



**COMMITTEE WORK SESSION  
AUGUST 15, 2016**

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

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

The Committee Work Session convened on Monday, August 15, 2016 at 7:06 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer. Ms. Whipkey advised the residents watching from home that we have an issue with the sound which is the reason for the delay.

**General Topics of Discussion:**

County Paving Program

Mr. Pierson moved to officially add Ord #55-2016 to the Special Council agenda immediately following, seconded by Ms. Whipkey. Mr. Pierson noted that we need to pay for the items we agreed to earlier this year

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

Motion passed 3-0.

Lease Purchase-Trommel Screening Plant

Mr. Pierson asked if we had leased one earlier this year as we were cleaning up the ditches?

Mrs. Carr replied yes, we did use the Trommel to separate the dirt to try this out, which we found to be very productive. We had initially been looking at purchasing a Vactor to clean out sewers, both storm and sanitary, and it's rather pricy as well as large. In addition, we also brought in a combination street sweeper/extractor. We are gearing more toward storm sewers and noted that Mr. Reynolds is out on vacation and could not be present tonight. Instead of buying a Vactor, we were looking at buying a Trommel and a Whirlwind which is combination street sweeper and extractor. Mr. Pierson stated when we were considering the Vactor equipment we had talked about hiring two (2) more employees just to run this and wondered if that would be necessary with these two (2) pieces of equipment. Mr. Pierson asked how many yards of dirt are we using per year? Mrs. Carr responded that she would need to confer with Mr. Reynolds on that. Mr. Pierson asked for the costs of the past leasing and how many times we did that and if it was enough to offset the purchase cost? Mrs. Carr replied its \$9,000.00 a month to rent and Mr. Messner added we rented, not leased it, for 1 month last year. Mrs. Carr stated we do have a surplus of soil right now that we could possibly give back to the community or sell to a company that may need soil and this would be a worthy investment. Mr. Pierson stated that \$9,000.00 is a far cry from \$131,000.00. Mr. Pierson asked if this requires a special vehicle to haul it around and Mrs. Carr replied no our Service Dept vehicles can handle this and most likely would be used at and remaining in the yard. Mr. Messner stated that Karvo who has been awarded the Cleveland-Massillon road widening and sewer project has asked us if we wanted to dispose of the materials they are excavating at the City garage and we felt this is a good use. Mr. Markey stated the other option is to haul it out of the community via trucks. Mrs. Carr stated she would need to look at the details of the ODOT contract to see what their requirements are and if there would have been hauling fees if the City did not want the materials. Mr. Pierson stated this sounds like if you hire a contractor to do the work and then they tell you they need a special piece of equipment to do the work at your expense. Mr. Pierson stated he feels it's foolhardy to spend this kind of money when our roads are such a mess. Mrs. Carr clarified the contractor did not ask for that and the material does have a value that we would want first dibs on. Mr. Pierson stated he felt it fool hardy to spend the money on the device at this time. Mrs. Carr stated these two (2) pieces cost less than the cost of the Vactor equipment alone and we feel it's best for our options and would be more effective. Mr. Pierson stated he believed the Vactor was to be used on storm sewers to which Mrs. Carr added it was also sanitary sewers, but that would now be Barberton's responsibility. Mr. Pierson agreed the sanitary sewers now falls to Barberton to take care of. Mr. Rodgers asked about the screener and if it is feasible or possible to go to Flesher and dump our dirt there and share the refined product with them. Mrs. Carr stated you cannot just dump it at the landfill due to EPA requirements and referred to Mr. White. Mr. White stated the EPA is flexible with what comes out of the ditches and most is re-usable, but not for what comes out of the sewer lines as that is considered municipal waste. Mrs. Carr questioned if Flesher is licensed to accept the septic type soils. Mr. White stated we would need to be careful so as not to mix our stuff and theirs and did not know. Mr. Rodgers asked about the type of materials and Mr. White said that most of it taken out of the ditches is reusable but requires it to be sorted. Mrs. Carr stated the Trommel sorts this and the end result is good topsoil. Mr. White stated what is taken out of the catch basins is required to be taken to a specific facility. Mr. White stated this is within our NPDES permit requirement. Mr. Pierson asked when we started to separate this and Mr. White stated in 2003 the NPDES permit was started and has progressively gotten tighter.

