



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MARCH 14, 2016**

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

The Regular Council Meeting convened on Monday, March 14, 2016 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

NEW BUSINESS:

Ms. Whipkey announced we would be re-arranging the agenda as we need to have an Executive Session. At 7:01 PM, Mrs. Whipkey moved to temporarily adjourn the Regular Council Meeting to convene into Executive Session to discuss pending or imminent litigation under ORC 121.22(G) (3) and Section 3.12 of the City Charter, seconded by Mr. Pelot. Ms. Whipkey invited Mrs. Carr, Mayor Zita, Mr. Messner, Mr. Markey, Attorney Karen Adinolfi and Mrs. Richards to attend. Ms. Whipkey noted there would be no legislative action resulting from this meeting and Council would return to adjourn and re-enter the Regular Council Meeting.

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

Motion passed 7-0.

At 7:43 PM, Council adjourned from Executive Session and Ms. Whipkey closed the Executive Session and reconvened the Regular Council meeting.

COMMITTEE OF THE WHOLE:

Mr. Pelot discussed the article in the paper about Summit County Public Health regarding septic systems. Mayor Zita stated that the testing is required by the State and they have to have this implemented by 2018 and some residents would be receiving letters.

Ms. Whipkey officially acknowledged Council's receipt of the January and February 2016 Budget Reports from Mr. Messner, Finance Director.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, reminded everyone there are three (3) levies on the ballot and urged everyone to get out and vote as they are all very important.

CONSIDERATION OF THE MINUTES:

Consideration of the February 8, 2016 Regular Council Meeting, approved as submitted.
Consideration of the February 17, 2016 Committee Meeting, approved as submitted.
Consideration of the February 17, 2016 Special Council Meeting, approved as submitted.
Consideration of the February 22, 2016 Regular Council Meeting, approved as submitted.
Consideration of the March 7, 2016 Committee Meeting-*Deferred to 3-28-16*.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Zita reminded everyone about the CCA tax payer assistance (see attached).

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION:

ORD #17-2016

Mr. Pierson offered Ord. #17-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE IMPROVEMENT OF CLEVELAND-MASSILLON ROAD (PID NO. 85076), AND DECLARING AN EMERGENCY.

Mr. Pierson moved to waive the second and third readings, seconded by Ms. Whipkey. Mr. Pierson stated this has to be filed with the State by March 25, 2016.

Roll Call: Yes: Pierson, Whipkey, Rodgers, McGlone, Kernan, Tousley, Pelot
 No: None

Motion passed 7-0.

Mr. Pierson moved to adopt Ord. #17-2016, seconded by Ms. Whipkey.

Roll Call: Yes: Pierson, Whipkey, Rodgers, McGlone, Kernan, Tousley, Pelot
 No: None

Motion passed 7-0.

ORD #18-2016

Mr. Pierson offered Ord. #18-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE PROVIDING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING THE PROJECT DESIGNATED AS SUM-SR 585-0.00 – PID NO. 94123.

First reading only.

ORD #19-2016

Mr. Tousley offered Ord. #19-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the second and third readings, seconded by Mr. McGlone.

Roll Call: Yes: Tousley, McGlone, Rodgers, Kernan, Pierson, Pelot, Whipkey
 No: None

Motion passed 7-0.

Mr. Tousley moved to adopt Ord. #19-2016, seconded by Mr. McGlone.

Roll Call: Yes: Tousley, McGlone, Rodgers, Kernan, Pierson, Pelot, Whipkey
 No: None

Motion passed 7-0.

ORD #22-2016

Ms. Whipkey offered Ord. #22-2016 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE TRANSFERS FROM THE GENERAL FUND FOR CALENDAR YEAR 2016 INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

Ms. Whipkey stated that although we have this down for first reading and we do have a time limit on this, and this should have no bearing on the lives of the public, but would help Mr. Messner get ahead as far as the auditors are concerned. Ms. Whipkey moved to waive the second and third readings, seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Rodgers, McGlone, Kernan, Pierson, Tousley
 No: None

Motion passed 7-0.

