



Mr. Rodgers stated the County has the performance bonds if there is an issue and the problem on Eastern was there was not an inspector on sight and it would be to our benefit to pay that extra cost for an inspector.

PC. Res. #5-2014 Rezoning-Silver Creek Metro Park

Mr. Grether noted the Planning Commissions Resolution #5-2014 proposal is for the Silver Creek Metro Park to allow all of the parcels to be conforming to a Public Recreational District including the recently bought parcels. Ms. Whipkey asked about an old barn still on the property and Mr. Grether noted he felt it was still on site and noted sure of their intended use. Mr. Mark Zimmerman, Planner for the Metro Parks, noted all of the parcels are currently a mixed use for zoning. We are looking at the parcels near the railroad tracks for the purpose of the cross country track and which is proximately 130 acres. Ms. Whipkey asked if you just want to change those parcels involved for the cross country track and Mr. Zimmerman noted we want to change the zoning on all of the land to be the same as it is all mixed use currently; the zoning change would actually cover all the park property from Eastern to Greenwich. Mr. Grether moved to add this to the next Council meeting for a first reading only, seconded by Ms. Whipkey. Mr. Grether noted a Public Hearing will take place on September 8, 2014 at or about 7:15 PM.

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

Motion passed 7-0.

PC. Res. #7-2014 Portable-Storage Pods

Mr. Grether noted the Planning Commissions Resolution #7-2014 was brought forward as a resident complaint to Mr. Pierson. Council has in front of them the lengthy definition. Mr. Markey stated the original recommendation was just the short paragraph in the exhibit A not the full blown description in front of you, and he would confirm that this week and confirm it with Mrs. Richards and the Planning Commission. Ms. Whipkey noted her issues with the 30 day limit as she did not believe it was long enough and the extraordinary circumstances language could almost require an act of God; it all needs modified. Mr. Grether stated that the lengthy exhibit of the attachments had more definitions and the circumstances are clearly spelled out and had more leeway. Ms. Whipkey disagreed with the lengthier version containing leeway as she was present at the Planning Commission meetings. There was discussion of the permit fee that was removed for citizens and companies. Ms. Whipkey noted in her case the storage pod came from Alabama and it would have been difficult for that company to get a permit for a onetime event. Ms. Whipkey stated she still feels if it is a neighborhood issue then they should control that with a neighborhood association as opposed to creating that strict of an ordinance. Mr. Markey clarified that he believed Mr. Grether was trying to say that a lengthier version would address what conditions would apply to items such as "extraordinary circumstances". Ms. Whipkey stated these pods are not cheap and people are not renting them just to harass our neighbors. Ms. Whipkey questioned why we even need this legislation as no one even noticed them until after legislation was asked for and the pods were actively looked for in the City.

