



COMMITTEE WORK SESSION OCTOBER 5, 2015

Committee Members Present: Scott Pelot
 Dennis McGlone
 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, October 5, 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.

General Topics of Discussion:

Nash Heights Sewers

Mr. Pierson discussed the movement of Resolutions No. 59-2015 and No. 60-2015 that would remove Resolutions No. 6-2015 and No. 7-2015 on the Nash Heights sewer project. Mr. Pierson stated it was his understanding that we need to mirror the build plans and the resolutions, and the reasons we are changing this is because we are removing the pumping station along Golf course Drive and Mr. Markey concurred. Mr. Pierson stated if we do that it also removes the assessments of \$5,000.00 and \$8,000.00 and Mr. Markey replied yes. Mr. Pierson stated the reasoning behind that is because of the loans and that the money is in place and Mr. Markey replied correct. Mr. Pierson suggested that we strike the pump station at Golf Course Drive, write the new plans and once they are ready to go then next week you prepare the legislation and we will rescind that and it would be done nicely and in order. Mr. Pierson stated the reason for the resolutions is because of the changes to the project so we need to have the changes mirror the project. Mr. Markey explained the original legislation had a specific project boundary and the new project boundary will come into play once the plans are filed; you would need to rescind the original resolutions and pass the two (2) new ones. Mr. Pierson stated his suggestion would be to work it the other way around. Let's get the plans first and then you should write the new legislation then.

Mr. Markey stated the legislation is already complete as it is now and there should be no other changes on the plans because that is already taken into account. Mr. Pierson stated that we are removing the protection of citizens of the \$5,000.00 and \$8,000.00. Mr. Pierson stated he wants to leave the assessments protections stay in the legislation as it is at \$5,000.00 and \$8,000.00 and just remove the boundary lines because that is the meat and potatoes of the project. Mr. Markey stated he understood this would have only a first reading tonight. Mr. Pierson said that is fine down the road, let's just get this on the way now and we can conclude it; if necessary, we can do it under an emergency later. Mr. Pierson stated in the Council packet we had folks in outlying areas on Little, Greenwich, and Higgins, and those residents that were given options to opt out of the project are now back in this. Mr. Pierson stated he wanted to see something legal in writing from the property owner that they want in or out; he believed Ms. Whipkey's concern in the past was a legal ramification down the road from someone if we did not have it documented. Mr. Pierson stated some of the people have indicated to him they did not want in it and that if they want to be out then they do not need to be included like what is before us now. Mr. Pierson pointed out he wanted something prepared and on file with the City of those that wanted in or out in order to protect people from the 200 ft. rule so they and the City would be protected. Mr. Markey stated there were surveys sent out and the method we agreed to originally was to include all of them from the start and at the assessment Board hearing they can voice their concerns. Mrs. Carr stated that surveys did go out to all of them and not all of them responded; some said no, some said yes, and some said yes if it's a certain type of sewer. Mrs. Carr stated that she understands the only legal way to address this for some that may want included is to have all of these properties involved now in the legislation and let the Equalization Board address this and if they clearly say no at that time we can take them out. If they said yes they can stay in and if there was no answer then we will need to get their answer at that point. Mr. Rodgers stated so that goes to the Equalization Board, so are we going to dictate to that Board on how to rule? Mr. Markey stated that the Board can make their own independent decision. Mrs. Carr stated we can provide the Board with the list that did respond, and they need to also know that some did not reply at all. Mr. Rodgers stated he understands that but if someone wanted out the project will the Board accept that as a reason enough to let them out and how will we know that? Mr. Markey stated that we cannot guarantee that. Mr. Pierson suggested that when we send these letters they should go out to the homeowner by certified mail. Mrs. Carr stated that we did send these out to all by certified mail once and Mr. Pierson stated that he thought you have to make three (3) attempts. Mrs. Carr stated that it's not that they did not get the letters; they failed to respond and believed we have record of whom we got service on or not. Mr. Markey stated that we have no legal requirement to serve certified letters. Mrs. Carr reminded everyone about the map we had showing the fringe areas and some residents may not understand the fringe area and if you live in this area; you may have a sewer line going in front of your house. You may unknowingly find out later that because your septic is bad you will have to tie into a sewer. We want these people to know up front that the line is going in front of your home and even though you may not be in the consent area; it could have an effect on you in the future. Mr. Pierson stated Mr. Pruett from Summit County Health indicated if the closest corner of the foundation is within the 200 ft. requirement, they would be force to tie in.

