



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, APRIL 25, 2016**

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

The Regular Council Meeting convened on Monday, April 25, 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.

NEW BUSINESS:

At 7:03 PM Mrs. Whipkey moved to temporarily adjourn the Regular Council Meeting to convene into Executive Session to discuss pending or imminent litigation under ORC 121.22(G) (3) and Section 3.12 of the City Charter, seconded by Mr. Pelot. Ms. Whipkey invited Mrs. Carr, Mayor Zita, Mr. Messner, and Mr. Markey and Attorney Paul Jackson to attend. Ms. Whipkey noted there would be no legislative action resulting from this meeting and Council would return to adjourn into the Regular Council Meeting.

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

Motion passed 6-0.

At 7:23 PM, Council returned from Executive Session and reconvened the Regular Council meeting.

COMMITTEE OF THE WHOLE:

Property & Liability Insurance Renewal

Mr. Rodgers stated we need to renew the property and liability insurance and this is something that we do every year. Mr. Rodgers moved to add Ord. #33-2016 to the agenda, seconded by Ms. Whipkey.

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

Motion passed 6-0.

Tennis Court Paving

Ms. Whipkey moved to add Ord. #34-2016 to the agenda, which is to pave the tennis courts in partnership with the schools, seconded by Mr. Pelot.

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

Motion passed 6-0.

COMMUNICATIONS FROM THE PUBLIC

Mr. Dan Karant, 3545 Easton Road, Norton, Ohio and a Norton representative to the Norton Board of Health gave a brief report (see attached). Mr. Tousley asked about the drug Naloxone being given to over dose patients and is this something that can become addicted to? Mr. Karant replied no, the drug reverses the opioid affects and sometimes these patients can come around swinging at those assisting them due to withdrawal. Mayor Zita stated in a non-responsive patient the first two drugs administered are Narcan and D-50. Mayor Zita stated that the Narcan is the drug that Mr. Karant is talking about and D-50 is essentially sugar in case they have a diabetic issue and both are safe to give in an emergency situation. Mr. Karant discussed the Zika virus and that the first case had been diagnosed in a citizen due to contact while outside the United States, but was in full recovery and considered non-infectious. Mr. Karant discussed traveling abroad and advised checking the Summit County Public Health website for more information. The Health District did not expect Zika to be major issue in Ohio, just for travelers, as the mosquito most associated with the virus was not indigenous to this area although there is another mosquito capable of carrying the virus. Mr. Karant revealed that there were three areas in Summit County that had lead in the water issues: a church in New Franklyn, a middle school in Springfield, and a long care facility in Copley. The three were self reported and isolated as the problem is being resolved with at least one replacing the pipes and taking care of the problem. Summit/McCoy C&DD is being addressed with drilling and the EPA had notified the communities. Some food processors have been warned about using the water supplies as restaurants are the greatest concern. We are still high in the pre-term delivery problem relating to infant mortality. Mr. Karant spoke on the Prayer Breakfast to be held with the tickets being \$10 a piece. Mr. Karant spoke in favor of the gravity system and Mrs. Slaby's attendance at a meeting in the past. Mr. Karant shared that he had been criticized by his own Council Representative after bringing in three experts and he spoke against the vacuum system and not supporting the vacuum system. After that we spent the money to have the vacuum engineered so if you want to talk waste, that was probably the waste as it should never had been spent. What is more irresponsible is to tempt our own fate with the EPA and several years ago he had brought in then Mayor Plusquellic of Akron to tell what happens if you don't follow the EPA's urging. We can ill afford to go down that path. The vacuum should be a dead issue. To the Council, as far as going to the citizens for their opinion, what is that supposed to do as it is your responsibility; when you don't get your way, you do not go back to the citizens to undo it. Move the project along before you cause more damage.

Ms. Sherry Smith, 3794 Easton Road, Norton, Ohio, brought forward several copies of petitions which she stated as 35 in total and she stated that she can get more, (see attached). *Note there were only 4 petitions containing 35 signatures.* Most people were not home or did not sign as they were afraid according to Ms. Smith. Ms. Smith commented about Portage County offering information (see attached), and said that this involved 3600 residents instead of 300 and they all came together. Ms. Smith stated that she would be willing to get something like this started and there was team of residents that would like to help.

