



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, OCTOBER 26, 2015**

Roll Call:     Scott Pelot  
                 Dennis McGlone  
                 Dennis Pierson  
                 Paul Tousley  
                 Charlotte Whipkey  
                 Rick Rodgers

Also Present:  
Mayor Mike Zita Arrived at 7:55 PM  
Valerie Wax Carr  
Ron Messner  
Justin Markey  
Karla Richards

The Regular Council Meeting convened on Monday, October 26, 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-Reports from Standing Committees**

Ms. Whipkey stated there was an oversight and we need to add Ordinances #53-2015, #54-2015 and #55-2015 to the agenda for third readings and so moved, seconded by Mr. Rodgers. Ms. Whipkey noted these were amended Exhibits to change the leases from 10 years to 5 years for each team.

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

Motion passed 6-0.

Mrs. Carr noted we discussed earlier the bid for the Community Center facility for the doors which was approved by the Board of Control earlier this evening. Ms. Whipkey moved to add Ord. #70-2015 to the agenda for a first reading, seconded by Mr. Rodgers. Ms. Whipkey noted we managed to get a bid to replace the front doors along with the entire front glass entrance to make it accessible for the handicapped in addition to an electronic key pad and was in connection with the CDBG money. Ms. Whipkey asked if we need to waive readings and Mr. Messner stated we could waive the 3<sup>rd</sup> reading on November 9, 2015. Mr. Tousley asked if we are getting anywhere with the roof at this point? Ms. Whipkey stated we did not receive any bids for the roof; mostly due to the fact at this time of the year they are all busy. Mrs. Carr stated the biggest concern is the HUD requirements and we need to regroup on this issue. Mr. Tousley expressed his concerns that if we don't get this accomplished by the end of the year do we lose the money? Mrs. Carr explained that we were allotted up \$45,000.00 for all three improvements, and the other two projects will be using up all of that. Mrs. Carr stated we will either reapply for the roofing project or do that work on our own. Ms. Whipkey stated as she understands there was money already put back for the roof.

We were allotted a total of \$45,000.00 for the CDBG funds and between the air/heating, the doors and keypad this came up to about \$55,000.00. We will end up paying for this up front and get reimbursed \$45,000.00.

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

Motion passed 6-0.

Mr. Rodgers noted that all of Council has received the reply from the EPA that Mr. Markey had sent, and asked for continued discussions next week. Mr. Markey briefly discussed the details (see attached). Mr. Markey noted that Mr. Bernstein would consider separate evidence for a thirty year useful life of the vacuum system. The question we have is whether or not they still require a full facilities plan as mentioned and not the mini-update that we have submitted. Mr. Markey reminded Council that back on February 28, 2015 during a phone conference with the EPA which Mr. Pierson participated in; we discussed submitting a mini update to the facilities plan to which the EPA agreed to. Now Mr. Bernstein is not referencing a mini update, he seems to be talking about a full facilities plan; which take time and money to do. We need to clarify if this is what they are really looking for, the timing and costs for this. Mr. Rodgers stated we could work on it this week and review it next week at the work session. Ms. Whipkey stated that it's not specifically clear what we need to do with his response, and Mr. Markey concurred. Mr. Markey discussed the program requirements for the loan under the Ohio Revised Code, and what needs to be complied with in order to move forward. Ms. Whipkey asked why wasn't this made clear to us to begin with? Ms. Whipkey stated from what she understood they were fine with the mini update. Mrs. Carr stated that partly this could be due to the new program and we clearly have documented that a mini-update was on file and fine, but that was before this was available. If a facilities plan is required for the thirty (30) year loan on the vacuum, and that does take time and money to comply with that, it could take up to six (6) months to get that done from her experience and the cost needs to be evaluated. Mr. Rodgers stated if we haven't submitted a facilities plan yet anyhow we are still six months away no matter what and just the idea that we are able to talk to them about this is worth pursuing this further if it saves money. Mrs. Carr stated it's not clear what is expected in the facilities plan specifically for the vacuum and it seems they are changing direction as this is the first time we have been told that. Mr. Markey stated we have always had a facilities plan in place from the 70's and we were told we would only need to do a mini-update for any updates that would serve the Nash Heights area and now it appears by Mr. Bernstein's comment that is not the case. Mr. Markey added that the question is that no matter what is the new requirement is we need to do a full facilities plan. Mrs. Carr noted that Mr. Bernstein referenced the "Van Hyning Plan" that plan would represent the entire City and this is the first time we have been asked for that. If that is the case we need clarification on this. Mr. Markey stated that 70's plan was updated sometime in the 1990's. Ms. Whipkey stated she is concerned on the current time line and now if they changed what they require then we need to have a new time line. Mr. Markey concurred and we need to clarify this and Ms. Whipkey stated she wanted all of this in writing. Mr. Markey agreed which was why we asked for a letter this time due to mixed messages and would ask for another in writing.

