



COMMITTEE WORK SESSION JUNE 30, 2014

Committee Members Present: Scott Pelot
 Dennis McGlone
 Danny Grether
 Dennis Pierson
 Paul Tousley
 Charlotte Whipkey
 Rich Rodgers

Also Present: Mayor Mike Zita
 Valerie Wax Carr-Excused
 Justin Markey
 Karla Richards
 Ann Campbell

The Committee Work Session convened on Monday, June 30, 2014 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers, 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:

Confirm Mayors Appointment of Director of Finance

Mr. Tousley noted that late last week Mayor Zita made his appointment for Finance Director. Mayor Zita noted that all of Council met Mr. Messner turned this discussion over to Mayor Zita for his comments.

Mr. Tousley moved to place Ord. #76-2014 on the Special Council Agenda immediately following, with emergency language, seconded by Mr. Rodgers. Ms. Whipkey asked if Mr. Messner was present and Mayor Zita replied no. Mr. Tousley noted this required emergency language due to the fact as of tonight we have no Finance Director and that this also affects our Bond rating and Mayor Zita concurred. Ms. Whipkey stated she understands the need but has an issued approving an appointment without Mr. Messner being present. Mayor Zita noted he was present last week to address any of your questions and did not feel it was necessary to have him present tonight.

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

Motion passed 7-0.

Televised Meetings

Ms. Whipkey stated that we have made all of the improvements and upgrades possible and hopefully everyone can view with no issues. We also have requested viewers to watch at home tonight and to contact us by phone or text if they are having issues watching tonight.

P.C. Res. #7-2014-Storage Pods

Mr. Grether stated that the Planning Commission has submitted to Council their Res. #7-2014 and we had nothing on the books for this type of use. Mr. Grether read the PC resolution in its entirety: *“1258.15 Portable Storage Container: One (1) portable storage container, which is designed for the temporary storage household goods, furnishings, and building materials, may be placed on a driveway or suitable supportive surface on private property within any “R” district for a period not to exceed thirty (30) consecutive days and for not more than two (2) times a calendar year. This time limitation may be extended at the sole discretion of the Zoning Administrator, if extraordinary circumstances are present that warrant an extension of time.”* Mr. Grether stated that he would add this to the next Committee Work Session agenda for August 18, 2014 for more discussion and consideration. Mr. McGlone asked if we are having complaints on these storage pods? Mr. Pierson stated he did have complaints in Brentwood and the residents there have concerns with what they want to see in their neighborhood. Ms. Whipkey asked if these complaints were made to Mr. Pierson only or to the Administration as well? Mr. Pierson noted these were emails that he forwarded on to Mr. Arters. Ms. Whipkey argued that these issues really should be raised within a home owners association instead on a zoning issue. Ms. Whipkey stated that she believed the code section is not correct, that is Fairlawn’s code and that ours should be under Chapter 1296.20 along with dumpsters and other waste containers. The companies you get these pods from have their own restrictions and they are not cheap, \$199.99 a month for the first 2 months and \$150.99 for 3-4 months and \$139.99 for 5-12 months. Ms. Whipkey questioned what kind of work could anyone possibly get done in a 30 day time frame as well as extraordinary circumstances which is like an act of God. Ms. Whipkey noted this version is much friendlier than the first version she has reviewed. Ms. Whipkey stated she was against moving on this and suggested the residential neighborhood handle this themselves. Mr. Pierson noted that Mr. Arters and Mrs. Carr did go and check out the complaints in person on Cherrywood. Mr. Grether stated the wording is here short and sweet and this provides Council the time to review this during the summer recess and report back with their concerns. Mr. Pierson noted as far as the hard surface that applies to motor homes, campers, boats, etc. Mr. Pierson noted it’s obvious that we really don’t enforce our zoning laws. Mr. Tousley echoed Ms. Whipkey’s statements and that he did attend the one Planning Commission meeting along with Ms. Whipkey. At that time Mr. Arters had asked Ms. Whipkey if we had two (2) to three (3) complaints a year was that worth putting on the books. Mr. Rodgers stated he would hope the press would have something about this pending legislation and maybe residents that have concerns could contact their representative so we could discuss this in detail on August 18, 2014.