Mr. William Paluch, 3740 Shellhart Road, Norton, Ohio, asked if the vacuum system is dead or is it still alive? Ms. Whipkey stated as she keeps saying this is a moot point because the Resolution of Necessity for vacuum failed by Council so it is not being put out for bid. Mr. Paluch asked why if it is cheaper and would help the people of Nash Heights when Mrs. Smith has worked so hard to get 100 (one hundred) signatures and she can probably get more? Do you people have a brain up there? Mr. Paluch asked Mr. Pelot about people not being able to afford it, him stating "*Oh well*" in the past and Mr. Pelot stated he did not realized that he had said that. Mr. Paluch asked Mr. Pelot what is he going to do when the people cannot afford this? Mr. Pelot stated he has no answer for that and both systems were for \$11,200.00. Mr. Paluch asked why can't Mr. Markey just file an injunction with the Court to put this on hold until there is grant money? They are tearing down the Portage dam at \$32,000,000.00, has anyone asked for any of that money? You people don't do your homework; you're just all up there with no answers. Ms. Whipkey suggested that Mr. Paluch provide all of his information as to where all of this supposed grant money is supposed to be found. Mr. Paluch responded to put the project on hold for a couple of years and Ms. Whipkey answered we would then be run by the EPA to which Mr. Paluch stated we would not as you would be holding it up in the Court. Mr. Paluch went on to say who cares about the EPA; you should be telling the EPA to get some grants instead of putting the whole damn bill on the homeowners. Mr. Rodgers stated he was called to a resident's home on Croyden Road as they have had trouble getting their notices and this resident had also spoken to Mrs. Richards. Mr. Rodgers stated that he was told the lady next door just up and left her home because of the letter she received. This is a concern and is why this is such a passionate issue and this is not the only lady that is affected by this as he hears it more often than not that people will leave their homes. That's why vacuum, despite what Mr. Karant said, it should have gone out for bid because there is a minimum savings of \$1.6 million and likely would have been higher; we already spent \$174,000.00 on design and yet we talk about wasting taxpayers' money. Mrs. Smith stated on the back of the paper she handed out it talked about low income and elderly and how they got the grant funding that is available from what they raised. We can team together and help each other out, she is fighting for the elderly people and those that are retired on their lower wages, and they cannot go out and work anymore. Mrs. Smith suggested all of you look at the best interest of the people. When she was out doing the petitions, a lot of residents told her they were afraid of signing this, what are they afraid of? Some told her to never mind the bank already owns their home, so just let them have it.

CONSIDERATION OF MINUTES

Minutes of the April 11, 2016 Regular Council Meeting were approved as submitted.
Minutes of the April 18, 2016 Special Council Meeting were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita read a press release thanking all those that volunteered with and donated to Clean Up Day (see attached). Mrs. Carr informed Council about the bid process for the Cleve-Mass. Road sewer line, in coordination with the road project. This has already been budgeted in order to fill in the gaps for sewer in the area. Phase 1 does not go thru the neighborhoods and is a straight shot down Cleve-Massillon Road. The bids will be opened on May 16, 2016 which is tentative and we will come to Council to approve the contractor. Ms. Whipkey asked for the detailed area and Mrs. Carr indicated this is from the highway up to approximately to Pleasant Road. Mr. Rodgers asked if we are stubbing out these connection lines and Mrs. Carr replied yes and this is also something that will be coming to Council as a second legislation to decide on the connection cost. Mr. Rodgers asked if this would be assessments and Mrs. Carr replied no this is to be a contractor payback as has been done in the past. Mrs. Carr stated this was previously discussed in the budget discussions and is funded in Fund #128-infrastructure projects. Mrs. Carr stated she does not feel sewers should be free along Cleve-Mass. Road and would not be fair to anyone in this community. Mrs. Carr stated that this is something that will need to be reviewed as well. Mrs. Carr suggested we have an engineering firm do a cost benefit; basically taking the price to put the sewer in and dividing that figure among the potential parcels to come up with a dollar amount. Mrs. Carr indicated we are just following the pattern of what has been done in the past.

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION

*****Added-During Committee of the Whole**

ORD #33-2016

Mr. Rodgers offered Ord. #33-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AN AGREEMENT FOR PROPERTY AND CASUALTY INSURANCE, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the second and third readings, seconded by Ms. Whipkey

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

Motion passed 6-0.

Mr. Tousley asked about the premium differences and if this is similar to last year. Mr. Messner replied the premium has gone down by \$344.00 in addition we have over \$2,000,000.00 in increased coverages.

Mr. Tousley asked if there were any decreased coverages or other substantial changes made within the policy and Mr. Messner replied not that he recalled. Mr. Tousley asked if there was a reason the costs went down and Mr. Messner replied it's because the market was good. Mr. Rodgers moved to adopt Ord. #33-2016, seconded by Ms. Whipkey.

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

Motion passed 6-0.

ORD #34-2016

Ms. Whipkey offered Ord. #34-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO AWARD A CONTRACT TO VASCO ASPHALT COMPANY, DBA VASCO SPORTS CONTRACTORS TO RESURFACE THE TENNIS COURTS AT COLUMBIA WOODS PARK IN AMOUNT NOT TO EXCEED \$19,789; AND DECLARING AN EMERGENCY.

