



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
JANUARY 11, 2016**

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

The Regular Council Meeting convened on Monday, January 11, 2016 at 7:01 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, Vice President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE**

Mr. Pelot officially acknowledged that all of Council has received the November & December 2015 Budget Reports.

Ord. #1-2016- An ordinance to authorize the Administrative Officer to enter into an agreement with the City of Barberton, Copley Township and Chippewa Township to apply for a FY 2015 Assistance to Firefighters Grant.

Mr. Kernan stated that this was just received late last week and it needs to be passed before January 15, 2015 in order to apply for the grant. This is a FEMA grant to use funds for the Fire Department to secure a live fire training trailer and our share is \$5,116.00 and Barberton, Copley and Chippewa will be putting in the same share amounts with FEMA supplying the rest of the amount. Mr. Kernan stated we need to pass with waiving the readings and today he spoke with Mr. Messner and we do have these funds readily available in the budgets. Mr. Kernan moved to add this to tonight's agenda, waiving the second and third readings, seconded by Ms. Whipkey. Mr. Tousley asked for a brief description as to what this trailer is or does. Mrs. Carr stated this is mostly for education purposes to be mostly used by us, Barberton, Copley and Chippewa. Mr. Tousley asked where this was to be stored and Mrs. Carr stated she was not sure but each community will have access to this. Mr. Pelot stated that they use this as a mock drill and training tool. Zita noted there is a smoke house we use for safety town each year which is somewhat similar. Mayor Zita stated that a few years back Comunale had a partial trailer set up like a house with sprinkler systems in there to test and see how long a fire burns, etc.; he believed this trailer is along those lines and to be used individually and in combined department training. Mr. Kernan stated he had researched it earlier today and this is for a live training fire trailer that can help train firefighters in flash fires and other scenarios with actual hands on training. Mr. Tousley stated this would be a safety feature for both the firefighters as well as the residents.

Ms. Whipkey asked since New Franklin is interested in joining our dispatch center and if so would that affect all of our costs. Mr. Messner noted that Chippewa currently assists the City of New Franklin.

Roll Call: Yeas: Kernan, Whipkey, Tousley, Pelot  
Nays: None

Motion passed 4-0.

Mr. Pelot stated as it was discussed last week we would open the floor again for any nominations for President for 2016. Mr. Pelot explained it would not be something drawn out and if names were offered we would vote and move on. Mr. Kernan nominated Ms. Whipkey. Mr. Tousley moved to hold off until we have full council, adding that he is not comfortable nominating himself. Mr. Tousley stated that last week on the floor it was said if the vote didn't go a certain way it had to be politics and he takes exception to that statement. All of us here are elected to represent citizens and we all have a duty to make decisions that we believe is best for the City and citizens. There are three people that feel one way with three that feel another and he does not understand why that has to be contentious or considered politics. In this case, he did not understand why he and Ms. Whipkey seem to be almost like enemies. Mr. Tousley stated there was also a statement last week on shutting the City down when there are viable ways of moving forward; this is the democratic process and is not an emergency, it is not the sky is falling, this is democracy taking place. This is why the founders put these things together, so that the citizens' voices would be heard. However, if that's not the desire, then that's fine and I understand. Mr. Tousley stated that he would even go so far as to say that he would support Ms. Whipkey tonight if Council insists on going this direction. Mr. Tousley stated that he doesn't believe that this is representing all of the citizens in the City, but with that being said; he also doesn't believe that our last president was given support from the administration or all of Council. Mr. Tousley stated that he doesn't want to see that happen going forward. Mr. Tousley stated that if this is the way we must do it, he would give full support, because this is not about any of us up here. This is about the residents and citizens, and that's what he is here for. Mr. Pelot stated that he opened up the nomination process tonight not because we are absent of two (2) members; it's being done because Council is required to elect a president. Mr. Pelot stated that we have to open it up at the beginning of each meeting until we come up with a nomination at some point. Mr. Pelot stated he was not asking you to change your vote or your conviction, it's your choosing, it is just open for that reason. Mr. Pelot agreed with Mr. Tousley, and that we are not to be enemies here. Mr. Pelot added that we do not shut down just because a certain seat is not filled; we will move forward and do what we need to do as the residents expect us to do. Mr. Pelot called once more for any further nominations, which there were none. Mr. Pelot asked the Clerk of Council to call the roll.