Mrs. Carr concurred if they have a failing septic system. Mr. Pierson stated he does not doubt the City has made these attempts; he just wants to have a solid paper trail for future reference that they had the opportunity in order to avoid any litigation in future years. Mrs. Carr stated if these residents said yes, we would have to make sure they are included in the final assessment, and those that want out would be addressed with the Equalization Board. Mr. Markey stated we would then require an ordinance to address those that wanted out they would be required to pay a tap in at a future date equal to whatever the assessment was to be fair to everyone. Mr. Rodgers stated that he has a real problem with the Assessment Board having a say in that because we should not be telling them how to rule on everything that is presented to them. It should be separate from us and the Administration. Ms. Whipkey gave some past history on how the Assessment Equalization Board works, and that we don't get to tell them how to rule; they rule and what they decide comes to us and we can uphold their ruling or turn it down. We do have the last say but we are not influencing them as to what they actually do. Mr. Rodgers stated that's good to know but it does not address the point here. The point is that some members included in the project on this Resolution of Necessity do not want to be in it; their only recourse is to go to the Equalization Board and ask to be removed. Having sat through the proceedings the last time there were some residents that felt they had legitimate reasons or circumstances but were kept in. Mr. Rodgers stated this is not a good process and we as a Council should decide who stays in or out. Mr. Pelot asked if we can exclude those that responded with a no or not answered at all, and that way we are not giving any direction to the Equalization Board? Mr. Markey stated that is Councils decision. It's your Resolution you can exclude the names, you can include them and let the Assessment Board address it; it's Councils resolution not the Administrations. Mrs. Carr stated she thought the letters had language stating if you fail to respond that would be considered a no. Mr. Tousley stated he had left for vacation at this time and thought at the last second Mrs. Carr felt that was not a good idea. Mrs. Carr stated she would have to go back and look at the language with Mr. Markey. Mr. Rodgers asked about the plans and that this was all amended and we don't even have those plans on file. Mr. Markey stated the final plans will be on file before the passage of the Resolutions and we are working with Mr. Demboski to get those plans later this week. Mrs. Carr stated she has the photos for the design of pump house buildings and what they could look like and will be sharing those with Council via email this week and the design you choose would affect the cost. Ms. Whipkey asked if everyone on the fringe area decides to opt out, is that going to change the cost as far as what is to be assessed, and Mr. Markey concurred. Mr. Pierson stated the more people you have in the project lowers the cost, but is it right to force people to be in it that don't want to be and have the option until their septic fails or ground conditions cause them to hook up? Mr. Rodgers asked how many property owners are in it now and Mrs. Richards stated it's three-hundred (300). Mr. Markey stated that the original resolution had three-hundred and four (304). Mr. Pelot stated the whole premises of asking the people on the fringe was to give them the opportunity to jump in now at this low interest loan or no interest loan and spread payment out over time for twenty or thirty years. If their septic goes out in five (5) years it's likely they won't have the same opportunities. Mr. Rodgers asked if in order for them to put this on their taxes it would take an action of Council, correct?

Let's say they did not opt in now and later they want to get into it, can Council assess them? Mr. Markey stated that for a special assessment there is a very particular procedure that must be followed which is what you are doing now. Mr. Markey stated he believed that Summit County would not accept legislation from Council stating just assess this person for cost. Mr. Markey stated that you cannot assess a resident for a project after it's in the ground, you can only assess for a project that is being built. Mr. Pierson stated that even though assessments will be determined upon the completion of the project, at this point it is getting the idea of let's say \$10,000 and they may not need to hook up for five years. Mr. Markey stated that you have to give them the right to assessment now and not withhold that right from them. Mr. Pierson stated that is even more reason to have something in writing from these fringe residents benefits. Mr. Rodgers suggested having the language and the letters to the opt ins and outs brought to the meeting next week and we will discuss this again. Ms. Whipkey asked are we saying if these people opt out now they will not be assessed until later if they have to tie in, but would have to pay it up front? Mr. Markey stated that was his suggestion that you need legislation stating if they tie in later to this project they would have to pay the amount of the lump sum of that assessment that is being charged to the other property owners. That is usually how it is done, you either pay it up front or you pay when you tie in. Mr. Markey stated that is how most utilities do this and is why we want to give them that option. Ms. Whipkey stated they would have to go out and get their own financing and Mr. Markey concurred that is how most utilities do it. Mr. Rodgers asked Mr. Markey what is the exception to his statement that "most utilities do this" and Mr. Markey replied he actually has not heard of other utilities making any other such arrangements. Mr. Rodgers asked, just for discussion, if we go through this project and later they want in, can't this Council or a future Councils establish a special assessment account from what the County sends us each year and we put that towards the debt service. So what would prohibit us from allowing us to collect from them in installments much like a tax assessment? Mr. Markey stated you could probably do that, but you wouldn't be able to certify it as an assessment so you wouldn't have your collection mechanism with the treasurer to be collected with taxes. Mr. Rodgers stated we could lien the property if necessary. Mr. Markey pointed out that you don't know what a future Council in ten (10) years from now would address this with legislation; the people would not have the assurance that would remain in place as you cannot bind a future Council. Mr. Tousley asked about sample Resolutions #61 and #62 and compared those to the original ones of #6-2015 and #7-2015 and in Section #1 all of the lineal feet seem to be the same and asked Mr. Markey if this was correct? Mr. Markey stated he would concur with Mr. Demboski on that. Mrs. Carrie Beegle, 3920 Reimer Road, Norton, Ohio asked about the homeowner on the fringe area that signed off and if there is any legal issues that any homeowner within an improved area is required to disclose this prior to a sale? Mr. Pierson stated the County has in the past taken the stand that any residential property that had an ownership change would tie into the sewer line immediately. Mrs. Beagle asked if any of these residents opting out are aware that before they sell their home they will be forced to tie in before the sale? Mr. Pierson stated that from what he has seen it would be that way. Mr. McGlone stated he has never seen such a form in his life. You do have to disclose if there is something wrong with the property.

