



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JULY 13, 2015**

Roll Call: Scott Pelot
Dennis McGlone
Danny Grether
Dennis Pierson
Paul Tousley
Charlotte Whipkey
Rick Rodgers

Also Present:
Mayor Mike Zita
Valerie Wax Carr
Ron Messner
Justin Markey
Karla Richards

The Regular Council Meeting convened on Monday, July 13, 2015 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 announced that Pastor Dwight Strickland of the Norton Baptist Church is present to lead in prayer.

COMMITTEE OF THE WHOLE:

Presentation by Beth Kuckuck, the Children’s Program Coordinator of the Summit County Alcohol, Drug Addiction and Mental Health Services Board, and is involved with the Summit County Children’s First things First Initiative. Ms. Kuckuck asked for the City to proclaim August as First Kids Month. Mayor Zita presented Ms. Kuckuck with an official Proclamation from the City of Norton. (see attached).

CRA Presentation

Mr. Grether stated he spoke with Mrs. Carr and was informed that Mrs. Syx from InSite would be present for any discussion or questions regarding Ord. #44-2015 for establishing a CRA. Mr. Grether stated that this legislation is something that needs to be thought through over our summer recess. Mrs. Carr stated she intended to wait until after the summer break and now felt providing Council with more time for review was prudent. Mrs. Carr stated that it’s been brought to our attention we have a potential business interested in coming to Norton. This legislation is just step #1 and would need to be filed with the State. Once that is approved the final agreement would need to come before Council for final approval and is just for state approval. Mrs. Syx gave a brief overview on how a CRA works and the opportunities this can present. Mrs. Syx stated there are numerous communities that offer tax abatements/tax incentives for new business construction or additional renovation projects. Once we have the State approval that gives the City the ability to work with the business owner to work out the tax incentives and is done project by project relating to the percentage and length of time the tax abatement would be in place and each would come to Council for approval.

The merits looked at in each project includes job creation, value of the investment, project location, and is strictly commercial property. Mr. Rodgers asked about existing businesses and would they qualify if they want to expand? Ms. Syx stated that would be a possibility, the property would have to improve such as water sprinklers, or heating or air condition and has to increase the value of the property. Most of the value is derived from the new improvement and the County has already determined what types of projects would qualify for the increase in value. Repairs to an existing building/business would probably not qualify, but new improvements would most likely qualify with the tax incentive being applied to only the new improvement. Once the full year has cycled the County then would abate some of the taxes for the period Council approved. Mr. Tousley asked about page #2 Section 4 points A & B and asked for clarification on the differences between them on the years. Mr. Markey stated the terms are for remodeling and new construction and are consistent with the Ohio Revised Code. Mr. Rodgers asked about how the new Councils are established and how long they serve? Mr. Markey stated as long as you have the exemptions in place you would have them in place be it TIF or CRA and is in the Code. Mrs. Carr stated the Housing Council is set for three years. Mr. Markey stated the annual review is a process to see if they are holding up to their end of the agreement and could be repealed/revoked. Mr. Markey cautioned pulling back the legislation if they are not complying that would be reviewed by the Council first. Mr. Grether asked if the CRA and Tax Incentive Review Council would require funding like the CIC would and Ms. Syx and Mr. Market answered no. Ms Whipkey asked who appoints these members to the various Councils, and Ms. Syx replied this is all spelled out under the Ohio Revised Code 5709.85 as to who sits on the Tax Incentive Review Council; for example for the City, it would be: the CEO of the City (Mayor and/or Administrative Officer, Finance Director), a member of Council, a member of the City School District/Board of Education, the County Auditor, and two members appointed by the Mayor that are residents. Mr. Rodgers asked how long does it take for the State to approve once we approve our legislation and Ms. Syx replied usually about 30 days and we can push for sooner if desired and in the meantime we can begin working with the potential business owner. Mr. Rodgers asked if they are ever denied and Ms. Syx replied she knows of none that have been denied. Mr. Pelot asked how many CRA's are in Ohio and Ms. Syx replied there are so many she does know all of them; however they can be found on the State's website and is broken down by county. Mrs. Carr added that she gets many telephone inquiries from potential businesses asking if we have a CRA and generally never hears from them again once she tells them no; so it is a common question asked by those looking for business locations. Mr. Grether asked Council to consider this and submit any questions to Mrs. Carr over the break. Mr. Grether moved to add Ord. #44-2015 to tonight's agenda 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.

Mr. Rodgers officially acknowledged Council's receipt of the June 2015 Budget reports from Mr. Messner-Finance Director.