Council Rules

Mr. Tousley noted that we have been discussing this the last several weeks to amend the Council Rule 109 changing the number of Chair persons from seven (7) to three (3) or possibly four (4) members. Mr. Tousley stated he can see both sides of this and especially the Sunshine Laws. Mr. Tousley felt maybe it would be better having even more members required to attend meetings instead of just one person or Chair member. The more voices being heard the better and that is why we have seven (7) council members to begin with. Mr. Grether stated when we attended the training seminar, it was presented this would be more efficient. Mr. Grether stated that we have struggled with the Charter's requirement of televised meetings and have held no Committee Meetings under the two (2) Committees that he chairs. Mr. Pierson had stated that when you put something out there, you listen to the people and get their feedback. Mr. Grether stated was surprised on how much feedback he had received on this issue. He has received a lot of feedback from residents from all wards that they were concerned that this is a way that could allow for something to happen behind doors, and they don't want that to go on. Mr. Grether commented on the history of how this has been done in the last ten (10) years or more. Mr. Grether noted this does provide for all seven members to have involvement and have discussion up. It may open up the door for more members to attend and bring issues to the floor. Mr. Grether stated he received calls and comments about their concerns and has to listen to what they have to say. Mr. Grether also noted he has read all of the history on how these committees were established and the amount of work we can get done. Mr. Pierson commented that in the Sunshine Law book on page #89 and #90 it relates to fact finding where no decisions are made. Opinions are there for a means of checks and balances. Mr. Pierson noted residents of Ward 3 are facing financial hardships on sewers and if that requires many fact finding meetings to resolve this issue, they are fine with it. Mr. Pierson stated that there is nothing going on behind back doors, everything has to ultimately come to Council for a vote before moving. Mr. Pierson stated we have been stuck in this issue for more than six (6) months and we need to be doing something about that. Mr. Pierson stated he would not let a handful of people or 5-6 people stagnate this process of this sewer process moving forward, so that we can provide better costs to the residents and more effective ways to help the residents in all wards. You have an obligation to the taxpayers, and if you don't feel that you do the maybe you should not be on Council. The buck stops here because we represent the people that are our boss, and we need to be more considerate of the people of this community. The majority rules here and we need to do things for the majority of the people to get things to pass. Mr. Pierson stated we are not breaking the laws as it was stated here last week. Mr. Pierson stated he couldn't help but to think back when he had requested things of past Council and Administration. We all want to do things for the people, we want the roads fixed, the sewers completed, and to do the best will of the people. Ms. Whipkey stated that all sounds good and reasonable; however from what she has seen the meetings in question are more meetings of the Administrative heads. Mr. Pierson stated that's correct and she did not feel this had a great deal of impact as to how things would move forward. Ms. Whipkey stated she did attend one meeting and did not contribute to anything she had listened, and she has no issue with fact finding. It does not matter how many people we have sitting here, if the information is not coming back for us or the public to know about and nothing is voted on.

