



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, APRIL 8, 2013**

Roll Call: Dennis McGlone
Charlotte Whipkey
Scott Pelot
Bill Mowery
John Conklin
Todd Bergstrom
Don Nicolard

Also Present:
Mayor Mike Zita
Rick Ryland-Excused
Laura Starosta
Pete Kostoff
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, April 8, 2013 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Don Nicolard, President of Council, followed by the Pledge of Allegiance and a moment of silent reflection.

COMMITTEE OF THE WHOLE:

Ms. Whipkey announced an upcoming meeting for the Norton Health Advisory Board on April 25, 2013. Mr. Mowery expressed condolences to the Patricia Patterson family, noting that her sister, Ms. Alice Wagner is a long time attendee here in Council Chambers.

COMMUNICATIONS FROM THE PUBLIC:

Rick Rodgers, 4034 Wadsworth Road, Norton, Ohio, questioned the City Managers position and the requirements for this position and asked if you have to be a City resident? Mr. Nicolard noted the requirements are **all** spelled out in the Charter, and the Courts have struck down the residency requirement.

Dennis Kornacky, 3008 Dutt road, Norton, Ohio, discussed his previous comments to Mayor Zita about his repeated requests to have the ditches cleaned out because you keep telling us this is a violation of the EPA. He understands City Council is not involved in this. It's the duty of the City Administrator to assure the proper procedures are addressed, and if not someone is not doing their job. We need it addressed and if it will help alleviate the EPA situation and concerns.

Rusty Watson, owner of Budget Mufflers at 4445 Cleveland-Massillon Road, Norton, Ohio, directed his comments to Mayor Zita. Mr. Watson stated that in a recent meeting last week the Mayor stated he would stand up and ask Council as a whole to address the water line issue at their next meeting and asked the Mayor if he was going to follow through with that and ask Council now? Mayor Zita indicated that he fully intended to, however this is not the proper time in the meeting to address that, he would address that under Reports from Officers.

Bill Paluch, 3740 Shellhart Road, Norton, Ohio, discussed his recent filing of a Writ of Mandamus in the Courts relating to televised meetings. Mr. Paluch stated the 9th District Court of Appeals would be making a decision on this shortly. Mr. Paluch asked Council to address his following questions with a simple yes or no answer. Mr. Paluch asked if this Council has expended around \$600,000.00 on engineering for sewers and Mr. Mowery replied yes. Mr. Paluch asked if prior to that spending had the City applied for any grant money and Mr. Mowery replied he was not aware of any funding. Mr. Paluch asked if it's true that most of these costs would fall on the backs of the residents? Mr. Mowery stated the way it appears now is that he would be correct, the money comes from no where else. Mr. Paluch stated his next filing under Civil Rule 3 of the Ohio Revised Code would be for discovery of documents and he would find out what is really going on because we have abuse of power here. You have already taken the power away from us from with the televised meetings and you cannot continue to abuse your power. Mr. Pelot clarified that we did go out for some grant funding and Mayor Zita concurred. Mr. Nicolard stated that any funding we spend whether it comes from a grant, or low interest loan or whatever, it is still your money.

Mr. Bill Roemer, Summit County Council Representative, stated he is aware of the issues here within this community and offered his assistance to anyone after the meeting.

Mr. Larry Perkins, 3844 South Neitz Drive, Norton, commented about the recent article in the Akron Beacon Journal relating to television, TV antennas, etc.,

Mr. Richard Gardner, 4556 Roop Avenue, Norton, Ohio, asked what is the proposed cost of the sewer project? Mr. Bergstrom stated this has not gone out for bids yet so we do not have those costs. Mr. Gardner asked didn't you have some costs, and Mr. Bergstrom stated we have the engineers estimates but that is not totally broken down at this point. Mr. Bergstrom stated yes, this information was also revealed at a recent Committee Work Session when Mr. Demboski gave his presentation of the entire project in detail. Mr. Gardner asked where or how does he get this information and Mayor Zita suggested he file a public records request where his answers would be addressed. Mr. Pelot suggested that instead of having Mr. Gardner come back here special we could have that information for him at the next meeting.

CONSIDERATION OF THE MINUTES:

Minutes of the Committee Work Session of March 18, 2013 were approved as submitted.

Minutes of the Regular Council meeting of March 25, 2013 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Zita handed out a quick synopsis of a meeting held last Friday here in Norton with the City of Barberton officials, relating to the waterline project (see attached). Mayor Zita stated a letter was sent out to the Barberton City officials on March 24, 2013 and signed by the members of Norton City Council. Mayor Zita stated that it appears that Council has the residents and the businesses support and asked Council for their direction. Mr. Nicolard asked Mrs. Richards to read that letter from Norton City Council, (see attached).

