



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MAY 9, 2016**

Roll Call Rick Rodgers
 Dennis McGlone
 Joe Kernan
 Dennis Pierson
 Paul Tousley
 Scott Pelot
 Charlotte Whipkey

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

The Regular Council Meeting convened on Monday, May 9, 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 acknowledged Councils receipt of the April, 2016 Budget reports from Mr. Messner, Director of Finance.

COMMUNICATIONS FROM THE PUBLIC

Mr. Frank Somodi, 2893 Kensington Drive, Norton, Ohio, spoke regarding the new potential 5 year trash contract and noted the recap he had read in the paper and was confused on the rates. Mr. Somodi asked if Kimble had submitted a bid? Mrs. Carr replied that Kimble did submit a bid but Republic's bid was cheaper. Mrs. Carr stated the exact same definitions as were used in the last round and unlimited means unlimited. Mr. Somodi asked about the fee of \$12.65 and limited of \$13.33, and Mrs. Carr explained this was correct. Mrs. Carr noted the senior price for limited is \$11.10 and that is limited to only what will fit into the cart and if you have anything more you can purchase bags.

William Paluch, 3740 Shellhart Road, Norton, Ohio, asked for clarification because something is not sitting right with him. He received a letter February 29, 2016 and that he is assessed \$11,200.00. He then received another letter stated if he objected to this he needed to send a letter to the City regarding his objection. Mr. Paluch stated that he then received a notice of the Assessment Equalization Board Hearing of April 27, 2016 to hear and determine his objection; the word "determine" is important as that means with authority to determine if the assessment was fair or not. Mr. Paluch stated that there was one line where the Chairman of the Board could ask the City engineer about the describing the project and the manner of the assessments calculations. Was there an engineer here this evening and Ms. Whipkey replied she did not think there was. Mr. Paluch stated he felt another meeting should be held to determine his assessments and to explain to him why his assessment is at \$11,200.00. Mr. Paluch asked what was the Assessment Board designed to do?

Mr. Markey stated the Board does not have the power to determine someone cannot pay due to a financial hardship and their only power is to determine if the cost of the project exceeds the benefit. Council can determine financial hardship at a later time. Mr. Markey explained that the City engineer was not present at the hearing. Mr. Paluch asked if he should have been present and Mr. Markey replied no. Mr. Paluch disagreed with this. Ms. Whipkey stated the statement read says *may* ask the engineer about the project details and therefore he is not required to be present. Mr. Markey explained that procedure sheet was provided to the Chairman, and this was one of the options. Mr. Paluch stated that we all came here thinking that our assessments would be adjusted because that is what the letter states. Mr. Pelot stated they make a determination based on the facts and the realm in which they can act and a final report is submitted to Council. Mr. Pelot stated that we only have the authority to accept this report in its entirety or to reject this, but we cannot change it. In this case there were two (2) parcels that were recommended to be changed. Mr. Paluch asked if it's too late for this Board to hear objections and to this Council. Mr. Rodgers reminded Mr. Paluch that the assessments are set, this project is underway and this Council is not about to change it. Mr. Paluch stated it seems that we have no say whether we want gravity or vacuum. Mr. Paluch stated that's where he feels we have been discriminated against the Nash Heights residents.

Ms. Sherry Smith, 3794 Easton Road Norton, Ohio, asked about the Republic waste and the cost for seniors and if there is bag service? Mrs. Carr stated the bag service is \$3.00 per month and is paying quarterly which is \$9.00 and added the Kimble price was to be increased to \$3.80 per month. Mrs. Carr stated that you have to buy 10 bags at a time at a cost of \$1.80 and will be able to purchase them locally at Ace Hardware adding they were in discussion as how to return the Kimble bags. Ms. Smith asked what does it mean when you use the emergency language, and Mr. Pelot stated that once the legislation is passed by Council and signed by the Mayor it takes effect immediately. Mr. Markey stated there are 2 separate requirements; one is that all legislation must be read three separate times; the other is the emergency language. Independent of how many times the Clerk reads legislation if there is emergency language then it would take effect immediately so there would be no time for the people to petition the issue. Ms. Smith inquired about the petitions she had turned in and Mr. Markey explained that was an entirely different situation from the forms used by the Election Board for petitions. Ms. Smith asked how long after passage would the construction take place? Mrs. Carr stated that advertisement for bids is for June 23 and 30th, and we should begin construction as set for November 28, 2016.