Mr. Pierson stated he wants to know the number of yards of topsoil we use per year, perhaps we can justify this or not and he would like this in advance of when Mr. Reynolds is present for discussion. Mr. Pierson stated we can better solve this need by leasing at \$9,000.00 for a few months at a time; we could do a heck of a lot of leasing over the years versus spending the \$131,000.00 and having to maintain it. Mrs. Carr stated the NPDES is not going away and there are some potential revenue opportunities by selling to commercial companies and some communities gives away the topsoil and mulch to the residents. Mr. Pierson responded that we can solve that by leasing and it's not like the EPA trumpet is the big thing here anymore; he thinks it's fool hardy. Mr. Pierson added that he does not view the residents as something to suck money out of and Mrs. Carr responded she did not say the residents would be charged. Mr. Tousley asked the difference of cost for the 2015 model versus brand new and Mr. Messner stated it's around \$200,000.00 more for brand new. Mr. Tousley asked how many tons of material would be pulled away from the Cleve-Mass Widening project and if there is a cost factor involved with Karvo? At this point, it was reported there were sound issues on public viewers end and the meeting was held up for several minutes while the equipment was adjusted. Mr. Tousley asked the difference from Vactor versus street sweeper and the negatives and positives of both. Mr. Messner stated the street sweeper has the ability to do both because the back of the machine acts like a vacuum that can suck the catch basins and culverts clean. Mr. Messner stated the Vactor is 40 ft. long and has a large capacity, and can also blow out blocked sanitary lines as well; it came in at a cost of \$362,000.00. Mrs. Carr suggested a providing a breakdown for each machine. Mr. Pierson stated we had the specs for the Vactor during last year's budget review. Ms. Whipkey discussed the need for hiring for the Vactor use and that we may or may not need to do so with these two proposals. Mrs. Carr stated we do need to look at the staffing and what is required to achieve this goal of being more diligent for street sweeping. Ms. Whipkey stated we also discussed the hiring of two (2) more employees in last year's discussion and wasn't that approved in the budget. Mrs. Carr agreed, but it was specifically for the Vactor and to be fair it needed to be reviewed. Mr. Pierson asked how many months would we use this equipment if we purchased it and Mrs. Carr replied she could see the street sweeper being used daily, weather allowing. Mr. White stated it should be done at least once per year and we are well behind in the catch basins. Mr. McGlone asked if we had borrowed this from Barberton, and Mr. White replied yes we have and we wore out some of their equipment in the process. Mayor Zita pointed out that many times the equipment was needed by both municipalities at the same time due to a storm event and this would allow us to have our own piece of equipment. There was discussion on the types of streets the street sweeper can be used on more effectively and Mr. White commented the curbed streets were primary streets for use, but it could be used elsewhere within the City. Mr. Rodgers suggested sharing the cost with Barberton, Copley and Wadsworth. Mrs. Carr stated last year when we had significant storms Wadsworth did offer to help and when we asked to borrow their Vactor that was the only one we could not borrow because they use it all the time. Mr. Rodgers stated that with all due respect, Mrs. Carr comes from a larger City with many more curbed streets and we in Norton don't have the same infrastructure and we should be able to share with other communities. Mr. Rodgers stated he does not see this kind of equipment going down Hametown Road. Mr. Tousley asked if there is warranty on used equipment and Mr. Messner replied yes, it's for one (1) year. Mr. Rodgers suggested we hold off on these until Mr. Reynolds could be present. Mr. Tousley asked why the legislation references the Solicitor is also authorized when that's not in how it was stated in past language. Mr. Markey stated he is required to give legal opinion and this reference can be removed.

Ms. Whipkey asked if there were to be any kind of movement on these two items tonight and Mr. Pierson responded he did not see any reason for it until more information was received from Mr. Reynolds. Ms. Whipkey asked if we are on a time constraint with either of these two (2) pieces of equipment and Mr. Messner stated that other communities are in line if we don't move on these we could lose them. Mr. Messner noted that both companies are being very gracious with holding them and both wanted answers ASAP and he has already paid one month's rental in the Trommel and they have reduced the lease agreement for this payment. Mr. Messner stated that it's been used almost every day since we have rented it. Mr. Rodgers stated that when we get to Unfinished Business he would like to add these two (2) items in addition to something else he wants to discuss and wants to have a Special Work Session next week before the Council Meeting.

#### Award CDBG Grant Funds-Playground Equipment

Ms. Whipkey stated that for several years Frashure Allotments have had no equipment and we are able to buy enough equipment with this grant the Administration applied for to have new equipment in Frashure and Helmick parks. Ms. Whipkey stated that we have to put out the initial money, and then we will be reimbursed. Ms. Whipkey moved to officially add Ord. #58-2016 to the Special Agenda, seconded by Mr. Pelot. Mr. Tousley asked about the timing for reimbursements. Mr. Messner indicated that this has to be done by December 31, 2016. If we can do it ahead of time we can submit any bills we receive and get reimbursed. If approved tonight it will take 3-4 weeks to get the equipment, then the Service Dept. will need time to erect the equipment. Mr. Messner felt they would be able to submit all billing sometime in October and we would then get our money back. Mr. Rodgers noted both of these parks are eyesores in the community so to get these in place would be a help.

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

Motion passed 3-0.

#### DARE Vehicle Buy-Out Current Lease

Mr. McGlone indicated that Fred Martin had given us the use of this vehicle and that runs out at the end of this year. Mr. McGlone discussed the lease is due in December and we have to decide to either return it or buy out the remainder of the lease for \$24,015.00. Mr. McGlone stated that back in 2014 we did allocate by legislation that established a fund that restricted the towing fees/impound fees/administration fees be directed for police vehicles and equipment purchases. This fund currently has approximately \$34,414.00 in there now. This ordinance would give us the authority to transfer that \$24,015.00 for the vehicle. Mr. Messner stated our newest car was recently hit in an accident on SR 224 and will be out of commission for about four (4) weeks. We have already addressed this in our Capital Plan for the Chiefs to replace vehicles every so often. We have been able to save money with that ordinance and he will be coming back asking for an amendment to 2014 Ordinance. We just found out today that Kenmore Construction who is doing the St. Rt. 224 project is asking for two (2) of our officers and (2) of our cars as a B Job assignment in the evenings during the construction. Kenmore had indicated to Chief Dalessandro that for the next three (3) years of this project they will be giving the City about \$30,000.00 for the use of the vehicles and our officers.