Nash Heights Sewer Pump Stations Discussion

Mr. Pierson asked if we wish to discuss this now or after the break. Mrs. Carr stated there is one item remaining on her red white and blue sheet and one final question she wants to clarify (see attached). Q. NEW QUESTION: Is the pump station only to be sized to serve Nash Heights? The answer she had written down was: It should be sized for future development, so the plans will be left as is and will be paid for through roll back money. Is everyone comfortable with that answer? Mr. Rodgers clarified the pump station would be sized to handle additional capacity in the future and that we are not talking about putting in ~~new~~ lines along Greenwich Road further west and we are talking about the tank size of the wet well; to which Mrs. Carr concurred. Ms. Whipkey stated she wanted more information on these buried ~~types of~~ tanks. AirVac or Bilfinger had recommended the buried tank with a pre-fab structure. Ms. Whipkey stated she was concerned with the weather conditions in Ohio as none of the current AirVac sites in Utah or New Mexico, Florida, and West Virginia have our type of weather. Mrs. Carr stated that AirVac had proposed a compact design station with a buried tank as their recommendation based on the June 22, 2015 email. Mrs. Carr asked if everyone was in agreement and Ms. Whipkey stated she may not because she wants to understand more on the buried pumps. Mr. Rodgers stated he wanted to have both of their prototypes presented and designs put before us so we can ask all the questions and have the answers. The EPA is going to come down on us because we are not moving and all the questions being asked can be asked when the designs are done and make an informed decision. Mrs. Carr stated those are great points from both of you and she encouraged AirVac and EDG provide additional information. Mr. Rodgers stated the gravity had a buried tank. Ms. Whipkey responded they are not fiberglass. Mrs. Carr stated you should get the company to provide us some additional information. Mr. Rodgers questioned her problem with the tank and Ms. Whipkey stressed her concern with the fiberglass buried tanks used so far by AirVac has warmer temperatures than what we normally see here in Ohio. Ms. Whipkey stated that she does not want Norton to be an experiment for AirVAc on these issues and if there is an issue they would have to be dug up if there is a problem. Mr. Rodgers responded that he still did not understand but would let it go at that and then added there are fiberglass swimming pools in Ohio that don't come back up and perhaps gas tanks. Ms. Whipkey stated she did not know about that but the swimming pools would not be a problem for the City to care for and she believed it was a fair question. Mr. Pierson asked if there was one in West Virginia and was W.V. longitude and latitude that different from ours that it would be that much warmer. Ms. Whipkey replied, yes and pointed out they did not want to hear about Michigan which was less than 170 miles away. Mr. Pierson stated we were not talking about a buried tank in Michigan we were talking about the five she quoted and he believed West Virginia was probably as cold as we are. Ms. Whipkey disagreed and clarified it was three locations. Mrs. Carr noted her final question is on the restoration of roads and was not clear on the consensus of Council. The Administration recommends repairs are currently set as resurfacing and repairing is a part of the project, has been budgeted for and would be coming out of the surcharge monies. Mrs. Carr stated she needed clarification as it had been discussed in the past to patch and the Benza report recommends doing it as part of the project due to the no interest loan. Mr. Rodgers stated his only concern is that we follow the recommendations by the Benza Road Report.

Mr. McGlone stated he would like to see resurfacing and Mr. Pelot agreed it does need to be done the right way and that cost should not come out of the residents pockets and funded by the City through the roll back money. Mr. Markey explained it was based on the current assessment levels and is part of the bid package; he would check to make sure it is part of the City's portion. Mr. Grether agreed we need to do this and stressed we need to do this right. Ms. Whipkey also agreed with doing it right at the time the project is done. Mr. Tousley also generally agreed with Ms. Whipkey's comments. Mrs. Carr noted she would take all comments, revise her sheet, send it out to all of Council. Ms. Whipkey stated she sent out an email to everyone about the City sending out letters to the mandated property owners and the fringe area in Nash Heights if they have a preference of vacuum or gravity as they are the ones that will be stuck with it and pay for it. Ms. Whipkey stated she also wanted the City to include the information to all of the residents advising them of the Summit County Health stance regarding the required mandatory tap ins and that everyone will be required to tie in. Mrs. Carr clarified what Ms. Whipkey is asking is for a follow up or update letter advising them of these requirements and Ms. Whipkey concurred. Mrs. Carr stated if we do such a letter we do need to define what is entailed in a vacuum or gravity system as she was not sure what the public got out of the meeting held on the subject. Mr. Pierson stated he felt Ms. Whipkey's comments were ridiculous to ask them which one they want, they are not engineers, are not informed, and do not understand the process. There was a meeting where it was all gone over and the main thing is the people weren't even there; they don't want any of it. Mr. Pierson stated he did not see what she is pushing here? Ms. Whipkey responded she has been told by many in Nash Heights that they do not want the vacuum system. Mr. Rodgers moved to allow the public to comment now, seconded by Ms. Whipkey.

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

Motion passed 7-0.

Mrs. Neva Gibson 3301 Higgins Drive, Norton, said she is one that has contacted Ms. Whipkey and she is not in favor of the vacuum system. She has done her own issues and Ms. Whipkey is absolutely right with her temperature issues. Mrs. Gibson stated she knows someone that sells these parts and he did not recommend this type of system in this climate due to replacement of parts and would supply that information if wanted. Mrs. Gibson stated she would rather spend a little more on something that has been more proven than to be paying for problems down the road. The reference in Michigan is just one example of freezing and flooding of sewage in their basements. Who is going to be paying for these problems down the road. Mr. Rodgers asked for Mrs. Gibson to do same research on the gravity on the number of systems that failed in cold/warm climates and report this back to Council after recess. Mr. Pierson commented about Mrs. Gibson's property is on the fringe of the connections and was not required to hook up. Mrs. Carr stated there are only 4 on Higgins on the fringe areas and were not required. Ms. Whipkey clarified from her notes that Mrs. Gibson is one (1) of these four (4), and speaking of the fringe area, there were several that came to the June 10th meeting and stated they did not want in if it was vacuum.

Ms. Whipkey stated that a lot of the residents that have come forward in favor of the vacuum system are not even in this project. Mr. Pierson stated at a savings of over \$3,000,000.00 is worth looking at versus the gravity, these are tried and true systems and not something fly by night. Mr. Pierson stated they seem to have a working system and we need to get this out and out for bid. Mrs. Gibson stated she would like to see the letters and the presentation or comparisons at the same times. Ms. Whipkey stated if we need to do a community meeting then let's do it for the Nash Heights people in particular.

