



**COMMITTEE WORK SESSION
APRIL 4, 2016**

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

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

The Committee Work Session convened on Monday, April 4, 2016 at 7:02 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.

General Topics of Discussion:

New Liquor Permit-Loyal Oak Lake Park

Mr. McGlone noted that the applicant is the Loyal Oak Lake Park and they are asking for a D-1 which is beer only on the premises for consumption or in a sealed container for carry out. Mr. McGlone stated that Police Chief Dalessandro indicated he does not request a hearing at this time but would like Council's input Ms. Whipkey asked Mr. Markey about the details on the form from the state about the alcohol not being permitted in the surrounding campground area. Does that mean the members cannot have their own beer in their campers? Mr. Markey stated that he has not reviewed this thoroughly and had no immediate comments. Mr. Kristopher Schmid, 2678 S. Hametown Road, Norton, Ohio (the applicant) explained that the application is really under the name of Petria Capital Inc.; not really Loyal Oak Lake Park. We purchased this park back in 2013 and have been focusing on cleaning this property up. Mr. Schmid stated that the campground itself is not part of the permit, so any alcohol that is sold at the clubhouse must remain at the clubhouse or patio. If the members purchased a 12-pack of beer sealed, they can put that in their car and take it up to the camp ground or take it home. Mr. Tousley questioned the two neighbors not opposed and their proximity.

Mr. Schmid indicated that their property comes right up to the lake and the total property is fifty-three (53) acres and the property owners adjacent to this are not opposed to this request and are looking forward to this. Mr. Rodgers asked if a club membership to the park is required to have access to the bar? Mr. Schmid stated that we plan on maintaining the club membership atmosphere at the park. Mr. Rodgers asked if you can sell to a non member and Mr. Schmid stated that technically we would only to a member or a guest with a member present. Mr. Schmid stated that the park has been here since 1965 and we think it's just a beautiful place to sit on the porch have a cold beer and enjoy the lake. We have spoken with our insurance company and are aware of what the new increased premium will be. We will continue to have a food service license which has been in place for years and have gone through all of the inspections. The State Liquor agency was there this past Thursday and inspected and approved the premises. Mr. Kernan asked if there is a lifeguard on site and Mr. Schmitt replied yes, in addition we have several other multiple permits on the property from the County and are in full compliance. We have a campground permit and are inspected by Summit County. We also have a park permit which allows the swim park with lifeguards to operate also inspected by the County. There is a formula the County uses that determines the number of lifeguards required for the size of the lake. Mr. McGlone stated that with Chief Dalessandro's response he wanted to have Councils feedback so he assumed once Chief Dalessandro has read the minutes he would get back to us.

Ms. Whipkey noted that Mr. Pelot is technically excused; it's her fault that she did not recall last week that Mr. Pelot had informed her he could not attend this evening.

Mr. Rodgers suggested that Council make their formal recommendation so the Chief knows where we stand. Mr. McGlone moved to approve the request for a new D-1 permit. Mr. Markey clarified that what Council is doing is stating that they do not request a hearing for this permit. Mr. Kernan asked if this approval is for just the three (3) members of the Committee or should all of Council vote on this? Mr. McGlone stated he would like to have all of Council vote on this. Mr. Rodger seconded Mr. McGlone's motion.

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

Motion passed 6-0.

Backhoe-Loader Lease Agreement

Mr. Pierson stated he had asked Mr. Reynolds to attend this evening for any questions from Council. Mr. Pierson stated he had one or two further questions and asked if anyone on Council has any questions. Mr. Pierson stated we are keeping the old unit and Mr. Reynolds concurred. Mr. Pierson asked what's the purpose or use for the new piece of equipment. Mr. Reynolds stated for ditching, catch basins, anything off road as it is four wheel drive. Mr. Reynolds stated he had tested all the backhoes and that all of the other needs were not up to standards. Mr. Pierson asked when was it first discussed that we needed this new equipment and Mr. Reynolds replied last fall. Mr. Pierson stated he does not like to pay the interest on this and if there is no early payment penalty he would like to see this addressed within the budget next year as opposed to six years. Mr. Messner stated there was no penalty and added the lease was actually five years.

Mr. Tousley asked what is the intended use of the old unit and Mr. Reynolds stated that one would remain on site for moving rocks, etc, and he has no intention to put any more money into this unit unless it was something small.

Note: Ord. #25 is on the Council agenda next week for a second reading only.

Storm Water-Drainage Issues

Mr. Kernan stated this issue was brought up last week and that we have Mr. Reynolds and Mr. White present tonight for the discussion. Mrs. Carr explained the history of this issue and that she was contacted by the Health Department with concerns there are several homes with septic systems under water in this area. We met on March 9, 2016 with Nate King of the Health Dept and we were told that the water issues need to be addressed before the Health Dept. can make any determinations. Mrs. Carr stated when she was out there with Mr. White and Mr. Reynolds it was very obvious that most of the water was from Rt. 21 backing up. Mrs. Carr stated on March 23, 2016 we met on site with ODOT and the Health District. Mrs. Carr explained the details of the packet she had supplied all of Council with the memo, map, and pictures (see attached). Mrs. Carr explained that the damage to the infrastructure that is the City's responsibility to correct and maintain. Since ODOT had provided the City the plans from 1955 this area has now been designed and corrected to meet those plans. Mrs. Carr stated that there is approximately 28+ acres in this area and some of the water on St. Rt. 21 and all of the water comes thru that culvert into these areas; without the proper drainage, the water dispersed into the backyards. Mrs. Carr stated the water is still running as it will take a few days. Mr. White stated the accumulated water will continue to slowly drain in this area until it meets an equilibrium in that area. Mr. White stated that it's not uncommon for the Summit County Health District to contact the engineering department at the City with their concerns to have us go out and look at the drainage area, it's a common practice as a septic system could be working but there is nowhere for the water to go until it is opened up. Mrs. Carr added that this Friday Nate King had stopped by City hall to check and see if we have begun to work in this area before he made a site visit and he was very pleased to know we are well on the way. Mr. Reynolds stated we have ditched 980 ft and uncovered four (4) drains on Fairway. Mr. Reynolds stated that our work on the ditching that we can address legally has been completed; it's running good and so far he has not heard of any complaints. Mrs. Carr referred to the private culvert/ditch and they were working with the homeowner. Mr. Rodgers stated that last week he spoke with a resident-Mr. Parker and due to the rains he was concerned enough with the flow that he did not want to leave for work. Mr. Reynolds stated that is where the concrete goes toward the front door and Mrs. Carr added a neighbor had piped a ditch and had sent water his way. Mr. Rodgers stated that on Fairway he had talked with Mr. Reynolds and Mr. White about doing a retention pond. Mr. Rodgers stated he understands that a lot of work has been done; however he felt there are still some issues. Mr. Reynolds stated if he was still having problems, the only thing to do would be tear out the tile line on the other side of the street and that will prevent it as all the water is coming out of the woods, not 76. Mr. Reynolds stated that is the natural flow of water in this area. Mr. Rodgers stated that he believed, contrary to some, that it is our responsibility to control this. Mrs. Carr stated that the ditching issues are a partnership as there are private and public issues and it is a private-public partnership; we are doing what we can and we never stated we would not assist the residents, but there are some legalities we can and cannot do.