Mr. Messner stated he would be asking Council to amend that ordinance to include this type of a fee also be marked for this same fund and pay for cars in the future. We need to be able to free up the legislation in order to do so. Mr. Pierson asked how the local funeral homes that use our vehicles provide these funds and Mr. Messner replied he was not sure and would check into that. Mr. Messner indicated that Fred Martin intends to give us another vehicle yet this year. Mr. Rodgers asked how many we wanted to replace each year when the legislation was passed back in 2014? Mr. Messner replied he was not sure. Mr. Messner stated that our mechanic Mr. Larry Hitchings has completely gone over this vehicle and felt it's in great shape. Mr. Rodgers asked when we passed that legislation in 2014 did we ask for one (1) new car per year or two (2) and Mr. Messner replied he believed it was two (2). Mr. Rodgers stated in light of the issue raised by Kenmore he would like to purchase another vehicle this fall, and if Fred Martin wants to give us another one this year it would put us in a good position. Mr. Pelot stated that we have already purchased two (2) new ones this year. Mr. Messner added that we purchased two (2) late last year which includes the new one that just got hit. Mr. Messner stated he does not have it in the budget to purchase another vehicle this year. We would have about \$10,000.00 left over that we could potentially use. Mr. Pierson asked if the Kenmore dollar amount of \$30,000.00 is a lump sum or over time? Mr. Messner stated that would be over time and is why he would like to capture it ahead of time. Mr. Rodgers stated that if we have an ordinance on the books stating we are to purchase two (2) vehicles every year then we need to budget for this. Mr. Messner stated the legislation does not say we must buy two (2) each year; that is just what Chief Dalessandro recommended to catch up last year. Mr. Rodgers stated the whole point of that legislation was to create a fund to make sure we have good safe vehicles on the road and not to get behind in the rotation. Mr. Messner stated that we will have a brand new vehicle this fall; we intend to buy a new one in 2017 and purchase the remainder of the lease for the DARE vehicle. Mr. Pelot asked to have a listing of all vehicles, the years, mileage for the police department. Mrs. Carr stated she does not disagree with the fact we need to designate for two (2) vehicles each year and needed to be checked. Mr. Pierson stated we need to set up a standard that every certain mileage they automatically get replaced at that point. Mr. Messner stated when each vehicle hits 100,000-110,000 miles is when the front ends and other components start to fail. This is when Mr. Hitchings starts to see more major things going wrong with the cruisers. Mr. Pierson expressed his concerns with putting money in something with such high mileage and is why he is questioning the DARE vehicle. Ms. Whipkey stated this is not the first DARE vehicle we have received and ended up purchasing, and Mrs. Carr concurred the first one was for the K-9 unit. Ms. Whipkey discussed the payment from Kenmore coming in overtime and felt that maybe we could work out something now to go ahead and buy that extra vehicle now instead of waiting for all the funding as they were willing to buy us a car opposed to paying the monies. Mr. McGlone moved to add Ordinance #59 to Councils next agenda, first reading, waive second and third and adopt with emergency language, seconded by Mr. Kernan.

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

Motion passed 3-0.

Purchase Turn Out Gear-Fire Dept.

Mr. McGlone stated that this is part of the replacement we do about every ten (10) years for the helmets, boots, coats and other gear. Mr. McGlone discussed rather than make separate purchases each year, Chief Schultz is requesting to replace seven (7) sets over the next four (4) years. The cost for all seven (7) sets will be \$15,246.00. Mr. McGlone stated this has already been budgeted for in Fund #107 as a capital expense. Mr. Pierson asked why we are only getting specs from Fire Dex when we currently use Morning Pride or did so in the past. Mr. Messner stated when he checked with the Chief, he indicated this is the company we have used for the last several years. Mrs. Carr stated they customize it to our standards and it is under the government pricing. Mr. Pierson stated the boots are not part of their bunkers and asked if we provide them with a clothing allowance for them to purchase additional boots? Mr. Pierson stated he believed we do provide them with rubber boots and if they want leather boots they can do that on their own nickel. Mr. Carr stated they provide this as a package bid for the turnout gear. Mr. Pierson stated he sold this stuff years ago and the boots are not part of the turnout gear or bunkers that is just a coat and pants. They should purchase the extra items themselves. Mrs. Carr indicated she would have to look at their contract to be certain. Mr. Pierson stated it's the same as the no-mix hoods and should be part of the budget. Mr. Rodgers stated that the no mix hoods should be department issued as bunker gear. Mr. Pierson agreed but stated that is not part of the bunker gear/turnout gear purchase. Mr. Messner stated that the clothing allowance is not for leather type shoe not boots, it's not their everyday fire boots. Mrs. Carr stated she would pull the contract details and find out. Mr. Pierson stated he believed rubber boots were the standard issue and not leather ones. Mrs. Carr stated this is done with State bid and Fire Force was the winner and the order is customized for our City. Mr. Pierson stated Morning Pride and Fire Force are all on State bid. Mr. McGlone moved to add Ordinance #59 to Councils next agenda, waiving second and third readings with emergency language, seconded by Mr. Kernan.