CONSIDERATION OF MINUTES

Minutes of the Regular Council Meeting of April 25, 2016 were approved as submitted.
Minutes of the Committee Work Session of May 2, 2016 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita made several announcements (see attached)

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION

Mr. Rodgers offered Ord. #35-2016 thru ORD #39-2016 as a group for a first reading only since they are all related, and asked the Clerk to read each one.

Ord. #35-2016

AN ORDINANCE DETERMINING THAT CERTAIN PROPERTY OF THE CITY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DETERMINING TO DONATE SUCH PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT- PHASE 2 (PARCEL 44-WD); AND DECLARING AN EMERGENCY

First reading only.

ORD #36-2016

AN ORDINANCE DETERMINING TO GRANT AN EASEMENT OVER CERTAIN CITY-OWNED PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT-PHASE 2 (PARCEL 42-U); AND DECLARING AN EMERGENCY.

1st reading only.

ORD #37-2016

AN ORDINANCE DETERMINING TO GRANT AN EASEMENT OVER CERTAIN CITY-OWNED PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT- PHASE 2 (PARCEL 44-TV); AND DECLARING AN EMERGENCY.

First reading only.

ORD #38-2016

AN ORDINANCE DETERMINING THAT CERTAIN PROPERTY OF THE CITY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DETERMINING TO DONATE SUCH PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT-PHASE 2 (PARCEL 42-WD); AND DECLARING AN EMERGENCY.

First reading only.

ORD #39-2016

AN ORDINANCE DETERMINING TO GRANT AN EASEMENT OVER CERTAIN CITY-OWNED PROPERTY IN CONNECTION WITH THE CLEVELAND-MASSILLON ROAD WIDENING PROJECT-PHASE 2 (PARCEL 42-TV); AND DECLARING AN EMERGENCY.

First reading only. Mr. Rodgers asked unless there are any concerns or objections to this he would like to waive the 3rd reading and adopt at the next meeting.

ORD #40-2016

Mr. Pelot offered Ord. #40-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD FOR THE NASH HEIGHTS GRAVITY SANITARY SEWER SYSTEM

IMPROVEMENTS FOR THE EAST PHASE I, THE PUMP STATION PHASE II AND THE WEST PHASE III, AND DECLARING AN EMERGENCY.

First reading only.

ORD #41-2016

Mr. Pelot offered Ord. #41-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO PROCEED WITH THE NASH HEIGHTS GRAVITY SANITARY SEWER SYSTEM IMPROVEMENTS FOR THE EAST PHASE I, THE PUMP STATION PHASE II AND THE WEST PHASE III; AND DECLARING AN EMERGENCY.

First reading only.

RES #42-2016

Mr. McGlone offered Res. #42-2016 for its first reading and asked the Clerk to read it:

A RESOLUTION URGING THE FEDERAL RAILROAD ADMINISTRATION TO ADOPT ITS PROPOSED RULE TO REQUIRE A MINIMUM OF TWO-PERSON CREWS ON MOST TRAINS OPERATING IN THE UNITED STATES.

Mr. McGlone moved to waive the second and third readings, due to the May 16 time limit seconded by Mr. Kernan.

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

Motion FAILED.

Ms. Whipkey stated that she has tried to explain to everyone the importance of this issue. There are many people present here that are not happy with the rules and regulations in place dealing with the sewers and septic systems. At one time in the past you would have had the opportunity to make your opinions known. This is the one time this municipality and people has a real chance to make a change. Not only for the safety issues to the Community, but this affects the first responders. After the May 16, 2016 deadline there is no other chance to make our voices heard. If there ever is an accident does happen in Norton we have now passed up the opportunity to have a say on the number crew members required that may have affected the outcome.

INTRODUCTION OF PRIOR LEGISLATION

ORD #34-2016

Ms. Whipkey offered Ord. #34-2016 for its second 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.

Second reading only.

ORD #30-2016

Mr. Pelot offered Ord. #30-2016 for its third 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.