Mr. Kernan voted for Ms. Whipkey  
Ms. Whipkey voted for Ms. Whipkey  
Mr. Pelot voted for Ms. Whipkey  
Mr. Tousley voted for Ms. Whipkey

Motion passed 4-0.

Mr. Pelot asked Mr. Markey on the legalities of this vote and Mr. Markey stated that the Charter calls for a majority of Council and currently Council has a total of six (6) members so four (4) is a majority. Ms. Whipkey took the gavel made her statements as President. Ms. Whipkey said she would love to see Council work together as much as possible. Ms. Whipkey stated that it doesn't mean that we all have to agree and that she welcomed any Council member's ideas, whether they are within the majority or not. Ms. Whipkey stated she has often said she did not care if she was the only voice out of seven saying something different and she expected every Council member to do so as that is what makes Council work. It can allow an idea to come across that we can use in some manner. Even a broke clock is right twice a day. Ms. Whipkey stated she realized we don't have to agree with the Administration; in the past she has not always agreed with them, won't always in the future, and won't have a problem saying so. However, we need to consider all the information we are given in order to make any kind of decision that involves this City and would expect all of Council to do so in order to the best we can for everyone. We as Council have to take all of the information that we have in front of us and if we don't argue with each other once in a while or disagree from time to time then something is wrong adding that is when she would be worried and is when the residents should be speaking up.

#### **COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items**

Mr. Ronald Storberg 3454 Greenwich Road, Norton, Ohio, stated he understands he has only five minutes and may not speak very quickly, but will try and fit it in. Mr. Storberg commented on the great service and courtesy of the Norton Police Department. Mr. Storberg thanked Mr. Tousley for his email response and feedback on his concerns. We were informed about 4 months after we moved in that we need to connect to the sewer system, and noted that he is not opposed to connecting. We currently pay about \$960.00 a year for the sewer assessment and not opposed to this payment either. Mr. Storberg expressed his concerns and difficulty with all of the costs for Barberton fees at \$1400.00 and Norton fees of about \$2400.00 and he is curious to who actually owns the sewer system or in respect to the MOU with Barberton. If the City owns and maintains this line he has no problem paying this fee to the City of Norton, same issue if the City of Barberton owns it. However he does have an issue for paying both communities for the same service. In addition to this he has to pay a private contractor another \$6,000.00 to \$7,000.00 to connect and he is looking for some type of relief here from Norton or Barberton. Mr. Storberg asked for Mr. Tousley to look into this and Mr. Tousley suggested setting up a joint meeting with Mrs. Carr and Mrs. Carr agreed adding that we should also include Mr. Markey in this meeting. Mrs. Carr asked if Mr. Storberg was ever provided information on these fees and Mr. Storberg replied no. We purchased this home from HUD in June of this year and inspection was made then and this was not disclosed to him for whatever reason. Mr. Pelot asked about the moratorium to waive the tap in fees and Mrs. Carr stated she would have to check the legislation but thought this was already up. Mr. Storberg stated when he got the card saying his six months was up the County Health was willing to work with him, but did need notification he was moving forward. Ms. Whipkey questioned why HUD did not disclose this issue prior to sale. Ms. Whipkey stated that Mr. Storberg is not being targeted here as some people would have paid three tap in fees; the Health District has the authority, but they have stated they work with the cities and suggested that we work with Summit County Health in getting an extension if possible. Mr. Storberg commented his biggest concern was paying Barberton and Ms. Whipkey responded that Norton has nothing to do with Barberton fees and those would have to be paid as even during the moratorium only half the fees from Barberton were forgiven.