Mr. Pierson stated it allows the City to have a baseline. If you have no complaints, you have no problems. However some residents feel their neighborhoods had a right to look a certain way, and it is not set up to hound or abuse people. This one particular complaint was because the pod has been in place for over 4 months, and perhaps the question should have been if proper building permits were in place. Ms. Whipkey questioned the building permit comment and Mr. Pierson stated that in the particular case the pod was supposedly there because construction was taking place. Mr. Pierson stated that we need to have some standards to go by and by ignoring this is not representative of the people he represents. Mr. Rodgers stated he has a problem with the 30 day limit, if you have a fire in your home it would take close to 90 days to get the repairs completed and would like the time to be extended to 90 days. Ms. Whipkey suggested striking extraordinary from the language and apply it to the circumstance. Mr. Grether stated he polled some residents on how they felt and some are fine with it and one resident handed him a copy for a warning of a small fishing boat needing removed within 24 hours. Mr. Pierson stated he felt its 21 days not hours, and that there are codes and regulations that have been in place for many uses. Mr. Grether stated this should be tied in with building permits and the language was too vague. Ms. Whipkey stated building permits are not the only need for pods as when she brought all of her Mothers belongings from Alabama in the dead of winter this was her only option. Ms. Whipkey noted we are making laws for developments which are where these complaints came from. There are other areas that are not in the developments and don't have this problem and do not want the lifestyle of a development, yet those areas are constantly inflicted with laws that originate out of the needs or desires of developments. Mr. Pierson stated so you want to have two (2) sets of rules here; one for developments and one for all others. Mr. Grether noted the boats and campers were all complaint driven enforcements and he has no control over that. Mr. Grether stated his experience is that Norton is complaint driven and he does not see anyone driving around the city and issuing citations. Mr. Grether stated he felt this is too vague and he believed we could even send it back to the Planning Commission as well. Ms. Whipkey stated the Planning Commission actually cleaned the original writings up pretty well; the companies that lease these out are concerned that they get picked up in the same condition. Ms. Whipkey agreed with Mr. Rodgers on the 90 days and still wants extraordinary removed. Mr. Grether asked when do we know the 90 day clock starts ticking, there is no registration or fees and questioned how you even police the 30 days let alone the 90 days. Mr. Pierson stated the last two lines state it's up to the discretion of the Zoning Inspector. Mr. Tousley stated he understands when a complaint is raised and it is noble to come forward on it, but we have to be careful we do not take the rights away from the vast majority just to help a few. Mr. Tousley discussed the reference to private property and asked what does that even mean any more? Mr. Tousley stated when he was campaigning he heard comments from the residents that they wanted local government to leave them alone and let me live my life. So it is ironic that it says private property and now are we going to decide if they can have 30, 60, or 90 days when they pay property taxes and then some. Mr. Tousley also has concerns with the Zoning Inspectors sole discretion, what happens when he leaves and someone with a chip on their shoulder comes in? Mr. Pierson stated well he has seven bosses sitting right here and Administration sitting on top of him. Mr. Pierson asked doesn't the neighbor sitting next door to one of these also have rights and also pays property taxes?

Mr. Tousley noted he has nephews serving in the military and he has a hard time telling them thanks for your service but this isn't worth your service. Mr. Tousley stated that he did not know if he reflected all his residents, but he had many that had come to him and asked for this to be left alone. Mr. Grether stated he would like to be left alone too, but he has to file permits for a fence or a pool; however he feels this should go back to the Planning Commission as it is too brief. Mr. Grether asked Mr. Markey if that is permissible. Mr. Markey stated you alter it or turn it down, but you will still have to have all of your readings and the public hearing; you cannot just punt it back to the Planning Commission. Ms. Whipkey asked how it even got to the Planning Commission in the first place? Mr. Grether stated he believed Mr. Arters sent it to the Planning Commission to address it. Mr. Rodgers stated he initially asked the Administration and Planning Commission to let it just die, which did not happen so somebody moved it on their own. Mr. Rodgers stated we need the changes all of you want now. Mr. Rodgers asked if we all can agree to 90 and remove extraordinary to which Ms. Whipkey agreed. Mr. McGlone asked for clarification if we could alter it on our own without going back to Planning and Mr. Markey concurred; Mr. McGlone then stated he liked the 90 days and removing extraordinary. Mr. Pelot stated he was good with the 90, but could go either way with Extraordinary and has issues with the sole discretion of the Zoning Administrator and felt the City Administrator should also have some impact. Mr. Markey stated the way it's handled is the decision of the Zoning Administrator can be appealed to the Administrative Officer. Mr. Pierson and Mr. Tousley were fine with 90 and removing extraordinary. Mr. Grether was fine with the 90 but questioned the circumstances not being defined as to what could be stored. Ms. Whipkey stated the rental companies have their own contract with restrictions, etc. and most things that would be addressed as a safety issue by ordinance is already addressed in the contract. Mr. Pelot asked about the enforcement, etc and Mr. Markey noted that would be covered under general zoning codes. Mr. Grether read the revised language of Chapter 1296.21 as follows:

*(a) One (1) portable storage container, which is designed for the temporary storage of 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 ninety (90) consecutive days. This time limitation may be extended at the sole discretion of the Zoning Administrator, if circumstances are present that warrant an extension of time.*

Mr. Grether moved to add #79-2014 this to the Special Council Meeting agenda tonight for a first reading only, seconded by Mr. Rodgers

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

Motion passed 7-0.

PC. Res. #8-2014 Rezoning-Used Car Dealership

Mr. Grether noted the Planning Commission Resolution #8-2014, proposed a re-zoning at 1872 Wadsworth Road for a used car dealership.