Mr. Pelot moved to adopt Ord. #30-2016, seconded by Mr. Tousley. Mr. Pelot stated he has heard a few residents make comments that Kimble is not as polite and cordial on the phone with the residents as they have been in the past and asked if we can do something to improve this. Mrs. Carr stated she would contact the regional representative who has been working with her to make sure this travels down to the customer services representatives, as this is not acceptable.

Roll Call: Yes: Pelot, Tousley, Rodgers, McGlone, Kernan, Pierson, Whipkey.
Nays: None

Motion passed 7-0.

ORD #31-2016

Mr. Pelot offered Ord. #31-2016 for its third 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.

Mr. Pelot moved to adopt Ord. #31-2016, seconded by Mr. Kernan. Mr. Rodgers commented about the statements by Mr. Tousley last week on the assessment amounts and he is hearing that the numbers will now be higher and questioned where this comes from. Mrs. Carr stated she has not heard of anything new and last she heard it was at \$12.00 to \$24.00 per year and last year she believed they lowered this but was not sure of those details. Mr. Rodgers stated he has heard as high as \$60.00. Mr. Tousley stated these were his comments and he recalled a report by Summit County that Mr. White shared about six months ago this was the figure he used. Mrs. Carr stated she believed that report was referring to the Summit County Ditch report relating to private ditches and has nothing to do with the Wolfcreek Conservancy District and may no longer have any movement on that. Mayor Zita stated some communities have a storm water maintenance fee which we do not have, although Barberton does. That is money that is raised for working inside the inside the communities and is an additional fee to the Watershed fee. Mrs. Carr stated even in Summit County has only a \$5.00 per month fee for storm water maintenance.

Mr. Pierson some of the Norton residents living farther south are already paying for the Muskingum Watershed District so will they be paying for this in addition to that? Mr. Markey stated that should be only within the designated watershed so we need to draw up the maps and the plans correctly to reflect this. Mr. Tousley reiterated his comments last week, it's not the amount that he is objecting to; it's the process and that they have no say. He cannot in good conscience take their money without their consent. Mr. Pelot stated if we do it this way at least we have a local voice; if we don't there can be a petition by 500 signatures not necessarily from Norton. Finally if we don't do something we stand a chance of losing our businesses and their tax base. Ms. Whipkey stated she has no doubt in her mind they will come up with the signatures as was done for Mosquito Abatement District. We need to have this control, and by voting in favor of this we can set our own standards to which Mr. Markey concurred that was the goal. Ms. Whipkey noted that it is not just to address the flooding on Barber Road it will assist in solving the flooding throughout the City and in Barberton and Copley Twp as well. Ms. Whipkey stated that although she was not in favor of this in the past, she was supporting it now due to the reasons stated. Mr. Rodgers stated he has been in favor of this however he does not want this to give the idea that we as Council or Administration will take our eyes off of the ball to assist the residents with their flooding concerns.

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

Motion passed 6-1.

UNFINISHED BUSINESS

Ms. Whipkey asked Mr. Markey to prepare a letter relating to the railway resolution since it failed for those of us on Council that did support this as well as the Mayor if he is so inclined. Mr. Markey replied he would ask the Clerk to draft a letter in efforts to save time and he would review this. Mr. Rodgers discussed the comments by Ms. Whipkey on the Nash Heights and she seems so passionate about this issue and sending a letter to Washington that will not have any impact yet she obstructed the people in Nash Heights while wasting \$174,000.00. Ms. Whipkey stated last year she did try to give the people a chance to voice their concerns and no one was very interested in hearing what they wanted until we said no to the Resolution of Necessity for the vacuum. Ms. Whipkey offered a report received from the City of Barberton on their tour to the Village of Forest Ohio and this does not paint such a pretty picture on the vacuum systems (see attached). Mr. Rodgers stated this is another attempt to demagogue a sewer system that has been in use for over forty (40) years, and this report from Mr. Weaver, Mr. Berlin, and Mr. Clapper does not surprise him at all. You don't look to a report from the people that have a vacuum in place; you as much as called the people in Portage County liars when they praised the system and yet you bring this forward. We know Mr. Weaver, Mr. Berlin, and Mr. Clapper do not want vacuum as they gravity already in place; we know they don't want it because they don't have any experience on it. The whole idea on the vacuum was to save the citizens and City money and no one seems to care about that. This means nothing; the facts are out there and those that understand the facts would go with vacuum. This is absolutely pitiful.