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

Tiffany Mead, 3019 S. Hametown Road, Norton, Ohio, talked about the baseball Ord. #53-2015 and noted she did not have the amended lease agreement that was updated later this afternoon. Ms. Mead discussed Article I where it states tournaments on the fields and these tournaments have a fee. Ms. Mead asked about the lease fee of \$1.00 adding that she felt this was ludicrous, their maintenance for the fields and the City is supposed to maintain the fences? Ms. Mead discussed all of the fees charged per child and they are roughly getting about \$30,000.00 to \$32,000.00 and the City is only getting \$1.00. Ms. Mead questioned the concession fees, the cost for uniforms, etc. Ms. Mead talked about other teams and she represents Norton Girl Scouts and when we wanted to use the field we had to go elsewhere. They were told Norton Baseball had the field and there was nothing going on with this field; there was no one on the field, there wasn't anyone doing maintenance, and etc. Why, because they had it blocked off for what reason? Ms. Mead questioned the schedule required because they never post their schedule, and why not? Ms. Mead stated they are also blocking time off. These fields belong to all of the residents of Norton yet the residents had to pay a \$25.00 fee. Ms. Mead discussed the 51% player rule and asked if Norton Baseball coaches have a 51% resident rule, are they Norton taxpayers, or Norton residents? Ms. Mead stated these are the same men left alone with children and she questioned if they have certified background checks to be left alone with children, because she does not believe so. Mrs. Carr stated as in terms of the background checks we do not run the league, we are merely providing the facility. This is the same if someone is renting the community center for a teen dance; we do not take responsibility as to who is being checked in and the chaperones. Mrs. Carr stated she does not know if the coaches are at 51% Norton residents as we were focused on the children in the league. Mrs. Carr stated she was not aware of the Girl Scouts being denied use of the facilities. Mrs. Carr stated with the ordinance and the schedule being posted as one of the requirements, we will now be able to control this better as we will have the schedules on file and the leagues have been told that if they would not be using the field they need to notify the City. Mrs. Carr pointed out that the City has bumped the leagues when there is an event that needs to be held. Mrs. Carr stated we do not have the personnel to keep up with the fields and if the Council wants to address the \$1.00 fee that's up to them, but it is standard language when there is a trade off for maintenance. Mrs. Carr clarified the \$25.00 fee issue; what we are saying is instead of the \$25.00 for each use of the field we agreed to the \$1.00 fee. Mr. Rummel's team is not part of NBA and they do not do maintenance and yes they pay the \$25.00 fee which does come to the City to help offset costs to the City. If it's a team not associated with any of these (3) associations and if their roster shows the 51% then they get the resident rate. Mr. Rodgers asked if the fees the leagues charge does that money ultimately come to the City and Mrs. Carr replied, no, we are not involved with this; we just supply the facility. Mrs. Carr stated there is a men's soccer team that uses the field on Sunday and they pay the City \$25.00. Mr. Rodgers asked what fees the baseball league collects. Ms. Mead stated some fees charged parents of the children in the league and added what that money goes for is the younger kids get a hat and a shirt, the older kids get pants and a shirt. It also goes for dirt, chalk lines, and maintenance. All of those thousands of dollars they collect do not support the maintenance costs they have. Ms. Whipkey stated we have no control over what these groups are charging and what they are doing with their fees collected, we are out of that.

