



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 11, 2018 - 7:00 PM**

The Regular Council Meeting was convened on June 11, 2018 at 7:01 PM in the Council Chambers of the Safety Administration Building. The meeting was called to order by Mr. Pelot, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

Roll Call:	Jack Gainer	Also Present:
	Dennis McGlone	Mayor Zita
	Dan Karant	Robert Fowler
	Paul Tousley	Kerry Macomber
	Charlotte Whipkey	
	Joe Kernan	
	Scott Pelot	

**COMMITTEE OF THE WHOLE-Reports from Standing Committees**

- A. May 2018 Budget Reports. Mr. Pelot acknowledged Council's receipt of the May 2018 Budget Reports.
  
- B. Summit County Engineer's Office Road Maintenance Program. Mr. Karant noted this Ordinance is coming to Council out of order because, as discussed last week, the County Engineer has started road work. Mr. Fowler explained that a similar situation happened in 2016 while Council was on break and a procedure was put in place to avoid this from happening again, but it was not followed. Mr. Fowler said that Reimer was being paved and he was not aware until Mr. Gainer called and alerted him. The County did provide a contract last week, which was put in Council's packet for tonight. Mr. Pelot explained to the public that procedurally, the City provides the County with a list of roads that need work and the County bids it out. The County should have provided the paperwork to Council first before accepting the bid so Council could sign the Contract. They then started the work and the Mr. Fowler told them to cease even though it is pretty close to being finished at this point. Now, Council has to pass the necessary legislation to accept the contract. Ms. Whipkey asked about when we were notified about this and Mr. Fowler said he had spoken with Mr. White about it, but he did not know it was happening until Mr. Gainer informed him. At that time, he asked Mr. White to forward him the RPR contact person as Council requested to be present for the project and he is still waiting for that name, if there is one, as the only name he got was Sam Ross. Ms. Whipkey said there were three roads that went out to bid: Carillion, Rich and Reimer but the County is only doing Reimer. Mr. Fowler said that when they first received the bid results from the County, they then sent them to an outside vendor and received bids about 30% less than what the County received. So, they decided to go out on their own and started late April/early May. Ms. Whipkey discussed the results from the Summit County bid opening and Mr. Fowler indicated that Swain Road should have been included. Mr. Fowler said he rejected all bids because he wants asphalt instead of motor pave because it

lasts longer and is easier to repair. Ms. Whipkey said the point is that we found out so late that we missed the opportunity to include them when we bid out our list in May. These roads could have been included had we been aware. Mr. Fowler said that the list that we bid out were on the recommendation of Mr. Hess and included those in the worst disrepair. These three would not have been in that list. Mr. Fowler said there will be more next year. Mr. Fowler said the County only gets the big contractors because it is a \$3 - \$5 million project Countywide, and requires a comparable bond which is prohibitive for smaller companies. Norton's projects are less than \$700,000, which allows smaller companies to bid. Mr. Tousley asked if Reimer Road was started without Council or Administration approval or knowledge. Mr. Fowler said yes. Mr. Tousley asked if the City chose not to pay, who would be responsible for the cost. Mr. Fowler said the County is responsible. Mr. Fowler stated that he is frustrated because we have a County Engineer employee that works for the City of Norton. This should not have happened. It puts us all in a bad spot especially with him signing off for \$4,000.00 every month for this service. Mr. Tousley asked if measures have been put in place so it won't happen again and Mr. Fowler reiterated there were procedures put in place in 2016, but they were not followed. Ms. Whipkey recommended informing the County Engineer that if it happens again, they will be held accountable; they will be made aware we would not pay it. Mr. Fowler noted that the Summit County Executive that has not yet signed the contract and the lack of following procedures is problematic. Mr. Tousley questioned whether Summit County Council is aware of this situation and Mr. Fowler responded he would be having that conversation but stated that the County Engineer is a separately elected official and not really subservient to the County Executive.

Mr. Karant moved to add Ord #74-2018 to tonight's agenda, seconded by Mr. Gainer.

Roll Call: Yes: Karant, Gainer, McGlone, Tousley, Whipkey, Kernan, Pelot  
No: None  
Motion passed: 7-0

- C. Ordinance #75-2018 to Amend Rudzik Paving Agreement. Mr. Karant asked Mr. Fowler to offer further explanation and Mr. Fowler stated that the Police Department parking lot is being added without additional charges to compensate for damages done during construction and the money amount is \$88,000.00.

Mr. Karant moved to add Ord #75-2018 to tonight's agenda, seconded by Mr. Gainer.

