



## COMMITTEE WORK SESSION AUGUST 17, 2015

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

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

The Committee Work Session convened on Monday, August 17, 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. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer. Mr. Rodgers asked everyone to please include Mr. Grether's family in your prayers, Mr. Grether is ok but there is an illness of a family member.

### **General Topics of Discussion:**

#### Summit County Job Creation-MOU

Mr. Rodgers discussed this is a renewal of this agreement with Summit County and is for the anti poaching law. Mr. Rodgers moved to add this to Councils agenda for August 24, 2015 for a first reading with emergency language, seconded by Ms. Whipkey.

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

Motion passed 5-0.

#### Security In Council Chambers

Mr. McGlone very briefly discussed the security issue and that we have a Norton Police Officer at the rail and if no one else has an issue with that he would like to continue on with the agenda items, there were no objections from Council.

### Community Reinvestment Area-CRA

Mr. Rodgers discussed the fact we have already voted to allow InSite Development to begin the process of putting this all together. Mr. Rodgers moved to add this to the Special Council meeting agenda immediately following this meeting, seconded by Ms. Whipkey. Ms. Whipkey stated she understands this is strictly for businesses not for residential areas, and Mrs. Carr concurred. Ms. Whipkey asked for clarification if we approve the vote tonight at the Special Meeting there is still more that comes back to Council and we could eliminate it at that time. Mrs. Carr concurred this legislation is just to submit the application to create the CRA and file with the state in Columbus to establish the area. Every single deal proposed will require City Council approval. If you don't like something or want to make change and you could vote it down. Mrs. Carr stated that if you want to un-create the CRA area needs to have Mr. Markey's input here. Mr. Markey stated that once it's established and a business is approved within the CRA you cannot take that away those that already have the tax exemptions. Mr. Markey stated that if you want to un do it and say there will be no further tax exemptions; you have the power to do that as well. Ms. Whipkey discussed the potential of adding residential into the area and Mr. Markey stated yes. Mrs. Carr stated the residential is not a component we have opted for at this time but can be looked at and added later, but would require an application to do so. Mr. Rodgers discussed the terms of the potential exemptions and Mr. Markey clarified at any time the business fails to meet the agreed to terms for the exemption, you have the power to revoke their tax exemptions. Mr. Pierson if there is any cost associated with the application to the City and Mrs. Carr stated the application fee is to the business not the City for a CRA agreement with the City. Mr. Pierson stated the other costs would be of Mr. Markey's legal fees to set this up and Mrs. Carr stated actually that would be InSite's fees and was included in their overall contract. Mr. Markey clarified that InSite did all of the legal work, he just reviewed it for accuracy before presenting it to Council. Mr. Tousley clarified that once a CRA is established there is no expiration date; that would be up to Council or any future Council's and Mrs. Carr concurred this is correct.

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

Motion passed 5-0.

### Review of Council Rules

Mr. Tousley stated he wanted to go over some the Council Rules and Robert's Rules Article 8 Section 43 last sentence of the first paragraph that states: "*It is not the man but the measure that is the subject of debate*". Mr. Tousley read the following statement: In light of the actions that occurred at the July 13th Council meeting. I believe it important to refresh on our Council Rules, and reflect on some of Robert's Rules because our Council Rules state in Section 603 to refer to Roberts Rules on all matters not covered by Council's Rules. My hope tonight is not to start more debate, but only encourage each person involved on the government side of Council meetings to hold themselves accountable to their own conduct in conjunction to the Rules.