Mr. Grether noted a Public Hearing will take place on September 8, 2014 at or about 7:15 PM. Mr. Grether stated he drove to this property across from the old Carter Lumber Company. Ms. Whipkey clarified this is on the south side and Mr. Grether concurred. Mr. Rodgers noted it is gravel lot and there is a sign for the name of the proposed car lot. Mr. Pelot stated he is good with a new business in the City. Ms. Whipkey questioned if there would be any impact with the wetland studies? Mr. Rodgers noted he did not notice any changes to the grade and what's there now has always been there. There was brief discussion as to the exact location of the property in question. Mr. Grether moved to add this to the next Council meeting for a first reading only, seconded by Mr. Rodgers.

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

Motion passed 7-0.

PC Res. #9-2014 Rezoning-Creekside Kennel

Mr. Grether noted the Planning Commissions Res #9-2014 to allow for an overlay to the existing zoning for an overnight dog kennel at the veterinary facility. This is an extended use for the current animal clinic. Ms. Whipkey asked if this is going to be used as an extended stay clinic and Mr. Grether stated the application is not that specific. There was discussion as to the exact location of the parcel being rezoned. Mrs. Richards noted the application clearly states 3744 Wadsworth Road, which is the new location, and used as an overnight Kennel and suggested these questions could be addressed at the Public Hearing. Mr. Pelot stated perhaps they are trying to compete with the only overnight kennel in Copley Mr. Grether noted a Public Hearing will take place on September 8, 2014 at or about 7:15 PM.

Mr. Grether moved to add this to the next Council meeting for a first reading only, seconded by Mr. Pelot.

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

Motion passed 7-0.

New Fire Dept. Vehicle Purchase

Mr. Rodgers commented on the recent grant awarded to the City in the amount of \$356,250.00 and our share is for \$18,750.00. Mr. Rodgers moved to place this Ord. #80 to the Special Council Meeting tonight, seconded by Mr. Grether. Mr. Pelot questioned if we can add this at the Special Council Meeting since it was not posted, and Mr. Markey noted the agenda can be amended and the legal notice was posted for a Special Council Meeting. Ms. Whipkey noted we have a short time limit to get this done as we only have 365 days to have it finished and sitting in our garage.

Mr. Pierson noted the figures and asked about inspection tours and number of personnel attending. Chief replied there are two (2) tours and four (4) people were built into the price for each trip. Mr. Pierson asked if this was really necessary as he felt one person should go at the end and it should only be Chief Schultz. Mr. Pierson asked if Chief Schultz knew the total costs for the inspections and Chief replied no and he did question that number of personnel attending. Mr. Pierson stated we should be able to negotiate that and save money to spend elsewhere. Chief Schultz stated the original cost was \$407,000.00 and then discounts were applied to arrive at the \$375,000.00. Chief Schultz confirmed any savings could be added into the equipment of the truck. Mr. Pierson asked how the vehicle is delivered and Chief Schultz noted they will drive or deliver it to us, and Mr. Pierson noted we should check what that costs are, we may be better to go and get this ourselves. Chief Schultz and Mr. Pierson both agreed this is a very fair pricing for the vehicle. Mr. Pierson asked if we have always been using custom chassis and Chief Schultz commented about that and all of the new tilt test standards. Chief Schultz stated we have looked at several others and the custom E-1's are always the best route to go. Chief Schultz stated if it would save us \$3,000.00 to \$4,000.00 he would be willing to drive it back himself. Mr. Pierson stated he was a little disappointed it did not come to the Safety Committee and Chief Schultz stated this grant application was written back in March of 2013 as it is always a year behind. Ms. Whipkey commented on the terms and conditions of the contract being discussed and questioned if the savings being talked about would be going into this year? Mr. Pierson stated that is not correct, this is a general contract and that information is really included in the truck specs. Chief Schultz stated any money we could save would go back into the equipment on the truck. Mr. Pierson moved to have Chief Schultz go to Florida and make final inspection and drive the vehicle back to the City, there was no second to that motion. Chief Schultz stated the final build out time is 240 days. Mr. Grether noted the Chief had reported in the papers he has been writing for this same grant for several years. Chief Schultz noted we have over 2 million in grant applications he has written. Mr. Pierson asked if the specs included all of the radios and electronics and Chief Schultz replied anything electronic will be removed from the old vehicle and there were some additions. Mr. Pierson stated it is nothing today to spend \$550,000.00-\$700,000.00 or more for a new pumper vehicle. Mr. Pierson asked about aluminum wheels and Chief Schultz replied, no he requested a bare bones vehicle. Mr. Grether stated to get \$375,000 in free money when we only have \$500,000 for a road program is very impressive and thanked Chief Schultz for his hard work in winning this grant. Chief Schultz stated he would be reworking the final specs this week and will see that one person flies down to Florida for the inspection and whatever is cheapest to bring brings it back. Mr. Pierson asked about the tank capacity and Chief Schultz replied it's a 1,000 gallon tank with 30,000 gallons of foam that doubles the water rate. Mr. Pierson asked if hydraulic lines were included and Chief Schultz replied no, that equipment is on the rescue vehicles, is not on the main engine. Ms. Whipkey clarified what gets read and passed at the Special Council Meeting would not have any impact with what the Chief is going to work out later this week in the contract details and Chief Schultz concurred. Mayor Zita suggested having two (2) people go for safety reasons to drive the vehicle back. Chief Schultz stated if he can get them to deliver on their dime, he would do so. Mr. Tousley stated since Council just received the legislation and contract five (5) minutes before this meeting, it is not being responsible for him to go along with the emergency since he has not even had time to read it?