Mr. Rodgers concurred and the only time a vote goes on is by this Council there are no votes in those meetings. Mr. Pierson noted that last week or so Mr. McGlone commented and informed everyone about the tour in Randolph, no decisions were made there, it was just information shared. Ms. Whipkey stated she has no problem with the way they are set up now and she has no problem commented about any subject in any of the standing committees. Mr. Rodgers asked again how many of the standing committees met, and there have been none. Ms. Whipkey stated that's not the issue, when did we hear about your new engineering study, it was last week and there was no Committee meeting on this, but its still going forward now isn't it? Mr. Rodgers asked if any of the Council members moved any legislation forward this year? Ms. Whipkey stated yes, just last week she repealed legislation and there is very little happening in her Property Committee and just what would he like to see moved? Mr. Rodgers cited case in point was last week it was mentioned about a concrete pad needing replaced and we have no legislation now addressing this. Mrs. Carr had noted last week that she is working on this and Mr. Rodgers asked Ms. Whipkey if she knew what is happening with that? Ms. Whipkey replied, not but they are probably looking into finding contractors to work on that. Mr. Rodgers asked if someone were to have fallen got hurt and the City ended up with a liability lawsuit, he feels we did not our job here because we are aware of that. Ms. Whipkey stated she has sent out numerous emails about issues within the Property Committee and Mr. Rodgers stated emails don't get it and we are not doing anything within the standing committees. All the standing committees are doing now is impeding the process of the City. Mr. McGlone stated Mr. Rodgers was incorrect; it's the Administration that brings things forward for Council to act on not the other way around. Mr. Rodgers argued that the Council is the one to bring legislation forward as well. Mr. McGlone stated Council moves legislation through, but the Administration tells us what is needed and what to move on, we are not supposed to go hunting for it. Mr. Rodgers stated he did not get elected to wait for Administration to tell him what needs done. If a resident has an issue and legislation needs acted upon he is going to bring it forward. Mr. Pierson stated the legislative branch brings forth legislation to the Committees and on to Council for votes, which is what Council is; we are the one processing the needs of the City. The Executive branch is carried out with the legal department. Ms. Whipkey argued that legislation can be created and brought forward by anyone. Mr. Pierson stated that as far as having four (4) members on Council he would hope the other three (3) members would have a spine to do their due diligence to address the issue. Mr. Rodgers commented about being in office starting in January we had no Road Program for 2014, no one from the past Council had moved anything forward. Mr. Rodgers stated from the time he was seated if we did not get moving in a big hurry, we would not have had a road program for this year. Ms. Whipkey stated she would not let Mr. Rodgers accuse the past members of doing nothing. In January she contacted her fellow Committee members advising them of what we needed to do for this year's road program. The one thing that is lacking is money, and she does see what the newly elect can do about that. Mr. Rodgers stated he went to Laura and told her that he wanted \$100,000.00 to be added to the \$350,000.00 that we do have. Mayor Zita attempted to add to this comment, and Mr. Rodgers told him he could not comment. Mr. Tousley called for a point of order, he has the floor this is his committee and he would like to hear what Mayor Zita has to say.

Mr. McGlone stated that it seems as Council President, when anyone is against you, you just gavel them down every time. Mr. McGlone stated when the Mayor wants to speak we usually listen. Mayor Zita stated Mr. Rodgers was claiming that he found the extra money, which he did not. We took the money from Time Warner Cable Franchise Fees account. Mr. Rodgers stated he never stated we found it, he asked Laura to find a way to get to a budget of \$450,000.00 and we did that, and he asked Laura this year to raise it another \$100,000.00 because that is what the city needs. Mr. Tousley stated the rules are the rules, he is the Chairman and he has the floor and did not appreciate Mr. Rodgers gaveling him while he has the floor. Mr. Tousley asked if there was any further discussion of moving to four (4). Ms. Whipkey stated you still have four (4) people responsible and we can all be responsible to bring forward legislation and you can have 2-3 attending meetings without having issues with the Sunshine laws. Ms. Whipkey stated she does not see the need to do away with the Standing Committees all together because then we are back to seven (7), which is where we are now. Mr. Rodgers stated this is all about to save the city money and moving this city forward. Mr. Rodgers commented about Ms. Whipkey wanting to be at all of the Watershed meetings and Ms. Whipkey agreed adding that we were also told that all seven (7) of this Council would be able to attend. Mr. Rodgers discussed the concept with the package plants being abandoned and that by having more attending; it would bring back more than one biased opinion. Most of these issues are discussed during the daytime and it's hard for some Council because of their jobs. Mr. Rodgers stated we have to start thinking outside of the box. Mr. Rodgers stated when we start talks with the EPA, the County, etc. we don't just want to sit back and have the Administration come to us and say this is the deal. We would have a complete understanding of all the issues. Mr. Grether stated that responsibility really should fall to the Chair-like Economic Development and he is the one that attends and bring it forward to the Committee and provide the public the opportunity to express their concerns. Mr. Grether stated that if hears from residents this is something he has to consider their issues. Ms. Pat Reese, 4052 Wadsworth Road, Norton, Ohio stated she has been listening to all of your concerns about what you will do or not do. Last week someone thanked Mr. Pelot for sticking by the Sunshine laws. We pay the bills, what's wrong with having all of you work on a problem and its televised so we can all hear what is going on. That Charter amendment does not mention that Committee Meetings are to be televised; it says Council, Work Shops and Special Meetings. Here is your opportunity to stand up for what you believe, this will make all of you take notice, because it affects every single person. The people of this city voted 4 incumbents out of office and she sees that as a good thing, because we all want to see change. If that means for all seven (7) committees meeting as a whole, then she is fine with that. Ms. Whipkey stated that's exactly what we are doing right here tonight. Ms. Reese stated that it's all about a way for someone to block something from coming forward. Are you going to move things forward or not, we have problems here in Nash Heights, and we have some of you that do not even live in Nash Heights and are not paying the costs. You all need to be on the same page. Mr. Rodgers moved to on a trial basis disband the Standing committees to 12-31-14 and operate as Committee of the Whole with all seven (7) members, and as needed appoint separate Committees and begin after our break, seconded by Mr. Pierson. Mr. Tousley stated that changing the rules is not a small detail, this is not something trivial.