William Paluch, 3740 Shellhart Road, Norton, Ohio stated that it seems like no one wants to do their homework. Mr. Paluch stated he and Ms. Connie Dean went to Randolph, Ohio and drove around and asked about seven (7) people randomly about their vacuum systems and every one of them said they liked it. Yes they have gone through several hard winters and they are still working. The people in Randolph are very open and honest and will talk with you. The all talked positively and were happy, just go out there and do your own research.

Paul Reese, 4052 Wadsworth Road, Norton, Ohio, asked Ms. Whipkey who is going to put on the presentations, a representative from AirVac? Ms. Whipkey stated she never stated there is going to be a meeting, what she said was IF a meeting is necessary then we would call for one. Mr. Reese stated that Ms Whipkey herself does not even understand the difference of vacuum and gravity systems. Ms. Whipkey disagreed and accurately explained in detail the differences between the two. Mr. Reese asked if INI was going to enter into the vacuum system. Ms. Whipkey responded there could be and referred to the Michigan Waste Water site and they have a pamphlet stating the ground level must be tapered for all the vacuum pits to keep water away from that part of the system. It would not be as likely for the piping itself to allow for infiltration. Mrs. Carr stated she would be happy to draft something during Council's break before sending. Mrs. Carr stated even for the meeting with the Nash Heights fringe people, the turnout was rather low and felt there is not enough communication with all of the Nash Heights residents. Mr. Rodgers stated information is fine, but let me remind Council that we are here to govern, that's our job. The residents, sure, they can have input, they should talk to us, they should ask us questions, but when it comes down to making a decision it's to be made by the seven of us and that is our job to govern. They have the right, if they don't like what we pass to referendum. That's their choice, but right now we need to govern; we need leadership in the City when we need to move the City forward.

Mr. Paluch, 3740 Shellhart Road, Norton, Ohio, commented on an Akron Beacon Journal article of August 1, 2014 and quoted Mayor Zita's comments about the residents having to "homeowners in the project area will have to pay about 1/3 of the costs, 33% is an estimate and that Council still has not set a price structure". Mr. McGlone argued that we are talking about gravity and vacuum sewers here, and this is not about the gravity or vacuum and Mr. Rodgers gaveled Mr. McGlone for being out of order. Mr. Zita stated that Council has not set the price structure it's currently at \$5,000.00 and \$8,000.00 and you have not gone any further with that. Mr. Paluch stated he hopes it stays at the \$5,000.00 and not \$28,000.00. Mrs. Car stated it was never at \$28,000.00

Mr. Rodgers moved to add Ord. #38-2015 to the agenda, seconded by Ms. Carr stated we are in Phase II on the property acquisition process and do the same as we did for Phase I, and was not required of Council action because it was under \$10,000.00. For Phase II it's closer to \$30,000.00. Ms. Whipkey stated if she recalled we will be getting about 80% of that \$30,000.00 back and Mrs. Carr concurred.

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

Motion passed 6-0-1.

Mr. Rodgers moved to add Ord. #41-2015 to the agenda, seconded by Ms. Whipkey. Mrs. Richards clarified that the ordinance was for Mr. Grether's request on the alternative tax budget for next year and was discussed last week.

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

Motion passed 7-0.

Mr. Rodgers moved to remove Ord. #37-2015 from the agenda because it was already adopted at the last meeting and appeared as a typo, seconded by Ms. Whipkey.

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

Motion passed 7-0.

Mr. McGlone moved to amend Ord. #36-2015 to remove the emergency clause, seconded by Ms. Pelot. Mr. McGlone explained the reason for removing the emergency language is that he felt this would give the residents an opportunity of a referendum if it were to pass later on this evening.

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

Motion passed 7-0.

COMMUNICATIONS FROM THE PUBLIC:

CONSIDERATION OF THE MINUTES:

Minutes of the June 8, 2015 Regular Council Meeting, approved as submitted.

Minutes of the June 15, 2015 Committee Work Session, approved as submitted.

Minutes of the June 22, 2015 Finance Committee Meeting, approved as submitted.

Minutes of the June 22, 2015 Regular Council Meeting-*Deferred to 8-24-15.*

Minutes of the July 6, 2015 Committee Work Session, approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Zita announced Press Release: See attached. Mrs. Carr commented that the schools and the City worked very hard on trying to this in the almost diligent way. The original plan was for over a one week shut down, a boiler alert, etc. Mr. Rodgers asked if the individuals affected and Mrs. Carr replied these are getting letters and will still have access to their property. Mr. Pierson demanded that Chief Dalessandro step up the traffic patrols along Easton. Mr. Pelot asked about detour signs going up and Mrs. Carr stated yes.

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION:

****Added to the Agenda during Committee of the Whole**

ORD #41-2015

Mr. Rodgers offered Ord. #41-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO FILE THE ALTERNATIVE TAX BUDGET FOR THE CITY OF NORTON WITH THE SUMMIT COUNTY BUDGET COMMISSION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the second and third readings, seconded by Mr. Grether. Ms. Whipkey stated this is needed to be done now and is requested by the Auditors and their required time frame. Mr. Messner has done a great job at staying within the time frame and working with the Auditors in gathering the information they need. Ms. Whipkey stated this is basically boiler plate legislation and is necessary in order to stay within state codes.

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

Nays: None

Motion passed 7-0.

