 – PID 84659, AND DECLARING AN EMERGENCY.**

Mr. Pelot moved to waive the second and third readings, seconded by Ms. Whipkey.

Roll Call:      Yeas: Pelot, Whipkey, McGlone, Pierson, Tousley, Rodgers  
                  Nays: None

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #58-2015, seconded by Ms. Whipkey.

Roll Call:      Yeas: Pelot, Whipkey, McGlone, Pierson, Tousley, Rodgers  
                  Nays: None

Motion passed 6-0

Mr. Pelot pointed out that ODOT would be picking up 100% of the cost on the project.

## **INTRODUCTION OF PRIOR LEGISLATION**

### **ORD #45-2015**

Mr. Rodgers offered Ord. #45-2015 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX SHARING REVENUE 2015-2016 VERSION, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to adopt Ord. #45-2015, seconded by Ms. Whipkey.

Roll Call:      Yeas: Rodgers, Whipkey, Pelot, McGlone, Pierson, Tousley  
                  Nays: None

Motion passed 6-0.

### **ORD #48-2015**

Mr. Rodgers offered Ord. #48-2015 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS WITH FIRST MERIT EQUIPMENT FINANCE, INC. FOR THE LEASE-PURCHASE OF A LIFE LINE "CUSTOM SUPERLINER" TYPE III AMBULANCE FROM PFUND SUPERIOR SALES, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to adopt Ord. #48-2015, seconded by Ms. Whipkey. Mr. Pierson stated last week he had asked Mr. Messner to have Chief Schultz to attend tonight and noted he is not present. Mr. Messner asked for what reason? Mr. Pierson stated he does not have to have a reason and questioned the use of emergency. Our Charter states any purchase in excess of \$25,000.00 must go out for bid. Mr. Pierson stated if it's a true emergency no one is denying the Fire Dept. a piece of equipment, and we have two (2) other units that back up this particular vehicle. Mr. Pierson stated in the past he had asked for written quotes for the repairs to the said vehicle we are replacing, never saw any.

The Fire Chief had stated in the first meeting there were eight (8) businesses aware of our need and that only three (3) responded. Mr. Messner clarified that it was six (6) and Mr. Pierson retaliated he didn't care if we only got two. Mr. Pierson stated that this was a long drawn out process and we did not use the bid process and that if we are not going to follow the Charter then this Council needs to change the Charter. Mr. Pierson stated by going to bid you would have four (4) to five (5) that would bid the product and get the best price. When you don't this allows you to go with whoever you want and whatever you want to purchase and the taxpayers are not getting the best shot. Mr. Pierson stated if this were a true emergency we did not even look at or find a demo model, there again verbal as he never saw it in writing. We are going to be out 120 days or more to build it; so if it were a true emergency, could we wait  $\frac{3}{4}$  of a year to get that product? Mr. Pierson stated he would be voting for this tonight and stated that as long as he is sitting here there will be bid process used unless it is a dire emergency. Mr. Pierson stated that he also questions why we are not buying this versus leasing? If we have the money then why are we not purchasing this outright in order to save money? Mr. McGlone stated that is because we did not budget this year for a full outright purchase. Mr. Pierson stated he was told that we do have the money in the budget to purchase it. Mr. Messner explained that he does have the funds and can pay cash. Mr. Messner stated that he and Mr. Pierson have discussed this issue in detail within the past month or more. Mr. Messner stated that Mr. Pierson of all people know about the State Bid process and how it works. That bid goes out state wide, there were six (6) bids and we only needed three (3). We narrowed this to three (3) and this process started back in January and that the Chief has talked with over thirty (30) fire companies throughout the State on this particular ambulance so he has more than done his homework. Mr. Pierson asked Mr. Messner if he saw these thirty (30) quotes written from different companies? Mr. Messner stated he did not state the term quote, he had said the Chief had called thirty companies for information on this particular ambulance. Mr. Pierson stated that a rep for a company he would not waste his time writing up a proposal for 2-3 days when he knew he was not going to get it because the individual involved has already decided who he would purchase from. Mr. Pierson questioned the procedure used for vendors by stating if he was the vendor wanting to do this as an emergency purchase, it really only needs the signature of the Mayor, Chief, and the Finance Director. You should never have went to these readings which proves it is not an emergency and are only targeting one company. Mr. Messner stated that Mr. Pierson perhaps misunderstands the term of emergency language that is basically tied to this legislation that now has gone to the full three (3) readings. Mr. Messner explained there was no sense that it was an emergency as that we did take this to the Board of Control, it was presented to the Committee and then to Council as a whole and this is now the third reading. All the questions were answered and no more came forward which is why the Chief isn't here. Mrs. Carr stated it clearly states the reason for the emergency was because of the timing for the financing issue. There is also a reason for state bids to get the best price from those available and she understands it could be done both ways. But when the Chief has already indicated that all of the vendors have already stated no one can touch these prices and they are the best prices out there. Why would we go to the expense and time to rebid that when all of the vendors are telling you this? Mr. Pierson stated in the future the departments will come to this Council with written requests and all documents and pricing first; no more just verbal. Mr. Rodgers stated he sees in Section #3 talking about the frame and due to the rust and age of this vehicle he does consider it to be an emergency rather than chancing a break down with a patient in the back and asked if anyone else felt that way, to which Ms. Whipkey concurred.