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

Motion passed 3-0.

Budgetary Items

Ms. Whipkey stated this covers a total of four (4) ordinances which moves money around and brings us under compliance with the State Auditors. Ordinance #61-2016 deals with the Brentwood Water plant fund for \$59,911.00 to be moved to the General Fund. Ordinance #62-2016 deals with the Mayors Court Computer Fund which we no longer have for \$64,364.34 also to be moved to the General Fund. Ord #63-2016 is doing clean up from advances from 2014 that the Auditors wanted cleaned up and reclassified. Ordinance #64-2016 is directing ODOT to proceed with the road widening project at a cost of \$453,000.00 due to the extra costs. Ms. Whipkey moved to add Ord. #61-2016 thru 64-2016 to Councils next agenda, waiving the second and third readings and adopting, seconded by Mr. Pelot. Mr. Tousley asked about the Charter requirement for one subject matter in the legislation and Mr. Markey replied the subject is to amend the appropriation budget where they are a listing of the line items. This is just a one subject to amend the budget. Mr. Rodgers asked where the figures from 2014 transferred to or used?

Mr. Messner stated what we found is that Ms. Starosta had made an advance from the General Fund into those debt funds. The law requires it to be returned within that same year and for some reason this was never done, and he does not know why. He was not even aware of this until this last audit when it was brought to his attention Mr. Markey stated this was for special assessment projects for the debts the City had at the time. The advances were made to special assessments and for whatever reason it was never transferred back. Mr. Rodgers asked what were those special assessment projects? Mr. Markey replied Gardner Phase III and there were two bonds the City issued back in 2012.

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

Motion passed 3-0.

Proposed Charter Changes Continued (Committee of the Whole)

Ms. Whipkey stated if we intend to send any of these to the ballot this November it needs done by September 5, 2016. Ms. Whipkey asked if any Council member has an item they wish to send to the ballot to discuss them now. Mr. Pierson reminded everyone that Council also has the ability to add their own amendments for consideration. Ms. Whipkey also noted that we do not have to send anything forward. Ms. Whipkey discussed Section 3.20 Televised meetings, adding that her case in point was the blip with the sound we had earlier tonight when we could not start the meeting. This would allow us to get the meeting started even though we are not live at that time. Mr. Rodgers stated the people passed that because they wanted the meetings televised. Mr. Rodgers asked Ms. Whipkey then what is her plan then; to deny the right as the voters approved in the past. Ms. Whipkey stated we are only looking to put on the ballot and let the people decide if they are ok with this or not. Ms. Whipkey asked how many complaints have we received that they cannot hear and tonight we were delayed in getting started. It's not like the meetings are not recorded anyway because they are. Mr. Pierson stated we should just move on with all of the nuisances as is and get them on the ballot. There was discussion on all of the items just for clarification that do not require a vote of the people and Mr. Markey stated he would prepare a list for next week of all of the changes that he is authorized to make for clerical clarification. Mr. Kernan stated we have all had this for some time to review and if anyone is inclined to move to send something then they can do so now by making their motion. If nothing makes it fine and if ten (10) items make it then fine, and as has been stated, Council members are free to make their own suggestions, but tonight is the night to do so or we can look at it again later. Ms. Whipkey moved to add Section 3.20 as written to the next Council agenda, seconded by Mr. Kernan. Mr. Tousley discussed a change to the language and that he wanted to see the word video added before broadcast specified so it is not confused with an audio broadcast. Mr. Tousley moved to add the word video to the language, seconded by Mr. Kernan.

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

Motion failed by 4-3- vote to add the word video before broadcast.

Mr. Rodgers stated that he just received a request for a Police Officer to go to a particular resident's home to check the sound/internet connection there. Mrs. Carr asked Mr. Rodgers to provide her with the address and she would address this. Ms. Whipkey again moved to add Section 3.20 as written to the next Council agenda, seconded by Mr. Kernan.