Mr. McGlone stated the seller in good faith should tell the buyer that something is in the works. Mr. McGlone stated that he has never dealt with Summit County on the purchases of any properties. Mr. McGlone stated its not in the listing property disclosure forms the he uses and his from is approved by the Ohio Board of Realtors. Mr. Rodgers stated he remembered the story Mr. Pierson was referencing and they did come back on the seller and the seller was responsible after the fact, but he did not remember the details. Mrs. Carr stated she believed that at a point of sale with Summit County the County does not require this; Mr. Pruitt did not include that in his rules, but she would check. Mr. Pierson stated he knew it had to be disclosed as there may be a pending law suit in Nash Heights over it right now. Mr. Markey stated that the issue here is if you have a Resolution of Necessity passed but not an Assessment ordinance then you would need to disclose that to the agent, or buyer. Mr. Tony LaFraso, 3515 Little Blvd. Norton, Norton, Ohio stated that he did have a copy of the fringe letter with him and it does state if you don't respond you will not be part of the project. He would like to see some language stated that if we decide to opt out now, that later, we want to opt in at the same price as those being assessed now.

Community Center Repairs-Bid Proposal

Ms. Whipkey stated she would like to add Ord. #63-2015 for the Special Council Meeting agenda and this pertains to the repairs for the heating/air conditioning at the Community Center. Ms. Whipkey stated that we did bid out for the roof, the handicap entrance and the HVAC. The HVAC is the only one we did receive. Mrs. Carr stated that this is the only bid and was within the threshold. Mrs. Carr stated the other bids were above the estimates and we will need to be rebid them. Mr. Pierson asked where the advertising was done for the first round and the second round? Mrs. Carr replied the first bid notice was in the Akron Beacon Journal as required and the second round is in the Norton Post and we have specific HUD guidelines and procedures to follow for these projects. We did ask the County on the advertising and they indicated we could use the Norton Post as opposed to spending another \$600.00 for the Akron Beacon Journal. We have made phone calls to all area roofers and door installers to please consider bidding these jobs. Mr. Rodgers discussed the December 31, 2015 time line to get the money and asked Mr. Messner to explain. Mr. Messner indicated that the work must be done before December 31, 2015. Ms. Whipkey stated that time line is also for the doors and the roof. Mrs. Carr concurred and that is why we asked for passage on the HVAC as quickly as possible to get this underway. Some of the roofing contractors we have talked with indicated they could still get that done in time. Mr. Pelot asked if some indicated why they did not bid and Mrs. Carr stated some stated they do not like to work on HUD projects. Mr. Messner indicated that we pay the contractors up front and then we get reimbursed and he pays out fast. Mr. Tousley stated that the bid that was accepted states the work would be completed by December 1, 2015 so there is time and he is not willing to vote on this tonight. Ms. Whipkey explained that this is the only bid we got for a project that we are receiving approximately \$45,000.00 to do the projects and we are only paying a small part of this and if we do not act on this tonight we have the chance of losing the \$45,000.00 to do any of these needed repairs. Mrs. Carr stated that there was no purposeful delay it takes time to bring all of this together.

Mr. Tousley stated he is not accusing anyone of anything; he is just restating what he is comfortable with and feels sixty days is fine. Mr. Pierson asked about the square foot of the community center and Mrs. Carr stated she did not have that with her. Mr. Rodgers understood and agreed with Mr. Tousley's concerns and asked if he was comfortable with just a first reading tonight and next week waive the readings? Mr. Tousley said he was fine with that; he is just concerned with the public perception on passing at the first reading. It was decided to give this a first reading tonight, have the second next week, and waive the third with emergency language. Mr. Rodgers seconded Ms. Whipkey's motion.

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

Motion passed 6-0.