We are only supplying the field; they have contributed a lot to improving the fields and the turnouts they receive generates business dollars throughout the City. If you wanted to come and play and were on the field and wanted to play no one would throw you off unless there was a game scheduled to play that same night, and Mrs. Carr concurred. Ms. Mead stated you will be called and reprimanded if you are using the fields without permission and she knows how these things run and she never goes where they are not permitted. As a taxpayer and a resident all of the fields belong to all of the residents; and she understands the City does not control how they spend their monies. Mr. Rodgers talked about the background checks and in this day and age he felt as the provider of the fields this should be a reasonable expectation. Mr. Pelot totally agreed as a City it's our responsibility to see that's in place. Mr. Pelot stated if it was his child out there and found out there were no checks, he would be pretty ticked off that the City did not require it. Mrs. Carr stated she would need to defer to legal counsel on this before we jump too far before making any kind of commitment. Mrs. Carr stated she is all for background checks. We as a City do not do background checks and if that's something you want us to do then we need to start all over with this because there is a whole lot more that needs to go into that. Mrs. Carr stated that right now all we were focused on is to provide the facility. Mr. Rodgers stated with the season not starting, we could get through all of this before our Christmas break or even after the first of the year, and review this more and Mrs. Carr assumed that applies to all three (3) organizations. Mr. Rodgers suggested delaying the vote and having another reading and vote for all three (3) organizations. Mrs. Carr noted she was just trying to pick up the ball from the 1980's and get this all in writing, and these teams have made significant improvements to the fields at their costs. She was trying to document what has been done all these past years. Mr. Rodgers suggested we address this before moving forward any further. Mr. McGlone suggested having the three (3) team's head coaches present for next week. Mr. Pierson asked if these organizations have supplied their past tax returns and Mrs. Carr replied no they are only required to show proof of their non-profit status. Mr. Markey stated he did not believe it was appropriate whatsoever supplying the City as to what their statement of revenues are and if they are required to file a 990 Form with the IRS that would be a public record. Mr. Pierson stated he had heard these teams have been bringing in excess of \$30,000.00 and he would like to see a detailed expense report on the improvement costs. Mr. Pierson stated that being a non-profit they should have a zero balance at the end of the year and Mr. Markey explained a zero balance is not a requirement to be a non-profit and it wasn't the City's place to judge. Mr. Tousley stated one other concern is this is the second time someone has complained about the fields being blocked and there has been no one using them, like they are purposely blocking the fields; perhaps there should be a penalty fee or something. Mr. Rodgers asked Ms. Mead about fast pitch and she indicated softball and fast pitch teams have had to go to other communities because the fields were blocked for hours on end. Mr. McGlone added he believed they use the high school fields and Mrs. Carr clarified that we only control the Columbia Woods Fields, but she believed the field layouts were different for softball use. Ms. Whipkey asked Ms. Mead who told her no that she could not use the fields and she replied it was the City of Norton. Ms. Whipkey discussed the notion of doing background checks and asked if this would be for all other groups or events? Mrs. Carr interjected that we really needed to tread lightly on that issue and Ms. Whipkey responded it needed to be considered as we couldn't say that because it was baseball, football or soccer associations they had to have it and yet others would not.

Ms. Mead stated as far as Boy and Girl Scouts we have to have them and they are on file. Mrs. Carr did not disagree and noted the Boy Scouts and Girl Scouts of America require that as a by-law and she was not sure the City has the legal authority to do this. Mr. Markey stated that major concern is do we police the parks to people with kids having a background check, and we need to look at this further.

Lee Rabatin, 3045 Houston Road, Norton, Ohio addressed Council with his concerns on Wadsworth Road and the huge cracks in the road; are we going to seal them this year because winter is coming. Mr. Messner stated it's in the budget for 2016 to crack seal St. Rt. 261 from end to end; and it may be too late for this year as we need to lease the equipment to do so. Mr. Rabatin stated it's not too late to hire companies because he saw Karvo doing this on St. Rt. 57 and suggested we use private contractors. Mr. Messner stated that is what Mr. Reynolds is proposing to do; hire a private contractor to address some of these issues next year, but we ran out of money for this year. Mr. Rodgers asked when was Wadsworth Road sealed last and Mr. Rabatin stated he believed it's been at least two (2) years. Mr. Pelot suggested looking at the cost to do it now and if time is still available and pull that off of next year's request. Mrs. Carr stated they would look into it and let Council know.

Dan Newman, 3172 S. Cleveland-Massillon, Road, Norton, Ohio, stated soccer does require background check; his wife was involved with them in the past and she had to submit to that. Mr. Newman stated as far as the receipts for what was done and by who is irrelevant until they are submitted, and he believed that Time Warner did some of that work. Mr. Newman discussed doing contractor work for doing a roof for example and all of the financial documents, bonding, etc., that is required for a five (5) day job and he felt these groups should also have to do the same. Mr. Newman stated we have no way to verify the income/expenses, etc., for any of these teams. Mr. Newman stated if you have a financial statement showing your wealth then you should not be getting any subsidies from any of the residents. Ms. Mead had asked the direct question about a coach being dismissed from football and wondered if that same coach is now coaching baseball, or soccer, or anywhere? Mr. Messner clarified a statement from Mr. Newman on him being required to do work for cities and if he had to file financial statements, then why don't these teams do the same. Mr. Messner stated all contractors are required to submit two (2) types bonds of which one is a performance bond that can be collected if the work is not done correction, but are not asked for financial statements. Mr. Newman stated the Parks Board is subsidizing these fields and teams. Mr. Newman stated if you would just share, then no one person or group will have control. Mr. Messner stated that to his knowledge the Parks Board or City is not subsidizing these teams outside of possible mowing. Mr. Newman stated if we are all paying \$25.00 to the City so in essence they are being subsidized. We are still waiting to see the receipts; they have never showed up or happened. Mr. Tousley moved to allow more public comments that had not signed in, seconded by Mr. Rodgers.

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

Motion passed 6-0.

