



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 24, 2014**

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

The Regular Council Meeting convened on Monday, November 24, 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, followed by the Pledge of Allegiance and a moment of silent prayer. Mr. Rodgers noted that Mayor Zita is ill this evening and absent this evening.

COMMITTEE OF THE WHOLE

2015 Budget Discussions Continued:

Mr. Rodgers discussed the conflicting legislation relating to amending Section 1042.32 to when sanitary sewer hook ups are required for businesses and homeowners. This amounts to the City taking ourselves out of ordering sewer connections. Mr. Rodgers stated that since we don't own the sewers, this is something we should consider. Mr. Rodgers moved to add Ord. #104-2014 to tonight's agenda, seconded by Ms. Whipkey. Ms. Whipkey asked Mr. Markey if the Board of Health and EPA had jurisdiction over the City. Ms. Whipkey noted it states the Board of Health and the EPA and questions why we even need this legislation. Mr. Markey stated that by leaving this in the legislation you still have an obligation through the Ohio Revised Code to help enforce the ordered connections and it acknowledges this code. Ms. Whipkey asked if someone else that owns the sewers can come around and tell the citizens they must tie in and if there was any protection for the residents in the proposed ordinance. Mr. Markey did not believe another entity could force tie it. Ms. Whipkey stated she wanted to know exactly and Mr. Markey noted this would be a legal opinion and there would be a charge for this. Mr. Pierson agreed with Ms. Whipkey and noted in the fact there were references to orders due to a public nuisance. Mr. Pierson stated it's been the City's that have been driving the hook ups and the Board of Health is the enforcer. Mr. Markey noted either the Board of Health and/or the City has the authority to do the ordering and you cannot limit their authority and this change of legislation does not limit them. Mr. Pierson cautioned taking ourselves totally out of the enforcement. Mr. Markey stated if passed and a sewer becomes "available" there is no real definition as to what that means. There is a provision of the ORC that deals with a county sewer that references a 200ft limitation. Ms. Whipkey noted the way it's currently written the City can come in and make you hook up.

The word is we are not enforcing this unless there is a problem, and if someone can fix their system for \$500.00 instead of paying thousands for connecting to a sewer she believes they should have the opportunity. Ms. Whipkey stated she does not see the need to even have this piece and Mr. Markey stated if you don't then the State would take over and Ms. Whipkey stated they do anyway. Mr. Markey stated what this does now is establishes the method of notification. Mr. Rodgers commented that he understood the Board of Health was supposed to notify the City of any and all violations and he does not want to get away from that. Ms. Whipkey stated that this legislation does not reflect this concept. Mr. Markey stated it could be added, but the Board of Health could ignore it if they chose. Mr. Rodgers stated it was discussed in a meeting and they agreed they would advise the City. Mr. Rodgers noted we are not collecting a tie in fee and we don't own the sewers. Mr. Markey noted what was taken out was the reference to mandatory tie-ins by the City and other communities have this same legislation. Mr. Tousley noted that with having an ordinance is really a buffer that allows the City to deal with it first. Ms. Whipkey stated she was not sure what Mr. Tousley is asking here. Mr. Tousley stated that if we both have the same power and if we were more lenient perhaps the County decides that we should take the lead because we have an ordinance. Ms. Whipkey stated we don't need to be the bad guy here the State steps in and handles this, and she does not see the need for this as the State, EPA, and Health Board have more power than us. Mr. Pierson explained a situation in his ward since 2009 where a resident has had two (2) different contractors come in and now the County has deemed that they can no longer attempt a fix. Mr. Pierson stated he fears that even if sewer is close to this, then we would be giving the County too much power. Ms. Whipkey stated she interjected when a citizen was ordered to tie in and the City finally gave them the ok to let them go for now, and when the others have to connect then they will need to connect. Mr. Rodgers stated he was wanting to have the ability to work with Summit County more and that we should not take ourselves out of the equation completely. Mr. Pelot agreed we are to represent the citizens and to give away our power and control is not something we should be doing. Ms. Whipkey how are we going to keep any control and Mr. Pelot stated he did not know as they all trumped us. Mr. Rodgers stated in January we will be passing legislation moving Nash Heights through and he wants to have in place some procedures in place that everyone is treated equally. We need to establish a committee in conjunction with the Administration that they can come to the City and we will work toward getting this done. Mr. Rodgers stated if we have something in place with ways to assist them, we need to provide that for the people. He does not want to be totally left out of the equation. Mr. Grether stated he is not seeing anything like that here in this legislation, and Mr. Rodgers noted it's not written here but if we can work with the Health Dept, and the EPA to solve issues. Ms. Whipkey stated even if we did have something the State, the EPA and the County does not have to abide by it. Mr. Pierson stated maybe as a body we could address the issue before it got to that level. Mrs. Carr stated she thought initially she understood the intent here, but now she is not sure. It seems like we have a mixed message here from this Council stating the County is not enforcing and now you're asking for their leniency. Mrs. Carr noted the County has been lenient here knowing that the sewers are coming. Mrs. Carr stated we need to sit down with the County and give them the proper direction. Ms. Whipkey made it quite clear that she wants to see as much leniency upon the citizens here as possible and does not want the City to force the issue. Ms. Whipkey pointed out she wanted easy and cheap fixes to septic system allowed even when sewer is available as opposed to the more expensive route of tying in. Mr. Pierson stated it's not the city managers jurisdiction they have no authority to force someone to connect that is up the County.