Ms. Whipkey moved to adopt Ord. #22-2016, seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Rodgers, McGlone, Kernan, Pierson, Tousley
 No: None

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION:

None

UNFINISHED BUSINESS:

Mr. Pelot discussed the Assessment Equalization Board member's appointments and noted it was asked for more residents from Ward 3 to come forward and no one has stepped forward. Mr. Pelot noted we did have one resident Mr. Conklin in Ward 4, who has submitted his interest. Ms. Whipkey asked Mr. Markey for the detailed time line on the next few weeks and the Assessment Equalization Board appointment impact for seating. Mr. Markey stated that the certified mail is in process and for those that we cannot get service in the Clerk is required to run a legal ad in the local papers which starts another two week period for them to have the opportunity to object so you have some time. Ms. Whipkey relayed the criteria for being on the Assessment Equalization Board and it was an unpaid seat.

Mr. Kernan moved to allow for comment by Mr. Paluch who was not signed in to speak, seconded by Mr. Tousley.

Roll Call: Yes: Kernan, Tousley, Rodgers, McGlone, Pierson, Pelot, Whipkey
 No: None

Motion passed 7-0.

Mr. Paluch, 3740 Shellhart Road, Norton, Ohio, asked if you are going to continue to not let the residents in Nash Heights know what is going on? Why don't you do a survey since it seems we got our survey letters real quick and why not let the public know what is going on. Ms. Whipkey stated she believed there is not going to be letters going out, this has been discussed for over two (2) years and we have discussed the \$11,200.00 figures because we believe we can do that number. Mr. Paluch stated so you do not want the people in Nash to know what is going on and we don't have a say so; that is ignorant for you to make a comment like that and what bothers him the most is if the vacuum is cheaper, why aren't you going with vacuum. Ms. Whipkey stated we have discussed all of your issues last week and we do have a time frame and we need to stay on track or we won't have to worry about what we do as the EPA will be telling us what we will do. Every week these meetings are open to the public and she has tried calling and sending via email to reach others to no avail as she got no response. Mr. Paluch stated you are over charging the residents for future projects and this is unfair to the people of Nash Heights.

Mr. Rodgers asked Mr. Markey and

Mrs. Richards about back in November or December of 2013 there was a Resolution of Necessity passed and if that was still in effect or was it rescinded? Mrs. Richards explained the detail of the history; that Council did pass that Resolution of Necessity and it got as far as the approval of the Assessment Equalization Board's report by Council. With the newly elected officials in 2014 wanting to pursue other options, nothing further was done to move forward from there. Mr. Rodgers asked as a point of law if we need to do something to

rescind that original legislation? Mr. Markey explained the legislation had no merit moving forward because there was never any action to move forward as it is a three step process; however, you could rescind it if you desired to do so. Mr. Rodgers asked can those people in the original Resolution of Necessity say that they want to go with the prices as they were at \$8,250.00? Mr. Markey stated that this current Assessment Equalization Board is established to address this newer Resolution of Necessity at \$11,200.00. Mr. Markey stated that the resolution from 2013 was only for Nash Heights East, or what is referred to as Phase I. They have to bring objections under the new Resolution and not under some other Resolution they may want to operate under; it is not really a choice the AEB could make, it is up to Council to pass an ordinance to go back to the original ordinance, not the residents.