Ms. Gayle Brenner, 4041 Harper Avenue, Norton, Ohio, stated twenty (20) years ago her son played baseball and there was a female coach. The money they collected went for the uniforms, equipment and bats, umpires, and upkeep of the field. At that time we mowed the fields, the city did not. There was also a league fee for them to be part of WABL (West Akron Baseball League) which is the big area of teams. Then you have trophies and awards, food for concession stands. Ms. Brenner stated that they really did put all of the money into this and a lot of these expenses they had were not always seen.

### **CONSIDERATION OF MINUTES**

Consideration of the September 21, 2015 Committee Work Session, approved as submitted.

Consideration of the September 28, 2015 Regular Council Meeting, approved as submitted.

Consideration of the October 5, 2015 Committee Work Session, approved as submitted.

Consideration of the October 13, 2015 Regular Council Meeting-*Deferred to 11-9-15*

Consideration of the October 19, 2015 Committee Work Session-*Deferred to 11-9-15*.

Consideration of the October 19, 2015 Special Council Meeting, approved as submitted.

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

#### **PUBLIC HEARINGS-None**

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

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

#### **ORD#70-2015**

Ms. Whipkey offered Ord. #70-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF ALARM CONTROLS & EQUIPMENT, INC. TO COMPLETE THE INSTALLATION OF AN ADA DOOR AT THE COMMUNITY CENTER, AND DECLARING AN EMERGENCY.

First reading only. Mr. Pelot asked since this was an open bid is there any reason not to waive the readings and vote tonight and Ms. Whipkey stated she has no issue with this as we have spoken on it and it is the second time we have bid it out. Mr. Tousley stated he would not support this. Ms. Whipkey asked if there is a problem with waiting to Nov. 9, 2015 and Mr. Messner replied he had no issue with that. Ms. Whipkey deferred the issue to Mr. Tousley and that we don't have anyone coming forward and complaining and now the residents will have a handicap accessible entry with a new keypad to gain access. Mr. Tousley stated as principal the public has not seen this legislation until today and he is not comfortable with passing this tonight. Mr. Pelot stated he was just concerned with the weather changing soon wasting the money with heating of the building. There was discussion about the contractor's time line and Mrs. Carr stated they cannot legally order the supplies and start the project until Council passes the legislation. Mr. Messner stated he normally would support Mr. Tousley's concerns; however this is free money the taxpayers don't have to spend. Ms. Whipkey moved to waive the second and third readings, seconded by Mr. Pelot. Ms. Whipkey stated again it's not like we have not been talking about this before, it went out for bid twice and we have grant money paying for this basically.

Mr. Pierson agreed with Mr. Tousley but he would be voting for it only because the taxpayers will not be flipping the tab for it.

Roll Call:      Yeas: Whipkey, Pelot, McGlone, Pierson, Rodgers  
                  Nays: Tousley

Motion passed 6-0.

Ms. Whipkey moved to adopt Res. #70-2015, seconded by Mr. Pelot.

Roll Call:      Yeas: Whipkey, Pelot, McGlone, Pierson, Rodgers  
                  Nays: Tousley

Motion passed 6-0.

## INTRODUCTION OF PRIOR LEGISLATION

### **RES #59-2015**

Mr. Pierson offered Res. #59-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION RESCINDING RESOLUTION NO. 6-2015 PASSED FEBRUARY 23, 2015 BY THIS COUNCIL; AND DECLARING AN EMERGENCY.

Second reading only.

### **RES #60-2015**

Mr. Pierson offered Res. #60-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION RESCINDING RESOLUTION NO. 7-2015 PASSED FEBRUARY 23, 2015 BY THIS COUNCIL; AND DECLARING AN EMERGENCY.

Second reading only.

### **RES #61-2015**

Mr. Pierson offered Res. #61-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE ALBERTA DRIVE, BROOKSIDE COURT, BROOKSIDE DRIVE, CLUBVIEW DRIVE, CROYDON ROAD, EASTON ROAD, EVERETT DRIVE, GREENWICH ROAD, HIGGINS DRIVE, LITTLE BOULEVARD, NASH BOULEVARD, RANGELY ROAD, SHELLHART ROAD, VALLEY DRIVE, WEYRICK DRIVE AND WOODDALE DRIVE BETWEEN CERTAIN TERMINI, BY CONSTRUCTING AND INSTALLING GRAVITY SANITARY SEWER LINES, TOGETHER WITH NECESSARY APPURTENANCES THERETO, COMPRISING THE NASH HEIGHTS GRAVITY SANITARY SEWER SYSTEM IMPROVEMENTS FOR THE EAST PHASE I, THE PUMP STATION PHASE II AND

THE WEST PHASE III; AND DECLARING AN EMERGENCY.

Second reading only.

