



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MARCH 28, 2016**

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

The Regular Council Meeting convened on Monday, March 28, 2016 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE

Ms. Whipkey noted that Mrs. Dobbins was present tonight and asked Mayor Zita if he would like to have this discussion now and Council agreed. Mr. Tousley thanked Mrs. Dobbins for her past service and asked why she wanted to continue to serve. Mrs. Dobbins stated the City has been very good to her and her family in the past and she would like to continue to serve the community.

COMMUNICATIONS FROM THE PUBLIC

Mr. William Paluch, 3740 Shellhart Road, Norton, Ohio, stated people that visit him ask him why Council is not telling the residents the truth about the cost for the sewers. A lot of the residents think the \$11,200.00 is all they will have to pay and he had to inform them they will also have to pay permit fees of about \$3,000.00 and the cost to collapse their tanks and the contractor fees. Mr. Paluch asked why didn't you do a survey and inform the people about the sewer system about to go in? Are you ever going to let us know in Nash Heights what is going on? Ms. Whipkey explained the assessment is tentative for \$11,200.00 and everyone will be required at some point to connect to the sewer. It's been stated over and over that everyone will have to tie in and she did not believe that anyone here on Council ever said that \$11,200.00 is all you have to pay. Ms. Whipkey stated the residents need to take some responsibility and ask some questions, she can't know what it is that you have questions about or want to know. If anyone calls her she responds to them. Ms. Whipkey stated that she doesn't understand where the idea came from that they are getting water at the same time, this is not true it is only sewer. Mr. Paluch stated that he believed the problem is you were dishonest with the people.

Mr. Paluch asked if legislation was passed previously at \$8,500.00 and Ms. Whipkey replied yes but that was passed a long time ago and was also tied with us buying the lines from Summit County and that never happened. Ms. Whipkey stated back then that was not a true number. Ms. Whipkey recalled at that time someone in the audience stating they didn't want to hear what she had to say; even though she was telling everyone the truth that this was not a viable number. Its not that you weren't told sometimes you choose not to listen. Mr. Paluch stated another problem this \$11,200.00 you keep throwing out and you take the vacuum system and if it is cheaper, why do you want to screw the people and charge them \$11,200.00. If you can put the vacuum system in at a cost of \$4,000.00 or \$5,000.00, don't you think the people of Nash Heights have the right to say what they want and not what you want? Mr. Paluch stated he did his research and if this is going to save the citizens money and if it's going to affect him and if it's cost effective he should have a vote and say what he wants. Ms. Whipkey stated the original costs were really at \$19,000.00 and we have reduced that down to \$11,200.00. Mr. Rodgers reminded everyone there will be a town hall meeting on April 6, 2016 at 7:00 PM and we will discuss the issue. We will compare the vacuum and gravity and we will tell the residents what has been denied them by not going out for bid. Mr. Paluch stated it would be helpful to get something in the local papers; and in the mail or a personal letter from Council. Mr. Rodgers asked Mrs. Richards if we have a mailing list for Nash Heights which she replied yes. Mr. Rodgers stated that a mailing list would go out and he would take care of that himself.

CONSIDERATION OF MINUTES

Minutes of the March 7, 2016 Committee Meeting, approved as submitted.

Minutes of the March 14, 2016 Council Meeting, approved as submitted.

Minutes of the March 21, 2016 Committee Work Session, approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION

ORD #20-2016

Mr. Pelot offered Ord. #20-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATING TO THE NASH HEIGHTS GRAVITY SANITARY SEWER SYSTEM IMPROVEMENTS; AND DECLARING AN EMERGENCY.

First reading only. Mr. Pelot asked Mr. Markey if we have time on this, and noted we have received about eight (8) letters now and Mrs. Richards clarified we now have nine (9) letters. Mr. Markey replied we can wait because we still have to do the publication which will be fourteen (14) days from that publication for those that could not be reached by mail. Mr. Pelot noted that last week we had discussed Mrs. Kerns sitting on this Board and Mrs. Richards has verified that she is a property owner and he has heard no objections.

ORD #23-2016

Ms. Whipkey offered Ord. #23-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE MAYOR TO EXECUTE AND DELIVER AN AGREEMENT TO PROVIDE COMMUNITY CORRECTIONAL SERVICES WITH ORIANA HOUSE, INC., AND DECLARING AN EMERGENCY.

Ms. Whipkey stated this is basically boiler plate legislation and this is for a citizen that needs alcohol or drug treatment as ordered by the Court. Ms. Whipkey moved to waive the second and third readings, seconded by Mr. Pelot.

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

Motion passed 7-0.

Ms. Whipkey moved to adopt Ord. #23-2016, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #24-2016

Mr. Pelot offered Ord. #24-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING A REFUND OF AN UNUSED BENEFIT UNIT AND TIE-IN PERMIT FEE TO PATRICK J. CANFORA.