Mr. Pierson asked Mayor Zita about a bonus the Police Dept. received during the first pay period of this past December and if the City Manager also received such a bonus? Mayor Zita stated that there were no bonuses. Mr. Pierson stated he wanted an answer as soon as possible. Mr. Messner stated that Mr. Pierson had asked for this information previously and he did answer this already. Mr. Messner stated this was for the Holiday Pay which is given out to the safety forces, that's the answer. Mr. Messner stated this is done by Ordinance. Mr. Pierson asked if our City Manager is a police officer? Mr. Messner stated she is the Director of Public Safety. Mr. Pierson stated he doesn't care what that response was, he is referring to the bonus check #150393000-106 in the amount \$2,876.62. Mr. Messner stated that is Holiday Pay, which is paid out to all safety forces and Mr. Markey stated that as the Director of Safety Mrs. Carr is entitled to the same Holiday Pay. Mr. Pierson stated that according to Council Rules on 10-20-14 and the hiring ordinance, this is why he wants a legal opinion. Mr. Markey stated the Administrative Officer serves as the Director of Public Safety as defined in the Charter. Mr. Pierson argued that he wants a written opinion on that. Mr. Markey stated he could ask for Council to make a motion and vote on that and Mrs. Carr directed Mr. Markey to please just issue the opinion.

NEW BUSINESS continued:

Mr. Rodgers referenced the CCA taxpayer assistance and noted that in January residents are required to file an estimated payment with CCA. Mr. Rodgers stated he has an issue with this because the residents have to pay the tax and so why do they have to file this in January. Mr. Kernan stated you have to have 90% of your estimated taxes paid in January and if you don't there are penalties involved. Mr. Rodgers stated he would like to see this rule changed as he believed it was unfair as they would have to pay it anyhow or be penalized so why pay it in January. Mr. Markey stated that this is really meant to address the self employed that pay nothing through the normal withholding taxes. He would need to look at it as he did not know how to answer that right now.

Mr. Tousley moved to allow Mr. Zenner to speak who was not signed in to speak, seconded by Ms. Whipkey.

Roll Call: Yes: Tousley, Whipkey, Rodgers, McGlone, Kernan, Pierson, Pelot
No: None

Motion passed 7-0.

Mr. Zenner, 3853 Valley Drive, Norton, Ohio, questioned if at one time the assessments were \$19,000.00 and \$15,000.00 and then Mr. McGlone stated that we dropped the assessments down to \$11,200.00. Mr. Zenner continued by stating Mr. Kernan had stated that both assessments are \$11,200.00 and Mr. Markey stated in the last meeting that we cannot raise the assessments, but we can drop them. Mr. Zenner stated if we take \$4,000.00 of vacuum and bring it down to 11,000, and if you were able to take \$8,000 from gravity and bring it down to \$11,000.00. Why can't you take the \$8,000.00 reduction and apply that for vacuum which would have taken it down to \$7,000.00? He cannot understand that. The other question is the sewer and water levy that we have and why are we not giving this back to the residents? Ms. Whipkey stated that is what we are doing now and Mr. Markey stated that is the funding source we are using to go from the \$19,000.00 down to the \$11,200.00. Mr. Rodgers stated that we are saying we are using the Tax Credit Roll back of \$8,000.00. Mr. Rodgers stated that there will be a deal with Barberton and there will be surcharges that affect this project so in reality there is not going to be that much of the roll back money being used. We will discuss that later as it comes up, but there is not a whole lot of generosity up here as some would like you to believe. Mr. Zenner discussed the potential replenishing of this fund down the road and asked if some of this money will be used to help the Nash Heights residents offset their costs. Mr. Rodgers stated that would be up to Council members, but the truth of the matter is the residents of Nash Heights was going to foot the bill for the engineering costs and road work for over one million dollars. Mr. Markey stated there is no plan to recoup the engineering costs from the loans, and the road improvement cost is not being assessed to the residents. Mr. Rodgers disagreed adding that in the estimated costs they were included and Mr. Markey answered that with the meeting with Mr. Demboski he was instructed not to include those costs. Mr. Rodgers stated that when you talk about the City paying for it, it is all your money. The only way the residents will not pay for the road resurfacing is if it is not in that cost. Mr. Rodgers stated he wants to see what was sent off to the State. In addition he asked why wasn't that conversation held with Mr. Demboski shared with all of Council? That is a big development if you took that out of there and he wants to see it. Mr. Zenner asked if the \$174,000.00 for design and is gone now and now he has an \$11,200.00. Is part of the money for his assessment going to go back and replenish the \$174,000.00. Mr. Rodgers stated we would know when we got the details. Ms. Whipkey stated it's her understanding the design amount is what is used and we cannot legally charge the people for a design that was not used. Mr. Markey stated that is what we were doing before, but we have now instructed Mr. Demboski not to recoup any engineering costs to replenish the 128 Fund and what was spent is something that's already been done. Mrs. Carr stated no matter what design was picked, you are not being assessed for the design costs that was not chosen.