Mr. Grether stated that changing the structure does not mean the Watershed District meetings would be televised if three (3) or four (4) members attended. Mr. Grether noted that Mr. Rodgers did get the ball rolling with the road program going this year. Mr. Pierson stated that does not understand why a city of 12,000 has to argue about everything. Mr. Rodgers commented about the reason the road program is working now is because no one was doing anything, it wasn't the system that made it work, it was the absence of action. Mr. McGlone stated the road program always comes down to money, and it's not because of lack of action. Mr. Rodgers commented on the need for roads, and as soon as we come back from recess Karla already has that on the agenda. Mr. Pelot stated the calls he is getting is all about transparency and clarified that any amount of members attend a meeting as long as no decisions are made that is not a violation of the law and Mr. Markey agreed. Mr. Pelot discussed the airing of meetings does not require that Committee Meetings be aired live; we put it out there so the public can see what is being discussed. Mr. Rodgers asked Mr. Pelot if he felt it was important to him to be present for any future meetings regarding fact finding? Mr. Pelot stated yes if he can attend due to work. Mayor Zita noted that when Barberton held these meetings, it was the Administration that attended there were no Council members attending. Mayor Zita stated he has never had a problem with Mr. Rodgers or any other Council member attending these meetings. Mr. Rodgers stated the Chairs as listed now will be the chair for the Committee of the Whole the future.

Roll Call: Yeas: Rodgers, Pierson,
Nays: Pelot, McGlone, Grether, Tousley, Whipkey

Motion failed by 2-5vote, a two-thirds vote of 5 is required for amending Council Rules.

Engineering Agreement-Wetland Restoration

Mr. Rodgers discussed the information for a wetland restoration. This came about because of the flooding problem we have in the City. This currently affects a large area in the industrial district but also some residents along the lower end of Wadsworth Road. There was a plan from 2011 to correct the Newpark Drive area and there now seems some dispute if that plan would have actually worked. The best plan now is to figure out how much water we are dealing with and where it is coming from. We have plans to share the costs with Barberton and Copley. Mr. Rodgers indicated he wanted to add this to the Special Agenda due to the time constraints for a first reading only. Mayor Zita stated we are looking at a hydrology study and we hope that all three (3) communities are sharing the cost. Mr. Pelot questioned the \$102,000.00 cost and if this was just Norton's costs or split between the three (3) communities? Mr. Rodgers stated we are looking at about \$34,000.00 from each community. Mr. Pelot asked if this was the same study we did back in 2011 and Mr. Rodgers stated no, this study was not even done. Mr. Pelot asked if a study was done in 2012 and if so who did that study? Mayor Zita replied yes a different scope of study was done in 2012 and it was done by Osborn Engineering. Mr. Markey explained these are not the same types of project and studies and the scopes are different. Mr. Tousley asked how this impacts the Watershed District? Mr. Rodgers noted that right now this would be ahead of the Watershed because its not been formed just yet.