Mr. Rodgers stated he understood Mr. Tousley's concerns, but as this came up while we were on recess and in order to fit the timeline and FEMA requirements, it made it an emergency measure. Mr. Rodgers asked if a week would help Mr. Tousley's concerns and Mr. Tousley stated even less time as long as he had more of an opportunity to look it over. Mr. Pierson stated in his past experience if you are not in business you would not understand the details and did not believe it would make that much of a difference. Mr. Grether commented that this went through Board of Control, who voted unanimously and Mr. Rodgers stated we voted on the amount, to which Ms. Whipkey concurred. Ms. Whipkey added that the actual contract was just presented at the Board of Control meeting and they had not seen it prior to tonight. Mr. Pierson asked to have a copy of the specifications and would review that with Mr. Tousley. Mr. Rodgers and Mr. Grether modified their motion that it would be a first reading only at tonight's Special Council agenda due to Mr. Tousley's concerns.

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

Motion passed 7-0.

#### Monthly Budget Reports-Blanket Certificate Amounts

Mr. Rodgers discussed the recent request by the State Auditors that Council address these issues and state so in the minutes. Ms. Whipkey noted she felt this could be added to our Council Rules, and we should acknowledge only that we did receive them and not that we agreed and/or approved them; she did not believe any of us were experts in the field and although we ask questions on finances we should not be approving only acknowledging receipt. Mr. Rodgers noted when we approve our minutes we could add that to the first Council meeting of the month that Council has accepted the reports, and Ms. Whipkey stated she could not go as far as the word accept and would like received used. Mr. Markey suggested adding receipt to the Rules. Mr. Markey stated he would get with Mrs. Richards and suggest the appropriate language for Council to address. Ms. Whipkey discussed the blanket certificate amounts and asked Mr. Messner about this, adding that she understood it to be limits on the amount of money able to be spent and questioned if that doesn't this fall into the Board of Control. Mr. Messner stated he was not familiar with this issue until now. Mr. Markey explained the request was an addition to the Ohio Revised Code and they like to know you have the money to spend and he would review it with Mr. Messner; they want to know that you are aware of what is being spent and you have the money. Ms. Whipkey asked about getting a monthly listing of all of the purchase orders submitted by each department and wouldn't that help clear this up as well. Mr. Messner stated he thought that Council received those as well and Mrs. Richards noted that Council has not been copied on that in the past. Mr. Messner noted from now on he would see that Council receives these reports.

#### Unfinished Business:

Mr. Rodgers discussed abandoning the Standing Committees before we went on recess and tonight we have addressed the storage pods as a group and arrived at a consensus, which is how a Committee of the Whole would work if we went to that format.