**RES #62-2015**

Mr. Pierson offered Res. #62-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE ALBERTA DRIVE, BROOKSIDE COURT, BROOKSIDE DRIVE, CLUBVIEW DRIVE, CROYDON ROAD, EASTON ROAD, EVERETT DRIVE, GREENWICH ROAD, HIGGINS DRIVE, LITTLE BOULEVARD, NASH BOULEVARD, RANGELY ROAD, SHELLHART ROAD, VALLEY DRIVE, WEYRICK DRIVE AND WOODDALE DRIVE BETWEEN CERTAIN TERMINI, BY CONSTRUCTING AND INSTALLING VACUUM SANITARY SEWER LINES, TOGETHER WITH NECESSARY APPURTENANCES THERETO, COMPRISING THE NASH HEIGHTS VACUUM SANITARY SEWER SYSTEM IMPROVEMENTS FOR THE EAST PHASE I, THE VACUUM STATION PHASE II AND THE WEST PHASE III; AND DECLARING AN EMERGENCY.

Second reading only.

**RES #64-2015**

Mr. Pelot offered Res. #64-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE CLEVELAND MASSILLON ROAD FROM WEBER DRIVE TO NORTH OF SHANNON AVENUE AND DECLARING AND EMERGENCY.

Second reading only.

**RES #65-2015**

Mr. Pelot offered Res. #65-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE SOUTH MEDINA LINE ROAD FROM EASTERN ROAD TO GREENWICH ROAD AND DECLARING AN EMERGENCY.

Second reading only.

**RES #66-2015**

Mr. Rodgers offered Res. #66-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY

THE SUMMIT COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the third reading, seconded by Ms. Whipkey.

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Res. #66-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

**ORD #68-2015**

Mr. Rodgers offered Ord. #68-2015 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO ADD CHAPTER 881 (MUNICIPAL INCOME TAX) TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

Second reading only.

**RES #69-2015**

Mr. McGlone offered Res. #69-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO SUBMIT THE QUESTION OF THE RENEWAL OF AN ADDITIONAL TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS AND SITES THEREFORE, SOURCES OF WATER SUPPLY AND MATERIALS THEREFORE, THE PAYMENT OF PERMANENT, PART-TIME OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE AND COMMUNICATIONS PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE REVISED CODE, AND THE PROVISION OF AMBULANCE, PARAMEDIC AND OTHER EMERGENCY MEDICAL SERVICES OPERATED BY THE FIRE DEPARTMENT PURSUANT TO SECTION 5705.19(I) OF THE REVISED CODE, AND DECLARING AN EMERGENCY.

Mr. McGlone moved to waive the third reading, seconded by Mr. Pelot.

Mr. McGlone stated this is necessary for the County to certify how much would be available to the City from the levy and would then give us the proper time to go forward before the end of this year to get it on the March 15<sup>th</sup> ballot. Mr. Pelot added it would give the residents more time to view what it would amount to.

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

Motion passed 6-0.

Mr. McGlone moved to adopt Res. #69-2015, seconded by Mr. Pelot.

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

Motion passed 6-0.

\*\*Added During Committee of the Whole

**ORD #53-2015**

Ms. Whipkey offered Ord. #53-2015 for its third 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.

Third reading only.

**ORD #54-2015**

Ms. Whipkey offered Ord. #54-2015 for its third 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.

Third reading only.

**ORD #55-2015**

Ms. Whipkey offered Ord. #55-2015 for its third 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.

Third reading only.

### **UNFINISHED BUSINESS:**

Mr. Pelot asked if the Administration had the time to look at the traffic study for a light in front of the Fire Department and Mrs. Carr replied no, not yet.

Mr. Rodgers asked where we are on the load limit for Summit Road and Mr. Pelot stated that's to be discussed next week for the beginning and ending section. Mr. Markey stated he had supplied this information to Council for you to decide form what you need and to determine the sections to begin and end with on Summit Road, as that Mr. Pierson had suggested an option of a sign being posted: "For Deliveries Only". Mr. Rodgers stated he understood we could only impose a restriction from the Barberton limits to the overpass.

Mr. Markey discussed Res #62-2015 and in light of the information received from the EPA and the follow up that is needed, we should amend this from 20 to 30 because you can only go shorter you cannot go longer. It was agreed to do so before the third reading.