Mr. Kernan stated we are responsible for opening up the ditches along the roads and keeping the ditches on City property clear. Mr. Kernan cautioned we may run into legal issues if we enter onto private property. Mrs. Carr agreed, adding that there are work rights or easements to do that and we can get from the owner. Mrs. Carr stated if the property owners will not co-operate it makes it difficult and pointed out that Mr. Rodgers ran into that on Rich Road. Mrs. Carr commented on the parameters of the Norton Codified Ordinances Section 1028.02 and the Ohio Revised Code. Mrs. Carr stated that the ditches although they may be in the right of way are the responsibility of the homeowner when it comes to general maintenance; however if it's something that needs to be re-ditched, that is when the City will intervene. Mrs. Carr stated that the City of Norton has been more than generous in the ditching issues than some other communities as many cities require the home owner to mow ditches. Mrs. Carr noted the moratorium on not piping ditches is a huge issue here in Norton. Mr. Reynolds explained that he had removed a pipe on Harper, shook it out, and put it back which was under the roadway, but removed another pipe and Mrs. Carr stated this was left as an open ditch. Mr. White stated we do have to have culverts under roadways. Mr. Pierson asked if the City has a 15 ft easement from the right of way onto the resident's property. Mr. Markey stated there is a right of way that the City has but what Mrs. Carr is referring to is the ordinances state who is responsible for the ditches. Mr. Pierson asked Mr. White for more detail about the process at the Summit County Health District and if they had ordered the City in writing to do this? Mrs. Carr stated we had a meeting on site about the septic waters on March 9, 2016. Mr. Pierson stated he spoke with Mr. King's boss Mr. Pruett earlier this morning and he was not aware of any orders to correct this and there were no orders from his office. Mrs. Carr stated that she never said there was an order and they asked us if we could do something about the water. After the first review they suggested we contact ODOT and see if we can get them to help us. The term order is not the issue here we have an issue to address and Mr. Pruett's boss –Mr. Hassenyager was in the loop because he received pictures from her office about this matter and he sent those photos to Mr. King. Mr. Rodgers stated his believe is that we need to take care of the ditches and culverts is because we are a small community with an aging population. There are some ditches in Norton, but it would take him some time to do those ditches and it would be inviting injury to some to clean them out. We pay an ample tax rate for services and if we reach out to the residents for entering the property to clean ditches, he does not see any real legal consequences for the City to help them out. Mr. Rodgers asked who owns the culverts on St. Rt. 21 and Mr. White that when we were a township ODOT owned it but when we become a City the City takes over ownership of state routes. Mrs. Carr stated that there are other culverts along St. Rt. 21 that we have paid for in the past, and Mr. Rodgers stated he would like to see the proof of that. Mrs. Carr stated this is the problem with all communities with State Routes, and they don't pay for much. Mrs. Carr stated case in point she had asked Brian at ODOT during their meeting about doing some striping along St. Rt. 585 which is scheduled for repaving in 2017 and we were told no. Mr. Rodgers stated that he talked to some residents on Harper and none of them have claimed a flooding issue. Mr. Rodgers commented about the owner at the northeast corner of Harper and Albert that is now concerned with flooding because of what was just done and Mr. Reynolds acknowledged he had spoken to him and he did not want the water going by the side of his property, but that was the natural flow and design. Mr. Rodgers stated that the resident claimed the City leased that property and maintained it. Mr. Reynolds stated we had ditched the private ditch one time in thirty-six (36) years. Mr. Rodgers stated the flooding problems we have in Norton are caused by not maintaining the ditches.