Ms. Whipkey stated this amount will be split with the school and we have an agreement or contract with the schools to repave the tennis courts every 5 years and we are just a little behind that. Mrs. Carr clarified that we do have a contract with the schools since 2001. However there is not really a specified time constraint to repave them but it was generally every 5 years and it's really been about 8 years now. Mrs. Carr noted that the school did obtain 3 quotes and Vasco had the best price. Mr. Tousley asked if the school reimburse the City and Mrs. Carr replied yes we have to pay the bill in full and the school will reimburse us according to the contract terms. Mr. McGlone asked about the current court conditions and Mrs. Carr noted it's definitely time; they were evaluated and there is some cracking on the surface. Mrs. Carr noted the companies that came out and took a look around all felt this is the time to get it done.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

ORD #26-2018

Ms. Whipkey offered Ord. #26-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A CONTRACT WITH ROMASTER CORPORATION FOR CLEANING SERVICES FOR CITY BUILDINGS; AND DECLARING AN EMERGENCY.

Second reading only. Ms. Whipkey asked if there was any reason not to move ahead on this tonight? Mr. Tousley stated that he felt Mr. Roman has been working with the City on this and he has no issue with waiving the reading.

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

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

Motion passed 6-0.

Ms. Whipkey moved to adopt Ord. #26-2016, seconded by Mr. Pelot.

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

Motion passed 6-0.

ORD #30-2016

Mr. Pelot offered Ord. #30-2016 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER AN EXCLUSIVE 5-YEAR CONTRACT TO PERFORM RESIDENTIAL SOLID WASTE COLLECTION AND RECYCLING SERVICES TO REPUBLIC SERVICES OF OHIO HAULING, LLC.

Second reading only. Mrs. Carr read over her memo she supplied to Council on Friday (see attached). Mr. McGlone asked if there are a lot of bulk items should we call ahead and Mrs. Carr stated that might be a good idea and we are working on a helpful fact sheet and clarified that the City decided on services. Mr. Rodgers asked what is the senior age and Mrs. Carr replied it's 65 and older. Mr. Pelot stated one senior resident had concerns about what they are paying now for unlimited and what the new rate would be. Mr. Pierson asked about the bags and if they are on unlimited that can place extra bags out if their container is too full? Mrs. Carr yes, and she noted that with unlimited and had a party and too many items, you can buy additional bags thru Republic and that is the extra cost. Mrs. Carr stated that we have very few on the limited service and there is a monthly fee for the actual bag service, of which currently there are 185 customers, is \$3.00 per month plus the cost for the bags you buy or need. Mrs. Carr stated that recycling can be co-mingled in the bag from #1 to #7 can all go into your cart. You can really recycle nearly everything and we will be working to educate the community of all of this in detail. Ms. Whipkey asked if you are limited and use their bags they will not charge you the extra \$3.00 and Mrs. Carr concurred you can buy a bundle of 10 bags for \$18.00 or \$1.80 each bag. Mr. Tousley asked what can the residents expect with Kimble for their last pickup? Mrs. Carr stated we are working on getting information out to the residents and most likely Kimble will collect their cart with their last pick up. Mr. Pelot asked about leaf season, if they are limited how does that work and Mrs. Carr replied that if they are on the limited service yard waste is not included; that only applies to unlimited services. Mrs. Carr stated she would like to see the City do a pilot program to have a one day drop off like maybe at Mulch Makers.

Mrs. Carr stated that Mulch Makers is currently not taking residential waste drop offs due to being overwhelmed and the contamination was too high in terms of what people were dropping off. Ms. Whipkey noted Mr. Gainer asked to speak and so moved to allow him to speak, seconded by Mr. Tousley.

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

Motion passed 6-0.

Mr. Gainer asked for clarification about Mulch Makers not taking residential waste because he just dropped some off this weekend. Mr. Gainer stated when he went there that had him come to the office and obtain a sticker for his windshield. Mrs. Carr indicated she would have to check this because that is what Mulch Makers had stated to her not too long ago.

ORD #31-2016

Mr. Pelot offered Ord. #31-2016 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A PETITION REQUESTING THE CREATION OF THE WOLF CREEK WATERSHED CONSERVANCY DISTRICT; AND DECLARING AN EMERGENCY.

Second reading only.

ORD #25-2016

Mr. Pierson offered Ord. #25-2016 for its third 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.

Mr. Pierson moved to adopt Ord. #25-2016, seconded by Ms. Whipkey.

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

Motion passed 6-0.

UNFINISHED BUSINESS:

Mr. Rodgers asked about the Silver Springs Project if we have let out for bids? Mr. Carr replied no and that she has been working with Dave Martin, the engineer on this, and there are 2 concerns; such as the water coming from the west and the pond issue and this needs to be looked into. Mrs. Carr noted that pond at one time was huge and Mr. Martin wants to review the historical data and changes to the pond. Mrs. Carr stated that we need to go back and see what else we can do on the west end before finalizing the bid.