Council by a motion from Mr. Tousley, seconded by Mr. Kernan, voted unanimously to allow Mr. Zenner to address Mr. Storberg's issue as he had requested. Mr. Charley Zenner, 3853 Valley Drive, Norton asked for clarification on the figures Mr. Storberg was stating that he was paying \$900.00 plus dollars a year for twenty (20) years. From what he is hearing Mr. Storberg is saying is that he is paying close to \$20,000.00, \$2,000.00 for a tie in, and then \$8,000.00 to run the line from the street to his house; so you are looking at \$30,000.00 for sewer and on top of that you will be paying Barborton each month for a sewer bill. Mr. Zenner stated he has a house and you are telling him it will cost \$17-19K to run sewer in front of his house, another \$2,000.00 to \$3,000.00 for a tie in, then another \$10,000.00 cost for connection and the contractor, plus a monthly sewer bill. Who has that kind of money and now you are talking about adding Nash Heights to this and you guys are going to charge all of these residents, and where will they get this money? He would be willing to bet that a good third to one half of them are on fixed incomes and you guys are going to sit there and try to charge everyone \$30,000.00. Mr. Pelot stated it's not us charging these fees. Mr. Zenner stated oh yes it is in a way if you stop to think about it. Mr. Zenner disagreed about what happened to the vote for President, and it really irritates him too, Paul; you should have never done what you did without the other members present. You sit there and say well you have half the vote one way and half the vote the other way; what do you have here tonight? You've got that half that voted their way and your half didn't even vote. Now we have a President that not all of Council was involved in. It's going to be the same as before; you're still going to have half of you voting one way and half voting another way with the next two years of getting nothing done. That's not going to change. Ms. Whipkey stated that Council gave Mr. Zenner permission to speak on the subject at hand. Mr. Tousley stated that he understands Mr. Zenner's concerns about the vote of President and he did what he did tonight just for that reason. Mr. Tousley stated that had he not done this tonight, he felt he would not have the backing of the Administration and the rest of Council. Mr. Zenner stated that is the problem with Council; you three guys were part of the regime that started the crap in Nash Heights to begin with. You are the people that got the EPA involved. Ms. Whipkey stated that Mr. Kernan was not even on Council when these decisions were made. Ms. Whipkey stated that Mr. Zenner's time was up and we have voted to allow Mr. Zenner to speak relating to Mr. Storberg's comments only because he was not signed up to speak. Mr. Zenner stated that Mr. Tousley shouldn't have done what he did tonight with the voting of Ms. Whipkey as President and there are a lot of disappointed people.

Mr. Robert Copen, 2525 Sue Lane, Norton, Ohio, stated he has a neighbor in violation of the Charter for allowing his animals to run loose. A complaint was filed and a letter was sent out and still nothing has happened. Mr. Copen stated when his wife came to the City to complain again she was told to contact the County Health Dept., They did that and this resident was notified to correct the problem and a three sided fence was installed, although he was not sure how that will keep any animals in. Mr. Copen stated he spoke with a supervisor at the County and that this employee was sworn to an oath of office to do his duties. Three times they have come out and each time they have said there was a violation and they would take some action. Mr. Copen stated he had a call informing him the animals were in his and two other neighbors' yards again. So Summit County was back out again and he spoke to one of the two inspectors. Mr. Copen stated to the inspector that this is no different to the problem we have here in Nash Heights; the County Health Dept. was notified and they took the stand they did not want to force the residents to pay three (3) or four (4) thousand dollars to fix it.

Mr. Copen reported he told the inspector that now it was going to cost them \$15,000.00 just to run a line in front of their homes because they wouldn't enforce repairing. Mr. Copen went on to say that the Health Department and maybe the City of Norton goes out and inspect problems and maybe send a letter, but that is the end of it. Mr. Copen stated that there is no follow up from the Health Department and we need our zoning officer to follow up with the Health Department and enforce them to follow up with their warnings of violations, if not maybe we should sue them.