It's been stated and people have written in that people believe we are trying to do things behind closed doors. The real thought he has with this is we are in several negotiations on our sewer situation and although he is attending these meetings he feels we need three of us attending and that's his reason for the change in the Committees. Mr. Rodgers stated he does not buy into the statement of one or more members being coerced in their decisions. It's extremely important in being engaged on issues in the city. If we are involved in the making of the issues and legislation being formed, when it gets to full council it would probably just move along and better represent the people. Mr. Rodgers made a motion to reconsider the abandoning the Standing Committees for the remainder of this year, seconded by Mr. Pierson. Mr. Tousley asked Mr. Markey if there is anything legally binding to go back after the beginning of the year. Mr. Markey stated the language in the rules could state that but he has not drafted such so we would have to revote it. Mr. Grether stated there are still decisions going to be made outside of this rule and if we can't have 7 (seven) attending are we going to have three (3) of you saying this is the way we are going. It needs to come before Council, and ultimately will for a vote, but it sounds like the decision has already been made. Mr. Pierson stated that what Mr. Grether is saying is he does not trust the sincerity and judgment of fellow Council members and any decisions would be discussed like this evening in front of the public and Council. Mr. Pierson added that Mr. Grether knew a lot more about zoning that he did and he would trust his judgment on that; some of us had been involved in the sewer project for the last seven or eight years and hoped he would trust his judgment on it. The bottom line is we need more than one person sitting there to hash over the stuff and come back to make a report to Council. Mr. Grether stated that ultimately Council will have to vote on something you decide and trust is out the window its all about protocol; it's like the discussion on fire truck, send the specs out, get the bids and let the seven (7) of us make the final decision. Mr. Pierson indicated that was funny as no one seemed to have seen that information and he was certainly more qualified on that subject than anyone sitting here, but he trusted the Chief to bring the information and specs with the best interests of the City in mind. Ms. Whipkey stated the Committee of the Whole is totally transparent as we are all sitting here now and open to the public, recorded, etc. We cannot even make decision in executive session, we all have to come back and make our vote in a public forum. Mr. Rodgers commented about a resident's statement that Council is responsible to bring legislation forward. It would be in the best interest of the city for those in these meetings to do just that and not to make decisions, but to make sure the ingredients were there; we should know this legislation inside and out. Mr. Grether stated this current format works, if we don't know the legislation we move it to next week; just look at what took place with the \$18,000.00 fire vehicle got moved to next week because Mr. Tousley had some concerns. Mr. Pierson stated that's the gist of this discussion so we have to have more people involved in the discussion and asked how many of the Council present attended any of the sewer meetings. Mr. Tousley stated he thought Mr. Rodgers was trying to say sometimes legislation is present by one or two individuals with one frame of mind. Mr. Tousley stated sometimes there are other plans to present, like the watershed, and it presents the opportunity for other plans to come before us and not so much for decisions to be brought; would that be correct Mr. Rodgers? Mr. Rodgers replied he guessed it would be correct to a point. Mr. Rodgers stated we are limited to be part of the discussions that come with the legislation getting presented to Council.