I understand that it is human nature to point fingers and defend ourselves, but we are here to do Norton's business and get legislation accomplished for the citizens of Norton, not to point fingers or defend our own personal actions. There are people that would like me to condemn individuals, on either side of the July 13th episode. I don't believe slinging mud or personalizing this situation is productive to this body or to the citizens in this community who expect us to work on real issues. As you will see in the rules, a common theme is to keep personalities out of the debate. That is my hope...to reflect on the Rules, and apply them individually to ourselves. When Rules are disregarded, it reflects poorly on the entire City government, not just the few involved. Mr. Tousley discussed Council Rule 203-Decorum (see attached). Mr. Tousley stated the common theme according to Robert's Rules is that it is subject to the rule of Council and anyone on Council has the ability to bring back by a motion on any subject with the proper vote of Council if the Council President was to have stopped a discussion. Rule 204: Council and speaking at meetings (see attached), Mr. Tousley read the definition of Decorum which means proper behavior or good order. Mr. Tousley discussed Article 1 Section 7 on Debate; (see attached) noting that the speakers must address remarks to presiding officers be courteous and in proper decorum, etc. Mr. Tousley discussed Article 8: Section 43 Decorum and Debate; (see attached): Member must define himself to the question and avoid personalities. When referring to other members they should refrain from using names, and officers should be referred to with their official titles. Again it is not the man but the measure that is the subject of debate. Mr. Tousley provided the copy of the definition of the Chair or Presiding Officer as defined in Council Rule 203 (see attached) Mr. Tousley stated the President does have duties beyond the other members. Mr. Tousley stated he sees that as the Presidents duty and not a privilege. Mr. Tousley stated this is even more important for the President to follow these Rules and he would expect the rest of Council to do the same. Mr. Tousley stated that he will commit to focus on the city issues within the rules, and he hoped the remaining members and the Administration will also honor that commitment. Ms. Whipkey clarified that Mr. Tousley wants all of us to adhere to both Council Rules and Robert's Rules and to be more civil to each other, and Mr. Tousley concurred. Ms. Whipkey asked for clarification on the President/Chair duties and Mr. Tousley read portions of Article X Section 58 (see attached) of Robert's Rules on the duties of the Chair/President. Ms. Whipkey asked on not being required to stand and speaking from our seat is good enough and he was agreeing the Chair/ President does have control over the Council room period? Mr. Tousley stated sure adding he believed the President can overrule a Chairperson if they are out of order and asked for Mr. Markey's opinion. Mr. Markey stated that is also subject to all of the members being able to appeal an overruling for decorum and he believed that was in City Council rules. Ms. Whipkey stated there was an additional duty for the President and read a portion of Article X Section 58 which states that: *"The chairman should not only be familiar with parliamentary usage, and set the example of strict conformity thereto, but he should be a man of executive ability, capable of controlling men. He should set an example of courtesy, and should never forget that to control others it is necessary to control one's self. A nervous, excited chairman can scarcely fail to cause trouble in a meeting. No rules will take the place of tact and common sense on the part of the chairman.* Ms. Whipkey stated that it was an unfortunate episode at our last meeting and we all should strive to follow the same example that the President/Chair is expected to behave as well.

Mr. Tousley agreed adding that was his entire point of this discussion.

### Budgetary Transfers

Mr. Rodgers stated that this is to authorize transfers from the General Fund to various funds. We have discussed this earlier and we need to move more money into the Road Fund. Mr. Messner clarified that the Street Fund is actually the Service Department, and we have already transferred \$100,000 into the Road Program. Mr. Rodgers explained the various transfer amounts as listed in the legislation. Mr. Messner explained the Special Assessment Debt Service Fund and is for older assessment projects already completed such as Greenwich, Oak Street, Berry, McGowan, Connect, Gardner Phases, etc. Mr. Messner stated that as a fairly new Finance Director it's confusing as to why or how we budget in the transfer areas if we need monies in those particular areas. Lets just do these transfers if we already know they are necessary then we should just enter them into the budget as full face value rather than set that aside. He understood the reason it was done in this manner was to allow Council to re-appropriate the funds if something came up and they chose to do so. Mr. Messner explained that last year we had two (2) Capital Accounts Fund 509 and Fund 510. One was for Cleveland-Massillon Road and Nash Heights was the other. We have expenses being paid out of those two (2) accounts and found the need for transferring funds out of the General Fund which he did not understand that. Mr. Messner stated that he was unclear as to how he is supposed to pay for that. We have over \$600,000.00 in these two (2) projects that he has paid out and will most likely to have to come to Council for short term loans until the projects are funded. By doing these transfers this would bring these funds into the positive status. Mr. Rodgers asked for clarification if there is a way for us to know when we are doing the budget that they will need these funds? Mr. Messner stated that is difficult on how to answer that, it's not like we have a crystal ball to project this. That may be the reason that in the past Mrs. Starosta created these transfer legislations. Mr. Messner added that the monies can be seen in the monthly finance reports so you will see when we are nearing the end of monies available. Mr. Messner if we could streamline these transfers within the budget process he was fine with that. Mr. Rodgers stated that speaking for himself, if he could streamline this a in any way he would appreciate that as long as we are in compliance with the State. Mr. Messner stated he understands Mr. Rodgers concerns and would continue to work on this. Mr. Tousley asked about the Service Dept Fund and questioned once this is transferred if this was it or will we need to do this again later on? Mr. Messner explained that transfers will eventually go over into the Enterprise Fund. And go to the end of the year. If the money is not all spent by the balance just rolls over into the next year. The two funds that he was referring to would be for brand new capital accounts when we just started those projects Mr. Messner stated he had set the budget and he has to actually fund these various budgets so there is money there. There is a difference with GAP from the way he has always done it in the past and it's a process that needs to be followed. Mr. Messner stated because we have not started these newer projects yet he will need to go out for short term loans to make the budgets correct until the loans come back after the projects are started. Mr. Messner stated he did not feel we will have new capital projects next year, we already know what is currently in process; however if we do, he is aware of what needs to be done to be in compliance now.

