



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
JUNE 13, 2016**

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

The Regular Council Meeting convened on Monday, June 13, 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. Ms. Whipkey asked that everyone keep Mr. Pelot and his family in prayers and also the victims and families of the Orlando, Florida tragedy. Ms. Whipkey noted Mr. Markey and Mr. Messner are also excused this evening.

COMMITTEE OF THE WHOLE

Ms. Whipkey acknowledged Council's receipt of the May 2016 Budget reports from Mr. Messner, Director of Finance.

COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items

Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, addressed Council as a whole and noted that he has asked under the Freedom of Information Act for the copy of the complaint Mr. Rodgers filed with the Ohio Ethics Commission. Mr. Gainer stated that the Clerk of Council indicated she had asked Council for the records several times, however nothing has been forthcoming. Mr. Rodgers stated that the Ethics Commission has asked that those remain confidential so he directed Mr. Gainer or the City to the Ethics Commission. Mr. Gainer stated so you are refusing to comply and Mr. Rodgers stated no, that he is following the request from the Ethics Commission that this complaint is to remain confidential. Mr. Gainer stated so they have ordered you not to reply to the Freedom of Information act? Mr. Rodgers stated that the Ethics Commission has requested that these remain confidential, so he again directed Mr. Gainer or anyone else to take it up with them. Mr. Gainer asked if Mr. Rodgers has told the Ethics Commission that you have a Freedom of Information Act request for these records? Mr. Rodgers responded that the Ethics Commission is well aware of the Freedom of Information Act laws. This was their advice and request, which he will follow. Mr. Gainer stated so basically you are refusing to provide a copy of the complaint. Mr. Rodgers stated you may call it a refusal if you want to.

CONSIDERATION OF MINUTES

Minutes of the May 23, 2016 Special Council Meeting. Mr. Rodgers noted that Mr. Pierson did arrive a little late and the minutes show him as being unexcused. Ms. Whipkey stated he did arrive after the meeting at some point and suggested it be recorded as tardy instead. The minutes of the May 23, 2016 Special Council meeting are approved as corrected.

Minutes of the May 23, 2016 Regular Council Meeting-Approved as submitted.

Minutes of the June 6, 2016 Committee Work Session-Approved as submitted.

Minutes of the June 6, 2016 Special Council Meeting-Approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

There were no reports

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION

ORD #48-2016

Ms. Whipkey offered Ord. #48-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016.

First reading only.

ORD #49-2016

Ms. Whipkey offered Ord. #49-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING A SETTLEMENT OF CLAIMS ON BEHALF OF THE CITY, AND DECLARING AN EMERGENCY.

First reading only.

ORD #50-2016

Mr. Tousley offered Ord. #50-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND DELIVER FINAL FINDINGS AND ORDERS TO THE DIRECTOR OF THE OHIO EPA FOR THE NASH HEIGHTS AREA, AND DECLARING AN EMERGENCY.

First reading only.

Mr. Tousley asked about the letter we received from the EPA with a requested response to them within in 14 days and we did this already, correct? Mayor Zita stated this is correct. Mr. Tousley noted this is slightly different. Mrs. Carr stated that we responded to the EPA that we have put this to legislation and they are aware that the process is happening. Mr. Tousley clarified that this is just continuing that process and Mrs. Carr concurred.

INTRODUCTION OF PRIOR LEGISLATION

ORD #43-2015

Ms. Whipkey offered Ord. #43-2016 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016.

Second reading only.

ORD #44-2016

Ms. Whipkey offered Ord. #44-2016 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE A PAYMENT TO SETTLE CLAIMS RELATED TO HOLIDAY PAY UNDER SECTION 258.04 OF THE CODIFIED ORDINANCES OF THE CITY.

Second reading only.

ORD #45-2016

Mr. Kernan offered Ord. #45-2016 for its second reading and asked the Clerk to read it:

AN ORDINANCE DECLARING A MORATORIUM FOR A PERIOD OF TWELVE MONTHS ON THE INSTALLATION OF TILE PIPE PURSUANT TO CHAPTER 1028 OF THE CODIFIED ORDINANCES OF THE CITY, AND DECLARING AN EMERGENCY.

Ms. Whipkey asked to have the third reading waived because it does expire July 15, 2016. Mr. Kernan stated he has no issue with waiving the readings. Mrs. Carr stated Council can set the extension for whatever time frame they want either 1 year or more, however we would like to get the watershed district up and running and see how this will all play out. Mr. Kernan moved to waive the third reading, seconded by Mr. Rodgers. Mr. Rodgers stated he is in favor if this and asked about any public feedback. Mrs. Carr stated we had only one resident that we had to decline their request and he said okay so we haven't had a lot of push back at this point.

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

Motion passed 5-0.