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

Motion passed 4-3 to place on the next agenda for a first reading. Mr. Markey clarified that it takes five (5) votes to place it on the ballot. Mr. Pierson asked for the vendor that we hired to get in here to explain why they cannot get this mess with the live video mess cleared up. He keeps hearing the explanations second hand from the Administration; he wants to hear it from the horse's mouth. Mr. Messner clarified that Livestream is the entity that we are using to stream; there is nothing more to it. They issue the software license to us that allows us to stream it live. Mr. Messner stated there is no vendor the only issue we have is with the products. Mr. Pierson argued that we hired someone from Copley to be the IT people to address issues for all the cities at a cost of about \$117,000.00 for this. Mr. Messner stated that we purchased the equipment and there is no vendor or maintenance agreement for this. Mr. Messner noted the IT department can assist us if we cannot connect to the internet to get the meetings out there. Mr. Pelot asked if the IT department would fix any issues we might have with the cameras, microphones, etc., and Mr. Messner replied no. Mr. Rodgers stated we bought hardware to broadcast the meetings, and questioned who maintains that? Mr. Messner again stated that Livestream issues the license to broadcast; they do not maintain the equipment. Mr. Messner indicated that when this problem came up tonight our IT guy-Nick Sattler from SWSCOM was on his way to see what he could do until we fixed the problem before he arrived. Mr. Rodgers asked if the failure of the broadcast was due to the software, equipment failure, or failed to be maintained? Mr. Messner stated he has been researching this for what it will take for a new camera and better audio sound, and we are working on the details. We may be able to pull away from Livestream for the hardware because there are others out there that we can use. While we are here tonight we are sending an officer to a particular resident's home to check for internet connection in their driveway. We cannot control what the residents have or doesn't have. Mr. Pierson stated that every City around us can do it without any issues and we cannot seem to get it right. We need a competent contractor that can get it right; tell them fix it or you're fired. It's just ridiculous to send an officer out there; it's just a waste of time. Mr. Messner suggested Mr. Pierson take the lead on this as it's a Council issue. Mr. Kernan reminded everyone we are off topic on the Charter issues. Mr. Rodgers recommended the Police and Fire Chiefs be pulled out of Civil Service and felt that they should serve at the Mayor's pleasure like most cities, and so moved, seconded by Mr. Pierson. Mr. Rodgers stated he knows why they are in there and how they came about, but it's not good practice asked what section in the Charter would this be and Mr. Markey replied it's not in the Charter currently it would be a new section to be added. It may not be in the Charter because the State Law requires them to be under Civil Service. Mr. Markey stated if Council voted to move this forward he would prepare legislation for next week. Mr. Kernan clarified that Mr. Rodgers motion is to place a new section on the Charter that would not require the Chief's to be under Civil Service, and Mr. Rodgers concurred that was his motion, and Mr. Pierson seconded the motion.



Mr. Rodgers stated this is not an attack on either Chief's it's just how it's done in most cities and there is no reason for us to be different from them. In the event you have to replace either Chief it broadens the poll to draw from. Mr. McGlone indicated he would be voting no because he needs more information and Mr. Pelot agreed, adding that he wants more information from other communities; and the pros and cons. Mr. Kernan reminded everyone this is just to have the legislation prepared, it's not to put this before the voters. Ms. Whipkey asked why have legislation prepared when we are not even sure what we are really talking about? Mr. Rodgers stated it's part of our job as Council people to learn that stuff and this is just to further the discussion.

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

Motion passed 5-2.

Mr. Markey noted that the Legislation to be prepared for next week as a new Charter Section 6.04. Mr. Kernan moved for Section 3.06-Council Vacancies to be added to the next Council agenda as written, seconded by Mr. Pelot.

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

Motion passed 5-2.

Ms. Whipkey moved for Section 3.19-Public Notices to be added to the next Council agenda as written, seconded by Mr. Kernan.

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

Motion passed 5-2.

Mr. Kernan called three (3) more times for any further amendments to come forward for the next work session, there were no additional requests. Mr. Kernan thanked everyone for all of their time and effort on the Charter amendments and reminded Council this is not the only time we can make proposed changes to put on the ballot. Mr. Tousley clarified that Summit County agreed that both the old and new language would be placed on the ballot, and Mr. Markey concurred.

#### Barberton Sewer Agreement

Mr. Pelot stated that Council has received an amendment to page # 7 (see attached). Mr. Tousley stated that this was a concern he had raised that the surcharge was not guaranteed to come back to Norton and from this new amendment it still does not work and is not sufficient for his concerns. Mr. Tousley noted that Barberton is on vacation for a month so he is not sure for the need of action tonight. Mr. Pelot stated it's necessary so we can stay on track and we can still discuss this in moving forward and to answer any of our questions.