Mrs. Carr noted that is what the legislation states and she feels that Mr. Pierson asked Mr. Markey if it's the City's jurisdiction to dictate that residents must rotate their tanks, pump them yearly, etc. and Mr. Markey stated he has not looked at that and Mrs. Carr questioned who would enforce it. Mr. Pierson stated he does not want to get into the habit of one civil engineer that thinks there is only one way to do it. Mr. Rodgers stated the common concept that if Nash Heights was inspected and enforced years back then we would maybe not have the issues we have now. Ms. Whipkey asked Mrs. Carr if this is really something worth writing and Mrs. Carr noted the way it is now tomorrow she has the authority to force connections. Ms. Whipkey stated she still thinks this should go away; we can still work with the health department. Mr. Rodgers asked Mr. Markey if we did not have the code in place if they would have come to us? Mr. Markey stated they did not have to come to us to with the ordinance, but they do want to work with us. Mr. Rodgers stated we are going to have a sewer provider here in Norton and he does not want that provider to have the authority to enforce connections. Mrs. Carr stated if that is what you want it needs to be worked on. Ms. Whipkey stated that is why she asked for a legal opinion. Mrs. Carr stated she does not think what you have proposed now would address this. Mr. Grether stated he sees nothing protecting anyone other than stripping the powers from Administration and the EPA has all authority. Mr. Pierson stated the past Administration had invited the EPA to do the pushing and he has all the documents to back that up. After further discussion Mr. Rodgers and Ms. Whipkey both withdrew their motions and this will be continued to the next Work Session. Mr. Rodgers turned the Health Care discussion over to Mr. Messner for the details. Mr. Messner explained he met today with the broker for the health care plans. Mr. Messner noted we did get a 3% drop from 14.1% to 11.1% and everything else remains the same. We will need to have passage next Monday because this health package will expire on December 1, 2014 at midnight. Mrs. Carr stated all of the costs are imbedded in all of the union contracts and we can protect our interests for now. Mr. Messner noted that the short timing is not due to the lack of attention by Mrs. Carr or himself, it's just the way this has developed. Ms. Whipkey stated that she recalled last year we went through the same issues just to keep something in place to avoid falling under the Affordable Care Act. Mrs. Carr noted that the unions are well aware this is something that we are working through. Mr. Pierson asked Mr. Messner about the life insurance and if we worked something out that the employees can take it with them and Mr. Messner stated they could if they picked up the premiums. Mrs. Carr noted this had to be changed to this from now on. Mr. Pierson felt this was something we should offer to the employees when they retire from the City. Mr. Messner reflected that there is a change on page #8 and turned this over to Mrs. Carr. Mrs. Carr stated that today she received a resignation letter from Mr. Arters. He has taken a position with the City of Barberton and will most likely have his last day December 12th. Mrs. Carr noted the current arrangements with Barberton are that when they need a backup they come to us for help and vice versa. Mrs. Carr stated that Mr. Messner will be taking over some of the gaming duties and she felt it should be under the finance department. Mrs. Carr noted for now this budget will remain the same until we work through the process and asked for Councils patience. Mr. Messner reminded Council the Budget is not in concrete and can be amended at any time. With the changes made all along you would be getting an entire new book with all new documents. Mr. Messner discussed page #50-Permissive Tax, there has been no changes, it's the same since 2012 and is maintenance and repairs to the State highways, asphalt and cold patch. Mr. Rodgers noted in the past Mr. Kostoff had explained permissive tax and Mr. Markey stated the he was not all that familiar with this.