Ms. Whipkey stated the long and short of this is that we will need to put out the money first and get reimbursed 90% of it later and Mr. Messner replied that is correct. Mr. Rodgers moved to add this to Council's next agenda, waiving readings with emergency language, seconded by Ms. Whipkey.

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

Motion passed 5-0.

#### Silver Springs Drive Pavement Issues

Ms. Whipkey stated that we have some pavement issues on Silver Springs Drive where we have an underground water issue that is deteriorating the road and we need to address this. Ms. Whipkey stated that this would also have to go through the Board of Control because it is over the \$30,000.00 limit. We have a couple of options on how the road study is to be done. Mrs. Carr explained this all came about before summer break and you may have noticed there are large boulders in the road that were put in place a few years ago to help stabilize the area and this was done internally by our Service Department. With the recent rains and the underground spring this has really taken the road away more than ever before. Mrs. Carr stated she is asking for Council to authorize \$35,000.00 for the proper engineering. This is more of a stabilization issue than a road paving issue. We do know what the problem is but it is not a cheap fix. Mr. Dave White stated that Summit County has recommended we contact GPD Engineering and this can be done as an emergency situation as they have a similar situation elsewhere in Summit County on Yellow Creek Road. Mr. White stated we need to do soil borings, etc. Mrs. Carr added that we may even need to look at a bridge. Mrs. Carr stated the bad news is that the time line for the engineering is nineteen (19) weeks and the reference to Yellow Creek Road is now down to one (1) lane. Mr. White shared that our crews have been out there three times. Mr. Rodgers stated we are already down to a one lane on a good day and the water along Wadsworth Road is impacting this area. Mr. Rodgers expressed his concerns if there were ever a fire at the end of the lane the road is not stable at all. Mr. Rodgers noted there is a service drive in this area and we need to have the Fire Dept, take a look at using this for access. Mr. Rodgers stated there is a private drive back there and that resident would like to dedicate that to the City noting that there will be some costs involved to do that and he urged Council to accept that dedication. Mr. Rodgers noted there is also a tree leaning onto the power lines and we need to have Ohio Edison take a look at this as soon as possible and possibly take the tree out. Mr. Rodgers stated that despite the good efforts that were made with fixing the road; it's just never going to hold up. Ms. Whipkey asked if we are actually going to be able to keep this road going through the winter? Mrs. Carr stated we are going to do our best, they have to have access to their property. Mrs. Carr stated that Mr. Benza is coming to Council on September 8, 2015 with his road study report and she intends to ask him to take a look at this area and if he has any ideas. Mr. Rodgers stated there is on resident on the corner (Mrs. Jones) and her driveway goes around almost to the end of the collapse. Mr. Rodgers stated some of the other neighbors have discussed this and are willing to work together to do what they can to help her out. Mr. White suggested something about doing a temporary easement to get her to her property.

Mr. Rodgers stated these same neighbors offered to park at one of the driveways that is not involved in the construction to help out. There was discussion on getting the trash bins set out in a more stable area and the post office issues might need to be addressed. Mrs. Carr stated she agreed and felt that we could work with the Post Office on getting something worked out here in the way of temporary mail boxes. Mrs. Carr asked for the waiving of the readings and emergency language to get this moving as quickly as possible. Ms. Whipkey asked for Barberton to be approached to step in and assist with the access or service road. Mr. Tousley asked about grants and if they might apply? Mrs. Carr stated she did think about that and the only way we might qualify was for a mitigation type of grant, and that storm had to be big enough in Summit County to get that type of assistance. Mrs. Carr stated the since this issue is something that has been happening for several years. Mrs. Carr stated she was doubtful on any other grants but she would continue looking.

Ms. Whipkey moved to add this to Councils next agenda with emergency language, waiving second and third readings, seconded by Mr. Rodgers.

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

Motion passed 5-0.