Mr. Rodgers moved to adopt Ord. #41-2015, seconded by Mr. Grether.

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

Nays: None

Motion passed 7-0.

ORD #42-2015

Mr. Rodgers offered Ord. #42-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE DECLARING A MORATORIUM FOR A PERIOD OF TWELVE MONTHS ON THE INSTALLATION OF TILE PIPE PURSUANT TO CHAPTER 1028

OF THE CODIFIED ORDINANCES OF THE CITY, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the second and third readings, seconded by Mr. Grether. Mr. Rodgers explained this is one he brought forward to try and get a handle on the flooding within the City. Mr. Rodgers stated we had discussed some changes and wanted to clarify these were captured and Mr. Tousley and Mr. Markey both concurred they are in the proposed legislation. Ms. Whipkey clarified this is for new installations and Mr. Markey concurred. Mr. Pelot asked who would be going over these revisions and Mr. White and Mrs. Carr concurred they would be involved to fully evaluate the issues. Mr. Tousley asked for clarification of section two that there would be no fees for a variance and Mr. Markey answered that the language for variances had been removed and it would only be the standard permit fees.

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

Motion passed 7-0.

Mr. Rodgers moved to adopt Ord. #42-2015, seconded by Mr. Grether.

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

Motion passed 7-0.

ORD #43-2015

Mr. Pelot offered Ord. #43-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING ORDINANCE NO. 30-2015 TO PROVIDE FOR ADDITIONAL IMPROVEMENTS TO BE INCLUDED IN THE CITY'S AGREEMENT TO PARTICIPATE IN THE SUMMIT COUNTY ENGINEER'S OFFICE ROAD MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #43-2015, seconded by Mr. Rodgers. Mr. Tousley asked for an explanation of pulv mixing and asked for details. Mr. White stated this is for base repairs and we dig up and churn the materials, remix and reshape it before putting it back down onto the road. Ms. Whipkey asked if this is what is being done on Johnson Road now and Mr. White replied yes.

Mr. Tousley asked if that is the case why is this already being done before we adopt legislation? Mrs. Carr replied all that has been done is to grind the road and would be done anyway; if this legislation fails, we will tell them to finish with another method. Mr. Tousley stated he did not have a problem with this; he just wanted to follow protocol. Mr. Tousley asked why wasn't this same process done Hametown Road? Mr. White explained last year we had a different contractor and this was not a finish product they recommended. Mr. Tousley stated he has received complaints around the construction site and asked for a time line. One resident complained about the dust and slime on the roads and was concerned about the quality. Mr. White stated we are looking at Wednesday of this week depending on weather and the vote tonight. Mr. White added we do have an inspector on site. Mr. Pierson asked about the warrant on the contractor's work and Mrs. Carr replied it's generally one (1) to two (2) years and added that the crack on Hametown would be addressed; and Mr. White stated he would also concur with the County. Mr. White stated he would be in touch with Sam at Summit County Engineers Office and get a better time line for completion. Ms. Whipkey clarified that this legislation also includes the six (6) to nine (9) catch basins in Frashure Park and on Columbia Woods, and Mr. White and Mrs. Carr concurred.

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

Motion passed 7-0.

****Added to the Agenda during Committee of the Whole**

ORD #44-2015

Mr. Grether offered Ord. #44-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA IN THE CITY OF NORTON, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

RES #39-2015

Mr. Rodgers offered Res. #39-2015 for its second reading and asked the Clerk to read it:

A RESOLUTION REQUESTING THE UNITED STATES POSTAL SERVICE TO RESTORE CERTIFIED MAIL PICK-UP FOR CERTIFIED MAIL DELIVERED TO ADDRESSES WITHIN THE CITY TO THE NORTON POST OFFICE.

Mr. Rodgers moved to waive the third reading, seconded by Ms. Whipkey.

Mr. Pelot asked if the Postmaster is aware of this and Mr. Rodgers replied this passage of the resolution will notify him.

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

Motion passed 7-0.

Mr. Rodgers moved to adopt Res. #39-2015, seconded by Ms. Whipkey.

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

Motion passed 7-0.

ORD #40-2015

Mr. Rodgers offered Ord. #40-2015 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AN ADVANCE FOR CALENDAR YEAR 2015 FROM THE GENERAL FUND INTO THE STATE HIGHWAY FUND, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the third reading, seconded by Ms. Whipkey.

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

Motion passed 7-0.

Mr. Rodgers moved to adopt Ord. #40-2015, seconded by Ms. Whipkey

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

Motion passed 7-0.

**** Amended during Committee of the Whole**

ORD #36-2015

Mr. McGlone offered Amended Ord. #36-2015 for its fourth reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A MEMORANDUM OF UNDERSTANDING WITH THE NORTON CITY SCHOOL DISTRICT TO ESTABLISH A SCHOOL RESOURCE OFFICER PROGRAM.