Tom Winn, 3928 Croydon Road, Norton, Ohio, stated he has been waiting to see when we get into these readings for the septic systems, and noted that this was supposed to be a second reading last week and it was delayed. Mr. Linn stated last week a resident had suggested we re-negotiate with the EPA and if you have a bad system then you are allowed to fix that. So what's been done about this? Who is the lead negotiator with Barberton with our rates possibly being \$5,000.00 and \$8,000.00? Mr. Linn asked what has happened in the past week with this? Mr. Linn asked why are we having such a rush with this when Mr. Rodgers had stated that we need to get the word out to the residents? He checks his mailbox and there is nothing there. Mr. Linn stated he is still shocked that no one is reporting this to the people; I guess you expect it will be in the newspaper or something. Mr. Linn stated it's been reported that these funds are earmarked for this purpose. What have you been doing in the past week as he has not heard a thing tonight so far? Are you going to dump this on the people or are you going to do something about it. Mr. Rodgers stated right now we are under orders with the EPA and to open this up again requires full action by this Council if it could be opened up and that hasn't happened yet. As far as the assessment numbers which are very fluid right now and the normal official notification will be a certified letter once Council passes the resolution. Then you will have time to respond to this letter and possibly come before the Assessment Equalization Board. We have asked the press to publish these numbers talked about, but there is no method in place to mail every resident in Nash Heights. He is hoping to discuss all these things at next week's work session and, we are getting some information on the loan process. Mr. Rodgers stated that we don't do the committee work needed in the off weeks to get to some of this done. Mr. Rodgers stated that as far as the negotiations with Barberton we have not moved forward on this, but expected that to happen soon. Mr. Rodgers reminded everyone no matter what that assessment number is put to the resident, the final assessment will not be determined until the project is completed and the cost is known. The Council seated at that time will decide on that assessment number and what funds will be used whether that is rollback money or not. Mr. Linn stated that he is not getting a good feeling here and is concerned that politics is playing a big part in this. Mr. Linn stated if it is, that is a shame. Mr. Rodgers stated he has taken the heat for this and not being able to move this forward and being blamed that he is not trusted by the other communities we deal with.

The reason he objected to it is that he stands by his concerns that we need to be able to do this with the best benefit for the residents of Norton. Mr. Rodgers stated that agreement with Barberton takes into account adding an additional 1400 more sewer customers that would require most of Norton to have sewers to accomplish and he does not agree with this. Mr. Linn stated then you should never sign an agreement with Barberton. Mr. Linn reiterated his statement we don't need a whole new infrastructure throughout the city if the residents would just take care of their own systems and have them properly inspected. You are representing us so what are you doing. I will be back next week and will be asking the same

Mr. Charley Zenner, 3853 Valley Drive, Norton, Ohio, apologized to Council when he spoke last week that he would not let half of you even mow his yard. Mr. Zenner discussed the new costs he saw in the Norton Post of \$19,000.00 and \$15,000.00 plus the additional \$3,000.00 for connection fees. We are talking about Nash Heights; he owns two (2) properties and is looking at \$30,000.00 a property. He built a house on Shellhart in 1972 and financed about \$24,000.00 to put that house up and now you are telling him that he will be paying \$30,000.00 to run a line in front of his house and does not include running the line to his house? Mr. Zenner discussed a letter he received from Ms. Connie Dean that suggested we have the County come out and inspect these systems and make them fix their systems. The EPA is not a God and what are they going to do if no one can afford it; are they going to condemn 300 homes and make us all move out? Let's just forget the idea of a vacuum or gravity system and go back to the County and make them do the inspections and let's get it done. Mr. Zenner discussed the fact that if and when this comes to Nash Heights this will not be the end of this as more neighborhoods will see it come to them. Mr. Zenner stated that the Barberton thing with 1400 connections over a twenty (20) year span doesn't sound like such a bad deal if we got a half way decent rate. We are going to end up paying Barberton something anyhow as once this goes in, you will be getting a bill from Barberton for your sewer and water for ever. He does not understand why we cannot work with Barberton and make some kind of deal with them. Ms. Zenner stated that Ms. Whipkey stated she wants to stay on top of this and he suggested we don't, just let it die. Ms. Whipkey stated we do not have a sewer agreement with Barberton; if we did, we would know how we were going to pay for this as surcharge monies were going to be used and they could be used; currently, we do not have that avenue. Why didn't we do anything further with the MOU with Barberton, and she cannot really answer this. Currently the County is working a deal with Barberton to buy the County sewer lines in Norton as we said we did not want them. The idea in the MOU was that we were supposed to turn over our sewer lines to Barberton, which is what we used to do with Summit County and then they would have applied the surcharges from the past, Nash Heights and future tie-ins to this bill. We did not submit our information to the sewer gods that we were turning our lines over and we had no say so in it other than we were to be the secondary agent, and we did not move forward with the City of Barberton on the sewer agreement. Why did we not at least turn in this information to the sewer Gods; was this all Council's fault that we did not follow through? Mr. Markey stated he did not want to generalize and would need to look back at the information, but he believed after the MOU was signed it was stated we were not going to go through with the MOU agreement as written because we did not know what those terms fees would be?