Mr. Rodgers stated the man said he wasn't flooded and mowed across the street with no problem; if you go to the north, it's all good. Mrs. Carr stated the houses to the south all had water behind them. Mr. Rodgers stated he spoke to them and they said they had no problems. Mr. Kernan stated he was in that area last Thursday and there was definitely water still flowing from Rt. 21 then. Mr. Rodgers stated he wants to help everyone, but don't deny other people with flooding when he knows why this came about. Mrs. Carr stated that this all came about because someone called the Health Department about a septic on someone in this area and she believed you all knew who it was that called. Mr. Rodgers stated there is one lady on Pleasant that has a holding tank that washed out every time it rained for years and now she is finally getting a septic system, and no one was helping her until he did. Mrs. Carr stated that is the Health District's point that if you have a septic tank under water it is a problem. Mr. Rodgers stated no one is arguing that, but other people's tanks are flooding in the City and when we complain about them, it's the home owner's responsibility. Mrs. Carr stated not always and Mr. Rodgers agreed it depends, but his point is that some people are not getting relief from the City to this day because the City is not accepting responsibility. Mrs. Carr asked to have the addresses for all of these properties Mr. Rodgers was referencing and we would check these out. Mrs. Carr stated she could name areas all over the City where they were accepting responsibility such as Creekside and Van Hyning Run where they are looking for grant money to help. They are constantly looking at things we are responsible for; whether or not we like it, that culvert, shame on us that it was buried; it was wrong and it should have been fixed long ago. Mr. Rodgers stated that on Rich Road if we opened up the ditches and flowed them through the reservoir on the street we would have solved all the flooding issues down there and those septic tanks get flooded. Mrs. Carr stated last week was the first time she has heard of the issue on Rich Road. Mr. Rodgers stated the outflows in the ditches cannot move out and that's happening in a lot of places. Mr. Rodgers stated every time he goes to help residents he constantly hears them say finally someone is listening. Mrs. Carr stated that she is all about a storm water program and perhaps we can tie this all into the Item G on the agenda- Watershed Conservancy District and over the last two years this Administration has been very aggressive. Mrs. Carr stated that if the City wants a dedicated program you will need to have a funding source to address this. Mr. Kernan noted that we have been talking about this since 1997 and we still are nowhere. Mrs. Carr stated they are looking at 319 grants and she understands that this is the first time it's even been looked at. Ms. Whipkey asked how the Vector truck would help and Mr. Reynolds stated that is more for developments and would not have been a help in the area of Albert, at least not the one they looked at today. Mrs. Carr stated that we did have a demo on that unit in Mt. Vernon and this demo had a street sweeper and under the NPDES we have certain cleaning requirements we must follow. Mr. Reynolds noted we have rented equipment for street sweeping in the past but we have no set schedule. Ms. Whipkey asked Mr. Reynolds if they were going to ditch behind the fence and Mr. Reynolds stated they were going to try, but there was a foot of water back there currently. Mr. Pierson suggested Mr. Reynolds compile a list of all of the problem areas and flag them as to the priority so we can properly address them. Mr. Reynolds stated that would be nice but unfortunately he works on a complaint basis and has complaints from residents daily. Mr. Reynolds stated this new equipment that does both vacuuming and sweeping that they were looking at today can fit in our garage. Mr. Reynolds stated that he spends \$6,000.00 a year with Magic Drain and was used only when he needs them or we would use one more often as a preventative.

Ms. Whipkey stated that on Akron-Wadsworth Road was another area we opened up and we did a lot of ditch cleaning and opening and Mr. Reynolds stated we did a lot of work in this area and the flooding has been corrected. Ms. Whipkey stated she understood there wasn't even a ditch there and Mr. Reynolds responded there was fifty years ago as they found a four inch tile ten (10) feet down and that was what was draining it. Ms. Whipkey stated that would have alleviated. Ms. Whipkey stated that she lives on Albert and she is one they were after and any of the forty-some properties can thank Mr. Pierson, Mr. Rodgers, and some of their public supporters for filing that complaint. She has always had flooding on her property for years and has brought it to the City. Ms. Whipkey stated credit can go to Mrs. Carr, Mr. White, Mr. Reynolds as well as ODOT and the Health District for their help in addressing this. Ms. Whipkey stated that no one would listen to her before and they have done more than anyone before them to help with these water issues. Ms. Whipkey stated she had received calls from a lady on St. Rt. 261 stating how much better the flooding issues are this year as well as last year. Mr. Reynolds stated that the lady on St. Rt. 261 had water all around her house it was like a moat. Mr. Rodgers stated that Ms. Sue Kedrowski a resident has complained for years about this and even to Ms. Whipkey. Mr. Rodgers stated that nothing was done until he got on the horn with Mr. Reynolds. Mr. Rodgers stated just to set the record straight that this is not to toot our own horns here, but before the 2014 election, the road program in Norton was not existent. As soon as some of us were seated we started on the roads and we are starting to work on the ditches. Mr. Reynolds stated that he has been here a long time and this is the first time in the last two (2) years he has seen more progress. Mr. Kernan thanked Mr. Reynolds, Mr. White and Mrs. Carr for addressing the ditching problems.

Cleaning Services Contract

Ms. Whipkey noted the Administration had sent out for and received three (3) proposals for cleaning. Mr. Whipkey stated that Romaster was the lowest by far of all the proposals by \$15,000.00 - \$17,000.00 per year at \$20,132.00 per year which is an increase of about \$3,500.00. We did add some services such as stripping the floors and waxing four times a year as opposed to twice a year, and cleaning the windows four (4) times a year instead of once. Ms. Whipkey stated we are also going to supply our own cleaning products. Mr. Messner noted the paper products will be provided by M. Conley Company in North Canton and they are very reasonable in their costs. Mrs. Carr stated that company is also part of the CUE State bid. Mr. Messner stated all of the companies came out and met with him and did walk thru every building. Mr. Kernan noted that Romaster has been doing this for several years and they are a Norton Company. Ms. Whipkey asked if we need to waive readings on this and Mr. Messner stated it would be preferred because we have not had a contract and Romaster is losing money at this point. Mr. Tousley asked when the contract ended and Mr. Messner stated maybe the end of February or early March. Mr. Tousley stated we sat here a month ago and got technical about following the rules and referenced Charter Section 3.17 which states *No by-law, ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right or involving the expenditure of money or the levying of a tax, other than a resolution providing for an election on the question of issuing bonds or levying a tax, or for the purchase, lease, sale or transfer of property, shall be passed unless it has been read on three different days.* Mr. Tousley stated that it goes on to say we can do this by emergency. Mr. Tousley stated his translation of that is an emergency is a special situation; the reason for three (3) readings is to do the public's business, and get this out to the public.

Mr. Tousley asked the Administration and Council in going forward to follow the Charter, adding that this is a rule that we all swore an oath to. Mr. Rodgers asked how long they have been working without a contract and Mrs. Carr stated that we don't truly have a written contract and Mr. Messner stated what we have is an agreement that we will do this at this price. Mr. Rodgers asked for Mr. Markey to somehow make the legislation retroactive with the first reading. Mr. Markey stated we have not even received the written contract with Romaster yet. Mr. Messner stated he is not opposed to going three (3) full readings. Mr. Rodgers withdrew his proposal. Mr. Tousley stated his comments have little to do with the Romaster contract. Ms. Whipkey moved to place this on Council's next agenda, seconded by Mr. Pierson. Ms. Whipkey clarified that the only thing we are actually missing now is the actual contract.

Roll Call: Yes: Whipkey, Pierson
 No: None

Motion passed 2-0.