Ms. Whipkey explained that she understood we were permitted to collect \$5.00 more for license plates and this was to come back into our roads, and she took issue with fixing State roads. Mrs. Carr noted that in the past Mrs. Starosta had detailed this out and she would like to refer to this later. Ms. Whipkey stated she did not like the idea that the State roads would get the benefit of Norton license monies that should go into Norton roads. Mr. Messner discussed page #70-Water System Fund and there is a decrease by 52.3%. We did leave planning & engineering money so if something comes up it can be done. Mr. Messner discussed the \$180,000.00 in the Shellhart line and he is still waiting on the billing from Barberton and most of that would be gone. Mr. Pierson clarified that anytime a water line is done in our City the engineering is ordered from our end and the City of Barberton would bill us for that and Mrs. Carr concurred that was correct. Mr. White noted there were several smaller projects where grant money was received and the City had to pay out front funding source. Mr. Messner discussed page #72- Water and Sewer Improvements. Mr. Messner noted that he has moved this over to the capital expense. The Barber Road and Van Hyning Trunk line is still there. Mr. White explained the Van Hyning line is up into the Norton Acres to abandon that plant and is for the engineering fees only. Mr. Messner moved to page #74-Sanitary Sewer Fund. The big item here is the cost for GPD of \$150,000.00 for the sewers on Cleve-Mass. Road before the widening takes place. Mr. Messner discussed page #76-Brentwood Water Plant and Council has discussed cleaning out this building and getting this sold. Mrs. Carr noted that Barberton is storing their automatic metering equipment here and would be working on it during first quarter. Mr. Pelot asked if Barberton is interested in this building and Mrs. Carr replied no but some residents are. Mr. Messner discussed page #79-Road Program and noted that per Mr. Rodgers and Councils directive he has put \$550,000.00 in here for this year. Mr. Grether asked about that as of July there seems an amount left to spend is \$450,000.00 and Mr. Messner noted most of the billing has not been received and would likely be gone by the end of the year. Mr. Messner discussed page #80-Land Improvement Fund, and explained the TBD and he felt some type of a budget here was necessary. Mr. Messner noted the principal interest and bond would be paid out in full December of 2023. This is the one where we advanced \$100,000.00 for the road program and he would be moving that back to the General Fund. Mr. Rodgers asked how much that initial bond was and Mr. Messner could not immediately recall that figure. Mr. Pelot stated he felt this was close to \$325,000.00. Ms. Whipkey also noted we had to add to this for the electrical upgrade within the parks. Mr. Tousley asked about this fund and that if it is all money from Time Warner dedicated to be spent in the parks then why did we discuss pulling \$25,000.00 for tree trimming as part of Tree City from the Service Dept.? Mr. Messner explained the need to put into a like professional service account to track this. Ms. Whipkey stated late last year we passed an ordinance that is not only for the parks, it also includes lands such as the Community Center, Admin, building, and the Historical House. Mrs. Carr noted that we purposely did not use all of that money available here last year because we were applying for CDBG Grant funds and now we know will be getting this. Mr. Messner noted this past year the Service Dept. rented out a trammel or a big electric sifter for soil conditioning and that cost about \$3,000.00-\$4,000.00 and came from this fund. This year also replaced the crumbling concrete walk outside the north of the Administration building and that cost was about \$4,700.00. Mr. Messner discussed the big capital expenses listed out on pages #82-#83. Mr. Messner noted that since Mr. Demboski and Mr. White are both present they will be able to explain all of the details for the next several projects over several years. Mr. Messner stated he intended to show the revenue lines along with the expense lines.