AMATS Funding Renewals

Mr. Pelot discussed the request to continue to have our name in the hat for the funding available for Cleveland-Massillon and Medina Line/Eastern Roads and noted Mr. White was here if there are any questions. Mr. White stated we have applied for both of these previously and the AMATS process did not provide full funding. Neither of these two projects received the sufficient points required. They provided partial funding for Medina Line and no funding at all for the Cleveland-Massillon Widening Phase III. Mr. White explained there was a very unusual problem where monies had been already awarded for projects that were already underway and were underfunded. Mr. White felt confident we would get the funding for both projects when we re-submit. Mr. White stated that AMATS requires renewal legislation for each project. Mr. Pelot asked about the letters of intent which is due by October 9, 2015 and if this is a problem. Mr. White stated the legislation will back up that letter of intent as part of the process. Mrs. Carr stated communities that send them together gets more attention Mr. White explained that this is 80/20 share. Mr. Tousley asked Mr. White about funding for Medina Line from Greenwich Road North and Mr. White replied that NOACA has approved this. Mr. Rodgers asked how this Phase III will affect the time lines with the current widening project? Mr. White stated this will fall very well into place with the current project and Mrs. Carr stated this Phase III will not happen until 2019. Mr. Pelot stated this is a \$2.9 million project for Cleve-Mass Road and they will cover 80% of that and the Eastern Road is a \$1.1 million dollar project and they will cover 80% of that. Mr. Pelot stated we had to address these separately. Mr. Pelot moved to add Res. #64-2015 to Councils next agenda, seconded by Mr. McGlone.

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

Motion passed 6-0.

Mr. Pelot moved to add Res. #65 2015 to Councils next agenda, seconded by Mr. McGlone.

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

Motion passed 6-0

Approve Summit County 2016 Tax Rates

Mr. Rodgers stated this is boiler plate legislation that is the same every year and moved to add this to Councils next agenda, seconded by Ms. Whipkey.

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

Motion passed 6-0.

Stray Cats

Mr. McGlone stated that he received an exhibit of an ordinance prepared relating to feeding stray animals and asked Mrs. Carr if the city is getting a lot of complaints? Mrs. Carr stated she has not received a single complaint outside of Council's via Mr. Rodgers complaint. Mr. Rodgers stated the complaint he received related to property damages. Mr. Pelot stated he has received one recent complaint relating to over 100 cats on a property somewhere on Norton Avenue. Mr. McGlone asked if Summit County would be involved with this? Mr. Rodgers stated they would be involved with enforcement and referred to Mr. Markey. Mr. Markey stated the proposed ordinance requests that they have the authority to enforce it; the intent of the ordinance is if you leave food out for stray cats, this attracts other wild animals. Mrs. Carr cautioned everyone about what we have on the books because we do have a contract with Summit County and they do charge the City for each animal they capture at approximately \$30.00 each. Mr. Markey explained the intent is to punish the property owner that is leaving the food out and not necessarily catch cats. Mr. Rodgers stated he understands that we need to address this feral cat issue and not to be overreaching so it affects people feeding their own animals and those having chickens or such. Mrs. Carr cautioned asked what the expectations are for the enforcement and Mr. Markey stated in drafting the legislation we didn't really discuss that and is why he left it overly broad. It is up to Council to define the authority; he did not think it matters which authority, but that an authority is going to enforce this. Mr. Tousley stated he thinks this is just ridiculous. Mr. Rodgers stated it's not just that simple and what if you were the neighbor next to a situation and have your expensive patio furniture ruined because someone was feeding feral cats? If this affects you, you would want something to be done about it; although he understands both sides. Mr. Pierson stated he has more of a problem with wild deer than with cats and suggested the neighbors consider contacting a private company to address this. Ms. Whipkey asked if we don't have something relating to our nuisance laws that would address this?

Mrs. Carr explained that falls under the ODNR and in the category of a varmint you have the ability to do what you can to address this; however feral cats are not considered a varmint. Mrs. Carr if stated that if this is in a residential area that has that many cats we can call the Health Department to take a look at the home. Ms. Whipkey stated the draft says you can only feed their animals during daylight hours, what about the people that work different shifts and this is for two complaints? Mr. Markey stated this draft was taken from Parma and Barberton, and has traveled somewhat. Mr. Pelot asked is this just to have something on the books or do they actually have someone go out there and actually do something about it? Mr. Jack Gainer, this is total nonsense. Mr. Gainer stated that he feeds animals whether it was a cat or a squirrel and he would be ashamed for anyone to prohibit anyone from feeding a wild animal. Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, stated that you should spend more time on something more important like sewers. Mr. Rodgers stated obviously you don't understand it's a problem within the City; we should have common sense here and even if we have two residents with issues, then we should have something on the books to protect them and others. There is a cost associated with this and if they want to step forward, which they do not as it is a neighborhood thing and don't want to argue with their neighbors; however, there is a cost of hundreds of dollars a year for a company to come and trap raccoons or whatever and is due to someone putting food out. Mr. Robert Copen, 2518 Sue Lane, Norton, Norton, Ohio stated that Norton seems to be the place to dump little kittens or cats, and they can wreak havoc on convertibles tops. Mr. Copen suggested you take the feral cat and add it to the varmint category, and handle it the way the law says you can and that's with a 22. Mr. Dan Newman, 3172 S. Cleve-Mass. Road, Norton, Ohio, stated that in the past he had an issue with a dog, and came and asked the former Chief if he could take care of this and was told of an incident of a Norton resident had shot an animal that was digging around in their garden and no charges were filed. Mr. Rodgers moved to table this until clarification on the varmint rule and bring it up at the next Committee of the Whole.