Silver Springs Drive Road Improvement Update

Mr. Pierson deferred this over to Mr. Rodgers as he has been working on this for about seven (7) months. Mrs. Carr explained that she is the one who asked for this discussion and would prefer to provide the details. Mrs. Carr stated we have been looking at this area and we have determined this is a severe road issue, with many attempts to correct this. Mrs. Carr stated that the engineers from GPD have been very helpful in the meetings we have held. Mrs. Carr stated that the initial build of this road was not built correctly and a portion of this road is public and a portion is private which all complicates things. Mrs. Carr stated that she believed Mr. Rodgers was the first one that inquired on dedicating the private portion. We asked GPD to look at options to dedicate that portion of the road and Mrs. Carr indicated there is a process under the Ohio Revised Code that requires approval by the legislative body. Mrs. Carr indicated in the past Mr. Rodgers has asked the Clerk of Council for a history of our dedicated road process and unfortunately there is not a lot to go back on; other than when developers built to the City's standard and then dedicated those roads over to the City. Mrs. Carr stated this is the same process if a private road is to be dedicated; it needs to be brought up to the City's standards first. It's then brought to the legislative body to determine if we want to take over this road or not. Mrs. Carr stated in the last two (2) weeks that there were mixed feelings from the residents and some wanted to keep it private and some wanted to dedicate it; so we need to figure out how to move forward on that. Mrs. Carr indicated that she and Mr. Rodgers have had some discussions and may disagree on this process and the difference between public and private. Mrs. Carr clarified that generally the private owners upgrade the road and then dedicate it; so it is at their cost. Mrs. Carr stated that if we can see that there is some benefit to the City to upgrade that private road we could share in those costs, but that is up to Council to decide. Mrs. Carr stated the engineering standard from GPD recommends a cul-de-sac for the private portion because that is the standard. We took the plans to the residents and although they have been very gracious and accommodating, they did not like the idea of a cul-de-sac because they felt it took away too much of their land. So we went back to GPD and re-worked to stub the road; it's not true to the standard but we can work with that. The problem with this is within the plans the costs for the public portion of the road repairs is \$350,000.00 and to do a stub we are looking at another \$47,000.00 to 50,000.00 to upgrade the private section to make it public.

These are rough and conservative numbers and are at the high end so the bid should come in lower. The question comes down to the neighbors need to decide how they want to proceed; do they want to share in that, does Council want to share in that, and what is acceptable and what is not acceptable. Mrs. Carr stated she wanted to help Silver Springs as much as the next person, but cautioned Council that whatever process we use this will be our process from now on when it comes to dedications since we really have no true history. Mrs. Carr added she was not stealing Mr. Rodgers' thunder, but we do not deny there are some severe flooding issues out there; this is one where we have to fix the road as it is ready to go, but there is still work to be done for drainage. Some of the people out there feel it is overkill as there are curbs and gutters. The reason it was designed this way is to control some of that water, particularly coming off Wadsworth Road. There is also an issue coming from the east side because a long time ago there was some type of retention pond or a man made pond that held the water back, is no longer there, and may need recreated. Mrs. Carr stated that if we don't fix this road, it's going to go out. We have done some research on road stabilization on the public side and will do what we need to do even if the water from the east side is still affecting it; they agree it needs to be stopped, but believe it would be strong enough to hold and give us some time to correct some of it. Mr. Rodgers commented on the photos he received from a resident in this area (see attached), and Mrs. Carr stated that is from the east side. Mr. Rodgers stated the first one is the water at the private bridge; he had also received some video footage that he was not able to send to everyone before the meeting. Mrs. Carr started the other complication of the public/private issue; is that most of the private section sits on one homeowner's property and Mr. Rodgers concurred. Mrs. Carr explained she had not seen the deed, but she understands it states something about that owner is responsible to maintain that section of the road so others have access to it although she believed some of the neighbors had contributed to improvements to get access. Then there was a house that was built within the Suttons property, and now we would have to obtain an easement through the Sutton property due to the stub, and these can be complicated issues. Mr. Rodgers stated that historically the City, the post office, the trash service, UPS and FED Ex have all used that private roadway and they go down and turn around and come back out; they do not park where the City road ends and walk. We as a City have also contributed to the wear and tear and he has been told by former City workers that it was a common practice to use it as a turn around. We also, as a City, helped with snow plowing and we have also done what we can to help maintain it with the concrete put in and new culver pipes so we have accepted some responsibility for it. Mr. Rodgers stated this circumstance is different from a private drive that is only used by the owners, because of the use by the City. It's been a public conveyance for the most part; it's just not stated or legally documented as such. For these residents to absorb the cost of the upgrades to ~~and~~ the City standards which is chip and seal pavement with ditches down the sides and some culverts put in; the storm sewers and curbing called for by the design is nothing like what we have in Norton, other than in allotments, and is way above other areas. Mrs. Carr stated she does ~~not~~ agree that it is heftier than we have had in some other areas, and there are engineering reasons for that curb and gutter. Mr. Rodgers asked if we are going to do the normal standards in Nash Heights when we redo there? Mr. White stated we don't have those conditions in Nash Heights; this is a very unusual situation which is the ground water and the surface water and soil conditions that is causing the continuous sliding of the road and the entire hill. It is an unusual situation that takes an unusual engineering remedy as both the ground water and surface water are causing the road to collapse. Mr. White discussed the deep under drains that are to be put in to draw the water out from underneath.