Mr. Kernan moved to adopt Ord. #45-2016, seconded by Mr. McGlone.

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

Motion passed 5-0.

ORD #47-2016

Mr. Tousley offered Ord. #47-2016 for its second reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF KARVO COMPANIES, INCORPORATED IN AN AMOUNT NOT TO EXCEED \$784,860.00 FOR THE CONSTRUCTION OF THE

CLEVELAND-MASSILLON ROAD SANITARY SEWER PHASE 1 PROJECT, AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the third reading as Mr. Pelot had recommended, seconded by Ms. Whipkey

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

Motion passed 5-0.

Mr. Tousley moved to adopt Ord. #47-2016, seconded by Ms. Whipkey.

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

Motion to adopt Passed 5-0.

ORD #40-2016

Mr. Tousley offered Ord. #40-2016 for its third 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.

Mr. Tousley moved to adopt Ord. #40-2016, seconded by Mr. Kernan.

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

Motion passed 5-0.

ORD #41-2016

Mr. Tousley offered Ord. #41-2016 for its third 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.

Mr. Tousley moved to adopt Ord. #41-2016, seconded by Mr. Kernan.

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

Motion passed by 4-1 vote, however emergency clause failed (needed 5 yeas) therefore the legislation will not take effect for 30 days; July 13, 2016.

ORD #46-2016

Mr. Rodgers offered Ord. #46-2016 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER AN OPTION AND GROUND LEASE AGREEMENT WITH TOWERCO 2013 LLC.

Mr. Rodgers asked if we have received any further information from the public on this? Mrs. Carr replied no and as a matter of fact we have received more research that is opposing those comments. Mr. Tousley stated after seeing the information presented last week by Ms. Dye, he did his own research and based on the internet there is a 50/50 split on the cancer causing effects. Mr. Tousley noted the American Cancer Society reported there wasn't that much reason for concern and the federal comments are all supporting there is no health concern. Mr. Tousley stated he drove to the property location and it was 2/10 of a mile from the gate to Cleveland-Massillon Road with the proposed tower sitting even further back the 1/4 mile concern in proximity to the residents and there really is no issue. Mr. Kernan concurred with the comments made by Mr. Tousley. Mr. Kernan stated this property is zoned for this use and if this tower does not go up here it will go up elsewhere in the City. It might as well go up on City property where we can obtain the revenue on this. It's just the modern society with the use of cell phones that there will be towers. Mr. Rodgers stated if this was on private property and within the proximity of the person complaining he would have to take a look at their issues. Mr. Rodgers moved to adopt Ord. #46-2016, seconded by Ms. Whipkey.

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

Motion passed 5-0.

Ms. Carr brought up Ord. #48-2016 and Ord. #49-2016 and that she thought that Council was intending to waive readings and move on those tonight, however Council only gave these a first reading. Mr. Kernan moved to waive the second and third readings of Ord. #48-2016, seconded by Ms. Whipkey. Mr. Rodgers stated he read in the Norton Post that the settlement was \$207,000.00 and the legislation is only for \$193,850.00 and raised concerns with the discrepancy wanting to be sure the legislation is correct and that we are allowing for enough money. Mrs. Carr stated there was a prior amount paid by the insurance company several years back and that total was used in the article. Ms. Carr stated that the figures in the legislation are correct and match the P.O.'s in front of her. Mr. McGlone stated in our meeting we talked about the \$190,000.00 figure. Mrs. Carr noted that Mr. Markey is watching our meeting from wherever he is and texted to her that those figures are correct. Mr. Tousley stated that the \$190,000.00 fee was probably without the Arbitrators fee, and Mrs. Carr concurred. Mr. Tousley asked where are we pulling this money from? Mrs. Carr this will come from the General Fund balance with that appropriation adjustment. Mrs. Carr stated we like to keep the fund balance at a good percentage at somewhere between 15-20% throughout the year. We are above that threshold now so we are going to take these funds from the bottom line of the General Fund. Mr. Tousley asked so nothing in the budget is going to change at this point and Mrs. Carr concurred. Mr. McGlone and Mrs. Carr both explained that will give us a smaller threshold for next year. Mrs. Carr stated we generally have some savings and we will need to be more frugal and we want to keep that percentage level because this does affect our bond ratings.

If we need to make adjustments at the end of the year we will do so. Mr. Tousley asked if we have any clue what going to be left after this adjustment and Mrs. Carr indicated she did not have this number with here; however Mr. Messner felt we are safe with this adjustment and she would ask him to provide a detailed review when he returns. Mrs. Carr stated if we find that we are not within our threshold we will be going back to the department heads and tell them the need to make some cuts.

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

Motion passed 5-0.

Mr. Kernan moved to adopt Ord. #48-2016, seconded by Ms. Whipkey.