Mrs. Carr stated it has always been discussed that the road pavements were never to be included in their assessments and is in the July 2015 red, white, and blue paper. All this has been fully disclosed no matter how Mr. Rodgers twisted it. Mr. Rodgers explained that if the road cost is \$100.00 and the City will only pay a portion of this. Mrs. Carr stated those costs estimates for the road resurfacing and they are totally paid by the City, not assessed to the residents and paid out of the General Fund just as the other roads are paved. Council was asked if they wanted it assessed or separated and Council said separated. Mr. Rodgers asked then why was it all listed in the costs from EDG. Mr. Kernan stated you have to have the

entire cost of the project only so you can go out for bid, you don't then assess the entire cost of the project to the resident and Mr. Markey concurred. Mr. Rodgers stated all of the designs over the last two (2) years always included the entire costs of design and the cost of the roadway on the loans. Ms. Whipkey stated in all of these past discussions the term was used that we would "Carve out" these road improvements so the City as a whole would be eating some part of the project. Ms. Whipkey stated technically yes we are all paying for the roads to be fixed from the General Fund no more than if you lived on the other side of town and your road was being fixed. Mr. Kernan stated he does not have any of this information in front of him and if there are more questions then he would like to see the Utilities Committee take this up and discuss this. Ms. Whipkey asked for Mr. Zenner to put his concerns in writing and perhaps we can respond better as opposed to being surprised. Mr. Rodgers stated that after Easter he plans to have a town hall meeting and asked for Mrs. Carr to have her documents sometime tomorrow. Mr. Rodgers stated if he was wrong, he would admit it. Mr. Zenner discussed the two levies for the schools and we have not even stepped in the new school. Mr. McGlone noted the State has cut their funding. Mr. Zenner stated the second levy is for the school police officer and he thought the school had about 67% for the officer's salary and the City of Norton was to pick up the difference. Ms. Whipkey stated that is what was proposed and we have nothing to do with the levies for the schools and is your opportunity to say no to the security if that is what you want. Mr. Zenner stated that now the School has it on the ballot and if passed the city picks up the difference. Mr. Pelot stated the police officer is working for the school and when he is not working for the school then he is working for the City of Norton under the proposal from several months ago. Mr. Tousley asked if there is a time frame or expiration date on legislation? Mr. Markey stated the current Council can pass legislation to repeal legislation but it's entirely up to Council to repeal something and there is nothing a prior council can do. Mr. Pierson stated that with the legislation for the School Resource Officer there was no interest with the second party and at the fifth reading of Council it passed, and is just hanging out there in the sky. Mr. Pierson stated let's say that on Tuesday this fails and this was budgeted and that legislation is still out there. Mr. Messner stated he would have to clarify if that was in the Budget, and Mr. Markey stated that Budget can be amended at any time. Ms. Whipkey stated she understands if this were to pass we have no agreement with the School and they would not have to use a Norton Police Officer really and it would have to come back to Council. Ms. Whipkey and Mr. Kernan agreed that until the vote happened we were accomplishing nothing. Mr. Pierson stated this is just ridiculous that we had five (5) readings and we passed this anyway, and it makes sense that it should expire. Mr. Markey stated the way he remembered this is that since it was passed by Council if the school wanted to move forward with it at a later date they could do so. Ms. Whipkey moved to allow Mr. Gainer to speak, who was not signed in to speak, seconded by Mr. Kernan.