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

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #24-2016, seconded by Mr. Tousley. Ms. Whipkey asked once this is passed if they want this back in the future they would have to re-purchase this and Mr. Markey stated theoretically yes, but we also know the treatment plant is to be abandoned in the future. Mr. Markey stated they would not be re-purchasing into another treatment plant in the future. Ms. Whipkey asked if this would then be at the set price at the time and Mr. Markey concurred. Mr. Pelot stated this is for the amount of \$1,710.00.

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

Motion passed 7-0.

ORD #25-2016

Mr. Pierson offered Ord. #25-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE LEASE-PURCHASE OF A 2014 JOHN DEERE 410K BACKHOE LOADER FROM MURPHY TRACTOR & EQUIPMENT CO., AND DECLARING AN EMERGENCY.

First reading only.

RES #27-2016

Mr. Tousley offered Res. #27-2016 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF ART JOHNSON TO A THREE-YEAR TERM AS A WARD 2 REPRESENTATIVE ON THE CITY OF NORTON BOARD OF ZONING & APPEALS, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Tousley moved to adopt Res. #27-2016, seconded by Mr. McGlone.

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

Motion passed 7-0.

RES #28-2016

Mr. Tousley offered Res. #28-2016 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF PEGGY DOBBINS TO A SIX-YEAR TERM AS A MEMBER OF THE CITY OF NORTON CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Tousley moved to adopt Res. #28-2016, seconded by Mr. McGlone

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

Motion passed 7-0.

RES #29-2016

Mr. Tousley offered Res. #29-2016 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MARTIN WEST FOR HIS SERVICE AS A REPRESENTATIVE OF THE CITY OF NORTON BOARD OF ZONING & APPEALS, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Tousley moved to adopt Res. #29-2016, seconded by Mr. McGlone. Mr. Tousley thanked Mr. West for his prior service.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #18-2016

Mr. Pierson offered Ord. #18-2016 for its second reading and asked the Clerk to read it:

AN ORDINANCE PROVIDING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING THE PROJECT DESIGNATED AS SUM-SR 585-0.00 – PID NO. 94123.

Second reading only.

UNFINISHED BUSINESS

Mr. Tousley asked about the ordinances for the use of the pavilions and the ball fields since springtime is coming. Mrs. Carr stated she had intended to present all of that to the Parks Board at their last meeting but they did not have all members present and we wanted everyone present for this discussion. Mrs. Carr stated that we are ready for their next meeting later next month.

Mrs. Carr stated that Mr. Messner has been working very hard on the changes in the fees and come changes in the ordinance needed such as dogs that are now allowed in the parks. Once we take this to the Parks Board meeting we will be bringing this to Council very soon.

Ms. Whipkey asked when the legal notice will be going out and Mr. Markey noted that the Clerk now has approximately thirty (30) notices that were returned as not being served by certified mail which will be in the required publication. Mrs. Richards is preparing this now and he has reviewed the draft and will approve once all the property owners are listed. Mr. Markey noted this will all be in one ad and will appear in the Barberton Herald once. Mr. Tousley asked what Mr. Markey meant by not having been served? Mr. Markey explained that they either did not accept their certified letter or it was never picked up at the post office.

NEW BUSINESS

Mr. Rodgers stated he thought that Mr. Reynolds was supposed to be present tonight. Mrs. Carr stated she had sent out an email earlier that Mr. Reynolds had a conflict and Mr. Pierson was advised that Mr. Reynolds would be at the meeting next week. Mr. Rodgers stated it was brought to his attention that Harper Road has been extended. Mrs. Carr explained that it is a paper road out there on Harper Road, and what is being done now is creating the ditch that used to be there and filling it back in because we have a water issue there that is affecting about four (4) or five (5) residents that are experiencing water run off from St. Rt. 21. We did meet with ODOT about a week ago or so and ODOT is helping us come up with a plan to divert that water runoff back in to the proper ditch system. Unfortunately for us, anything for the highway maintenance comes to us and it is our job to make sure that water is being channeled properly. Mr. Rodgers stated he wanted to see a total cost breakdown of man hours and materials used. Mr. Rodgers discussed another area with the same water run off problem at Fairway Drive today and that are also suffering from water coming off of St. Rt. 224 and they are seeing no relief there. Mrs. Carr stated that is a different situation and explained that we are working with a private homeowner there because the ditch system is on private property. Mr. Rodgers stated that the water comes from 224, so it may come across his property but it is also a problem because it is coming from 224. Mr. Rodgers stated that the State is not controlling the water runoff and Mrs. Carr agreed, however this maintenance falls to us. The difference is this one is a private ditch and is a little more complicated but we are working on this issue as well. Mr. Rodgers stated that he was alerted to this by the people on Harper because their concern is that it's adjacent to a sitting council person's property. The people that are concerned have flooding problems in the city and we don't address them. But when we have a sitting Council person that has a flooding problem and it gets addressed; this raises some flags. Mrs. Carr explained that yes there is a Council person that has flooding issues; it is not just at this Council person's property that is being affected. Furthermore, for any Council member that has an issue, you are all residents regardless of whether you sit on Council. Mrs. Carr stated this whole issue was brought to the forefront due to a complaint being filed with the County Health because they thought there were some issues. The Health Department called her and Mr. White to come out and take a look because of the water problem, and again not just at the Council person's home but at several homes. They suggested our next step was to get in touch with ODOT and have them come out to inspect the area. We did meet with the Maintenance Director of ODOT and they suggest we follow the original ditch system which is overgrown and we are opening that back up.