Ms. Whipkey stated that what is pitiful is that when someone goes against the vacuum concept you don't want to hear it and they are wrong, but when they support the vacuum system you're fine with it and they are correct. Ms. Whipkey stated that a lot of this information on the vacuum system came from Airvac, who is selling it. Mr. Rodgers interrupted by loudly stating that was an absolute lie. Ms. Whipkey pointed out that the man in Forest and Mr. Lewis, in Michigan, did not install the vacuum systems; they came in after the fact and had to deal with it; they weren't trying to sell the system nor did they design it so they have no dog in the fight what-so-ever. Ms. Whipkey stated she had high hopes for this vacuum system but could not go along with this as the way to go as she tried to look at all the information and not just that from those that had to gain from it. Mr. Rodgers stated that every system that had problems is because it was either not installed properly or maintained and that include the Village of Forest. Mr. Rodgers stated he questioned Ms. Whipkey's ability to check out the information in an unbiased manner. Ms. Whipkey retorted that Mr. Rodgers questioned a lot of her ability and Mr. Rodgers responded he did and justifiably. Mr. Kernan asked is there anyone on this Council that is willing to change their mind, and there was no one interested, then why are we still talking about this? Mr. Rodgers stated because there was a savings to the costs that we can pass on to the residents, which no one seems to care about. Mr. Kernan stated this has been debated for five (5) years at least and if you cannot decide where you are on this by now, he does not know where you have been. It's time to move on; it continues to tear this community up in pieces, its time to move on. Mr. Pierson stated companies don't stay in business for forty (40) years if they provide a poor service or product. Barberton had a different approach on that twelve (12) months ago and this change has only come about since the elections. Some people don't so seem to pay attention to this, and there are some that don't seem to check the facts. Mr. Tousley responded to Mr. Kernan's question about changing their mind and he at this point has not made up his mind and we have actually been talking about this for only two (2) years not five (5) years, and agreed with Mr. Kernan we need to move on. Mr. Tousley stated that at one point we had an agreement to look at the O & M costs for both systems and make a determination at that point; however this process never took place.

NEW BUSINESS

Mr. Rodgers had a call from a resident wonder about a leash law in Norton as she has concerns. Apparently Akron has one that you cannot leave an animal tied out more than six (6) hours. Mr. Rodgers stated that she and the neighbors had to contact the humane society regarding a neighbor's dog that is left out without food and water. Mr. Kernan noted that he recalled that the leash law is not as up to date and needs to be brought up to date. Mr. Rodgers asked to have this discussion at next week's work session.

PUBLIC SERVICE ANNOUNCEMENTS

Ms. Whipkey-DAC May 13, 2016 at 6:00 PM.

PUBLIC UPDATES

Next Committee meeting May 16, 2016

ADJOURN

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:55 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 23, 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.