### **CONSIDERATION OF MINUTES**

Consideration of the December 7, 2015 Committee Work Session, approved as submitted.

Consideration of the December 14, 2015 Regular Council Meeting-*Deferred to 1-25-16*.

Consideration of the January 4, 2016 Organizational Meeting, approved as submitted.

Consideration of the January 4, 2016 Committee Work Session. The Clerk of Council noted one correction on page #1 under the roll call and that Mr. Grether was listed in error and will be removed. The minutes were approved as corrected.

### **REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS**

Mayor announced the openings for the Charter Review Commission for this year (see attached). This notice will be in the local papers this week and its now on the website. Once he confirms the appointments he would bring this to Council for your confirmation. Mr. Pelot asked if we would be contracting with anyone else like DB Hart or someone to assist? Mayor Zita replied not at this time however he has asked Mr. Markey to assist with the proper language.

### **PUBLIC HEARINGS-None**

### **INTRODUCTION OF NEW LEGISLATION**

#### **ORD #1-2016**

Mr. Kernan offered Ord. #1-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH THE CITY OF BARBERTON, COPLEY TOWNSHIP AND CHIPPEWA TOWNSHIP TO APPLY FOR A FY 2015 ASSISTANCE TO FIREFIGHTERS GRANT.

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

Roll Call: Yeas: Kernan, Pelot, Tousley, Whipkey  
Nays: None

Motion passed 4-0.

Mr. Kernan moved to adopt Ord. #1-2016, seconded by Mr. Pelot. Mr. Tousley stated he obviously he is not saying no to the grant application, just for the fact that this needs to have the readings waived and that he wished we had this before us sooner. Mr. Tousley added in the future he will continue to vote no when necessary. Ms. Whipkey noted that this request came in just recently and was not a reflection upon Administration or ourselves as this is our first opportunity to discuss it.

Roll Call: Yeas: Kernan, Pelot, Tousley, Whipkey  
Nays: 4-0.

**INTRODUCTION OF PRIOR LEGISLATION-None**

**UNFINISHED BUSINESS**

Ms. Whipkey asked if we have any information on the sale of the Brentwood Plant? Mrs. Carr stated this is going to be a sealed bid and is to be advertised so this could be expected in the next couple of weeks. Ms. Whipkey noted there has been some movement on the Adair lawsuit and asked Mr. Markey to comment. Mr. Markey noted there is a date for oral arguments is set for January 21, 2016 at 1:00 PM in Judge McKinney’s courtroom. The purpose for this hearing is the last arguments before going to trial. Ms. Whipkey asked if this is open to the public and Mr. Markey replied yes. Ms. Whipkey noted this lawsuit case relates to the surcharge fees being charged for sewers.

**NEW BUSINESS-None**

**PUBLIC SERVICE ANNOUNCEMENTS**

Ms. Whipkey stated she was approached by several residents about the open checkbook done by the State. She has checked with Mr. Messner and Mr. Markey on it and was informed that we do not have the proper software programming required in order to do this and we may not have that all in place until sometime next year.

Mayor Zita reminded everyone of the Special Election for Tuesday Jan. 19<sup>th</sup> for the Ward 2 vacancy and there will be reminders in the local papers and the sign at the center of town. Mayor Zita read several other announcements (see attached).

Ms. Whipkey announced next meeting is next Tuesday due to the Martin Luther King holiday.

Mrs. Richards commented on the final outcome for the Batter Women’s Shelter-Bedding Brigade. Our community donated over fifty (50) sets of sheets, over eighteen (18) blankets, three (3) pillows, several boxes of toiletries and general household items. Mrs. Richards thanked everyone in the community that donated and that all items were picked up and delivered the week of Christmas.

**PUBLIC UPDATES**

**ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:50 PM.

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Charlotte Whipkey, 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 January 25, 2016.

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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.