Mrs. Carr stated she has the video and all of the pictures she could share with Council if anyone is interested. Mrs. Carr discussed the size of that pond and at one point it was equal to or greater than the foot print of some of the homes in this area. Mr. Pelot discussed of the water running off of Summit and into the properties into the creek. It's now like a giant ravine. Mrs. Carr stated that not to place blame on anyone, but this is a natural course of water flow and people have built things in the path of this and it's now impeding this natural flow. Mrs. Carr indicated this has changed the contour of the land which has impacted this situation as well. Mrs. Carr reminded everyone that we have a huge ground water issue here coming up from natural springs which is undermining the roadway Mrs. Carr discussed the fact that we may have to get back to working with Mother Nature due to that Mrs. Carr expressed the need to get this done right the first time and may cause a delay in this project and we may need to take a step back Mr. Rodgers stated he wants to see an opinion as to how stable this road is in this area as he is concerned with getting safety vehicles to this area. Mrs. Carr indicated that we can do this and she has already asked Mr. White if there is an alternative as to how else we can get safety vehicles back there. Mrs. Carr stated that there is an access road that comes off of Summit Road and it's owned by Barberton and it is a very rough grade and getting an ambulance back there may not be easy.

Mr. Tousley addressed an article from the Post Newspaper regarding an email back and forth between a resident and a Council member. Mr. Tousley stated that he does not want to get into a he said/she said issue here but felt there needs some corrections. Mr. Tousley clarified that he did not request or call for the town hall meeting as this article stated. He only attended the meeting to be accountable to the residents as something he is voting on. Mr. Tousley stated he did not believe, at all, that the meeting was not held to pressure or persuade anyone; the stated reason he heard was it was to inform people and answer their questions which he did to the best of his ability. The article also stated that Mayor Zita noted that the only year that had no money spent on roads was 2014 since 2010 outside of this exchange. Mr. Tousley stated that in 2014 Hametown Road had almost \$400,000.00 in road repairs and another road for almost \$550,000.00 spent. Mr. Tousley stated that he could only suspect what this information out there is designed to do and he wanted the record to be clear. Mr. Tousley stated that the email in the article was directed to Mr. Rodgers, Mr. Pierson and himself and only one response was reported and he felt that it's only to give vacuum sewers a bad name. Mr. Tousley had provided his response which was that an informed and educated decision could not be made until all of the information was in including the O&M costs. Mr. Tousley challenged the author from the Norton Post as to put his response in there and not just the one that was intended to sway the story the way it goes. He was waiting to hear all of the information before making his decision and stands firmly having the vacuum out to bid for that reason. Mr. Tousley stated he felt this is a shame for this article to state so much misinformation. Mr. Rodgers stated he had not received the email and questioned if it came in via the city email accounts? Mrs. Richards replied yes it did and that she had been instructed by Mr. Rodgers and Mr. Pierson not to forward or copy either of them on certain emails from a Mr. Smith regarding any Post articles.

Mr. Rodgers asked if an email had come that was addressed to him and Mrs. Richards answered it was not addressed to him, it was a forward on the Post article. Mr. Pierson concurred with the Clerk that he had requested to be withheld from these articles as well. Mr. Pierson went on to explain that that he does not read the Post because it's nothing more than a continuous mouthpiece for certain sections of the Administration. Mr. Pierson stated that it's bias and the reporter continually print things that frankly are not true. Mr. Pierson stated that he is surprised no one has brought litigation against him personally or his paper. Mr. Pierson noted that the reporter was not here again tonight as he has waited for him for two weeks in order to speak to him personally and added he does the City of Norton or the people no favors. A paper should report, and he had this conversation with another paper here this past week, an unbiased opinion of the facts. Mr. Pierson stated that if this reporter wants to write nothing more than fiction, then he should be writing children's books because he is tired of the crap he puts in the paper continuously in regard to his point of view. Mr. Pierson stated considering that this reporter lives in Barberton so he naturally would like to see things pushed in that direction for Barberton's interest; so he cannot have an unbiased opinion. Mr. Pierson also stated that he should be taken off the paper and believed as past history shows he was taken off of another paper. Mr. Rodgers asked Mr. Tousley what the road thing was about as he did not see it and Mr. Tousley responded it had come across about 6:30 and it was about Mr. Rodgers.

NEW BUSINESS CONTINUED:

None to be added.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita read several announcements (see attached).

PUBLIC UPDATES:

Ms. Whipkey reminded everyone the next Council meeting is Monday, May 9, 2016.

ADJOURN:

There being no other business to come before the Special Council Meeting, the meeting was adjourned at 8:30 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 May 9, 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.