Roll Call: Yes: Karant, Gainer, McGlone, Tousley, Whipkey, Kernan, Pelot  
No: None  
Motion passed: 7-0

- D. Summit County Board of Health. Mr. Karant noted it is time for his quarterly report and he is available to present it at Council when requested to do so.

#### **COMMUNICATIONS FROM THE PUBLIC**

Mr. Kazy (3141 Monterey Drive, Norton OH 44203) Mr. Kazy encouraged Council to do some research on the Blue Line Solutions. He stated there are several lawsuits pending with the most recent one in New Miami, OH when in November 2017 they were ordered to repay \$3 million.

Also, he does not believe the money should all go back into the Fund 140. He stated it should go back to the residents and into the Road Fund.

### **CONSIDERATION OF MINUTES**

Minutes of Regular Council Meeting of May 29, 2018 were approved as submitted.

Minutes of Committee Work Session of June 4, 2018 were approved as submitted.

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

Mr. Fowler noted the driveway construction has started for the Recycling Area and it will take 7 – 10 days after they pour the cement, depending on the weather. Mr. Pelot asked if the recycling bins are open and accessible. Mr. Fowler said yes, the bins were moved earlier today to the other side of the parking lot. As they were preparing to do the work, they noticed the easterly side of Columbia Woods Drive needed work as there is a large puddle there. They are going to remove the concrete and repair the road at the same time they pour the concrete for the Recycling area. Mr. Fowler said he believed the fence was delivered for Western Star Cemetery and installation begins on Wednesday. The paving on Nash Heights should be done in the next few weeks although he did not really have a timeline.

**PUBLIC HEARINGS - None**

### **INTRODUCTION OF NEW LEGISLATION**

#### **ORD #69-2018**

Mr. Pelot offered Ord #69-2018 for its first reading and asked the clerk to read it:

AN ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018; AND DECLARING AN EMERGENCY.

First reading only.

#### **ORD #70-2018**

Mr. Pelot offered Ord #70-2018 for its first reading and asked the clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF PERRIN ASPHALT CO., INC. TO COMPLETE THE 2018 STREET PAVING PROJECT, AND DECLARING AN EMERGENCY.

First reading only.

Mr. Pelot said we will look at this Ordinance, along with the Summit County Engineer's Office Contract and the Rudzik Paving Contract amendment next week. There will be a Board of Control meeting before the Committee Work Session next Monday. Then after Committee Work Session, there will be a Special Meeting to process this legislation.

#### **ORD #71-2018**

Mr. McGlone offered Ord #71-2018 for its first reading and asked the clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH BLUE LINE SOLUTIONS, LLC; AND DECLARING AN EMERGENCY.

First reading only.

Ms. Whipkey noted that the language that was added to Ord #72-2018 concerning that this service will only occur in the area that is currently under construction and only for the duration of the construction should also be added to Ordinance #71-2018. Blue Line Solutions must be aware this agreement is only for the construction period. Ms. Whipkey also stated she wanted the statement regarding tickets would only be issued at ten miles over the speed limit. Mr. McGlone remarked that this could be discussed again at the next Council meeting and changes made then Mr. Fowler stated he would let the Law Director know.

**ORD #72-2018**

Mr. McGlone offered Ord #72-2018 for its first reading and asked the clerk to read it:

AN ORDINANCE ADOPTING A TRAFFIC LAW PHOTO-MONITORING PROGRAM AND ESTABLISHING CIVIL PENALTIES FOR AUTOMATED SPEED VIOLATIONS. First reading only.

**ORD #73-2018**

Mr. McGlone offered Ord #73-2018 for its first reading and asked the clerk to read it:

AN ORDINANCE ADDING CHAPTER 868 TO THE CODIFIED ORDINANCES OF THE CITY TO PROHIBIT THE SALE OF CIGARETTES, OTHER TOBACCO PRODUCTS, AND TOBACCO PRODUCT PARAPHERNALIA TO INDIVIDUALS UNDER THE AGE OF TWENTY-ONE; AUTHORIZING A CONTRACT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT TO IMPLEMENT THESE PROVISIONS THROUGH REGULATIONS.

First reading only.

**ORD #74-2018**

Mr. Karant offered Ord #74-2018 for its first reading and asked the clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER AN AGREEMENT TO PARTICIPATE IN THE SUMMIT COUNTY ENGINEER'S OFFICE ROAD MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

First reading only.

**Ord #75-2018**

Mr. Karant offered Ord #75-2018 for its first reading and asked the clerk to read it:

AN ORDINANCE AMENDING ORDINANCE #32-2018 FOR THE PROPOSAL OF RUDZIK EXCAVATING, INC. IN AN AMOUNT NOT TO EXCEED \$88,000 FOR THE REPAVING OF LITTLE BOULEVARD, BROOKSIDE COURT AND SHELLHART DRIVE, TO INCLUDE THE POLICE DRIVEWAY AND PARKING LOT AND DECLARING AN EMERGENCY.