There is the thought that if we reclaimed some of the property along Wright Road in Copley back to a wetland it may help solve a large majority of flooding in both Norton and Barberton. Ms. Whipkey noted if Copley cleans up more on their side, we could be relieved from this flooding. Mr. Rodgers stated from what he is being told the start of our issues comes as far North as the Stan Hywet area. Mr. Rodgers stated that Comunale has installed a water metering gauge at their expense and if flooding is about to occur we will be advised. Mr. Grether noted this is the same issue we all supported with the approval of moving ahead with the Watershed District and questioned if we need both? Mayor Zita stated we technically have not formed a Watershed District and even then it would be several years down the road, and this could address it now. Mr. Grether had concerns with spending the money now with the three (3) communities in addition to possibly an assessment coming with the Watershed District. Mr. Rodgers stated if we solve this now and it corrects the problem, we may not need to be in a Watershed District. Mr. Pierson noted that Ms. Whipkey had commented in the past about a sub district. Ms. Whipkey noted she is all in favor of doing something locally that we all benefit from it, and there are some green grant funding available for something like this. Ms. Whipkey stated she spoke with the Army Corp. of Engineers today and they are willing to help us in a smaller scale. Mr. Rodgers noted this is just a study at this point. Ms. Whipkey stated there is a study going on right now regarding the wetlands being tampered with in certain parcels by the Army Corp of Engineers. Mr. Tousley asked is there any kind of certainty or guarantee that this plan would work? Mr. Rodgers stated that if a plan is developed it had better work before we spend any funding on that. Mr. Rodgers noted this is a big, big plan and this is just a first step. Ms. Whipkey asked if we have any idea of the total amount of land involved, and Mr. Rodgers stated it's mostly impacted by Copley. Mr. Rodgers moved to add this to the Special Council agenda later this evening. Mr. Gainer, 3920 Wadsworth Road, Norton, Ohio stated he is in favor of doing anything to stop the flooding. Mr. Gainer suggested we need to look at this further and he would hate to see the city make the corrections to the land only to have the Army Corp. of Engineers turn it all into a large retention ponds in the future. Mr. Gainer stated as Mr. Pierson had previously stated a Watershed District will be created, one way or another. Mr. Gainer questioned how we are going to get the flooding corrected before that Watershed District takes over? Mr. Gainer hesitates spending any funding unless we are coordinating now with the Watershed District. Mr. Gainer discussed the initial plans from the Watershed Districts that already involve retention ponds. Mr. Gainer stated it may be premature to jump in now, and he thought the Army Corp of Engineers already has the hydrology study. It may be a good idea for just doing a study, but may not be such a good idea for a full plan. Ms. Whipkey stated the Army Corp of Engineers has no study for this particular area. Ms. Whipkey stated it takes 500 signatures from each community for a petition to be filed with the Court. Mr. Pierson stated that in 1960 Chippewa filed for a Watershed and he would like to have us keep our own home's rule and be in total control as to how our residents are assessed and form our own sub district. Mr. Tousley stated that when the Mr. Roselle discussed their costs for a study was like \$400,000.00 or more and how can we get this done for \$102,000.00. Mr. Pelot stated that study with Mr. Roselle took into account not only the study but the plan to mitigate the flooding. Mr. Pelot stated he hates to be paying for something twice, but if we can do something now that would be well worth it.

Mr. Pierson stated the City of Akron is in the process of doing something very similar to this soon and he would rather be ahead of the curve. Mrs. Audrey Kornacky, 3008 Dutt Road, Norton, Ohio, stated that. It's just like a homeowner with a leaking roof; if you get up there and fix it right away you don't have a problem. Seems to her if you stop the flooding now you may not have to go with the dire extremes, just go ahead and do what you need to do now. Mr. Rodgers again moved to place Ord. # 77-2014 on the Special Council agenda tonight for a first reading only, seconded by Mr. Pelot. Mr. Grether asked would we know how the other communities are standing before the vote on the 14th, and Mr. Rodgers replied yes that is why he wanted to move it to the July 14, 2014 meeting. Mr. Grether asked about the other communities and if they also share in the costs of whatever corrective action is needed? Mr. Rodgers replied we are not to that stage of the discussion. Mr. Rodgers indicated that he and Mrs. Carr had a meeting with Barberton officials, and there is a second meeting coming up with them in August. The idea is to share proportionally and Ms. Whipkey asked do you mean evenly or proportionally? Mr. Rodgers replied proportionally. Ms. Whipkey stated proportionally means that who ever has more has to pay more, and Mr. Rodgers concurred. Mr. Rodgers stated that the cost of the study would be equally shared but obviously if Copley has a bigger portion, they will be paying more, and all of this will come from the design which is not done yet.