Mayor Zita stated that it's been reported that he has issues with this letter, and Mayor Zita explained his concerns. The first one is that the letter referenced a dollar loss, which was not stated in the letter, and secondly is the fact that the letter was not reviewed by the Law Department prior to being sent out. Ms. Whipkey asked Mayor Zita what the Cities of Norton and Barberton are willing to do to offset their losses, which they will incur and have incurred on money put out already? Ms. Whipkey stated she does not care who stands there and says there will be no impact, that's bull, and there will be an impact and there is one already there; that these businesses were not involved until March 22, 2013. Ms. Whipkey stated that this whole project started before she took her seat on Council and it would be a cold day in Hades before another project like this takes effect without knowing all of the details and projected timelines. Mr. Mowery stated that the two (2) meetings he attend on this project recently, Kenmore Construction had laid out how and when they would do the work. Mr. Mowery stated these businesses have been blindsided just like the residents were on the sewer issue. We need to treat the businesses just like the residents when they ask us for help, and we need to do whatever we can to help them. Mr. Bergstrom stated Council needs to be looking better at the time frames and the impact when legislation is presented to us. The key word here is help, and we are past the construction delay option here. If we can help, it would be with a variable message board signs or something more elaborate that would direct customers to these businesses so they know they are open. Mr. Bergstrom stated that the majority of these customers know they are going to get their muffler fixed at Budget Muffler, and the same for shopping at Dayton's or eating dinner at Milich's. The mechanisms are already in place and we need to help the situation, but we cannot afford to stop this project now. Mr. Bergstrom stated he is open to suggestions about better signage. Mayor Zita stated this was discussed at the last meeting and those minimal signs would be erected. The project will appear on the west side of the road and down to one lane. When the construction leaves in the evenings and on the weekends, these lanes will be fully accessible for traffic. Mr. Pelot asked if this is still a rolling or moving work site and Mayor Zita stated that is still the case. Mr. Conklin asked if there was any way to expedite the construction near Dayton Nursery and Mayor Zita indicated there was talk of starting earlier. Mayor Zita indicated that Mr. Jim Stender-Director of Utilities, was in the audience this evening to answer any questions we might have. Mr. Pelot discussed having better directional signs so the public can find the businesses easier. Mayor Zita stated that the contractor or QCI does have email addresses for all businesses to give them critical updates via email and or by phone. Mr. Nicolard stated when he signed this letter he had hoped for a better outcome; however he suspected the outcome that has taken place and mitigation would be the only recourse. Mr. Nicolard asked Mrs. Starosta if she could quickly determine the cost of 8% interest on \$2,000,000.00 and Mrs. Starosta replied no, she did not have her calculator with her. Mr. Roemer noted that would be roughly about \$144,000.00 a year and Mr. Nicolard stated noted that this also over a twenty year period and would almost double the price of the project. Mr. Pelot pointed out that Barberton has stated that any increase due to a delay would have to be Norton's burden. Mr. McGlone stated no matter what that number really is we do not have it. Mrs. Whipkey stated she still wants to know why this project was not started last year like originally planned.