These unusual conditions are why the special designs for corrections are necessary. Mr. White stated that it's an intricate design that is needed to correct the deep under drains, unlike any other place in Norton. Mr. Rodgers disagreed and said we had the problem down on Frashure where we just spent thousands to fix the roads that needed the under drainage and it did not go in again. Mr. White agreed we needed under drains in a lot of roads, but not the deep ones needed here. Mr. Rodgers stated we are not even putting in the proper under drains when we get a chance. Mr. Rodgers stated the same flooding you are going to control coming from St. Rt. 261 is what contributed to the wear and tear on that private also because it does impact the erosion there. No one else on Silver Springs will be paying an assessment, and the benefit from the curbing and storm sewers we are talking about four (4) residents footing this bill for the repairs on a road that we call a private drive and everybody has used as a public roadway forever. Mrs. Carr stated that is why she cautions what was done as we are crossing that line whether its ditch work or on private property or a private road. Mrs. Carr agreed in theory that with going down there and plowing we have opened ourselves up to liabilities that we should have never started. At some point in time you have to have some rules to that. Mrs. Carr stated the neighborhood on Silver Springs has been wonderful to work with, but her point tonight is that we need to decide in the near future how we are going to share the costs on this and we do not need an answer tonight; however, we need to keep this going so they can continue to have access. Mrs. Carr stated that she believed if you live on a private road, you need to put some money into it and she believes it is a very dangerous precedent to assume the City is going to pick up the entire cost. Mrs. Crogan, 2699 Silver Springs Drive, Norton, Ohio stated that what has not been pointed out is this has been ongoing for 30 years and never asked for help. She has pictures to show where one time the road totally collapsed and we paid to have concrete shore up the road. We have always had water run off of St. Rt. 261 and we have never complained about this before and we have repeatedly paid for gravel and concrete at our own expense. Mrs. Crogan stated that at this point, she does not feel that they should pay for anything. Mrs. Carr reminded Mrs. Crogan that when we have met she did indicate they and other residents would be willing to pay up to a certain dollar amount. Mrs. Carr stated that back in the 40's its shame on the forefathers for them to not look at the drainage issues; this is why it is important to get the gutters and curbs right on the public part to direct the water to not go down to the private section. Mrs. Crogan expressed her concerns with emergency vehicles getting back to those of us when we need help. Mr. Rodgers suggested to Mrs. Carr that we limit the residents share, if anything, to a chip and seal of the area involved. Mr. Rodgers asked if Mrs. Carr had that letter requesting it be dedicated and what was the date on it. Mr. Rodgers stated if this had been requested two or three years ago, and it had been presented that we were using it anyhow, in all likelihood this Council would have accepted the dedication and the same pavement would have been applied as the rest of the roadway. Mrs. Carr asked why Mr. Rodgers would think that as it wouldn't have fixed the problem either. Mr. Rodgers answered before the collapsing of the main roadway, probably, Council would have said yes as we have been using it, would have accepted it, chip and sealed it and walked away from it. Mrs. Carr stated she was not trying to be difficult, but was trying to make sure we are careful about our public policy and asked Mr. Reynolds if the City has ever done a chip and seal on a private road. Mr. Reynolds stated no we only do patching. Mr. Rodgers stated what he is saying is that to bring it up to City standards; if this happened 4 or 5 years ago, we would have said we would have said we have to pave it with chip and seal and we would accept the road.

Mr. Kernan stated what is being said, if he was understanding, if the people had come before the road collapsed we would have dedicated this road at the cost of the chip and seal, but now this has all changed because of the collapse of the road. Mr. Rodgers did not disagree, but it's not the resident's fault that the roadway has collapsed; it is due to that wash of water from the east whoever's responsibility that is and it has to belong to somebody because it is a feeder to Wolf Creek. Mr. Rodgers stated he was sure that when we go into conservancy that we will look at issues like that and address them, will we not Mr. White? Mr. White responded that he would assume so, yes. Mr. Rodgers stated that he understands a driveway that washed out on Summit Road, and was reconstructed by the City crews within the last few years; it was part of the same flow of water that goes through Silver Springs. Mrs. Carr responded that must have been before her time as she knew nothing about Summit Road. Mr. Pierson asked didn't we do the same on Gardner Blvd. and Mrs. Carr started yes we did but that resident paid for this. Mrs. Carr stated you can only do so much private work without it catching up with you and how do you choose one over the other? Mr. Rodgers stated we collect a fair amount in taxes from this community of 12,000 and give back very little. Our neighbor, Copley, during winter plows for the elderly over there on private property. He gets they are township and we want to be the great, growing City, but we aren't yet and why don't we just take care of each other. Why does it always have to be an argument? Mrs. Carr stated she is not arguing this issue and City Council needs to make the decision on how far out we go out on the Silver Springs repairs. Mr. Rodgers answered that if we use that road as a public conveyance or roadway, he personally felt it should be part of the project and would be a better road for it. Mr. Tousley asked about the first picture where the road is washing away and where is the proximity of the city's portion? There was discussion as to the exact location of the driveway. Mrs. Carr stated she did have a map that she would provide to Council (see attached) that could better explain this. Mrs. Carr stated the orange section was the private road on the map. Mr. Rodgers asked Mr. Reynolds how many private streets we have in the City and Mr. Reynolds replied about fifteen (15) he believed. There was discussion about the layout of the original design and where the turnaround could be at the end of the public section as a cul-de-sac with the private driveway on the private section. Mrs. Carr suggested that we all agree to bid this project; bid the public section as we have planned and then bid the private section as an alternate. This way we will get a true number for both, and there are some of the residents that had indicated they would be interested in an assessment. Mr. Rodgers stated he met with all of these four (4) residents on Saturday and they asked him to speak on their behalf and they state that they are not in agreement with the assessment. Mrs. Carr stated that as of Friday that was not the case. Mr. Rodgers stated we had a meeting and this is what came from that meeting. Mr. Kernan stated that until we see some numbers how can we make such a decision and he felt it was irresponsible to do so. Mr. Rodgers stated he saw it as a matter of responsibility and taking responsibility; that we are to help the residents; we are down in Ward 4 to help a party and this bridge has been washing out for forty (40) years and the man down on Fairway having to haul gravel every time it rains. Mr. Kernan stated he can understand what Mr. Rodgers is saying; however he would not be making any decisions without seeing the numbers. Mr. Rodgers responded that no one was asking him to do so. Mr. White stated this whole area is an unusual situation and there is no easy solution. Ms. Whipkey questioned which part of the road is private and the waterfall was private. Ms. Whipkey questioned if we have been plowing this road? Mr. Reynolds stated we have been doing hit and miss all along, it's hard to plow and back out all the way in the dark. Ms. Whipkey asked where was this old pond was and if it was determined that it was on the west side of the roadway.