Summit County Report Study on Wolf Creek Watershed

Mr. Pierson turned this discussion over to Mr. Rodgers as he had been so involved with it and attended all the meetings. Mr. Rodgers asked Mr. White to address the study and their findings as he had never actually been to a meeting involving Summit County. Mr. White stated that the primary point is that Mr. Brubaker, the Summit County Engineer, prepared this and it essentially goes back to the 1930 plans where everywhere was ditched at the same time and would cost over \$24 million to restore to the 1930 levels. However today things would be different from 1930 because we have even more flooding and would cost more like \$54 million dollars at this time and that is without even doing studies which additional studies would be needed. Mr. Pierson stated after reading this report, the ownership and properties had changed, could the previous property owners be held liable and those touching the affected areas have a higher cost? Mr. White stated although this sounds simple, that is a very complex situation and is a legal issue that may involve the United States Army Corp. of Engineers, and he alone could not come up with a simple answer as there isn't one. Mr. Pierson asked if we had not talked with Barberton in the past about ditching in their area?

Mr. Pierson asked Mrs. Carr if we had previously talked about the Army Corp. of Engineers dredging in Barberton and Ms. Carr replied, yes. However she explained that there are two issues here, this first is that Barberton, Norton and Copley are working together on the study that hopefully we can use to go for Corp. of Engineer money to do some of our own work on the Wolf Creek area and that is in process now.

The second piece is down by Fred Martin and we were hoping that the Army Corp. of Engineer's would allow us to do some dredging; at this point we have not been given the authority to do any work here because they want more studies done. Mrs. Carr stated that she understood that Copley officials have expressed concerns with this report because it's a direct cost to the home owner and they would rather do this as a watershed area so the cost would be better spread out to the homeowner and have a better overall fix as opposed to ditch by ditch. Mr. White stated the action items would be to imply they need more studies of hydrology and hydraulic analysis to determine what would really be effective. The consultant that prepared this report cautioned being careful with any changes without more through studies because you could actually cause more damage to the Wolf Creek and the Tuscarawas River could back up more quickly and other areas involved. Mrs. Carr stated we really need to review this study with a more regional approach and look at this bigger and we have been working very well with Copley and Barberton on this. Mr. Rodgers expressed his concerns also with the County with not even contacting Norton or advising us about this study. Mr. Rodgers asked if the larger Water Conservancy group would address these bounds and Mr. White replied yes. Mr. Tousley asked if there is chance that both this and the Watershed District could be pushed on us at the same time? Mrs. Carr replied not likely because the County would have to work through the Watershed do get that approved because the Watershed would be a separate entity and the County would not have jurisdiction. Mr. Markey stated there is a long standing case with the Northeast Ohio Sewer District where they had levied storm water fees that recently came down in their favor. They were recently permitted to do so. The County could also chose to levy throughout their authority as being a sewer district and the county would be able to charge the residents a fee, and there could be a potential for overlapping. Mr. Markey stated the lawsuit was about whether or not a sanitary sewer district can charge rates to the residents for storm water and the Supreme Court stated that was permitted. So DOES would have the authority by a Summit County Ordinance to do so as well and Norton is currently within that district so he believed they could charge us. Mr. Rodgers asked if we were in the Barberton district, can they impose storm water fees and Mr. Markey replied he did not think so because that case termed on the definition of what waters could be treated by a County Sewer District or a Regional Sewer District and he did not think it would apply with Barberton. Barberton operates under the Ohio Revised Code statues and their Constitutional authority. Mr. Markey stated that without an agreement they cannot charge this rate for storm water fees. Ms. Whipkey stated if we have a sewer agreement with Barberton, then Summit County could not charge Norton residents for storm water and Mr. Markey concurred if Norton was removed from the Summit County Sewer District. Ms. Whipkey stated that Barberton has a storm water fee on their resident's, could they charge Norton residents if we had a sewer agreement with them?

Mrs. Carr and the Mayor answered no with Mr. Markey adding unless it was by agreement. Mr. Rodgers stated there is really not much we can do with this and asked Mr. White to keep us informed, and Mr. Brubaker's report is just that. Ms. Whipkey asked if they wanted to do a hydraulic study could we offer them what we have already done for our hydraulic study at a cost to the County and Mr. White and Mrs. Carr stated that could be possible. Mr. White stated that anything we have done would be beneficial as they had done very little.