Mrs. Carr noted that although this looks like a lot of money the City has obtained a lot of grant money for these projects. Mrs. Carr thanked EDG and GPD for their assistance in aggressively applying for and obtaining these grants. Mr. Messner noted the items shown in red reflect the grant funds received. Mr. Pelot asked about the Newpark Fund and the drop in costs from last year and this year? Mr. Demboski of GPD explained the drop is due to two grants and a loan on various years, and the businesses there are not able to pay for the large assessment. We have a grant for \$600,000 and a loan for \$300,000 that was received in 2010 and we had to return one of the grants. Mrs. Carr reminded that this is also the project that involves Barberton and Copley and they are still on board, will be sending consent letters, and will be contributing \$35,000.00 each. Ms. Whipkey clarified that is the one we stipulated we would do only if they participated and Mrs. Carr concurred. Mr. Pelot asked if this will be overlapping with the other wetland projects and Mr. Demboski replied yes. Mr. Demboski noted the Little farm would benefit Barberton and Norton. Mr. Demboski noted we have a water gauge at Knox Blvd. and it is auto reporting to a website. We will be putting up a meter at Good Park Golf Course near White Pond Drive. Ms. Whipkey asked if the gauge is the same one the business on Barber Road had installed? Mr. Demboski stated EDG bought the gauges with this grant money and Comunale did the installation in order to save cost. Mrs. Carr stated we did it through the grant money due to the type of gauges and such required. The City of Akron has also provided us access to their rain gauges on the west side. Mr. Rodgers asked about the assessments for Newpark and if they have been done yet? Mrs. Carr noted not yet we are working on the numbers and this will eventually be coming to Council. Mr. Rodgers asked Mr. Demboski asked about the funding received for Nash Heights West and Mr. Demboski stated we asked for \$2.5 million and he hopes to hear from the funding committee soon. Mr. Demboski stated that \$1.25 million for Nash Heights East has already been approved for that project at a loan for \$2.75 for a 20 year loan. Mr. Demboski noted that the Newpark Drive Project that pay back was 1.9%. Mr. Messner noted there are no pages for #83-#85 and he jumped to pages #86-#89 Debt Services and we have a decrease of 8.5% and he has also noted when all of the debts will be paid off. These amounts are set in concrete and are paid by schedule with the bond holders. Mr. Messner discussed the Assessment project and their reflective bond payments. Mr. Rodgers asked why did we spend \$1.4 million for professional services in 2012? Mr. Messner stated he did not know but we would investigate that and respond to Council. Mr. Messner discussed page #92-Street Improvement Fund and noted the real estate acquisition and money has been received as shown on the enterprise revenue and represents the Grant money received. Mr. Rodgers asked if we cannot put that into interest bearing accounts and Mr. Markey noted you could not. Mr. Messner briefly discussed Transfers and how they operate within the budget noting advances had to be moved back to the General Fund and the transfers are used to help funds that do not have enough budgeted. Mr. Messner stated this is it for the 2015 Budget review. Ms. Whipkey asked about the Permissive Tax always shows the same amount of \$55, 000.00 and Mr. Messner stated he was not absolutely sure, although it has always been this way and he didn't see fit to change it. Ms. Whipkey asked how much came in on that and Mr. Messner referred her to the Enterprise information. Mrs. Carr noted that we always have funds here to repair our roads. Mr. Rodgers discussed the Enterprise Funds and that he wants to see what comes in and what goes out and he expects the carry over is basically is what is left. Mr. Rodgers cautioned that for 2015 he is "projecting" a total of \$33,773,185.00. Mr. Messner stated next week the Ordinance will be prepared showing all of the revenue and total debt which he is showing we are ahead approximately \$350,000.00 if all of the projections are correct although it is hard to predict.