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

Motion passed 5-0.

Mr. Kernan moved to waive the second and third readings of Ord. #49-2016, seconded by Ms. Whipkey.

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

Motion passed 5-0.

Mr. Kernan moved to adopt Ord. #49-2016, seconded by Ms. Whipkey.

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

Motion passed 5-0.

UNFINISHED BUSINESS

Mr. Rodgers discussed the second readings for #43-2016 and #44-2016. We just talked about being frugal this year and we also have the Silver Springs Road issue to deal with and we will probably end up telling these residents it's an affordability issue and that somebody else might not get something done if we help them out. We need to think really hard these next few weeks on this Ryland and holiday pay issue; we need to forget about the politics and do the right thing. Mr. Kernan briefly discussed our leash/animal cruelty laws and the fact that Governor had just signed the new law on animal cruelty into effect. Mr. Kernan suggested Council take a look at this to model our current legislation to mirror this and asked for discussion at the next committee meeting. Mr. Tousley noted that along the lines of Mr. Rodger's comments with the holiday pay; he also has a few concerns with it. Now that this is before the Ethics Commission he hates to see us pay something out, and then have mud in our eye if a decision would go a different way.

Mr. Tousley stated it would be responsible of the City if we were going to offer Mr. Ryland to negotiate this amount because we do have an opinion on case law that you can only go back 6 years to make a claim. There are at least a couple of years that he is not even eligible for. So if we were even to make an offer, it should be based on this case law. Mr. Rodgers stated last week he received a call from a reporter from the Plain Dealer in Washington asking why the City issued a letter on the fireman issue on the railroad issue. Mr. Tousley stated he also received the same call. Mr. Rodgers stated this reporter was inquiring as to why we were addressing something on this level. Mr. Rodgers stated the Beacon Journal had a story the other day about Akron imposing a new law passed by the state regarding the use of local labor and that they specify a certain percentage of local labor on projects within the Cities. Mr. Rodgers stated he thinks this is something we should get on board with Akron and maybe Barberton. We may not experience it here to help our own unemployment levels. Mr. Rodgers stated this is a good home rule to use our unemployed residents on some of these big contracts. Ms. Whipkey asked Mr. Rodgers to provide more details and Mr. Rodgers stated he would put something together for the next work session.

NEW BUSINESS

Mr. Rodgers discussed the stop sign at Hametown and Wadsworth Road and that we have been told that we cannot get one here due to the traffic count. Mrs. Carr stated because of the closure of Minor Road we have asked for an updated traffic study. In addition we are also using the speed trailer in this area to help with the data of speed and traffic count, which is coming up very soon either this week or next week. Mr. Rodgers stated if we don't get a stop sign at least a caution sign would be helpful. Mrs. Carr stated she is confident the data will show a change with the closing of Minor Road, so hopefully this will work to our advantage. Mr. Tousley noted that Mr. Perkins has asked him last week about the St. Rt. 224 widening construction and asked for an update. Mrs. Carr replied that the last update she has from ODOT is that we should begin seeing some equipment there in August. There will be a pre-construction meeting soon and the contractor is Kenmore Construction.

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita read several announcements, (see attached).

PUBLIC UPDATES

Ms. Whipkey announced a DAC meeting for the MAD tomorrow night at 6:00 PM at their offices at 151 Snyder Avenue. We will be interviewing for the replacement for the Barberton representative which will be open on July 1, 2016. The next Work Session is next week, June 20, 2016 at 7:00 PM. The next regular Council meeting is June 27, 2016 at 7:00 PM.

ADJOURN

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:37 M.