5-9-16 - Rec. From Charlotte Whipkey

Forest, Ohio – Vacuum Sewer System
March 4, 2015

1. Dennis Weaver, Ken Berlin and Tim Clapper met with the Village Administrator from Forest – Wes Davis
2. Reviewed the system layout
 - a. The Village collection system is half gravity and half vacuum
 - b. The vacuum system is of comparable size to the system being proposed for Nash Hts
 - c. Mr. Davis has been the Administrator for about one year
 - d. When he became administrator he discovered problems with the operation of the vacuum system. Vacuum pumps ran excessively
 - e. Mr. Davis attended training at AirVac and learned how to correct the problems
 - f. The maintenance of the pumps, control valves and actuators are now on a regular maintenance schedule.
3. Mr. Davis showed us a PVC bend that had been punctured by gravel that entered the system during an additional connection being made to the system. This created a large vacuum leak in the sewer.
4. Since recent training, the vacuum station is checked twice a day for operational issues. The lift station on the gravity collection system is checked every other day.
 - a. The oil in the vacuum pumps is changed twice per year
 - b. The filters are changed once per year
 - c. The maintenance kit, and the oil for the vacuum pumps costs \$1000 each. Not including the labor.
 - d. There is currently no bio-filter on the vacuum station. Mr. Davis was interested in the bio-filter operation and may install one.
5. Every vacuum collection pit in the system is serviced twice per year. In the fall 20% of the pits are pumped out to remove the ground water and minimize the impacts from freezing. The breather tube on the actuator must be kept clear or the vacuum valve will malfunction.
6. Mr. Davis noted occurrences of sewage flowing out of the breathers installed on the homeowners laterals.
7. There are still downspouts and sump pumps connected to the system, so it reacts like a gravity system during a rain event.
8. We visited the vacuum station and observed the normal operation of the vacuum pumps
9. The operators re-build their actuator on a test bench. There are several gauges used to ensure that the seals in the actuator are properly installed during the re-building operation. The Village has a container full of rebuilt actuators on hand for installation when needed. The actuators drift in their setting and have to be “re-timed” once or twice a year.

10. There is a diaphragm in the vacuum valves that are being replaced systematically across the Village. In the original design there was a magnet which was used as a position sensor. The magnets are wearing a hole in the diaphragm. As the valves begin to leak, the Village takes a re-built valve to the site and replaces the leaky one. The vacuum valve is then re-built and recycled into the system.
11. We visited a typical collection pit location in the Village. The Administrator and an operator showed us how the pit is drained to work on it, manually fired the vacuum valve to drain the sump, and replaced the lid. Our observation was that the pit was awkward to work on when the ground was wet and/or cold.
12. We asked the village administrator which system he preferred, the vacuum or the gravity. He clearly preferred the gravity system due to the lower amount of operation and maintenance effort required to run the two systems that he has. He questioned why we would consider the vacuum system if we have a choice and can afford the gravity collection system.

NORTON BICENTENNIAL 2018

Seeking interested volunteers to form committees for planning celebrations of Norton's Bicentennial year in 2018.

I AM INTERESTED IN:

<input type="checkbox"/>	PUBLICITY
<input type="checkbox"/>	EVENTS
<input type="checkbox"/>	FUNDRAISING
<input type="checkbox"/>	_____
	OTHER OR SPECIAL SKILL

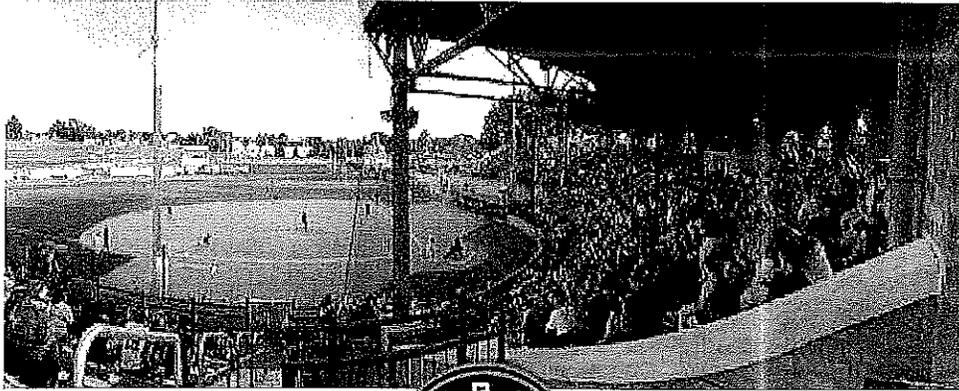
NAME: _____

ADDRESS: _____

PHONE #: _____

E-MAIL: _____

Please complete and return to:
Norton Bicentennial
4060 Columbia Woods Dr
Norton OH 44203



Norton Community Night
Promo Code: NORTON
June 28, 2016
7:05pm
Gates open at 6pm

Norton Mayor Mike Zita will throw out a first pitch!

**For every \$7 ticket purchased
50% goes to the Norton Cider Festival Fireworks**

Order tickets via phone, online, or at the ticket windows.

FIRESTONE STADIUM | 1575 FIRESTONE PKWY

PHONE: 330.376.8188

www.akronracers.org