Mr. Reynolds stated that pond area is filled in now and Ms. Whipkey asked if this could be opened up now and Mrs. Carr replied yes. Mrs. Carr discussed an easement along one property and it could be created where the City would take over the responsibility of that. Mr. Tousley asked Mr. White if in the private portion could not just have a chip and seal and Mr. White stated he is not familiar with the private section as much; he is more involved with the public section and is where the special drainage is needed. Mrs. Carr stated that GPD is more involved, designed it, and they recommended the curbs and gutters to have more control of the water. Mr. Tousley stated what he is getting at is if the residents say no way they are not going to do this curbing at this expense, then will the road just cave? Mrs. Carr stated the road surface type is not the real issue here, it's how will you be collecting the water and stabilizing it; we could cheapen the surface. Mrs. Carr stated when we asked GPD to do the work we want to fix the problem correctly as we are spending a lot of money out there. Mrs. Carr stated that she could ask GPD if we can do less to one section, and maybe have less material on top. Mr. Kernan stated the \$350,000.00 and the public portion is \$48,000.00 to fix the private problem and that does not seem like a lot to fix the problem. Mrs. Carr stated if Council decides to spend \$48,000.00 to fix that properly she has no problem. Mr. Kernan stated he has a concern if we do this now it would set precedent and doing it from here on out. Ms. Whipkey questioned how that would affect developers and how their roads are done. Mr. Markey stated that the normal process with developers is that they must build according to our street standards. Mrs. Carr concurred and once they are completed the developer normally comes to the city and asks the City to have them dedicated. Mr. Kernan stated that if we spend this amount which he assumes has not been budgeted and asked Mr. Messner where this would come from? Mr. Messner stated that would come from the road program and Mrs. Carr added some roads would need to come out. Mrs. Carr suggested we bid this out with the stub as designed. Mr. Rodgers stated that turn around would add to the cost of the project if we decide to go all the way. Mr. Rodgers stated he wants to see it bid as one for the private, second as the public and third as the cul-de-sac at the end of the public portion; so we would have three separate prices. Mr. Rodgers stated if we take care of the public section, the road department can still get down there and turn around at Mrs. Jones. Mr. Rodgers stated that we have to fix the problem right. Mr. Kernan stated that for years the City has been doing things half way and if we have engineers that are telling us this is the way to do it, then we need to listen to these experts, to do it right and be done with this.

City Wide Trash Haulers Contract

Mr. Tousley stated that Council has received the bid details last week and turned this discussion over to Mrs. Carr. Mrs. Carr stated she has not received a lot of concerns or comments with their recommendation, and suggested Council move forward with the legislation. Mrs. Carr noted the good thing is that the prices have come down with more service. Our number one service is the unlimited cart service with almost 3500 customers in the category, and unlimited is less than 200. For what we call handicap service we have 26 people, and about 185 under the bag service. Overwhelmingly we have more residents on the unlimited service and that is what we need to base our decisions on. The other added value we are getting is in the past we used to pay \$348.00 for the recycle bins in the parking lot and this is now in the bid free of charge. Bulk service has come in lower as well. Mr. Tousley asked what is the limited price is currently and Mrs. Carr stated that limited is \$12.91 and unlimited is \$16.32. Mr. Toulsey stated he hoped this would not change with the new provider.

Ms. Whipkey stated the figure was three 3,520 residents on unlimited and 285 on limited Ms. Whipkey noted the back door service is for those residents that cannot haul the container to the street and it does require a doctor's order. Ms. Whipkey asked about the bag pricing of \$3.00 and asked if this was for one month, and Mr. Markey replied yes. They buy a roll of bags and you pay \$3.00 a month to have the bags picked up. Mr. Tousley noted in the Republic fee they charge \$3.00 a month for an extra cart, and if they have overloaded their one cart can they set that out and Mrs. Carr replied no you can still do that, they would prefer that extra items are in a bag not an additional trash can. Mrs. Carr stated the key in the sanitation world is the more automated they can make it the cheaper the cost will be. With the increased use of the recycle bins we are all learning to recycle more and less will end up in the trash cart. Ms. Carr asked if we get a credit for our recycle and Mrs. Carr stated it's based on a formula and it's about \$10,000.00 in grant money. Mr. Rodgers asked if they keep track on how much the residents put out for recycle and Mrs. Carr replied yes. Mrs. Carr stated that we can get more than the \$10,000.00 in grants with the increase in recycle items. Mrs. Carr stated we could bring the vendor in between the readings for questions, and our goal is to have this new vendor in place by July 1, 2016. Mr. Rodgers stated he does not feel we need to have the vendor present. Mrs. Carr stated she was comfortable with this and could answer most of the questions from Council. Mr. Larry Perkins, 3844 S. Neitz Drive, Norton, Ohio asked about the acceptable recycle numbers being 1-2 and Mrs. Carr stated that we now can take up to #7 items. Mr. Markey stated Council will need to decide what size of cart and the recycle bin at 96 gallons or the smaller one at 56 gallon to use. Mrs. Carr suggested we go with the bigger recycle cart because once they learn how much more can be recycled they will need the bigger one. Mrs. Carr stated that for .53 cents you can get the bigger recycling bin. Mr. Richard Orendas, 5186 Taylor Road, Norton, Ohio stated that we have some residents with smaller service and also he does not have the garage space for these bigger units. Mr. Orendas stated he wants to have a choice on what to use, because he does not need two carts. Mr. McGlone stated he prefers to have the smaller one and also thinks about the car space. Mr. Rodgers stated he takes his newspapers to his local church. Mrs. Carr stated that we could talk to the vendor and see what can be done, however that is not how we did the bid. Mr. Markey suggested we get the details on this from the vendor and continue this to the next Work Session. Mrs. Carr stated the problem is that we bid carts for recycle and not bins. Ms. Whipkey stated that she has no problem with the carts, it's the recycle containers we have the stalemate on.

Watershed Conservancy District Update

Mr. Tousley deferred this to the Administration. Mr. Markey explained that the law directors from the City of Barberton and Copley Township and the City of Norton got together to look at the petition process and what that would be going forward. We recognized at the public meetings, the petition process which needs 500+ signatures was the method to go forward. The other option was to have all entities move this along on their own. If any of the communities are not interested in moving forward then we would default with the signature process. Mr. Rodgers stated not everyone in the community and some on Council are not in favor of this. Mr. Rodgers stated that we spent the better part of two (2) hours on water issues and he would like to see this move forward. Mr. Pierson asked about the legalities and the cost of the communities involved. Mr. Markey stated that there would be more control of the communities by setting up the governing Board and they have rules to go by.