Mrs. Carr noted there is also an issue with the culvert that runs under St. Rt. 21. Mr. Rodgers stated he drove by and noticed that new culverts are going in there. Mrs. Carr explained that those are our pipes that we are replacing. Mrs. Carr stated she would have Mr. Reynolds write up a full report on this. Mr. Rodgers stated that in addition to Fairway Drive he also has areas on Rich Road that are flooding out. There is an elderly lady (80 years old) on Rich Road that wakes up during every rain storm to look out her window to see if her property is flooding, and most of the times it does flood because we don't take care of the ditches and culverts. We have had this discussion before and you have said the ditches fall to the responsibility of the homeowner. Mrs. Carr stated the ditches and culverts on Harper are being addressed because they are on our property, we own them and Harper is a paper street. Mr. Rodgers argued that if it is adjacent to the homeowners property then that are responsible to keep their ditches maintained, as you have stated on Council floor in the past. Mr. Rodgers stated the City of Norton owns all of the streets in the City and Mrs. Carr agreed. Mrs. Carr stated that she would be happy to show all of Council on a map in terms of what is being done to correct the area. Mrs. Carr stated that we own fifty (50) feet thru Harper and in fact the ODOT representative brought the plans from 1955 and this area was supposed to have a cul-de-sac built there and for some reason was not done. Mrs. Carr stated if that was built properly back then we probably would not have any water problems there. Mr. Rodgers stated the point is all water runoff is to be maintained by the City of Norton and there are many residents suffering from the same water problem that the City is not helping to control and he could be more specific. Mrs. Carr invited Mr. Rodger to be more specific as she was aware of Fairway, but this was the first she had heard of Rich. Mr. Rodgers responded that he had been trying to settle Rich himself privately with the homeowners, but one resident in Norton stopped that. The point is he believes all water runoff issues should be maintained by the City. Mrs. Carr stated she would rather have Mr. White present for discussions along with Mr. Reynolds to explain what we are responsible for and what we are not responsible for. Mr. Tousley agreed with Mr. Rodgers' concerns and stated that he as Ward 4 Councilman feels that this does not reflect well when another situation seems to take priority and get taken care of quicker than others. Mr. Tousley stated these are difficult questions and felt that it's the Council member's responsibility to make sure that everything is being properly taken care of. Mrs. Carr stated she would be more than happy to supply Mr. Tousley with all of the documentation of from what the Health Department recommended to ODOT since this is in his ward. Mr. Pierson asked how long has the Council President been having the flooding issues been going on? Mrs. Carr replied she did not know. Mr. Pierson alluded to some emails stated that this is a long term project and if so there must have been some discussion about that. Mrs. Carr stated that she is not saying there has never been water back there, but it's a lot more water and its affecting septic systems in that area. Not just the Council person's septic system but others and it's the Health Department that said we need to get the water under control. When we went to ODOT they were very clear and specific as to whose responsibility this is.

Mrs. Carr stated she has the bid tabulations for the trash contract in draft form and no final decision has been made. Mrs. Carr stated we will be asking for future legislation within the Utilities Committee for review. Mrs. Carr stated that if anyone wants to review the full detailed bid to let her know because they are very large documents. Mr. Pierson asked just to have the last page which is the exception page. Mrs. Carr stated that there is not just one exception page; however we did prepare a summary of that for you in this detailed report.

Mr. Rodgers asked if the Administration has made a selection and Mrs. Carr stated no that is for Council to decide, however we will provide our recommendation.

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita made several announcements (see attached).

PUBLIC UPDATES

Ms. Whipkey noted the next Charter Review Commission meeting is April 6, 2016 at 7:00 PM. Mr. Rodgers noted that it was pointed out to him that the town hall meeting notice states Ward 1 and clarified that it's not just for Ward 1. It is open to all and it mostly affects the residents in Nash Heights. Mr. Tousley stated that there was an email earlier asking who is invited to attend and he noted that anyone is invited to attend the meeting.

ADJOURN

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:43 PM.

Charlotte Whipkey, 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 April 11, 2016.

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.