**Unfinished Business:**

None

**New Business:**

Mr. Rodgers stated there have been concerns of speeding on Oak Street and he had asked Chief Dalessandro to borrow the speed trailer from Barberton which he did. Mr. Rodgers stated he would like the City to look into purchasing one or two of these with grant funding as they cost about \$60,000.00. If grants are not available he would like to have this in the budget process. Mrs. Carr noted that she has had discussions with Chief Dalessandro about this and Chief Dalessandro has asked for this to be into his department's budget for next year.

**Topics for the next Work Session:**

Mr. Rodgers stated we need to get back to the finance aspects for the Nash Heights for the August 24, 2015 meeting. We have a lot of information on the two (2) systems and we need to get with the accurate statements. Mrs. Carr stated that since your break all of the questions have been satisfied in order to get engineering done by EDG. Mr. Rodgers reminded everyone that Mr. Benza will be here on September 9, 2015 to discuss his road pavement information and urged everyone to attend.

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

Mr. Lino, 5058 Grove Avenue, Norton, Ohio, asked about the stretch of road along St Rt. 585 and if that is Norton, or Doylestown's responsibility?

Mr. Lino asked if this is a State Route will they do anything with that area? It's not been fixed in some time and is rather bumpy. Mr. Lino asked about road side mowing along the side streets and Mrs. Carr asked for specific areas and she offered to discuss that with Mr. Lino after the meeting. Mrs. Carr stated the Service Dept. is out there mowing and she would check on the road responsibility for that stretch of Wooster as she thought it was split. Ms. Karen Harley stated that there is a sign coming eastbound into Norton that states St. Rt. 585 ends and she felt that would become Wooster Road.

Gayle Brenner, 4041 Harper Avenue, Norton, Ohio, discussed the septic systems for Nash Heights and she had asked in the past what the maintenance fees would be for the vacuum system. Ms. Brenner asked if we now have the numbers because it's been over a year now? Mr. Rodgers responded we did not have those numbers yet. Ms. Brenner questioned being able to put in a vacuum system without that information and Mr. Rodgers stated we were not choosing either system until we have all the information and are able to choose the most cost effective, so yes those numbers will be there. Ms. Brenner stated she was glad the Council Rules & Robert's Rules were brought up and wondered what happens if someone on Council does not follow the Rules? Are they asked to resign, does someone else on Council have to move to bring that forward? Things that were done at the July 13, 2015 meeting were very wrong and it has caused a black eye on the entire community as well as Council. Ms. Brenner stated you are the one that initiated it and if you are going to sit there and let it slide and go away it's just not right. Ms. Brenner referred to issues taking place at the school and stated the schools cannot tell you about certain situations, that is a privacy issue. Mr. Rodgers, you worked with the Fire Department and should know that. Mr. Rodgers asked Ms. Brenner if she was addressing him and she answered she was. Ms. Brenner cited an issue when her son was in school and someone set him on fire. While she was at the school the very next morning discussing this issue; that very same kid sucker punched another student the very next day. Ms. Brenner stated she told the Principal if they had gotten rid of him the night before he would not have been present to do that. She felt an SRO would have prevented that and was glad it did pass.

Mrs. Linda Newman, 3940 Holiday Drive, Norton, Ohio, stated as far as she is concerned the remarks that were made by a couple of people, one of them the Police Chief, about the poor girl's death was so petty. She cannot believe that such an issue was brought up and there was no reason that needed to be discussed.

Mr. Paluch 3740 Shellhart Road, Norton, Ohio, discussed the residential areas in a CRA and totally agreed with Ms. Whipkey on that and asked to please include the residential areas. Mr. Paluch asked if anyone was happy with the quality of the paving of our roads? Mr. Paluch stated that Hametown Road was a mess and had to be redone and Johnson Road is not much better. Mr. Paluch questioned spending that type of money and having to re do that just a few years later. Mr. Paluch stated that when you look at Cleveland-Massillon Road, it looks like they did a good job. Mr. Paluch discussed Flesher allotment had their roads repaved a couple of years ago and now there is grass coming up in the middle of the roadway.

Ms. Whipkey clarified for Mr. Paluch about the residential areas in the CRA; that she was not asking to have residential included at this point. She was only trying to clarify what is included in this CRA and perhaps we could come back later for residential, but it was strictly business right now. As far as the road conditions, if we don't have anything to work with, it is hard to make them as good as we would like. That is why we have Benza coming in to help us.

Ms. Terry Canfora, 3603 Shellhart Road, Norton, Ohio, had signed up to speak, but left before the meeting ended.

**Public Updates:**

There were none.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:22 PM.

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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.**