Mayor Zita clarified Barberton is only on recess until the end of August and they will be returning the first week in September. Mrs. Carr also noted when they do return they intend to vote on their legislation. Mrs. Carr stated this amendment is what we have been able to agree to at this point. Mrs. Carr stated that she understands they are prepared to vote on this when they return, they were waiting to see where are with our legislation. Mr. Pelot addressed Mr. Tousley's concerns relating to the guarantee this money will come back to us and is this something we can still address with Barberton? Mrs. Carr stated that language in red is what we both have agreed to at this point. Mrs. Carr stated she was not sure if we could get any more out of that or not. However, they will be entirely responsible for the sewer system, so then anything that is an issue they will be responsible for. Mrs. Carr indicated she understands the need for earmarking and does not disagree with that, however, in the end they are still responsible for anything relating to the sewer system. Mr. Tousley stated in his attempt to understand this and not stop it moving forward, how is a Norton resident going to benefit from this? Mrs. Carr stated that there is a little more guarantee in that because they are paying into it and in all reality Barberton is responsible for the maintenance. Mr. Tousley stated this agreement is for thirty (30) years for every citizen in this city so we are we really going to vote on something for thirty (30) years, because we had better be sure. Mr. Markey stated from a Norton resident's perspective the 50% surcharge is already there and those that come over from the County is at a lower rate overall and they would be paying 50% anyway. The question is who gets that 50% and right now the City of Norton gets 27.5% and Barberton gets 22.5%. We are supposed to be operating and maintaining our portions of the sewer system that we own currently. That maintenance obligation would shift over to Barberton and that 50% revenue is to be consistent with long term. As a Norton sewer system customer you want to have a working and viable system long term. The 50% revenue that you are paying is going to ensure that the system continues to function long term. There is no real detriment because that 50% fee is being paid anyway through the Water and Sewer Agreement; the benefit is the long term viability of the system. Mr. Markey stated Hudson just turned over their system to the County and it's a very similar deal, although it is a bigger tax base. In the end they gave up their control over to the County. Mr. Markey also noted stated that we really don't have the staff for a utility department. Mr. Rodgers stated Barberton bought the sewers from Summit County for \$1.7 million. We are now going to build and pay for the Nash Heights project and give them that and others that come along and they will pick up \$75,000.00 a year for four years in debt service we owe; it just doesn't balance. We did not negotiate with Barberton; they came to us and told us this is what they will do, how they were going to do it, and you brought it to Council and said this is what we have. Mr. Markey disagreed, adding that we have in fact negotiated with Barberton and Council turned it down. Mr. Rodgers stated he was in on those and there was no real back and forth negotiation there, to which, Mr. Markey stated he totally disagreed with that. Mr. Rodgers responded that he was there and at every meeting there was very little input from the City of Norton. Mr. Markey stated Norton led the negotiation and prepared the numbers. Mr. Rodgers stated we would agree to disagree and his point was that we can do better and we are not doing it. There was far more coming to Norton in that first agreement, Norton had a reserve of about \$6-7 million dollars at the end of the twenty (20) year plan. It could have been a better deal. Mr. Pelot moved to officially add this to the Special Council Agenda, immediately following, seconded by Mr. Kernan.

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

Motion passed 2-1.

**Unfinished Business:**

Mr. Rodgers stated he has received calls from residents on Silver Springs and before we went on break they were supposed to go out for bid. Mrs. Carr stated yes Council did authorize for bids and designs and the designs are nearly complete which we should have this later this week; it is in the process. Mr. Rodgers stated their concerns are the clock is running and called for a Special Council next week prior to the Council Meeting as September 6 is a long way off. Mrs. Carr stated she intends to advertise for this and she cannot do this before the designs are completed; she cannot do the process any faster. Mr. Rodgers expressed concern that these designs are all done on a CAD computer system and cannot understand the delay. Mr. Kernan stated it may not be fair to blame the delay on the company that did the designs or on anyone else; however he reminded Mr. Rodgers that this came to Council in April and in all fairness this Council sat on it and sat on this before break. We had to tell the engineers what we wanted so nothing could be done until then and even before we went out on break, we still could not decide. Mr. Kernan stated that he understands their concerns and why they are upset. Mr. Kernan asked what the need is for a Special Council meeting next week when we don't have all of the information. Ms. Whipkey noted that Mrs. Carr is having a meeting this coming Wednesday with GPD and Mrs. Carr concurred. Mrs. Carr stated we would advertise on August 20, 2016 or August 21, 2016 and we have to do this for two (2) weeks in a row. There is a good chance we could possibly be ready to open bids the week of Labor Day and bring something back to Council. Mr. Pelot suggested we waive the readings. Mr. Rodgers took exception to Mr. Kernan's comments that this is all Council's fault. Some of us on Council have tried to move something forward. Mr. Kernan stated he never said it was anyone's fault in particular. Mr. Rodgers asked for the designs to be provided and the residents could address their concerns during a special meeting. Mr. Pelot stated it could be done during the Committee of the Whole next week. Mr. Rodgers stated the road has fallen off even more and they are very concerned. The City's portion is no longer being maintained, and they have a right to be upset and why it's not moving forward. Mr. Rodgers stated if he had not brought this up tonight it would not have been mentioned. Mrs. Carr stated that is not true because this coming Wednesday she intends to bring Council up to speed with a memo and Mr. Pelot stated that it's even listed on the Topics for the Next Work Session. Mr. Rodgers stated you are all trying to make light of this and if it takes a little talk each session for them to know we are working on it, he's good with it. Ms. Whipkey stated we would cover this more during the meeting next week and Mr. Rodgers thanked her.

**New Business:**

Mr. Rodgers discussed the recent paving on Rosebay, Monterey and Gibbons, and asked if there are any plans to backfill some of the high areas, as there are some areas with a 12" drop off. Mr. White concurred that Summit County is working on addressing this very issue.

**Topics for the next Work Session: 9-6-16**

Games of Skill-Amend Legislation (Kernan-Planning)

Review of Chapter 618.05 Animal Cruelty (McGlone-Safety)

### **Topics for the next Work Session: 9-6-16 Continued**

Review of Chapter 1064-Community Center Rentals ((Rodgers-Property)

Review of Chapter 1066 Park Rules-Dogs in Park (Rodgers-Property)

Silver Springs Drive Update (Pelot-Utilities)

Energy Proposal (Pelot-Utilities)-Mrs. Carr clarified this would be discussed during the Committee of the Whole next week. Mr. Tousley called a point of order because the past discussions on Silver Springs fell to Mr. Pierson as Chairperson of Service, and asked why it's now listed under Mr. Pelot? Mrs. Richards noted that was probably a typo and it would be corrected.