Summit Road Sign Postings for Heavy Vehicles

Mr. Pelot stated last week we discussed this and the heavy vehicles out on Summit Road and he has discussed Chapter 440.01 that deals with heavy vehicles/load limits with Mrs. Carr. In Section 3-C1 it calls out specific roads and allows for in excess of 5 tons and Summit Road is one of these roads and is mostly located in I-1. If we intend to change this for Summit Road, and we try to change the legislation that would be an issue for the other property and business owners. Mr. Rodgers indicated you have a lot of residential properties and Mrs. Carr stated that Summit Road is split into three different zoning areas. Mrs. Carr stated in the R-3 is on one side of the road and the other side of the road is I-1. Mr. White clarified that when you cross the bridge that is where the I-1 zoning comes in. Mr. Rodgers stated they are wrecking the new road already; we have erosion in the ditches and undercutting the road. We have trucks coming down the road with unknown weights. Mr. Rodgers suggested the use Barber Road instead. Mr. Pierson stated why don't we restrict this to delivery only? If you are cutting through you get cited and if you have proper bills of lading going to a business that is acceptable. Mr. Rodgers stated that from Morgan Road to the overpass it is all residential and Mrs. Carr stated only on one side to which Mr. Rodgers disagreed. Mr. Pelot stated we need to look at the maps, and he recalled we did have something relating to residential areas and weight limits already on the books. Mr. Rodgers asked for all of Council to have a copy of this section for reference. Mrs. Carr went through the roads listed in the current code with the in excess of five ton limit. Mr. Rodgers stated with the exception of Clark Mill and Summit Road the other roads are all paved roads. Clark Mill and Summit Road are chip and seal roads. Mr. White explained that portions of Summit Road where the trucks are going are a hot mix asphalt which he believed was from Barber Road to McCoy. Mr. Rodgers stated that Mr. Benza had stated that these chip and seal roads have a 5-7 yr life span and we need to get our money out of what we are putting in on them and these trucks are really hurting our roads. Mr. White stated we need to address what was put in the legislation and he noted that the character of Summit Road changes in this area, which is unusual from the other roads as they are made for the heavier traffic. Mrs. Carr stated we need to pull the zoning map because a lot of undeveloped land in this area is I-1 and you need to be careful what the proposed changes would be so it can be accommodated if and when developed. Mr. Rodgers reiterated that the I1 area is beyond the overpass. Ms. Whipkey asked about what Barberton's zoning code is when it comes into our Summit Road area as that is all residential, when everything coming in should be coming off of Barber Road? Mr. Rodgers stated the complaint's he has been receiving are that these truckers are taking a short cut and cutting into Summit Road.

Mr. White stated we need to look at where they were coming from and going to in order to have a better definition as Summit Road does change drastically from end to end. Ms. Whipkey stated maybe we need to change the zoning to match the load limit which it was explained that the entire Norton part of the road has the heavier limits used for it as opposed to limited limits when the Norton residential part starts.

Unfinished Business:

Mr. Rodgers spoke to Mrs. Carr and Mayor Zita about the Crawford property on Cleveland-Massillon Road. Mrs. Carr stated she had left a message with Mrs. Crawford that she would like to have a meeting possible next week.

New Business:

None

Topics for the next Work Session:

Noise Ordinance Review

Weight Limit on Summit Road

2016 Budget at the end of October

Stray Cats-Varmint Definition

Baseball Fields

Petition process for Wolf Creek Watershed-Mrs. Carr stated that she has spoken with Copley officials and we need to get with the legal departments and spell out the two (2) choices on how to best address this due to the ruling by the North Eastern Ohio Sewer District. Mrs. Carr stated that she understands the intention of Council is to go with property owners and not residents. Mr. Rodgers discussed his written statement relating his opposition to the MOU and deal with Barberton. He had prepared a statement to the Norton Post Reporter and submitted his report. At the same time he called the Barberton Herald and inquired or not if a Letter to the Editor would be considered a campaign issue, and the suggestion was made that it would be and not to do that. In Saturday's Norton Post Mayor Zita had submitted his counter statements to his letter (see attached) and Mr. Rodgers read his letter to Mayor Zita (see attached) Mr. Pelot stated that in the past, although not in the by-laws, Council chambers was not allowed to be used as a political platform; we need to make the stance that these issues are not political and Mr. Rodgers stated that is up to the Council; he believes in free speech and regrets some things he had heard went on this weekend.

Public Comments-Non Agenda items:

Mrs. Carrie Beegle, 3902 Reimer Road, Norton, Ohio, stated when she comes up here she likes to speak and act professionally, be respectful, and expects to be treated the same. Mrs. Beegle stated a situation on Friday night at the Cider Festival that was not the case and would like to talk about what happened to her as it was very upsetting to her. There is no secret that she is running for an At-Large seat. On Friday, she was at the cider booth by herself and was surrounded by at least (five) people who berated her with questions; so many questions all at once and were so fast that she could not even answer. This went on for approximately five (5) minutes.