Mr. Messner stated with any sizeable repair we go out and get three (3) quotes on everything we do follow procedures and the State Auditors look at all this. Mr. Pierson stated that he has never seen these quotes and Mrs. Carr stated Chief Schultz submitted six (6) quotes and Mr. Pierson stated these were quotes not bids. Mrs. Carr stated in Board of Control that it was discussed purchase and or lease and it was brought to Council as a lease and if you want to change that then you better decide now. Ms. Whipkey stated she was fine with the way it is. Mr. Pierson asked Ms. Whipkey why she wanted the lease option and she replied she wanted to have funds available for anything that may come up and not deplete the monies. Mr. Pierson we could always get a loan if it did and he did not feel Ms. Whipkey was being fiscally responsible to the people.

Roll Call:      Yeas: Rodgers, Whipkey, Pelot, McGlone, Pierson, Tousley  
                    Nays: None

Motion passed 6-0.

There was discussion to have this added to the next work session to discuss the Charter requirements and Mr. McGlone reminded everyone that Charter Review will be set up next year so we should just let them address this. Mr. Markey clarified the difference in the Charter 8:07 with emergency language and that in an ordinance it means that you are making this immediately effective upon passage instead of waiting the 30 day referendum period and is not to evade the competitive bidding process. A true emergency would allow Council to make that determination and the competitive bid process could be skipped to allow immediate purchase.

#### UNFINISHED BUSINESS-None

#### NEW BUSINESS

Mr. Tousley stated he spoke with the residents were frustrated about the node and fiber optics, and that Council does not know what is going on. Mr. Tousley stated he understands there is nothing we can do about this because it is within the right of way. Mr. Tousley asked if we could have done something ahead of time to notify the people before the residents see the work being done. Mrs. Carr stated she agreed with Mr. Tousley but we do have some limitations to all utility right of ways, and the only thing in the ordinance we had at the time is we have a right to charge \$50.00 per parcel fee and we did receive over \$6,000.00 for the fiber optics. Mrs. Carr stated we received \$150 for the node and perhaps we could look at some type of ordinance as the companies do the bare minimum in notification. Mr. Rodgers stated when the City is aware of this need by the utility company that all of Council is advised in advance so we know how to address our residents concerns. Mrs. Carr stated that perhaps they should at least go through our Building & Zoning boards, however that may or may not be a legal requirement perhaps like a franchise agreement. It's something we need to look at. Kevin Kerns 3732 Golf Course Drive, agreed with doing more to inform the residents, including the improvements of Cleve-Mass Road. A lot of these construction crews are blocking traffic and they do not have any flaggers directing traffic and felt there should be some city requirements. Mayor Zita stated when the school had connections for water and sanitary we had officers directing the traffic as the road was closed. Mrs. Carr stated there is nothing in the ordinances that gives any guidance and would look into this; perhaps it could be added to the permitting.

Mr. Kerns asked about getting a 4 way stop at St. 261 and Hametown Road. Mrs. Carr stated we did do a traffic study here if anyone would like to pull that study. Mr. Rodgers stated with the I-76 construction there will be improved traffic flow and suggested getting the speed trailer again for this area. Mayor Zita stated that Summit County has the roadway counter that is for free and he would be happy to ask for this. Ms. Whipkey discussed having our ordinance stating if you are stopping the flow of traffic for a long period of time you will require flaggers present and Mrs. Carr stated this could be in the OSHA requirements and we need to look at this. Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, agreed there should be some safety standards not only to direct traffic but to supervise the workers safety, as he nearly hit one worker who stepped into the roadway without looking. Mr. Gainer stated the right of way is mowed and taken care of by the residents and asked if they are to return that area to original conditions? Mr. Gainer stated his son-in-law had issues with work done in the right of way by Dominion and they had come back 2-3 times to correct it and it's still not right. Mrs. Carr stated she would look into it. Mr. Gainer discussed the stop sign issue at St. Rt. 261 and Hametown and the traffic which is about the same for Greenwich and Hametown and he believed stop signs were based on accidents. Mr. Gainer suggested having a city employee stand for one day at this intersection and count the traffic and near misses that are not reported in those studies. Mr. Gainer stated at least once a day he hears screeching tops and once a day he witnesses a near miss. Mr. Rodgers discussed the problems with crossing the road for mail and he has been lobbying for this at the post office for years, to no avail. Mr. Pierson stated he wanted the City Administrator to prepare a memo to all department heads to stop them from voicing their comments politically regarding any person running for office or currently in a seat. He had a couple of complaints and wasn't going to make an issue of it, but if he got more complaints and one person said she would come forward, he would make an official protest about it. Mrs. Carr stated she would reissue what is in the City Employee Manual and ordinances; the problem is they are allowed to participate in political activities as a non-partisan. Mr. Pierson stated he wanted to be clear this is not to be on the employee's time on the City payroll; what they do on their own time is their business, but not on the clock. Mrs. Carr stated if he had an employee in mind she would be happy to address it and Mr. Pierson answered not at this time, but if it continued, he would. Mr. Pelot asked the Administration to follow up with the Kimble issue and Mrs. Carr stated she has had this discussion many times with the higher ups in Kimble and she thought this was addressed; however she will follow up again on this. Ms. Whipkey asked about the email relating to the tear down of the AP station. Mrs. Carr stated earlier this evening Ms. Syx from Insite texted her that the State has just released the new guidelines required and we also will be looking into the drive thru property next door. Ms. Whipkey asked if we even know who these owners are and Mrs. Carr replied yes but we cannot locate them, we obviously have tax issues and blight issues here. Mr. Rodgers asked if the taxes are still being paid on those properties and Mrs. Carr replied they have not been paid in a long time. Mr. Pierson asked if they have been notified that they are delinquent in their taxes and Mrs. Carr stated that is the County and was sure they have been notified. Mr. Pierson asked at what point are they delinquent and we can force the issue? Mr. Markey stated there have not been foreclosure proceedings and we are looking into that. Ms. Whipkey asked if the grass is being mowed by the City and Mrs. Carr stated that we have been mowing these all along and they have been billed for this and put on their taxes as a lien. Mr. Pierson asked about a health issue being boarded up and animals or vagrants coming in and Mr. Markey stated we are already looking to this.