Whether it was Council as a whole or however it was stated that was the reason there wasn't a lot of time, because time is money, put into negotiating a sewer agreement because we did not know what that agreement was going to look like. Ms. Whipkey stated she understood the Attorneys and the Administration were to actually negotiate this and bring the offers back to Council to approve or disapprove or say what we would like to see in it. Was she wrong in her understanding? Mr. Markey admitted that is one way it could be done, yes. Ms. Whipkey continued that it's not like any one of us on Council as an individual could go to Barberton and make deals as it should be a group effort and generally it is the Administration. If there are Council people that are sitting in on it, these are private sessions and not open to the public, Council people are not supposed to be involved and it is supposed to be a fact finding mission to which we could argue that after the fact.

Ms. Whipkey stated the fact of the matter is that we know we cannot use the surcharge money to pay for any of this and have known that since at least July; our only option is to use the rollback money as the surcharge money is not only tied up with a Court case but due to Ohio Revised Code. There are many things we cannot answer for the public because we are out in limbo land. Now we are dealing with the newest development from the EPA and the thirty (30) and twenty (20) year loans and perhaps needing facility plans. Mr. Winn stated as he understands it the Administrative Dept. is the negotiator and if there is something to be done it would come to Council. Ms. Whipkey agreed that the Administration negotiates with basically anybody and added she did not believe there had been any more talks with Barberton or anyone else. Mrs. Carr stated to clarify we are reluctant with Council as were very much going down the path as everyone know with the MOU because for whatever reason there are some have changed their minds as to where we were going with the deal. At that point Barberton backed off because they had concerns. We did receive a letter from Summit County and Barberton that they are moving forward with their deal; in her conversations with them they indicated they are still very willing to negotiate with us and Mr. Rodgers had indicated he was going to talk to the Barberton Council President, but had heard nothing more on it from him. Mr. Rodgers stated he had the conversation with the President of Barberton Council and he questioned how would they pay for the package plants and other County lines and he was told they would assess the Norton residents. They do not have the money to buy them and that is his concern. He had 5 areas he wanted to discuss with Barberton: #1-remove the 1400 new customers required; #2-carve out the area west of Rt. 21 and to work with Wadsworth for some stuff like fiber optics and the electric power as some Norton residents are already hooked up with Wadsworth utility would be a cost savings; #3-a time table to abandon the package plants that effects over 600 residents as they are obsolete and at some point the EPA will be addressing these package plants as its more pollution going into the streams. He wants those questions answered. #4- Allow Norton to plan, design, and build our future sewers as necessary. This is Norton, not Barberton, and if people want to tie in with or join into Barberton, the people need to put it to a vote. But if we are going to remain the City of Norton, we should be able to plan and develop where we want to and decide our future and not have it decided by our sister city. #5 there should be an end date in this agreement so we can look at this again in maybe 20-30 years. Look at the long JEDD agreement we have that should be opened. It's not just getting those surcharges in to build this and that.

Norton needs to take care of the Norton residents, seems like now we are giving up a lot and not much is coming to the table from Barberton. Barberton is getting the better end of the deal. Mr. Rodgers stated that Ms. Whipkey was the one that stressed the 1400 customers and those additional hook ups. Ms. Whipkey stated she had stressed a lot of things that no one would listen to until this year. Mr. Rodgers responded that he knew it was moving slow, but we need to get this right and was all he was asking for. Ms. Whipkey stated that as soon as she saw Barberton coming to the table with Summit County and showing the interest to buy the County lines, she had stated we needed to reconsider Norton acquiring them for the plain and simple fact that Barberton would have Norton people pay for any repairs and the package plants. They were not doing this out of the kindness of their heart. Ms. Whipkey admitted she was one of the most outspoken ones against buying these lines, but when someone else came to the table then things changed. She was all for letting the County keep them to keep everything spread across the County. Barberton people are not going to pay for this thing, that's all going to come back to the residents by the way of assessments and how do we keep them from assessing us when they own everything. Mr. Rodgers stated that's why we have to negotiate, remain firm and united in the negotiations; he had asked for help and others to attend those meetings because he wanted input from many of you and we couldn't get that done. We do have seven (7) member Committees and we can work on this and it's not a done deal. Mr. Rodgers stated he came across a City to the North or East of us (possibly in Macedonia) where they found a way to borrow funds from their sewer fund to fund the General Fund. Mr. Rodgers continued that Mr. Markey had stated all along that those funds are locked and you cannot be moving them around. Is that correct? Mr. Markey stated you could do that if they purchased a note and if you have a fund that is large enough. Mr. Rodgers stated his concern is Social Security. When you target a fund for one purpose and the infrastructure of the community depends on that fund, we should not be loaning this out to a general fund if that may or may not be able to pay it back because it's our money and whoever borrows it may have no other way to get that back without coming to us. We have to be protective of that and if this gets turned over to another City to control all those monies and something goes wrong to where they start using it and cannot pay it back, we are stuck. Mr. Pelot stated we had things in place to purchase the system, outsource the maintenance, etc.; we would have owned it that would be it and it would have been resolved. If you want to control it that was the only way; if you let some other City own your property, you are not going to control it. Mr. Rodgers stated that we could have purchased that for over \$1.7 million and these lines need another \$5 million to fix the lines and abandon the package plants and the County had plans to do so and the County was going to pay for all of that. Ms. Whipkey asked what is the difference when Barberton gets that and passes the cost on to us and Mr. Rodgers stated that is what he is trying to prevent; we need to know all of that before signing on the dotted lines. Ms. Whipkey stated that she understood that; however, we would have had something to bargain with to get grants and loans by owning the system. Mr. Pierson stated Barberton would be crazy to buy them for 1.7 million and then spend another 5-7 million to re-sleeve lines and take care of the package plants. The EPA will jump on that as the Brentwood plant is running sewage into Hudson Run now; the County is paying nearly half a million a year to pump them out and is one of the reasons they didn't want them originally. If I were the County I would be more than happy to get rid of them, it's a great deal for them as they were getting no revenue but picked up the maintenance cost.