Charlotte Whipkey, President of Council

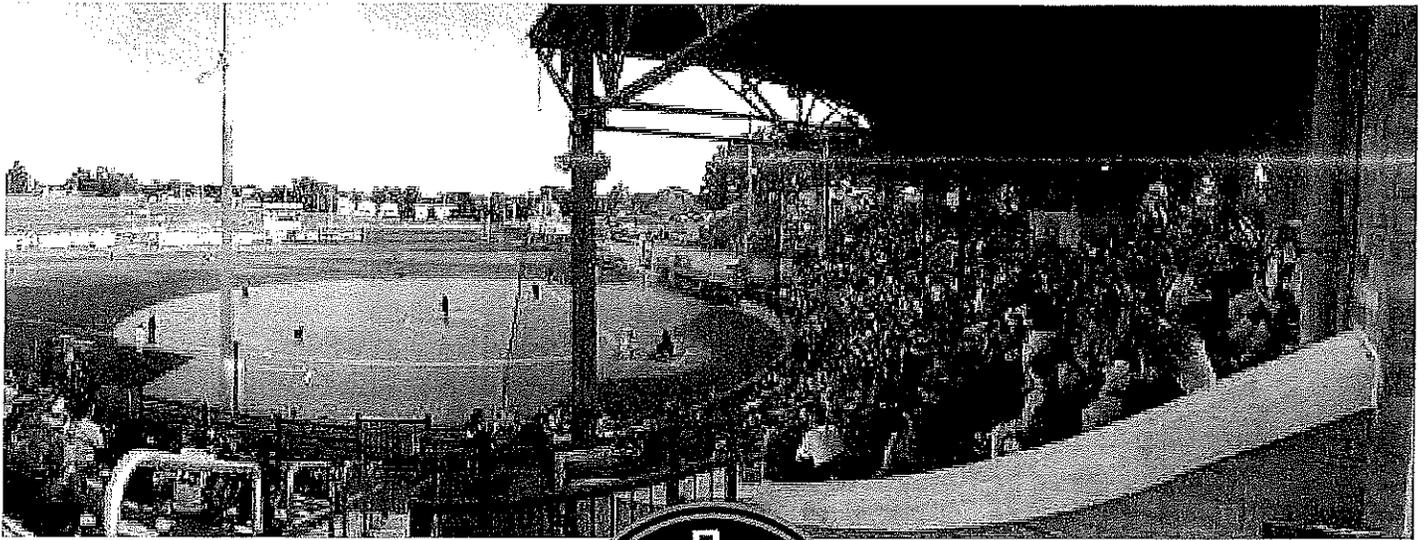
I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on June 27, 2016.

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.



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

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: _____

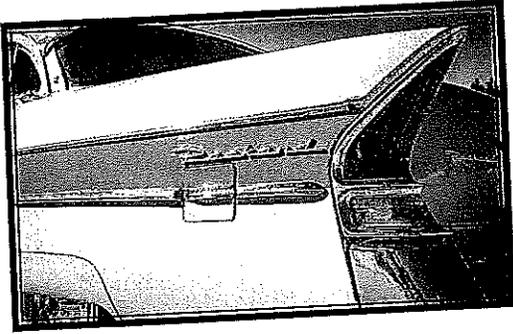
ADDRESS: _____

PHONE #: _____

E-MAIL: _____

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

City of Norton 6th Annual Classic Car Show



FEATURING

- **DASH PLAQUES** for the first 100 cars
 - Music by DJ Glenn Sonodal
 - Great Food from **SASSY DOG!**
 - ICE CREAM and PIES from Friends of the Library
 - Car Smash to benefit the Norton Grand Squares

Sponsored
in part by:



Thursday
JULY 7th 6:00-8:00p

(raindate July 14th)

Check-in: 5:00p

Columbia Woods Park in Norton
4060 Columbia Woods Dr.

Great Music!
No Entry Fee!
Beautiful Park Setting!

Norton bicentennial kicks off two years early

By LISA MERRICK

The Post contributor

NORTON – The Bicentennial in 2018 will speak to everything that Norton has represented over the years.

Everyone is invited to join the city of Norton and the Norton Historical Society in the first pre-Bicentennial event by dedicating a flagpole, flag and upcoming brick project. The event will take place on Flag Day, June 14 at 10 a.m. at the Biery House and Museum, 3412 Greenwich Road.

The flagpole being erected has special significance as it was originally at the old fire station and is dated, June 1, 1956. On it reads, "Erected by Norton Town-

ship firemen, Chief Glenn Kee. Made by Babcock & Wilcox Co. G. J. Harnett Jr. Supt."

"I am proud to be a part of our continuously growing community," Mayor Mike Zita said. "This community holds families, businesses, parks, churches, as well as educational and recreational programs. Together, we have created a welcoming, inclusive community that has held together for two centuries."

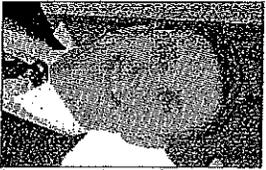
The dates chosen for the 2018 events are July 22 through 28. Volunteers are encouraged to participate to form committees to plan activities for the celebration. These committees may include but are not limited to: publicity, events and fundraising. For more information call the city at 330-825-7815 ext. 314.

Criminal & Traffic Defense Attorney

Aggressive representation for felonies, misdemeanors, traffic and juvenile offenses in all courts in Medina, Summit, Wayne and surrounding counties.

DANIEL F. GIGANO CO., L.P.A.
ATTORNEY AT LAW

102 Main Street, Suite 200, Wadsworth
330.336.3330 • web: giganolaw.com



CAMPUS NEWS

Bob Jones University

Timothy Shalala, a sophomore Bible major of Norton, was among approximately 890 Bob Jones University students named to the spring 2016 dean's list. The dean's list recognizes students who earn a 3.00-3.74 GPA during the semester.

Tomorrow
Tuesday