### **Public Comments:**

Mr. Kevin Kerns, 3732 Golf Course Drive, Norton, Ohio spoke regarding the sound system issues, and that you can do a lot better with the communication and there is no reason the people should not be able to hear every word you say. Mr. Kerns also addressed his concerns with the Golf Course Drive pump station, and the rumors that the City is coming into Golf course Drive with sewers and asked if there is any truth to that? They are monitoring along the west side of the road and walking around there. Ms. Whipkey stated she understood we are only going along Greenwich Road, not up Golf Course Drive. Mrs. Carr elaborated on that and stated that he may be referring to the pump station location change. Mr. Markey stated we are looking at moving the pump station back to the original plans at Gold Course Drive because the property owner's objection to the location that was planned and he has pulled his offer to allow the use on his land. It does not impact the area as it will be located at the corner of Greenwich Road and Golf Course Drive. Mr. Pelot stated we have to take it back to the original location and those original plans have already been done. The Engineering firm knows what is needed and that pumps will be needed in order to keep it dry. Mr. Pelot stated this was not due to the City changing our minds adding that we do not have a choice because the resident has changed the terms, we did not ask for this change. Mr. Kerns asked one more time if that line was going on Golf Course Drive and Mrs. Carr replied absolutely not. Mrs. Carr noted there were several rumors out there over the Council break; which is all incorrect. She was told by several residents on Golf Course that there were Council members out on Golf Course Drive telling them we are building a line up Golf Course Drive which is not true, this is a private drive. If at some point the owner wants to build a line on his property he has the right to do that. We are not doing this nor are we advocating for this. We were also told the owner is going to be building 135 new homes which is also not true. He has looked at condos but we have not seen any plans for homes in that area. The only thing we are doing is putting the pump station back on Greenwich and Golf Course as indicated in the original plans. The other rumor out there is that we are going to build the sewer line and then assess the residents. We would have no legal authority to do that. Mr. Rodgers stated the pump station will now go to the corner of Gulf Course Drive and the question would be is if your septic were to fail and you are within 400 ft.; you would have to connect. Mr. Markey stated that is not accurate because you don't connect to a pump station and the distance for a sewer connection is 200 ft. not 400 ft. Mr. Markey explained the property owner has refused to allow for the use of his land and we have no other choice but to take it by eminent domain and we would have to have legal action. Mr. Tousley stated that he believes this takes a vote of Council to move the pump station in the design and Mr. Markey and Mrs. Carr stated she had already disclosed this in her memo. Mr. Kerns asked for the City to provide a letter to the residents that the City is not pursuing a sewer line up our road.

Ms. Whipkey stated this road is a private road and we don't control this and if the Summit County Health Dept. steps in that's their jurisdiction. Mr. Pierson stated that they are already down there along St. Rt. 21 testing for sewers and it will happen the same way the whole Nash Heights project came about. Mrs. Carr stated she would be happy to give a letter that states the City has no intention to bring in sewers there. Mr. Rodgers argued the comments made by Mr. Tousley that Council should have voted on the movement of the pump station, when Mr. Markey had given an opinion when we went from Golf Course Drive to Shellhart that Council did need to vote on that. Mr. Markey explained that was due to the special assessments and we were changing the way the property owners were assessed, which does require a new Resolution of Necessity. Moving this line back to the original location, we are not assessing any additional property owns, so because there are no changes to the original assessments, no new legislation is required. Mr. Markey stated the award for the contract does take a vote of Council and that the bids have already gone out. Mr. Markey stated that we are only moving the line further down the street and there are no changes to the assessments so action or a vote of Council is not required. Mr. John Lombardi, 3660 Golf Course Drive, Norton, Ohio, spoke regarding the pump station change of location and noted he is a retired commercial general contractor and has dealt with California, Ohio, Pennsylvania, and North & South Carolina. He has designed and ran gravity and force main systems. This was obviously done behind closed doors, and not made public, which upsets him. Changing the location may not have to go back to Council for a vote but one thing that does matter to him is the lot that you are going to put this on is still part of all of the lots on Golf Course Drive. That lot has the same responsibilities that we all have, you cannot come up Golf Course Drive unless it's through the court to break that deed restriction which may take several years. Mr. Lombardi indicated that his brother is an Attorney and his fees are very cheap, however he will let this go to court and delay this as long as he possibly can. That pump station should not be at the corner of Golf Course Drive. Mr. Lombardi indicated that a development in Hudson Run was turned down because it was a swamp and you could not have stable foundations there. You will have to deal with a delay for at least six (6) months, while this suit plays out. The majority of the people on Golf Course Drive are banding together and we have all been gathering funds in one pocket. Doing this behind closed door and not doing this in front of the public is just disgusting. Mr. Tousley stated he wanted to apologize to the public that this has even happened because he was not aware this was moving forward. He was aware that you sent out a letter for the design, but not aware this was going to be bid. Mr. Tousley stated he agrees with Mr. Lombardi, this should have never been handled behind closed doors and he is just furious about it. Mr. Tousley stated he should have a vote and people voted to put him in this seat. Whether you can get away with this or not, fine, but it does not make it right. Mrs. Carr stated everyone received EPA required schedule months ago as well as the revised schedule that we gave to the EPA. This was all disclosed in public meetings and it's always been on the website. We are following the scheduled that has been mandated by the EPA. There is nothing that we did not disclose to any of you and it's all right here. We will be bringing you the bid tabulations will be compiled later this week, which were very good prices, we will be bringing it to Council for your approval. Mr. Rodgers asked when the date of that schedule was and Mrs. Carr stated it was December 14, 2015. Mr. Rodgers asked where that pump station was located at that time, and Mrs. Carr replied it was probably at Golf Course Drive at that point, then it got changed and now it's changed back to Golf Course Drive. Mr. Rodgers stated the last place of record was at Shellhart and was the last time the scheduled was looked at.