Mr. Pelot asked about the basic required carryover in relating to the bond rating agencies and Mr. Markey commented the newest rule of advice is a carry over balance of 15%. Mr. Messner noted in the past the carryover balances were all over the place. Mr. Rodgers thanked Mr. Messner for providing Council with the truest financial picture of the City and this is more than when he has seen in the past. Mr. Pelot and Ms. Whipkey also agreed and thanked Mr. Messner as well. Mr. Messner stated that in his past experience in all of the places he has worked, he has always calculated low on the revenue and high on the expenses and that usually in turn will bring a surplus. Mr. Grether asked with all of the additions and improvements in personnel does he still see a surplus this coming year and Mr. Messner concurred. Mr. Tousley stated he felt there should be more money put into the roads. We sit here from week after week buying new equipment and questioned when will we take care of the citizens when it comes to the roads? Mr. Tousley stated somehow we should take some of this money back and put it towards to the roads. Mr. Grether asked if this budget were approved and we get to June and we realize time is not right to hire someone or fill a position can we take that and move it into the roads? Mr. Messner replied yes with Council's legislative action. Mr. Rodgers agreed and noted he does not want to throw good money after bad and with the road study we will know the best way to do this. Mr. Grether commented on the staffing at city hall and with Mr. Arters leaving, he feels responsible to give the citizens the services they deserve. Ms. Whipkey stated that although she does appreciate the clarity with the budget, however this does not mean she will be approving all of the hiring as presented.

COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items

No one had signed up to speak.

CONSIDERATION OF MINUTES

Minutes of the Committee Work Session of November 3, 2014 were approved as submitted.

Minutes of the Regular Council Meeting of November 10, 2014 were deferred to Dec. 8, 2014.

Minutes of the Committee Work Session of November 18, 2014 were deferred to Dec. 8, 2014.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION

ORD #102-2014

Mr. Rodgers offered Ord. #102-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACTS WITH THE LEGAL DEFENDERS OFFICE OF SUMMIT COUNTY, OHIO, INC., AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the second and third readings, seconded by Ms. Whipkey. Ms. Whipkey questioned Section 2-A the cost of \$750.00 per case and asked if we are required to pay that?

Mr. Markey stated that means it is not to exceed the \$750.00 per case but the fee is currently \$170.00 per case Mr. Tousley asked how many times we actually use these services and the costs from last year, and Mr. Markey noted he would have to check with Mr. Mitchell.

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Ord. #101-2014, seconded by Ms. Whipkey.

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

Motion passed 6-0.

ORD #103-2014

Mr. Rodgers offered Ord. #103-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH FUNDS TO PROPERLY ACCOUNT FOR MONEY TO BE RECEIVED FOR VARIOUS PROJECTS AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the second and third readings, seconded by Ms. Whipkey.

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Ord. #102-2014, seconded by Ms. Whipkey.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD. #101-2014

Mr. Rodgers offered Ord. #101-2014 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH GLAUS, PYLE, SCHOMER, BURNS & DEHAVEN, INC., FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN OF A SANITARY SEWER LINE ON CLEVELAND-MASSILLON ROAD, AND DECLARING AN EMERGENCY.

Second reading only. Mr. Rodgers noted he had asked Mrs. Carr to get us a cost estimate to go under the rail road tracks on Cleveland-Massillon Road and the potential assessment costs. Ultimately it would be this Council's choice on how to deal with that portion of the project. Ms. Whipkey questioned if we already have sewer at Milich's and the Service Garage, then why do we need this? There was discussion as to the fact that there is sewer in this area but in bits and pieces. Mr. Pierson also noted this has now become a capacity issue to support the businesses in this area. Mr. Grether there were only two (2) residents at the town hall meeting that complained about this issue.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

There was none.

PUBLIC SERVICE ANNOUNCEMENTS

Mrs. Carr reminded everyone about the Shop with a Cop, Wolf Creek Players Phantom of the Soap Opera play November 20 - November 30, 2014. Tickets are \$12-\$14. Contact Houston Hall at 330-835-9199 for more information. Mrs. Carr wished everyone a Happy Thanksgiving. Mr. Rodgers reminded everyone City hall will be closed Thursday & Friday.

PUBLIC UPDATES

ADJOURN

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 9:14 PM.

Rick Rodgers, 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 December 8, 2014.

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.