Mrs. Beagle stated she felt threatened and told them she knew what it was that they needed to get away from her. Mrs. Beagle left and had to actually push one of the gentlemen out of her way as she walked away into another tent with hopes to avoid this confrontation. Mrs. Beagle stated she called Mr. Rodgers and her husband with her concerns. Mrs. Beagle stated she actually talked with Mr. Rodgers all the way to her car because she was afraid she was going to be followed. Mrs. Beagle stated they asked her how she would save Norton and told her Norton was going to chew me up and spit me out and she took it as a threat. She felt threatened and scared and it ruined her night. She believes that someone on Council or someone else put them up to that to target her and is sorry they had to resort to scare tactics. Mr. Rodgers apologized to Mrs. Beagle on behalf of the whole City for her experience; and that he has a very good idea who was involved from her descriptions. Mayor Zita stated this is the first time he has heard about this, and asked if a Police report was filed and Mrs. Beagle replied no. Ms. Whipkey asked Mrs. Beagle if she stated she believed someone on Council put someone up to intimidate her and Mrs. Beagle answered yes. Several members of Council took offense to Mrs. Beagle's statement that someone on this Council put them up to this. Ms. Whipkey stated that she resents that remark. Ms. Whipkey stated that she does not attend these types of events or use them as a type of platform. Ms. Whipkey stated that she is very well equipped and able to speak to someone if she has an issue with them. She definitely would not put anyone up to do to intimidate anyone as she believed that she can intimidate well enough on her own, and she took offense to Mrs. Beagle's remarks that it was someone on this Council. Mrs. Beagle stated it was someone from Council or in front of her, she believes it was someone in this room. Ms. Whipkey responded she would find it hard to believe anyone on Council would do that or anyone in the room as well nor would she approve of it. Mr. Pelot stated that one of the reasons we brought a Norton Police Officer in to the Council Chambers is to stop any intimidation that might go on.

Mr. Dan Newman, 3172 S. Cleve-Mass. Road, Norton, Ohio, discussed the lease agreements and that his son's team was denied rights to play on these fields by the very group that this seeks it turned over to them for ten (10) years for \$1.00. Ms. Whipkey had mentioned that the teams need to be 51% of Norton residents, and this is not stated in this agreement. There is the charge of twenty-five dollars for using the field and it is confusing. Which one do we enforce, the Administration would enforce theirs and Council would have theirs so which one is legal? Mr. Newman stated that one field is open to one day a week as long as that team remains 12 year olds. The other thing is a lot of their financing is just whacky; everyone has credit cards, etc. Mr. Newman asked would the other groups go and build structures and what happens if they go into default, does that fall onto the City of Norton? Mr. Newman stated that someone some day will tape these games with a Go Pro and show what is really going on and Norton will look bad. Mr. Newman stated he feels there is nothing wrong with what Mr. Rummer and his intentions. To the benefit of Mr. Rummer; he has decided to take his son out of his team and now has enrolled with Massillon. For 15 years you had a handshake agreement with Norton Baseball, and suggested you contact Mr. Rummer and have him handle the schedule with these teams.

Mr. Rummer's team is already insured and they can maintain the field. Mr. Rodgers asked Mr. Markey if there is any liability with Mr. Newman's comments and Mr. Markey stated that there is no liability to the City's property. Mrs. Carr stated she has provided Council with all of the background and cost history of the capital investments the teams have made. Mrs. Carr stated that Mr. Newman was right that they were given some exclusive rights in exchange for some of these things. Mrs. Carr stated that in fairness the Norton Baseball should attend a meeting for them to answer to Mr. Newman's comments. Mrs. Carr stated that in all due respect to Mr. Newman he is not a part of the Norton Players or the NBA which is who she has been working with; whoever she has noted all of his issues and concerns. Mrs. Carr stated we are way past that and she is working with the NBA on the size of the fields to make things more generic and we can amend the agreement not to limit the size. Mr. Rodgers stated he understands all of this but if our kids are leaving Norton to play in other areas because they don't feel they are welcome. Mr. McGlone disagreed with Mr. Rodgers adding that he has coached Norton Football and Norton Baseball for over seven (7) years and has never seen this issue. Mr. McGlone stated that those that chose to leave is because the talent is better in travel teams and if you want your child to go to college someday, maybe that's a better way for them. Mrs. Carr stated she has addressed all of these issues within her memo. Mr. Newman asked how did the dug outs, fencing, etc. ever come about and Mr. McGlone stated that Norton Baseball did this; one of the fathers was a brick mason and one father did the fencing, and so on.

Public Comment-Agenda and Non Agenda Items:

There were none

Public Updates:

There were none

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:58 PM

Rick Rodgers, President of Council

NOTE: THESE MINUTES ARE NOT VERBATIM

****Original signed and approved minutes are on file with the Clerk of Council.**
All Committee Meetings will be held at the Norton Safety Administration Building,
unless otherwise noted.**

I want to respond to recent comments made by Council President Rick Rodgers. My administration has worked tirelessly over the past three years to create a sewer solution for Norton that allows us to remain self-governing. I have always believed that to control our destiny, Norton should own its sanitary sewer assets.

In 2012, my administration negotiated with Summit County for 18 months to purchase Summit County's sanitary sewer assets located in Norton. We reached an agreement in 2013 which provided that Norton would purchase those assets for \$1.99 million dollars, to be paid in 10 equal installments.

The proposal was delivered to City Council for approval in 2013. When Mr. Rodgers took office in 2014, he made it clear that Norton should not be in the sewer business and the proposal died on Council floor. This short-sighted decision has negatively impacted Norton's ability to control its own destiny with respect to sanitary sewer.