If I were on Barberton Council I would have to have my head examined if I voted to approve that. Mr. Rodgers commented about Green and the fact they don't own sewers, they deal with Summit County, and they have all of the revenue coming from the airport and other businesses. Mr. Markey clarified the 1400 numbers and that it was never in stone, it was used a model that was developed to go along with and was never in the MOU, was not a requirement, and there was no guarantee other than we developed a model. The 1400 number was derived as historically about 50 customers a year have been added and was used as a model as to how to pay for the project. As for the package plants; there was a mechanism to pay for that; there was a step down rate for those residents connected to the package plants that would have been lower than the County rate, but higher than the rate offered from Barberton and the revenue difference would have paid for the package plants over time. We did not have a time line when the abandonment would be accomplished, but we did have a general idea of grant dollars, loan dollars and what the cost would be, but not when it would happen although there was some phasing mentioned in the 20 year projection. Mr. Rodgers stated at the end of the day the bill is paid by Norton customers and if those 1400 customers do not make the model work, they would be coming to the City of Norton to make up that shortfall. Mr. Markey stated that Barberton does not have the legal authority to assess City of Norton residents, but you would look at rate increases and is why the agreement stated they couldn't charge more than the Barberton rate plus the 50% that they are permitted under the JEDD agreement. Mr. Pierson asked if that would still be true if they were designated as the sewer district and Mr. Markey concurred. Ms. Whipkey asked just for clarification that the 1400 number and mechanism in place to pay for the package plants by those involved to pay an extra five dollars above the surcharge on their sewer bill was in the sewer proposal to Barberton. Mr. Markey agreed and added the five dollars would only apply until the package plants were paid off. The difference in the 1400 was for revenue to pay for other projects and the package plant was a standalone item. Mr. Pierson reminded everyone without the grant money the model did not work and Mr. Markey concurred although he could not be certain. Mrs. Carr stated that both of the engineers, ours and the one from Barberton, agreed that they were confident we would receive the grants and Mr. Markey agreed. Mr. Rodgers called to end the sewer conversation for the night and pick it up next week with hopefully more answers. Mayor Zita commented about the fiber optics issue, and we are currently under way doing that and the pipe installation is being done. Mrs. Carr stated this is a private company doing this work and she understands Mr. Rodgers comments about Wadsworth and she is very familiar with their process doing the fiber optics and their cable through their electric system. Mr. Rodgers stated he has discussed this with a Norton resident that is an expert in this and has designed the system in Wadsworth and has offered to help Norton, he had left several messages at City Hall and which were never followed up on. Mr. Rodgers stated he would like to have the resident come forward and address Council on the subject. Ms. Whipkey noted there was some work done at the Fire Dept. relating to correcting the leaking along the back wall to the tune of about \$8,000.00 and Mr. Messner concurred.

## **NEW BUSINESS**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

None

**PUBLIC UPDATES:**

None

At 9:08 PM, Mr. Rodgers moved to temporarily adjourn the Regular Council Meeting to convene into Executive Session to consider compensation for non-bargaining employees and pending or imminent litigation under ORC 121.22(G) (1), ORC 121.22(G) (3) and Section 3.12 of the City Charter, seconded by Mr. Tousley.

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

Motion passed 6-0

Mr. Rodgers invited Mrs. Carr, Mayor Zita, Mr. Messner and Mr. Markey to attend. Mr. Rodgers noted there would be no legislative action resulting from this meeting and Council would return to adjourn the Regular Council Meeting.

At 10:12 PM, Council adjourned from Executive Session and reconvened the Regular Council meeting.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 10:12 PM.

---

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 November 23, 2015.

---

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.