Mr. McGlone offered amended ordinance 36-2015 for its fourth reading and asked the clerk to read it. Mr. McGlone explained he knew that in June the School Board was looking at ending ties with the City on the understanding of jointly paying for a School Resource Officer and remove the offer. Mr. McGlone stated he wanted to show the Board we were willing to work with the schools, adding that there are many communities that did this and the City's dollar amount would be \$33,000 on a full time officer before possible grant money decreasing it to \$16,570.00 and he believed we should be considering it. Ms. Whipkey added that this would be based on the school paying 68% and the City paying 32% of the officers cost. Mr. Pelot stated the way he looked at it was to let the schools know that we think this is important; it's good for the City and school to work together; and although he likes some of the other options that were listed as well and perhaps could be considered down the road, we should have something in place right now. Mr. Pierson stated that all the Board members were not on board with this and considering the City's financial state versus theirs it was not sensible; he believed we should just drop it. Mr. Rodgers wanted to know who initiated this discussion as he had received an email from the Post reporter, and believed Mrs. Carr was copied on it, asking the question. Mrs. Carr stated she had answered that publicly when asked at a prior meeting. Mrs. Carr explained the schools approached us for an opinion between the two positions being considered; they asked for a list of pros and cons be put together and the City complied; and a meeting was held between the City and School so she would say it was the schools. Mr. Rodgers stated so if the school is saying they are not interested anymore what are we authorizing a \$104,000 expense when we cannot pay for roads, a full service department or office staff; what's the point? We could always reconsider later if they approached us again; we had a very good suggestion from a retired Norton/Rittman Policeman that he believed was received well by Council. Mr. Rodgers added the suggestion would have been a super savings for the schools and City, so why do you want to spend \$104,000.00? Ms. Whipkey responded that it was her understanding that the suggestion of using Rittman's answer did not work out for them. Mr. Rodgers asked Ms. Whipkey if she knew why it did not work out and asked if it was because they only had one (1) police officer on shift as part of the reason? Mr. Rodgers answered no that wasn't the reason and asked Ms. Whipkey again if she knew the reason why and if that had been told to her by somebody? Ms. Whipkey stated she had also read it on line and if Mr. Rodgers knew the reason then he needs to tell us. Mr. Rodgers stated he thought we should bring Mr. Van Hyning in and he could explain the whole thing to us as he is the author of this idea and he believed he would come in and talk to us about it. Mrs. Rodgers stated he did not understand why some members of Council did not want to save the residents money and deny spending money on the roads. Mr. Rodgers went on to say that Mrs. Carr made the statement to the press that he was foolhardy when he repeated the estimate of \$73 million to repair the roads and Mrs. Carr disagreed that is what she had said. Mr. Rodgers stated we have a big project in front of us and no idea how to pay for it and we would agree to this when the school quit asking. Mr. Pelot responded they quit because of Council's reaction to it to which Mr. Rodgers stated he didn't know why they quit and Mr. Pierson's interjection was stopped by Mr. Pelot reminding them he had the floor. Mr. Pelot went on to say they City's share was \$33,000.00 and was for when that officer was patrolling our streets with the School paying for the time spent there at the worse case. Mr. Pelot stated he was not opposed to the suggestion that had been raised, but our approval showed we were willing to work with the schools and move something forward.

This is not about stopping an immediate attack or anything; it is about educating people, the students and teachers. We already have a DARE officer down there during the week and we are out that money. Mr. Rodgers stated you do understand the school support staff and he believed the teachers were against the idea. Mr. Tousley stated if there was any alternative plan to save the City money that it did not make sense to him that we would leave that door open. Mr. Rodgers stated by passing this tonight, you would have to rescind it or hire an officer and Mr. McGlone and Mr. Pelot agreed it was a memorandum of understanding that school would still have to okay. Mr. Rodgers stated he believed it was a bad move and that you had said you were opening it up by leaving out emergency language and the people could decide if they wanted it or not. Does the City of Norton need another petition drive as that is what he believes will happen to which Ms. Whipkey responded then we would know how the people felt about it. Mr. Rodgers retorted that if it caused another special election we would know we spent another \$15,000.00 to \$25,000.00 of money we don't have. Ms. Whipkey asked Mr. Markey what the referendum period was and Mr. Markey stated 30 days to collect signatures and turn in, it's held by City and/or County for ten days, and then comes back to the City for Council to pass an ordinance and probably need to be within 90 days to go to ballot although he did not know absolutely off the top of his head. Mr. Rodgers stated there was no way they could get it on the ballot for the November election. Mr. Rodgers asked for anyone to cite one instance where an officer stopped or intervened successfully in any of the tragic events involving children in the schools. Mr. Pelot answered it wasn't just about stopping something; there was much more involved like in teaching the faculty and the children, what to be on the lookout for, having a confidant right in the school and Mr. McGlone added if it did stop something we would be grateful to have them. Mr. Rodgers advised Council to vote your conscience when spending people's money. Mayor Zita responded to the instance request of Mr. Rodgers' by bringing up a prior meeting's unfinished conversation by the Police Chief and Mr. Rodgers gaveled the Mayor telling him to not bring it up while continuing to gavel the Mayor. The Mayor went on to say that the President had asked for an incident and Mr. Rodgers responded yeah. The Mayor stated that was an instance at which point Mr. Pierson butted in asking if the incident took place on school property and the Mayor answered it started there. Mr. Pierson then pointed out the hanging did not take place on school property. The Mayor pointed out he did not say anything about a hanging, Mr. Pierson did, when Mr. Rodgers again was gaveling and telling everyone that was enough. Mr. Rodgers then told the Mayor his statement was a cheap shot and he couldn't drag those people through here like that and asked him if he thought the family wanted to hear the discussion tonight and that officer couldn't have stopped it and the Mayor could not stand there and say he could have. Mr. McGlone and Ms. Whipkey tried to inject we couldn't say he couldn't, when once again Mr. Rodgers gaveled everyone stating let him tell them something right now to which Mr. McGlone pointed out that this could be our next Mayor, indicating Mr. Rodgers. The Council members statements could not be understood from that point forward and Officer Braman attempted to bring Council under control by asking everyone to calm down and run a meeting when Mr. Rodgers told him "Billy, sit down" twice. Mr. Rodgers then went on and stated was going to tell you all about something right now; he had dealt with dead children, with the Mayor stating he had also, and how he had tried to save them.