First reading only.

## **INTRODUCTION OF PRIOR LEGISLATION**

### **RES #60-2018**

Mr. Tousley offered Res #60-2018 for its third reading and asked the clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF THOMAS MARINO, II TO A TWO-YEAR TERM AS A REPRESENTATIVE ON THE LOCAL BOARD OF INCOME TAX REVIEW OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Tousley moved to adopt Res #60-2018, seconded by Mr. Karant.

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

Motion passed: 7-0

Mr. Tousley thanked Mr. Marino for his willingness to serve on this Board. Ms. Whipkey confirmed that this Board is now complete with Mr. Markey, Ms. Boyer, and Mr. Marino. Mr. Pelot noted that there will be a formal letter sent out to the newly appointed members of the Boards and Commissions, with copies of the appointing Resolutions and description of the duties. Mr. Fowler would like to add this Board information to his training package. Ms. Whipkey noted this is a volunteer seat.

## **UNFINISHED BUSINESS**

Mr. Tousley stated there is a pie shape piece of land across from Johnson Church at Johnson and Wooster and asked if it is Barberton's or Norton's responsibility because the grass has not been cut. Mr. Fowler will look into it. Mr. Pelot noted that the city is running a little behind on taking care of houses that are not cutting their lawns. Mr. Fowler said they have contacted outside companies to see if we could get their assistance to catch up, but they have not been successful because of labor shortage. He noted the weather is also making it difficult to catch up. They are soliciting proposals so encouraged Council to forward names of landscaping companies. The Mayor noted that they may need to have an appropriation transfer to pay an outside service, but this will be repaid in the end by assessment. Mr. Pelot concurred stating that City would not be out any money. Mr. Karant said there was a complaint on Golf Course Drive and he asked if the City is responsible for the having those properties cut. Mr. Fowler said yes, the residents still have to follow all applicable laws. The only thing that is private is the street. Mr. Fowler added that for clarity, all those requests go to the Service Department as they cut the grass after the posting period. Mr. Tousley asked about when final assessment would be made on Nash Heights. Mr. Fowler said not until the complete project is done, including all pavement will need to be laid. Mr. Tousley asked if it would be after the Council's break. Mr. Fowler said yes, and Assessments can only be done in September. Mr. Tousley asked if that included the fencing around the pump station and Mr. Fowler responded in the affirmative.

Ms. Whipkey said we still need people on the Tax Incentive Review Board. Mr. Fowler stated Mr. Spisak has been appointed and they are still looking to fill the other vacancy. Mayor Zita said there still is a need for an alternate at-large on the BZA. Ms. Whipkey noted the TIRC is

unpaid, but BZA is paid when the alternate participates as a member of the board. Mr. Pelot encouraged anyone interested to contact the City.

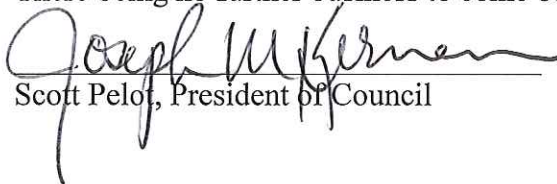
**NEW BUSINESS** - None

**PUBLIC SERVICE ANNOUNCEMENTS**

Mr. Pelot noted that the bridge over State Route 224 and I76 continues to go on. The contract has until 2020 to complete that project. The city has no input on this bridge contract; it is through ODOT. Kenmore Construction is operating at their own pace. The Mayor noted that the retaining walls are going up for the sound blockage. Mr. Gainer asked if we know how far the sound walls will go. Mr. Pelot noted that it appears that it is for residential areas because that is where the vegetation has been removed. The Mayor thought that about three or four years ago the state officials identified those areas as noise sensitive areas and he believed those residents were notified by the State. Mr. Gainer said some residents have asked. He also asked about the decorative plaques. Mayor Zita said they were provided criteria to follow and they, the City, made suggestions, which were reviewed and approved by ODOT. Mr. Gainer asked for a schematic of where the walls would be put in. The Mayor stated we did not decide where the plaques would go, but we did make one specific request that the Norton insignia be placed on the bridge over Cleveland-Massillon Road and at the time we were told it would.

**ADJOURN**

There being no further business to come before Council, the meeting was adjourned at 7:41 PM.

  
Scott Pelot, President of Council

I, Kerry Macomber, Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on June 25, 2018.

  
Kerry Macomber, 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.