We could tell the Judge that yes they can appoint, but we would ask that you take a recommendation from the communities of who gets appointed. Either way it's all a petition whether it's done by the residents or the councils and trustees and we would have control in what that petition says. Mr. Tousley stated he wants to have the citizens speak and make sure they really want this. Mr. Pierson stated if it's petition driven from citizens, you could get 450 signatures from Copley and 50 from Barberton and the court appoints, we have no say so. Mr. Pierson stated he is more in favor of driving this from our end. Ms. Whipkey stated that with the petition process and once you have signed it you have no right when it comes to the hearing. As long as you don't sign the petition the general public has a right to attend and comment at the hearing, and we as a City would also have that right. Ms. Whipkey stated she agrees with Mr. Tousley, to let the people say if they want it on their taxes. Only those directly affected with the flooding would benefit. Mr. Kernan disagreed because the cost of flooding affects the entire community, and 500 signatures is not a lot and it's going to happen. We could have the Council in control and set it up the way we want it, and Mr. McGlone agreed. Mr. Rodgers discussed the financial impact this can have on our city; what would happen if Fred Martin or Comunale would decide they cannot deal with the flooding and leave? Ms. Whipkey asked if this Watershed District would help with the Silver Springs issue and Mr. White stated yes. We have compounding problems because we have flooding. Mr. Kernan stated while he understands Mr. Tousley's concerns we are elected to represent the people and this is something we can do for them. Mr. Rodgers urged the public to contact their representatives and tell us what you want. Mr. Tousley stated that he attended 2 out of 3 meetings and Norton was not well represented so how does he know what they really want? Mr. Jack Gainer, 3920 Wadsworth Road, stated he agreed that Council should make this decision and questioned if this goes to the ballot? Mr. Markey replied no and explained the court process as; there is a petition that gets filed with the court and Council would authorize that petition. The court has a hearing to hear any objections and to determine if it's necessary. The court will make a decision and if they determine it is necessary the Court will lay out the rules. Mr. Gainer asked if there is a cost to get this to the Judge and Mr. Markey replied no, other than legal fees. Ms. Whipkey clarified that there would be no election either way. Mr. Gainer stated you as Council were voted on by the people to represent this community and felt that Council should do their job. We discussed the water problems and Silver Springs Road and a retention pond should be part of the original bid. Mr. Gainer discussed the pipe problem under St. Rt. 21 Mr. Rodgers brought up and if we have this district established we could go to them with this water problem. Mr. Gainer discussed his own water problem with 6 inches deep and 20-30 feet wide and Mr. Reynolds has been out to look at this and suggested a retention pond. This is also something that could be addressed by this district. We have been talking about this for over two (2) years, and it's a quick and easy decision for Council to make. Ms. Whipkey asked if what Mr. Gainer is saying would be correct and Mr. Markey concurred. Mr. Markey stated that this would be an ordinance authorizing the district to be formed. Mr. Pierson asked about other communities joining in later on and Mr. Markey replied yes, that could happen. Mr. Rodgers reminded everyone even if we sign this tomorrow it's going to be 3-5 years out and Mr. Markey agreed. Mr. Pierson stated the point is do we want our own community to be the driving force or some Judge in Summit County. Mr. Pierson stated he would rather have a limited amount of control rather than none. Mr. Tousley moved to have an ordinance to prepared for the next Council meeting, seconded by Mr. Kernan.

Roll call Yes: Tousley, Kernan
 No: None

Motion passed 2-0. Mr. Markey stated he would advise Council as to how the other communities decided on this matter.

Unfinished Business:

Ms. Whipkey asked if there was any new information relating to the holiday pay issue for Mrs. Carr and safety officers? Mr. Messner stated he and Ms. Dixon have been researching for the last two days and they are going back to 2002 and to watch for future emails for data. Going back to 2001 and further in the archives, all he can locate is time sheets, and no payroll registers and with not being here then he does not know why. Ms. Whipkey stated that she believes the ordinances dating back to 2006 or 2005 relating to the City Administrator was to receive this as the head of the safety forces. In other words we have concluded that Mrs. Carr is entitled to receive that according to ordinance and Mr. Messner concurred. Mr. Markey concurred adding that the way the current ordinance reads, the Administrative Officer would be entitled to it. Ms. Whipkey stated that basically all of Council had agreed to this when we took Mrs. Carr on and Mr. Markey stated that it was in her personnel order. Mr. Rodgers stated that was never presented to Council when she was hired and Mr. Markey concurred it was not specifically. Mr. Rodgers stated that he had asked Mayor Zita in the past if others have received this and he told us yes and it was passed because Claude Collins wanted it. Mayor Zita responded he had said he had no idea and if they didn't, should they? Mr. Rodgers stated he believed the minutes would reflect differently. Mr. Rodgers stated that his point is that no one else got this and Mayor Zita knows that. Mayor Zita stated that he does not know for sure whether everyone got it or not. Mr. Pierson argued that Mayor Zita stated it on the floor on March 21, 2016 that they always received this pay and it wasn't the fact of the matter. Mayor Zita stated it was his understanding that they had in fact. Mr. Rodgers questioned if Mr. Messner had not informed the Mayor in the last couple of weeks that they didn't. Mayor Zita stated that he is now hearing that they had not. Mayor Zita stated he hired Mrs. Carr, he did not hire Rick Ryland and he does not know if he got paid for it or if Mr. Collins got paid for it. Mr. Rodgers argued that Mayor Zita was here when Mr. Ryland was here and asked if he authorized that for him? Mayor Zita replied Mr. Ryland was already here when he became mayor. Mr. Rodgers asked again if he authorized and Mayor Zita replied it was not something he did every year, it's the City Administrator that signs off on this each year not the Mayor. Mr. Kernan asked what is the point of this? Why are we talking about this, especially if Mr. Pierson did not have all of the records he has asked for? Mrs. Carr stated that when Mr. Pierson gets all of the other paper work you will see that the previous Administrators did not get this pay. Mrs. Carr stated that she and Mr. Rodgers had discussed this in her hiring process and she is the one in the community being chastised for taking this pay which was offered to her by ordinance. There were two pieces relating to her hiring; one was about the vacation credit and the other was about the Safety Director position. Mr. Rodgers stated he recalled that discussion on that and she had explained to him that by ordinance she is entitled to some pay and he indicated at that time that as long it was in the ordinance he had no problem with it and as long as it's legal she should take it. Mr. Rodgers stated that it's his fault and he takes the blame for not reading the ordinance.