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

Motion passed 7-0.

Unfinished Business:

Mr. Pierson asked last week about the cleaning contract with Romaster and if there have been amendments to the contract? Ms. Whipkey stated it was amended last year. Mayor stated there was an attempt to eliminate their services but it remained in effect at a 12% reduction in their fees. Mr. Pierson questioned if that 12% discount is still in effect and Mayor Zita replied yes. Mr. Pierson questioned if we changed their duties or are there any offices that they are not permitted to clean? Mrs. Campbell noted the offices in question are locked due to personnel offices and are not open to Romaster for cleaning. Mr. Pierson stated he is asking these questions because it appears that they are not doing a quality job specifically with dusting offices and if that is not the case we need to get Mr. Roman in for a walk around. Mr. Rodgers stated this is a Property Committee and suggested that Chair be involved with this. Mrs. Campbell stated when we cut back the 12% there was a portion that was decreased from cleaning services.

New Business:

None

Topics for the next Work Session:

Heritage Homes Program

PC Res. #7-2014 Storage Pods.

Mr. Grether talked about City owned properties and how to market them and the CIC.

Mr. Grether asked the Administration or Law Dept. for a report the current status of the CIC, their purpose, etc. Mr. Rodgers asked what is stopping us from listing these for sale? Mr. Markey stated you have to go out with a public bid or bring the CIC back into the fold. Ms. Whipkey noted who was a member on the CIC and questioned the way we would bring that back and what members would now be on that? Mr. Markey stated the law provides that 2/5ths must be elected members and the members appointed could be changed by a vote of the Board of Directors. Mr. Rodgers asked Mr. McGlone if you can set a reserve with a bid and Mr. McGlone and Mr. Markey replied yes you could. Mr. Markey noted that you can reject any offers that do not meet that bid. Mayor Zita stated if we do go out for bid and who ever wins the bids gets it and if you have CIC in place they are on control of all of that. Mr. Markey noted that this activity is permitted by law and is actually a constitutional law.

Public Comment-Agenda and Non Agenda Items:

Gayle Brenner, 4041 Harper Avenue, Norton, Ohio, discussed the vacuum system and one thing she heard with the gravity system is that it could be assessed for the 20 year period, is it this the same for vacuum system? Mr. Markey replied yes that can also be assessed, however the useful life of a vacuum system is longer than a gravity system. Ms. Brenner commented about Mr. McGlone' recent discussions about the City owning the sewer systems. Instead of saying now we don't have enough staff to do that, has anyone looked into having grant money help keep the services and fees in the City? Mr. Rodgers stated with that discussion of owing the County system, that cost was over 2 million and those lines are over 40-50+ years old. Mr. Rodgers stated with a City that cannot get our roads in proper shape, he wasn't sure how we can manage something like that. Ms. Brenner asked if any of the Nash Heights residents gave feedback on what type of system they want to have? Mr. McGlone stated until we get the costs for both on paper we cannot make that kind of decision. Mr. Pierson stated that as far as the costs go that is up to whoever is doing the billings. Ms. Brenner asked if the former Council member who is a plumber ever provide any feedback? Ms. Brenner discussed the cancelation of meetings, and why not use that time for having your committee meetings?

Public Updates:

Mr. McGlone noted that he failed to mention something about the Randolph tour and that a question came up on the odor. Randolph officials had indicated even with the very harsh winter there was no problem with odors. Mayor Zita asked how many homes were on that system and Mr. Rodgers noted there were forty-four (44).

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:02 PM.

Rick Rodgers, 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.