Following Council's rejection of the proposal, my administration approached Summit County to negotiate for the County to purchase Norton's sanitary sewer assets. To maintain transparency, President Rodgers was invited to join the negotiation process. Because Barberton owns a wastewater treatment plant that serves Norton, those negotiations also included Barberton.

During negotiations, it became clear that Barberton provided a better option as Norton's sole sanitary sewer provider. Barberton charges a lower sewer rate than Summit County and committed to reinvest a portion of the sewer charges collected in Norton exclusively for Norton sewer infrastructure. Summit County was not able to match these terms. All three parties negotiated the terms of a proposed sale of sewer assets to Barberton that ultimately became the 2015 Memorandum of Understanding (MOU) presented to Council. After several executive sessions and multiple lengthy Council meetings discussing the MOU, Council approved the MOU by a unanimous 7-0 vote on January 26, 2015.

Despite the fact that Mr. Rodgers participated fully in the MOU, he now objects to it and claims he misunderstood the financial model that Norton and Barberton jointly developed during negotiations. Since Mr. Rodgers spearheaded the unanimous approval of the MOU by council, it was administration's belief that Mr. Rodgers understood the financial model.

If Mr. Rodgers and Council decide to reject the MOU, Council must address the following: Current assessments for the Nash Heights consent area were heavily subsidized by leveraging surcharge revenues provided by Barberton under the MOU. Council must determine new assessment amounts and whether to subsidize them. Without the availability of surcharge revenues under the MOU, Council will have to provide subsidies from the City's income tax rollback funds (monies paid by taxpayers living in Norton and working outside the city), to subsidize the Nash Heights sewer project.

I believe it is in the best interest of Norton to negotiate a sewer agreement with Barberton should they become Norton's sewer provider. The purpose of which would be to establish the rights and responsibilities of both Barberton and Norton with respect to sewers in Norton.

Mayor Mike Zita

* Letter to the Editor - Norton Post 10-3-15

Mayor Zita,

In response to your letter to the editor in The Norton Post. The \$2,000,000 purchase price was only the beginning.

The purchase included four package plants serving three residential developments and an industrial area. Just the abandonment of Brentwood, Frasure, and Norton acres package plants would have cost Norton about \$5,000,000.00. This cost would be paid by the 647 residents tied to those plants or the residents of Norton as a whole.

If they stay in County hands, it would pay for those improvements. Regarding control of our own destiny, to sustain the cost of buying and owning the county lines, Norton must begin an expansion of sewers throughout the city as seen in the master sewer plan developed by EDG and presented to council in 2013. During that presentation reference was continually made to the revenues this would generate. Revenues are needed in Norton but the difference between you and I Mr. Mayor is that I want to develop commercially to generate revenue but you want to create it off the backs of our residents who are already overly burdened with high taxes, high costs of living and stagnant wage growth. To make it worse, those sewer revenues can only be used for sewer infrastructure. If ever there was a time to rethink Norton's direction in all matters it is now.

Regarding the negotiations with the County let me correct the record. In November, shortly after winning the Ward One council seat, I contacted Mike Weant and began a dialogue that led to Norton and the County meeting to discuss DOES taking over of Norton sewers. As talks moved forward, Barberton joined the conversation for purposes of arriving at an understanding with the county having to do with the customer base and fees. I hoped an agreement would be worked out between Barberton and the County, but because Barberton would not reasonably negotiate with the county on those issues they reached an impasse. Hence the MOU developed with Barberton. Barberton offered a lower sewer rate by about 10 dollars a month at current rates but the deal with Barberton only works if we add an additional 1400 customers from Norton. Many residents would face the high cost of sanitary sewers needed to service the debt associated with the deal spelled out in the MOU.

You say you have worked tirelessly over the past three years to create a sewer solution. I have done the same but every time I and some on this council come up with ways to save the residents money it has been met with opposition from you, this administration and others on council. And as far as having a second thought on the MOU with Barberton--that is why I am here--to make sure any deal we make has the greatest benefit to our residents. That is what we all should do. Remember when it was the consensus of the 2013 council and your administration to buy two houses on Woodbine for about \$200,000 dollars, then spend an additional \$200,000 dollars to build another baseball field? Aren't you glad that after a public outcry your minds were changed as we face this \$16,000,000 million dollar road repair bill we just received? It was caused by

years of neglect and inadequate road programs of which you were a party.

You say we should contract with Barberton, well in my comments you criticized, I offered my opinion on what would make the agreement acceptable:

1. Remove the 1400 additional customers.
2. Carve out the area west of Route 21 in the agreement.
3. Provide a plan and timetable to abandon the Package Plants with Barberton assuming the cost as the county would have done.
4. Allow Norton to plan, design and build its necessary sewer systems within the city.
5. Establishing an end date of the agreement to not be locked in forever.

Finally, with the recent road repair/rebuild estimate our city received, our flooding problems facing many of our residents and businesses and talk of the schools needing another operating levy it is time we here in Norton got our heads out of the sand and begin take a hard look at these issues and be smarter at how we deal with them. The well is drying up.

Rick Rodgers

10-5-15