Mr. Rodgers stated that although it was under the \$10,000.00 limit for the design work, he still feels that Council needed to vote on this and the Resolution of Necessity needs to be redone. Mr. Markey asked based on what? Mr. Rodgers stated that he has another opinion on that; adding that a lot of Mr. Markey's opinions have been wrong and it took another opinion to prove the case. You cannot have an opinion at one point and then the next time it is different; that is what happened here. Mr. Markey stated he disagreed with Mr. Rodgers. Mr. Kernan asked Mr. Markey if he did go to law school and passed the bar exam, and if he is registered in the State of Ohio and Mr. Markey concurred. Mrs. Carr stated that she had clarified her memo she would be moving forward with the \$7,000.00 in preparations for the bid which would be handled while Council was on break. Mr. Markey concurred that email from Mrs. Carr was sent out to Council on July 8, 2016 at 3:48 PM. Mr. Lombardi stated that normally for bids under \$10,000.00 that law was passed to expedite projects along and not to hide things. Mr. Lombardi stated there is a possibility that what was done here may in fact be illegal, and what was done is sneaky. Mr. Lombardi threatened the City that this will not be done without a lawsuit and will not get started unless a judge throws him and his attorney out.

**Public Updates:**

Ms. Whipkey noted there would be a Special Council Meeting following this meeting.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:17 PM.

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Charlotte Whipkey, President of Council

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

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

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

(d) JEDZ Agreement. Barberton and Norton are parties to the JEDZ Agreement which governs the provision of sanitary sewer service by Barberton. Barberton and Norton agree that with respect to the terms of the JEDZ Agreement:

- 1) Notwithstanding the provisions of Section 33 of the JEDZ Agreement which generally limits the amount of sanitary sewer flows that Barberton will accept from Norton, Barberton shall accept all sanitary sewer flows from Norton as the provider of sanitary sewer service for Norton under this Agreement.
- 2) The provisions of Section 38, 40, 41 and 42 of the JEDZ Agreement are hereby incorporated into this Agreement by reference as if fully rewritten herein.

(e) Norton Annual Summary. On or before March 1st of each year, commencing, March 1, 2017, Barberton shall provide to Norton an annual summary of the operations, maintenance and sanitary sewer related construction activity that benefit Norton for the prior calendar year.

6. Norton System Revenues and Capital Improvements.

(a) System Development Charges for New Connections. New connections to the Barberton Sewer District in Norton will pay a system development charge equal to the same charge paid by Barberton customers as set forth in Section 1040.11 of the Barberton Codified Ordinances, as the same may be amended or recodified from time to time (the "System Development Charge"). Notwithstanding the foregoing, Barberton hereby agrees that the following procedures will apply to the Nash Heights Gravity Sanitary Sewer Project (as defined below) and any new residential sanitary sewer projects (excluding new projects requested by property owner petition) that are mandated or ordered by either the OEPA or Summit County Health District after the effective date of this Agreement (each a "Mandated Residential Sanitary Sewer Project"). To encourage the connection of Norton residents to the Barberton Sewer District, Barberton hereby agrees to waive 50% of the System Development Charge for residential customers connecting to a Mandated Residential Sanitary Sewer Project within one year after the date of substantial completion of such Mandated Residential Sanitary Sewer Project.

(b) Planned Improvements. Norton and Barberton currently intend for the Planned Improvements to be completed in Norton. The Planned Improvements are generally described on Exhibit B attached hereto. Norton and Barberton will cooperate to apply for loans and grant funding for the Planned Improvements. When necessary, Norton will agree to fund a minimum funding share for joint grant or loan applications. Except for the Planned Improvements and/or sanitary sewer projects mandated or ordered by either the OEPA or Summit County Health District, Barberton shall have no obligation to construct new sanitary sewer assets in Norton.

(c) Barber Road Trunk. Norton currently has a debt obligation to pay the costs of the construction of the Barber Road Trunk Sewer. Barberton will agree to pay Norton \$75,000 each year in the years 2016 through 2020 to pay debt service on the Barber Road Trunk Sewer.