Mrs. Carr noted she felt the tax issue will be our biggest and strongest approach, and she felt we have a very good chance of getting this funding cleaning the site. The Mayor added it is a brown field. Mr. Pelot asked if we need to put an ordinance in effect to allow the City to tear down if vacant or whatever and use to our benefit. Mr. Markey explained that you already have a health code if a nuisance exists and is not abated you have the ability to go in and take care of this. But what you really want is to take the property in the end and re-develop it for use. Mr. Pelot asked if there is some type of ordinance we can pass that gives us that ability if it's been so many years and Mr. Markey responded we could look at that. Mr. McGlone offered that he believed Summit County sells them and it goes through a process and then there's a Sheriff Sale so that's when you get it. Mr. Markey explained that the Sheriff's Sale is to discharge the liens, but there may be a way through the land bank to ask to have it expedited for the sale process and there is a statutory process that has been used successfully. Mr. Rodgers discussed the letter received and handed out last week from the church in Loyal Oak that wants to donate their cemetery to the City and asked Mrs. Carr where this stands. Mrs. Carr stated she has asked the church for more information which she has not received. Mrs. Carr stated that there are other issues relating to the condition of the cemetery and the number of graves, etc that are available. Mr. Rodgers stated that one of his concerns is the historical value of the cemetery. Mr. Rodgers stated regardless this is Council's decision and questioned if the City gets this anyway if they abandon the cemetery? Mr. Markey stated he would look into this and respond, but he did not believe we had a responsibility to do so but would have to maintain it. Mr. Pierson asked if there is a trust account for maintenance set up and Mrs. Carr stated that is one of the many questions she is waiting for a response on. Mr. Rodgers discussed the feral cats and has discussed this with the Clerk as far as what we have on the books. Mr. Markey stated he believed Parma has something relating to feeding wild animals generally, but as he understands it is more targeted towards a feral cat issue they were having. You would make it a nuisance to feed wild animals for a lot of reasons such as it encourages other wild animals to invade like raccoons. Mr. Rodgers stated the enforcement would be hard to comply with. Ms. Whipkey stated that Barberton has something recently on their books as well in the last year or so. Mr. Rodgers stated that recently Summit Road was paved and the residents now are saying their property is being flooded at times when they never had these issues before. Mr. Rodgers stated there is serious erosion of the ditches and due to lack of rain it causes him some concerns. Mr. Rodgers discussed the issue of heavy trucks and tractor trailers on that road, and we should post something here. Mr. Pierson stated that we need to post axel limits, etc. for ticketing purposes. Mr. Rodgers stated there is a drain along at Barberton limit at the access road for the water tower that could be part of the flooding. According to the resident this was done by Kenmore Construction that was closed up for whatever reason by. Mr. Rodgers stated we have been talking forever about the fact that planning has to get better on projects when it comes to water and it's supposed to be going somewhere. Mrs. Carr discussed the weight limits and posting we may not have legislation supporting what you are asking to post as a restriction and she would need to look into this.

## **PUBLIC SERVICE ANNOUNCEMENTS**

Mayor Zita read several announcements (see attached).

## **PUBLIC UPDATES**

**ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:52 PM.

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Rick Rodgers, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on October 13, 2015.

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Karla Richards, CMC-Clerk of Council

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

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

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