Mr. Rodgers stated that that his opinion would be no different and if he had read this then he still would have opposed this as having come out of safety forces, he knew the safety directors never received what the rank and file received when it came to negotiated benefits. Mrs. Carr stated she wanted this record straight and she had it checked by the Council President, the Law Director and the Mayor. Mrs. Carr stated that she even said to Mr. Rodgers if we need to take it to Council we can do that and Mr. Rodgers stated at that time it's not necessary because it's in this ordinance and its legal and he was fine with that. Mr. Markey has the same opinion in 2014 as he does today and she has documentation showing a legal review was eligible. Mrs. Carr stated for the record she did not greedily pursue this to get this pay, it was presented to her that she was entitled to it and she accepted it. Mrs. Carr stated that if Council feels this is something that should not continue, then clarify that and change the ordinance. Mrs. Carr stated for the record that she did nothing wrong, and she is tired of statements in the paper that she did something illegal, immoral, unethical or greedy. Mr. Rodgers recalled asking Mrs. Carr if she received anything like that in Cuyahoga Falls and she replied no. Mrs. Carr agreed with this and added that this is the first time she has seen anything like this in any City, however she was not the Safety Director but the Service Director in the Falls. Mr. Rodgers stated it does not happen in other cities, and he takes the blame for not reading the legislation maybe he should have said it should go to Council. Mrs. Carr stated that for whatever reason Mr. Pierson went out on a witch hunt on her for whatever reason and it is not justified; and she did nothing wrong here. Mr. Pierson stated that the past two Administrative Officers never received it and the legislation was in place. Mr. Pierson stated this does not need to be discussed any further on the floor and needs to be discussed with an impartial authority. Ms. Whipkey suggested this be discussed in Executive Session, and Mr. Pierson disagreed because you hide things from the public. We have had too many things in Executive Session to keep things quite, this is their money and we will protect their money. Ms. Whipkey asked if the union contracts have anything addressing this and Mr. Markey stated the holiday pay the unions have language in their contracts that apply to the safety forces. Ms. Whipkey reminded everyone that the holiday pay for the Administrator is by ordinance and is not something that is negotiated with the unions as it is non bargaining. Mr. Markey stated what Mr. Rodgers is getting at issues was the past few weeks was that rank and file it's negotiated and if you were to eliminate that from them you would have to take it away from yourself. Ms. Whipkey asked if the rank and file are on call during holidays and Mr. Markey replied yes but he did not want to get into all that.

New Business:

Mr. Kernan pointed out the Norton High School indoor percussion ensemble won the State championship this past weekend and will be competing in the Nationals which will be held in Dayton on August 14th or 15th. Mr. Kernan wanted to congratulate them and thought it's a nice gesture for Council to do a Resolution for them. Mr. Tousley asked what Committee this would fall under and Mr. Kernan stated he was not sure, that's really up to the Council President. It was decided this could be from the Committee of the Whole. Mr. Kernan moved to have a Resolution of Congratulations to the Norton High School Percussion Ensemble prepared for the next meeting, seconded by Ms. Whipkey.

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

Motion passed 6-0.

Mr. Rodgers discussed the minutes for the Charter Review Commission and their recommendations for salary increases for Council and the Mayor should not come forward and should not be reconsidered. Mr. Rodgers stated he feels he is not underpaid for the size of this city. Until we can do more for the City like increasing our tax base, creating more jobs and get out city in order; there should be no increases; we are paid more than enough. Ms. Whipkey discussed the notices for the Nash Heights that did not get their certified letters. Mrs. Richards indicated there is a legal notice in the Barberton Herald this Thursday with the information and those people would have two weeks to file any letters of objections.

Topics for the next Work Session:

Mr. Tousley asked about concerns for Mr. Rodgers and the Administrative Officer pay and in a different area it triggered something in his mind with the non-bargaining legislation last fall. Mr. Tousley stated that maybe this is something for an Executive Session but he felt we should consider separate legislation for the Administrative Officer and would like to have further discussion on this at the next Work Session. Mr. Kernan stated that he believes Mr. Tousley is saying is that he wants to separate the Administrator out and so that there is no conflict. Mrs. Carr reminded Mr. Tousley that she is not the only one that sits at that table; the Finance Director, Mr. Reynolds and both Chiefs sit there. Mr. Pierson stated the key word is to state salary non-bargaining employees versus hourly. Mr. Markey stated that the current legislation applies to all non bargaining salary employees. Mr. Pierson stated the idea is that we need to keep our salary employees at a higher percentage than the hourly employees. Mr. Tousley stated what he is saying is he does not want our negotiator unintentionally negotiating their own salary increases. Mr. McGlone stated no matter what is negotiated it still has to be passed by Council. Ms. Whipkey stated that when we have a lot of the hourly employees making more money than the ones in charge throughout the City. Mr. Tousley stated he is not trying to prevent the Administrative Office from future increases.

Silver Springs Road Improvements

Cell Phone Guns-Ms. Whipkey indicated there was information at the back of your packets on this and there is a potential of being on the market this summer of guns looking like cell phones.

Railway Safety-Ms. Whipkey stated there is a federal rule being pushed for the trains that would not allow reducing the number of employees on the train below two. It used to be a total of five (5) and now the railroads are looking to take it down to one and I was hoping to support the rule not allowing the reduction to any less than two (2) employees; a conductor and an engineer.

Trash Bids continued discussions.

Public Comment

No one had signed up.

Public Updates:

Mr. Rodgers reminded everyone of the Town Hall Meeting this Wednesday from 7-9 PM. Ms. Whipkey reminded everyone about the Charter Review Commission also that same evening at 7 PM. Mayor Zita commented on the recent fund raiser for the Cider Festival fireworks and thanked those that came out and supported this.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 10:18 PM.

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.