Mr. Stender stated this project was never delayed, it was postponed for various reasons including clarification of the exact scope of work, improvements to Norton sewer line that is in Barberton at this time, and contract issues to put in place. Mr. Stender explained that the City of Barberton did not receive the official notice to proceed from the OPWC until January 22, 2013. Ms. Whipkey noted this waterline had broken recently, which illustrates the need for the replacement and asked how old are these lines? Mr. Stender replied that he was not totally sure, maybe 20-35 years. Mr. Stender explained that the line had been beaten up by the traffic and it was never designed for that. He had looked at retrofitting and replacing valves, but replacement was the most cost effective. Mrs. Starosta indicated that her rough estimates of interest would be around \$145,000.00 and that depends on how the OPWC calculates the interest we are charged. Mr. Bergstrom stated both Councils had approved legislation and this did not draw a red flag for him because it's not a total road closure and it was to move along rather quickly. Mr. Bergstrom stated that zero percent interest is free money, and sometimes we are accused of not applying for free money. Mr. Nicolard stated he was on Manchester Road earlier today and it was shut down to 1-1/2 lanes and there was plenty of traffic in this area regardless. Mr. Nicolard stated in the City of Akron they had signs that stated "turn here for a certain business", and that helped in this area. Mr. Nicolard stated we need to give the Administration authorization to do what ever they can for these businesses. Mr. Conklin stated he agreed with all of the comments however, he hoped this is a learning experience for when it comes to the widening of Cleveland-Massillon Road. Mr. Conklin stated there is also a business on Summit Road that needs our help and this needs to be addressed too. Mr. Bergstrom suggested the Council give the Administration the authority to do what they can to mitigate this issue with signs. Mr. Stender noted the project should be complete by the end of July. Mr. Stender stated that signs are now posted saying "Open to local businesses". Mr. Pelot stated we could also use these same signs for when it comes time for Cleveland-Massillon Road widening project. Mr. Pelot stated he calculated that the simple interest of the \$1,821,930.00 at 8% interest over twenty years would be \$2,915,088.00. Mr. Nicolard asked Mr. Kostoff what is the best parliamentary procedure and Mr. Kostoff asked Mrs. Starosta if an account was set up for this project and Mrs. Starosta replied yes and she believed there is some extra budgeted within this same fund that could cover minimal expenses. Mr. Bergstrom noted that the Mayor and Administration have authority to spend within a certain level, and could do so without even asking us. Mr. Kostoff stated you could make a motion if you wish and add your individual comments to allow the Mayor and Administration to use their best judgment to address this issue. Mr. Pelot moved to authorize the Mayor and Administration to do so, seconded by Mr. Bergstrom. Ms. Whipkey asked what are you doing about the money that these businesses are going to lose? Mr. Conklin stated that if you do that you are setting precedence here with all of the businesses on Cleveland-Massillon Road and then again when the widening takes place. Ms. Whipkey stated that we should then be aware of what is going to happen so people can be made aware and not order materials they cannot sell. Mr. Conklin agreed to which Ms. Whipkey stated so we learned a lesson and the businesses just lose their money. Mr. Nicolard stated that remains to be seen as to any losses that may be incurred. Mr. Mowery stated as we keep discussing this, we need to bring the City of Barberton into the equation as well. Mayor Zita stated he we put signs up in the City of Norton, he would venture to say Barberton would do the same.

Mr. Stender stated that would be a Mayor-Mayor discussion between the two cities. Mayor Zita thanked Mr. Stender for taking his time to attend this evening for questions.

Roll Call: Yeas: Pelot, Bergstrom, McGlone, Conklin, Nicolard
Nays: Whipkey, Mowery

Motion passed 5-2.

Mr. Kostoff discussed the recent court filing for a Writ of Mandamus action that all of Council and the Mayor should now have in their possession. Mr. Kostoff noted this has been received and we are reviewing it and according to law we would respond in the Courts in the appropriate manner.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

None

INTRODUCTION OF PRIOR LEGISLATION:

ORD #25-2013

Mr. Mowery offered Ord. #25-2013 for its second reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND THE CHARTER OF THE CITY; AND DECLARING AN EMERGENCY.

Second reading only.

UNFINISHED BUSINESS:

Ms. Whipkey asked what we are doing about the resolution of apology for Romaster Corporation; this seems to have gone away just like the Ordinance has. Mr. Nicolard stated he last recalled you wanted this apology to come from the Board of Control. Ms. Whipkey agreed, adding that the majority of the problem initiated from the Board of Control, however it was also stated that Council would do their own resolution. Mr. Nicolard stated that in the Board of Control he voted no and he voted to kill the legislation and that Romaster still has the contract. Mr. Nicolard stated he felt that we pretty much gave him an apology here and he would just assume this is finished. Mayor Zita stated that if you're expecting an apology from him for bringing to your attention that the buildings were dirty because they were in fact dirty, then an apology is in order. Mayor Zita stated that he did his due diligence for bringing this issue to you. Ms. Whipkey asked the Mayor what he was going to do about his due diligence in reporting problems Ms. Whipkey discussed the contract terms relating to serving written notice if problems occur and Mrs. Starosta stated we have recently communicated through email to Romaster with some new concerns.

Ms. Whipkey asked so from this point forward we can expect problems to be documented through writing or email? Mrs. Starosta replied it has been done through email since then and there have been some concerns.

NEW BUSINESS:

Mr. Conklin announced his upcoming town hall meeting on April 23, 2013 from 7-9 at the Community Center.

Mr. Mowery stated that since Mr. Stender was present he asked Mr. Stender to submit a letter as to how the City of Barberton can justify their fees for the water meters in Brentwood Estates. Mr. Stender stated this matter has been addressed several times and there is a paper trail documenting that. Mr. Mowery insisted that Council receive this information and Mr. Stender indicated he would address that.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita read several announcements, (see attached)

Mr. Nicolard thanked the South Summit Chamber of Commerce about our Norton Clean Up day.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:05 PM.

Don Nicolard, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on April 22, 2013.

Karla Richards, CMC-Clerk of Council

****NOTE: THESE MINUTES ARE NOT VERBATIM****

All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.