Mr. Rodgers stated he feels that according to the Charter we are supposed to be a part of the legislation process and we are not doing it; he has watched the last Council and this Council pass stuff that not everyone understood. Mr. Grether stated he sees no where that it is written in the Charter that the Mayor or Administration cannot bring legislation forward from the law department for us to move on; it's our job to move on the legislation and help write legislation and it's Administration's job to deal with it also. Mr. Grether noted his concerns that even tonight at the Board of Control there was no contract presented to the members for the fire truck. Mr. Grether noted whether or not you have Standing Committees or Committee of the While no one would have seen it either way until five (5) minutes before the meeting tonight. Mr. Pierson cited Charter Section 3.01 "*Except as otherwise provided in this Charter, all legislative power of the municipality shall be vested in the Council*". Mr. Rodgers is only asking to that we can have more than one (1) person show up at these meetings so we can discuss it, and then bring it to full Council to be discussed. Ms. Whipkey stated she had a question as she has heard one person, two persons, three persons and it would be great if all of us could be there. Ms. Whipkey stated she felt two (2) is a good safe number as it allowed two heads; however if your concerned with a quorum the most you could send is three because with four (4) you have reached the quorum for seven. With the Standing Committees you have reached your quorum with two (2). However, if we increase the members to four (4), you could send those two (2). Mr. Rodgers asked Ms. Whipkey what her point was and what the difference was in the numbers of four and seven if it's changed. Ms. Whipkey replied she is hearing conflicting things and the point is if it's good this week, will it be good next week; it's a sore subject as all we have heard is we don't want to hear about the old Council, but would everyone here and out there feel the same way if were the old Council sitting here presenting this? Mr. Rodgers answered yes, if they were actually reading the legislation and that is the whole point as they would be accountable to the people that elected them. Mr. Pierson stated most of you don't live in his ward and have not had elderly residents fearful of the costs for sewers. Mr. Grether stated we all voted to spend money on alternative sewers options and everyone up here was looking to save money for the resident so what is in place is working and this is not going anywhere. Mr. Grether said that he has never stated he does not trust other members having discussion and bringing the issues back to all of us just bring it back. Mr. Rodgers stated was not talking about bring stuff back; he was talking about being in the making of the legislation. We have met with the County and Barberton for the last three months; wouldn't you want to be part of that before coming here and telling you this is what the deal is just before you have to vote? Mr. Pierson stated let's just try it until December, and not allowing for that is just asinine. He believes we need to do this to help the people. Mr. Rodgers stated that the Mayor and Administration can recommend legislation to Council and he is not saying he does not trust the Mayor or the Administration. He is saying that we need to be involved in this process. Mr. Pelot asked for clarification that any seven (7) of us could attend a meeting as long as no deliberating and just listen like fact finding. Mr. Markey stated there is a fine line with fact finding and when you start negotiating with negotiations going on you will be hard pressed to say that just fact finding is going on and that is where you want to be careful as to who attends. Mr. Rodgers noted there is discussion going on right now about those areas that have package plants and how we are going to abandon those and none of you will know the details about this, so how can you be representing those residents.

What will be coming to Council will be a condensed version and you will not have the details. Mr. McGlone stated that Mrs. Carr will be involved with those discussions, don't you trust her? Mr. McGlone stated that he truly feels that Mr. Rodgers just does not trust Mrs. Carr or Administration and if this was a different Council he does not think Mr. Rodgers would feel this way. Mr. Rodgers stated he and Mrs. Carr has a very good relationship, in fact some people might feel it's too good and he being too close to the Administration; it's not a matter of trust, it's a matter of input. Mr. Pierson commented about the EPA orders and the cost being assessed \$20,000.00 by Summit County to abandon the package plants. Mr. McGlone asked Mayor Zita if he ever heard of such figures and Mayor Zita replied no. Mr. McGlone stated if we are not aware of that you cannot go to the people and say something like this. Mr. Pierson replied yes we can, he has been at those meetings. Mr. Rodgers stated that's exactly why you want to be in those meetings, to be involved in the legislation. Ms. Whipkey noted regardless of these Standing Committees and who does or does not attend for fact finding or negotiating, the end result is that it all has to come to Council for final decisions and our vote. Mr. Pierson stated he cannot see how an informed decision can be made without being there and why we cannot even try this and be more open minded. Mr. Tousley stated during this discussion his name has been thrown out there a lot and for the record he is not against Ord. #80-2014 for the Fire Department vehicle, he was trying to be responsible. Mrs. Pat Reese, 4052 Wadsworth Road, Norton, Ohio, stated it's your responsibility to not only bring legislation forward but to be informed. Or are you afraid to be in favor of something? Mrs. Reese stated she was here when someone on City Council said if the City Administrator is in favor of this then he would vote for it. Mrs. Reese chastised Mr. Pelot for having so many issues with the vacuum sewers and he did not bother to attend the tour. Mr. Pelot stated his job prevented his attendance at the time and is why he asked questions. Mrs. Reese stated you were told you could go any time, try a Saturday. Are you going to be real happy when Summit County tells you the package plant will be no more? Who do you think is going to pay for that, Nash Heights? It's so disgusting, this is your job. The sewers are not just affecting Nash Heights it's going to affect all of us. Right now you are in the driver's seat here Mrs. Reese stated that you are all chairman of something and you never have a meeting. Mr. McGlone stated that is because when we did that only three (3) members attended and the others were not there and did not have the information and asked to revisit this again. Mr. McGlone stated that it was open to the public and all (7) members were present and that is what is now called Committee of the Whole. Mrs. Reese asked then why don't you just do it all in the Committee of the Whole? Mr. Grether stated because it is required to be done in public meetings. Mr. McGlone stated this way we are all informed about issues at the same time. Mrs. Reese asked what the objection was and stated there should be no objection; this City needs cooperation from all seven (7) of you. Mrs. Reese stated Charter Section 3.01 states the Mayor and Administrator can recommend legislation. And all of you know that the former Administrator brought legislation to you and told you this is what he wanted voted on. Mr. Rodgers stated, just forget the mistrust, and everything else. He needs helps in the next few months dealing with the sewer, like what type are we going with, who will take control, who will service it, etc., and asked again to try this and we can get a few more members to the meetings to make decisions and get in on this mix of things. Mr. Pelot asked Mr. Markey if we can pick a certain topic like sewers and suspend the Rules just for that discussion?