The Mayor accused Mr. Rodgers of grandstanding and electioneering, which Mr. Rodgers denied saying there were some things we could not prevent and by telling the people by spending another \$100,000.00 that we would save some children, you are giving people false hope. There was no way to stop these animals that commit these attacks. Ms. Whipkey stated we were not spending \$104,000.00. We were looking at spending up to possibly \$34,000.00 before grants. Ms. Whipkey went on to state she did not see how either side could make a statement as to whether something could have or could not have prevented anything as we don't know because we did not have anyone in that seat. Mr. McGlone then made a motion to adopt amended Ordinance 36-2015, seconded by Mr. Pelot.

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

Motion passed 4-3.

****Added to the Agenda during Committee of the Whole
ORD #38-2015**

Mr. Rodgers offered Ord. #38-2015 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH ROGER A. SOURS CO., IN CONNECTION WITH REVIEW APPRAISALS FOR THE WIDENING OF CLEVELAND-MASSILLON ROAD, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to adopt Ord. #38-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0-1.

UNFINISHED BUSINESS:

Mrs. Carr thanked Mr. White for his diligent work on the issues on the Wayne Street flooding and offered her report to Council (see attached). Mrs. Carr also discussed the status of the Norton Mayor's Court and advised everyone that Mr. Mitchell is retiring at the end of July. Mayor Zita offered his memo to Council (see attached) and stated Mr. Mitchell has been our Clerk of Court for twenty-five (25) plus years with the City. Mayor Zita stated that and will retire on July 31, 2015. We wish Mr. Mitchell well on his future endeavors. Mr. Pierson stated before we make a decision he would like to see a full report of the revenues generated by the Mayor's Court in the last six (6) years. Mrs. Carr indicated this was already provided. Mr. Pierson raised the point that Chief Dalessandro had indicated the revenues are down due to the nature of the citations. Mr. Pierson stated that it seems that we are not writing enough traffic citations. Mr. Pierson stated he wanted to review this before we disband the Norton Mayor's Court. Mr. Pierson stated we did not issue more than 1,000 tickets last year and we were at 5,000 tickets over a year ago.

Mr. Markey stated the Mayor's Court is going into an inactive status it not disbanding it is only remaining in the inactive status. Mr. Markey stated that the process to establish a Court is dictated by the Ohio Revised Code and the Mayor appoints the Court Magistrate and the Clerk of Court; that is not a Council decision. Mr. Pierson stated that can change and Mr. Markey stated it cannot; it's established by the Ohio Revised Code. Mr. Pierson stated that any new Mayor can do that. Mayor Zita stated as the current Mayor he has placed the Court in the inactive status. Mr. Pierson asked if we have a new Mayor after the November election is there any time frame involved to bring the Court back to active? Mr. Markey clarified that hypothetically if that were to happen, there is no time frame to do so. Any Mayor at any time in the future can choose to reactivate the Court by appointing a Magistrate. Mr. Pierson stated so then when a new Mayor takes a seat in January this could be reactivated then and Mr. Markey concurred. Mr. Kevin Kerns, 3732 Golf Course Drive, Norton, Ohio, asked are we or not collecting any funds in the Mayors Court? Mr. Markey stated the full fine money comes back to Norton and the court fees go to the Barberton Court. There was discussion about the split of the Victim Assistance fees and how that is shared. Mr. Rodgers asked if the Wayne Street flooding was due to his maintenance and Mr. White replied it was many issues. Mr. Rodgers asked about the flooding situation for the resident on Wayne Street and how soon this can be corrected? Mrs. Carr stated that Mr. Reynolds will be returning from vacation tomorrow and we will be sitting down with him to go over these plans and what is the best approach. Mrs. Carr stated there are two (2) approaches. The first one will take more effort because we would need to enter private property. This would mean that we to get easements, work rights, etc. The second option would be more attainable and faster, as we can create some open ditches in this area. Mr. White stated by following down on 23rd street; it's following the natural grade rather than trying to force the water to go in an unnatural way. Mr. Tousley stated he did not think the resident would have an issue with that because he had talked about putting in a culvert if he could afford it. Mr. Rodgers stated he does not understand how the ten (10) foot deep pipes that was put in back in 1953 or even earlier. Mr. White clarified that was only the starting point. There were a number of changes or things that were done at different times. This eventually built up to hydraulic situations which caused things to back up. Mr. White explained that it's clear to him that nothing was really planned by the way things were done, it was done in bits and pieces. Mrs. Carr noted when they looked at the plans for the development; it was the same developer for most of the homes in this area. We believe there was some piping that initially took place at that point, it then got removed or changes took place by various home owners over time. We have no current records granting any permission to pipe that area and if something did occur in 1953 we had no jurisdiction over the area at that time. Ms. Whipkey stated there were reports that the ditches were eight (8) ft deep and Mrs. Carr stated that it's not the ditches that were that deep it's the connection pipe underground is approximately five (5) to eight (8) feet in some places. Ms. Whipkey asked how deep are the ditches and Mr. White stated that the ditches would probably be about a maximum of four (4) ft deep, and is a natural progression there. Going East on Wayne Street it was going against the grade for whatever reasons. It all started with the drainage of the homes in the higher areas. Mr. Tousley asked Mr. White to explain the hydraulic problem and what that means. Mr. White explained it is hydraulic back water with larger pipes trying to drain into smaller pipes down stream. The higher areas take priority of the flow before getting to the lower area with smaller pipes.