Roll Call: Yes: Whipkey, Kernan, Rodgers, McGlone, Pierson, Tousley, Pelot
 No: None

Motion passed 7-0.

Mr. Gainer stated the Council has already voted to approve paying for the School Resource Officer and if this passes tomorrow that says the City has already decided to pay their share.

Mr. Gainer stated this was talked about so many times it's a dead horse. Mr. Pierson argued the fact with Mr. Gainer to a point where Ms. Whipkey had to gavel both of them down to end this discussion. Ms. Whipkey stated we have no control over what type of levies the school puts out there.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita had several announcements (see attached).

PUBLIC UPDATES:

Ms. Whipkey announced that March 24, 2016 is next Charter Review Commission meeting at 7 PM in Council chambers.

NEW BUSINESS:

There was none.

ADJOURN:

There being no other business to come before the Special Council Meeting, the meeting was adjourned at 8:40 PM.

Charlotte Whipkey, President of Council

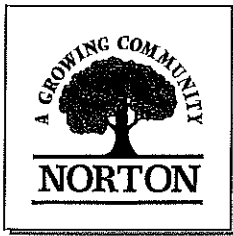
I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on March 28, 2016.

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.



Mayor Mike Zita

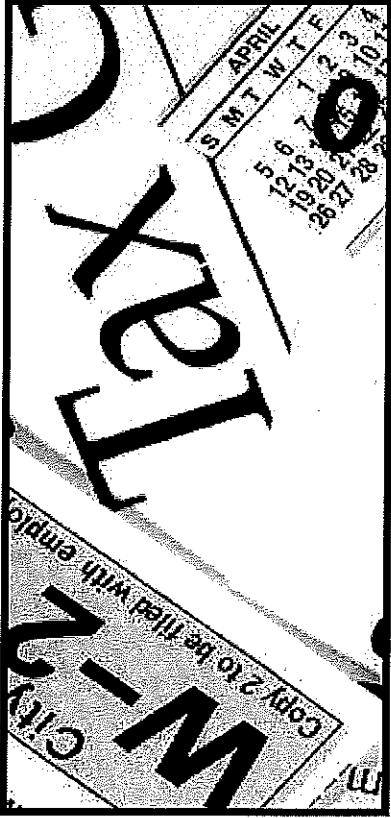
OFFICE OF THE MAYOR
Mike Zita
CITY OF NORTON, OHIO
4060 Columbia Woods Dr.
Norton OH 44203

CONTACT: (330) 825-7815, Ext. 314
Administrative Assistant: Ann Campbell
Date: Monday, March 14, 2016

FOR IMMEDIATE RELEASE

The City of Norton is seeking interested citizens, community groups, church and youth groups, high school students needing community hours, and youth sports groups to gather for the Annual GreenUp Community Work Day scheduled for April 23, 2016 beginning at 8:00a. The morning kicks off with a light breakfast at the Norton Government Complex at 4060 Columbia Woods Dr. Registered volunteers will receive a FREE drawstring backpack while getting area assignments to clean, and after the road-side litter clean up is over, at 11:00a, volunteers are invited to return for lunch, and prizes to be awarded. We will end the day at noon with a special Arbor Day tree planting to honor the life of community leader, retired Lt. (Honorary Captain) John Van Hying to be held at the Norton Police Department.

All volunteers participating in this event must provide a completed registration form which is available to print from the City's website at www.cityofnorton.org. Questions may be answered by contacting the City of Norton Administration Building at 330-825-7815 x314 or via e-mail: annc@cityofnorton.org



Central Collection Agency taxpayer assistance for City Income Tax filing!

Staff from CCA will be available at the
Norton COMMUNITY CENTER at
4060 Columbia Woods Dr.
to assist residents with filing

2015 Norton CITY Income tax returns.

Wednesday	March 2	1:00-7:00pm
Wednesday	March 9	1:00-7:00pm
Wednesday	March 23	1:00-7:00pm
Wednesday	April 13	1:00-7:00pm
Friday	April 15	1:00-7:00pm