Mr. Markey stated that is getting into grey area here and he would not suggest that action. Ms. Whipkey asked what if it was geared for the sewer and Mr. Markey stated he has not looked into that. Mr. Pelot asked if he would look at this. Mr. Grether stated in the interest of protecting the residents, for obvious reasons you should not negotiate some issues in public. Can the Utilities Committee attend and then full Council goes into Executive Session to discuss it? Mr. Markey stated it's not an agreement by itself and is not a stated reason within the Ohio Revised Code. Mr. Grether stated that he saw the presentation on the Vacuum Sewers and the information offered on the web site and potential savings, he made the decision to spend money to look into it further. Mr. Grether stated there are other pieces we still don't know yet, and other discussions that are not open to the public, and he suspects certain Council Members get a phone call each night to share information. Mr. Rodgers stated that's not exactly true, because it's a direct violation of the Sunshine Laws. Mr. Rodgers stated we are so confined in this structure that two (2) minds cannot discuss this; you have the Mayor, Mr. Markey, Mayor Zita, Barberton Officials and Summit Council that can all do it but Council cannot now and that is the point. Mr. Pelot stated for years residents were given opportunity of Exe. Session and it failed many times and doing this change is exactly that. This gives the option to attending a meeting with three (3) different options and when it finally gets to council you only have one option and not all 3 (three) options, so a decision was made to go that way. Mr. Pelot reminded everyone about Ms. Whipkey's suggestion to increase the members to four (4) and that will do what you want; he wants to make sure in the effort to save money that we still protect the people's right within the City as we won't always be the ones sitting here in the future. Mr. Pelot stated he does lose sleep over some of these issues, and is not opposed to the vacuum system; it's just something he knew nothing about. Mr. Pelot stated he is fine with increasing the members to four (4) but he is not willing to give everything away to allow this to happen, we have to protect the future. Mr. Rodgers stated what's the difference (4) or (7) other than obstructing the move. Mr. Rodgers took offense to Mr. Pelot's comments about coercing decisions and Mr. Pelot stated that is not what he said, he said sway conversations or decisions. Mr. Tousley noted that could happen with the Mayor or Administration just as well. Mr. Pierson stated he could not believe that anybody with the slightest bit of integrity would come back and try to steer something that would hurt the people; he doesn't know how they could sleep or look in the mirror. Mr. Pierson went on to say his ward was about to get pounded and get ready because sewers are coming and they are coming to Ward 4 next. So if it's coming then let's get it at the best possible cost for the residents. Mr. Pierson stated he hates to hear residents say that they wished they would have never moved into Norton and some residents feel things are so screwed up here they want to move out. Mr. Tousley asked for clarification if he votes for this does it automatically go into effect now until December and Mr. Markey replied that is up to you, I could draft the Rules change either before or after you vote. Mr. Rodgers stated most cities our size are doing it and some even larger have done it. Ms. Whipkey stated she has not seen the numbers on that and has asked for it. Ms. Whipkey stated the information that was supposed to come from the Municipal League that supports that most communities do it this way has not been submitted. Ms. Whipkey stated that what she saw does not support your claim. Mrs. Richards indicated that nothing yet had been received. Mr. Pierson stated you need to contact the City of Powell, Ohio because a Secretary from the Ohio Municipal League indicated that is what they use there.

Mr. Pierson stated if this lady would be interested in presenting that to Council, he would pay her millage and hotel bill out of his own pocket. Ms. Whipkey stated just because a couple of people think it's a great idea is not enough to change her mind.