Larger pipes put into smaller pipes just do not work hydraulically speaking. At the higher levels you can hear surging within the pipes. This just does not work without backing up at the corner lots. We simply have no records of what was done, and when and by whom. Mr. Tousley asked are we certain there is not a blockage in that area and Mr. White stated absolutely we are sure because he watched the surging and the water flowed very well at the top which confirmed this is a hydraulic issue here not a flooding issue. Mr. Pelot asked if you go with the second solution what assurances this added volume of water duping onto 3rd Street will not cause problems in other areas? Mr. White stated this would take the water along 23rd street closer to Ries Street which is a natural flow and we are working on all of this to make absolutely sure it works. Mr. Rodgers discussed helping the residents by reimbursing them for their driveway culverts and asked Mr. Markey if he researched this. Mr. Markey stated this was discussed last week if you chose to do that as an assessment process; we know what that looks like. If you were to handle this internally you would have to come up with the funding mechanism and the internal controls. Mrs. Carr stated in working with the moratorium she will be working with the proper size of pipe and this will be signed off by the Engineer. Mr. Rodgers asked about the \$450 fee the resident pays and if this covers our labor and Mrs. Carr replied yes it's for the labor and costs. Mr. Rodgers stated the main question is if the Service Department is already being paid so why are the citizens being charged?

NEW BUSINESS:

Mr. Pierson handed out a drafted resolution relating to the Council taking a lead in septic system inspections that he prepared and asked the Clerk of Council to read it. Mrs. Richards noted this legislation was not prepared or reviewed by Mr. Markey and that all legislation is to be prepared by Mr. Markey, not her or anyone on Council, so it was not it. Mr. Pierson stated that was fine he wanted this to be on the next Committee Work Session agenda and Mr. Markey could review and advise at that time. Mr. Pierson stated that he believes all of Council should have their own septic systems inspected to show that we are all doing the same that we are asking the people we represent to do. Mr. Pierson again stated he wanted this discussed at the next Work Session; Mr. Markey can prepare that and get back to him on it.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita read several announcements (see attached).

Mrs. Carr stated the next Watershed meeting will be September 3, 2015 from 5-7 PM and that this is still an open house meeting format and held at the Norton Community Center. Mr. Rodgers reminded everyone about Council being on recess until August 17, 2015, unless a special needs to be called.

PUBLIC UPDATES:

At 9:10 PM, Mr. Rodgers moved to temporarily adjourn the Regular Council Meeting to convene into Executive Session to discuss the compensation of public employees (non-bargaining) as defined in section ORC 121.22(G) (1) and Section 3.12 of the City Charter, seconded by Mr. Pelot. Mr. Rodgers invited Mrs. Carr, Mayor Zita, Mr. Markey, and Messner to attend. Mr. Rodgers noted there would be no legislative action resulting from this meeting and Council would return to reconvene the Regular Council Meeting.

Mr. Dave Spice, reporter from the Akron Beacon Journal asked if he or other members of the press could attend and was denied.

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

Motion passed 7-0.

At 9:42 PM, Council adjourned from Executive Session and reconvened the Regular Council meeting.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 9:42 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 August 24, 2015.

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.

Office of the Mayor

Proclamation

Whereas: we recognize the importance of early childhood care, education, health, behavioral health, family support, special needs and early intervention; and

WHEREAS, by good beginnings through early learning, we are investing in the future prosperity of our community, because high quality, early childhood development is a critical component of K-12 success and is instrumental in cultivating a skilled workforce; and

WHEREAS, health and wellness programs strive to ensure that comprehensive physical and mental health needs of children in Summit County are being addressed; and

WHEREAS, the Summit For Kids Expo connects families with businesses, organizations and agencies that focus on children's programming, health, education, activities and entertainment; and

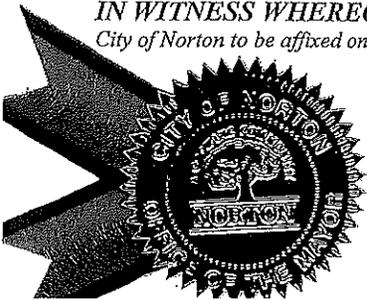
WHEREAS, promotion and implementation of strategies through the Safe Routes to Schools Program, Cribs for Kids, Safe Sitters, proper use of car seats and bike helmets will reduce preventable injury to children; and

WHEREAS, we are committed to reducing infant mortality in Summit County; Ohio has the 11th worst infant mortality rate in the nation for babies of all races and the 2nd worst rate infant mortality rate in the nation for African Americans babies; and

WHEREAS, through the leadership of the First Things First Initiative, we can make a difference in the quality of life, health, well-being and education of children in Summit County; and

NOW, THEREFORE, BE IT RESOLVED that I, Mike Zita, Mayor of the City of Norton, of the County of Summit, of the State of Ohio, do hereby proclaim that the month of August 2015 is hereby declared **Kids Month** in the City of Norton, and that the citizens of this great City are hereby encouraged to join in this acknowledgement.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of Norton to be affixed on this, the 13th day of July, 2015.



Mike Zita
Mike Zita, Mayor
City of Norton



Helping You ENJOY Your Outdoors!