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

Motion failed 3-4. An affirmative vote of five (5) is required.

New Business:

Mr. Rodgers suggested Council review the ordinances relating to campers and recreational vehicles and have that discussion on the ordinance at the next Committee of the Whole. Mr. Grether suggested we address commercial vehicles as well. Mr. Rodgers stated we also have some commercial properties right up against residential properties and trash dumpsters that are not very appealing. Mrs. Richards noted we already have this legislation on the books, it's called trash corrals and it's just not enforced apparently. Mr. Pierson noted he spoke with Mrs. Carr about this and even the City is in violation of this as well. Mr. Pierson noted we also have issues with residents allowing water to back up onto their neighbor's property.

**Topics for the next Work Session:**

Recreational Vehicle legislation review

**CIC & City owned Property Status (Grether-Planning)**

Mr. Markey stated ORC 1724 allows for this and it has been around since the 60's so cities can use general fund money for properties. Mr. Markey stated Norton has established a CIC and as a benefit, the CIC does not have to bid the property publicly. The law dictates 3/5<sup>th</sup>'s of the members must be city officials and two (2) appointed members not city officials. The goal is to have balance and try to get the businesses involved. There was never any action by the Norton CIC and has lapsed. They cannot operate and would have to be revived and provisions as to who the Board Members are and legal filings with the State, you still have to have 3/5<sup>th</sup>'s of City officials. Mr. Grether asked what action needs to be taken to get it back up and running or to dissolve and Mr. Markey replied a legal filing with the State either way. Mayor Zita noted there was never any property transferred or sold under the CIC. Mr. Markey stated that until there is property to be moved, there is no need to revive the CIC. Ms. Whipkey noted that in the past there were regulations about nepotism, and special interest, etc. that were never addressed, and Mr. Markey noted since Council funded the CIC, we could stipulate some issues and there are Ethics Rulings into that as well.

**Public Comment-Agenda and Non Agenda Items:**

Ms. Susan Welch, 3108 Monterey Drive, Norton, spoke in support of sewers being brought to our property and they have done so with their commercial lots. The burden of the main trunk line costs should be shared by all and the economic development should also be shared citywide. The whole Council should be meeting in open session with residents here so we can all understand.

You should also have professionals there to give the detailed presentation and they should be held accountable for the information presented. Ms. Welch asked that her entire road be on a priority one for road repairs due to the poorly constructed road base. Ms. Welch discussed the need for Norton to have their own zip code. Ms. Welch discussed online purchases and when you enter the 44203 zip code, where do all of those sales taxes go to? Ms. Welch stated one persons freedom should not take away another's. Ms. Welch complained about one person's pool that is not properly maintained and they cannot sit outside because of all of the mosquitoes. Ms. Welch discussed the storage pods issue and the possibilities of someone abusing that. Ms. Welch commented on the heavy use of the recycle bins and how this all looks in the community.

Ms. Violet Carr, 3185 Weber Drive, Norton, Ohio, complemented Mr. Tousley for being concerned of the soldiers of the past and their freedom. Mrs. Carr stated she needs your help with an ongoing issue she has. She has lived here sixty (60) years and raised three (3) children here. One of her neighbors had passed away and his property has now converted into rental property. This renter looks to her as some type of a challenge for some reason. Mrs. Carr stated she is now getting all of his rain water dumping onto her property and causing problems with her footers. One issue was taken care of by the property owner. This rental person has moved the gutter lines to the back of her property and is destroying her storage barns. Mrs. Carr stated she had to call the police and filed a report with Officer Dalessandro. He and Ms. Whipkey came out and Officer Dalessandro noted there is a swale on the property. Mrs. Carr stated she had a confrontation with this man when he came to tell her he was filling in an area and she was told if she did not like what he is doing she could sue him. Mrs. Carr stated she is begging you people to do something about this as she knows this is not allowed, and her health has deteriorated and she does not have the strength to fight this on her own. Mrs. Carr stated a core sample or something needs to be done to see what has been put in as fill and cleaned up. Mr. Pierson stated he has had a second discussion with Mrs. Carr about this. Mrs. Carr noted this man made a statement that he is just waiting for me to die.

**Public Updates:**

None

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:53 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.**