Mosquito Abatement District

131 Snyder Avenue – Barbarton, Ohio 44203

Phone: 330-848-2623 - Email: mosquito.district@yahoo.com

Website: www.mosquitodistrict.com

Protecting Your Health and Keeping a Safe Environment

The Barbarton – Norton Mosquito Abatement District will be starting our adulticiding (spraying) program to help reduce the mosquito population. We are planning to start in the City of Norton on Thursday June 4th starting at 8:30 pm. The following week we will conduct the same in the City of Barbarton on Thursday June 11th. The schedule is subject to change and we advise checking our website, www.mosquitodistrict.com for updates. Depending on the mosquito surveillance counts, not all areas may be sprayed.

We urge those with health concerns, along with those who maintain apiaries, to take the necessary precautions and contact our office at 330-848-2623 with any concerns.

Spraying will be conducted in accordance with all applicable laws, rules and proposed EPA regulations, specifically when:

Weather is absent of rain

Winds are less than 10 mph

Temperature is 55* or above

IF SURVEILLANCE LIGHT TRAPS CONTAIN LESS THAN 20 MOSQUITOES, SPRAYING MAY BE CANCELLED FOR THAT AREA

*SPRAYS ARE CONDUCTED THURSDAYS ON THE DATES BELOW UNLESS NOTED**

If unable to spray on the scheduled date, makeup spraying will be conducted on the following Monday if weather permits.

Norton

June 04 ----- June 18
July 02 ----- July 16
July 30 ----- Aug. 13
Aug. 27 ----- Sept. 10
September 24

Barbarton

June 11 ----- June 25
July 09 ----- July 23
Aug. 06 ----- Aug. 20
Sept. 03 ----- Sept. 17
Wednesday Sept. 30*

CLARIFICATION: Jim Demboski is available to discuss at City Council on June 15th if Mr. Dockerty (AirVac) is also available. EDG will need up to 2 months to complete with final plan design depending which design is chosen.

- Administration will obtain an appraisal for the Pump Station/vacuum station parcel. Any issues?

A: Yes, please see attached letter to be sent to property to begin negotiation process.

- Administration will negotiate the final purchase of the parcel from the golf course owner. Any issues?

A: Yes, please see attached letter to be sent to property to begin negotiation process.

- We will prepare a deed description and plot for inclusion in the lot split and purchase. Law Director will create the deed, run the title search, etc. we need to have this property purchase before Ohio EPA will issue the loan. Survey work will also need to be performed. Any issues?

A: Yes

MBE Requirements

- We will need to solicit a separate bid for some driveway culverts from an MBE Supplier to meet our Issue 1 requirement. The amount of the contract should be between \$10,000 and \$15,000. We may need to add some storm drain pipe to this amount as well. Will we need legislative approval to bid and award this contract? To be forthcoming

A: Yes

Submittals of applications:

- Will the PTI application be submitted in Norton's name?

A: Yes

- Will the loan application to be submitted in Norton's name?

A: Yes

- There will be some questions that we need to ask DEFA as part of the application process, so it must be determined if Norton will be the applicant.

A: Since City Council is in a re-evaluation period and the Barberton agreement is not complete, we can not name the surcharge as the revenue source. An alternate revenue resource needs to be determined.

Restoration

- Does Norton want to resurface all of the roads at the end of the project or just leave them as they are with all the patches?

A: Undecided/Need answered

NEW QUESTION: If the roads are not resurfaced should bid quantities be adjusted?

- Resurfacing is currently proposed and is to be funded out of the surcharge monies.

CLARIFICATION: Currently approximately \$500,000 is estimated for resurfacing. The City Administration recommends restoration of the roads within the sewer project.

cc: Mayor Zita
Dave White
Justin Markey
Ron Messner
Karla Richards

Wayne Street



Drain covered with thick grass clippings



Debris removed

CITY OF NORTON

MEMO



To: City Council Members

From: Mike Zita, Mayor 

Date: July 13, 2015

Re: Norton's Mayors Court

On March 23, 2015, the then current Magistrate resigned her service as Magistrate of the Norton Mayor's Court. In addition, the Administration was aware that the Clerk of the Norton Mayor's Court had impending plans to retire during the summer of 2015. The Administration had also been conducting an ongoing review of the Norton Mayor's Court since it was running at a deficit for previous fiscal years.

In light of all of these facts, the City of Norton determined to place the Norton Mayor's Court on inactive status effective as of March 24, 2015. Beginning March 24, 2015, all citations previously heard by the Norton Mayor's Court were transferred to the Barberton Municipal Court under the Ohio Revised Code. The Barberton Municipal Court will now adjudicate those citations. The City of Norton will continue to receive its fines for citations, which will now be collected and disbursed by the Barberton Municipal Court.

We have been working and will continue to work with Jim Mitchell, the Clerk of the Norton Mayor's Court to collect any outstanding fines and fees that existed at the time the Mayor's Court went into inactive status. In addition, we have contracted with Capital Recovery Systems and the Attorney General's office to assist in capturing any outstanding debts associated with the Mayor's Court. The Clerk is also working to close out the books and accounts of the Norton Mayor's Court prior to his retirement, effective July 31, 2015. We wish Mr. Mitchell the best in his retirement.

Therefore, as of August 1st we will remain in inactive status which effectively closes Mayor's Court. The Administration will continue to review the viability of the court function. If it is determined in the future to re-establish the Norton's Mayor's Court, then the City can do so under the authority granted in the Ohio Revised Code.

cc: Jim Mitchell
Valerie Wax Carr
Ron Messner
Justin Markey
file