



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
JANUARY 12, 2015**

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

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

The Regular Council Meeting convened on Monday, January 12, 2015 at 7:01 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE**

Appointment of Standing committees

Mr. Rodgers handed out the members (see attached). Mr. Rodgers stated that each Committee will now have seven (7) members and our rules state each Committee has to have at least three (3) members. There are several reasons he has done it this way to work within the committees protect the interest of the peoples, which is the most important, to move items forward. One of the driving factors was with the meetings regarding the sewer project, and had that moved ahead in 2013 as planned that \$8,200.00 assessment was not correct. The project costs were much more than what that would have covered, unless the City paid down more of the assessment, but there were thousands of dollars that he believes were not accounted for and if it had been built the residents and City would have had to make up those monies. Mr. Rodgers stated it's our job, what we are elected to do, to look at the legislation and understand it for the residents. We also have not been meeting for a lot of reasons and he had previously asked to have more members present to see more information up front and catch things. So that is why there are seven people in each Committee. Each Committee will still have a Chair and a Vice Chair, and you are responsible to your Committee, but if he calls a Finance meeting you are all able to attend, invited to attend, outside of Committee of the Whole although you were anyhow. Mr. Rodgers stated he thought it would work better and he wants to give things a try. Ms. Whipkey asked if this is to allow all of us to attend all meetings? Ms. Whipkey asked about attending the meetings of Administration that most of us don't hear about and how many of us or all of us could attend them? Mr. Rodgers wanted clarification and Ms. Whipkey offered that she was under the impression that we were all allowed to attend those meetings before we just couldn't do anything such as negotiate. Ms. Whipkey asked Mr. Markey if she was correct on that estimate.

Mr. Markey stated Council could attend what it would be considered with the intent as fact finding and should not be an issue, but the fine line is with the quorums and raising questions. Ms. Whipkey stated we were told we could attend and was just for fact finding, which would be just gathering information, as opposed to making statements like we would or would not accept something which she considered as negotiating and questioned where that entered into it? Mr. Markey noted each situation is unique and without specific facts he could not answer the question generally except to say fact finding is okay under Ohio law and negotiating is not. Ms. Whipkey stated so with this new line up every time the Administration is having a meeting we should all be made aware of it so if we wanted to attend it we could? Mrs. Carr stated that it would be extremely hard to control all seven (7) of your calendars and there should be parameters on subject areas. Mrs. Carr stated she believed if there is something with potential pending or pending legislation those are areas that she has no problem with welcoming you into the meetings. Mr. Markey stated he has the opposite position that if it did involve pending legislation that is when it would be the burden of the City to prove it was fact finding if someone was to challenge it. You would avoid that all together by not showing up in what is a quorum in what could be perceived as a public meeting. He understands the point of our interest in pending legislation but that is exactly what you want to avoid. Mr. Pierson questioned what would constitute a quorum of the seven members and Mr. Markey stated if the rule says majority that would be four (4) and the rule now reads two (2), it does not say majority. Mr. Pierson stated that was with three (3) and now it's seven (7). Mr. Markey stated if you wanted to amend the rule to say majority, he would agree with him, but the way it reads now it is two (2). Ms. Whipkey stated so the quorum would remain the same because of the wording when in reality that's not a quorum and Mr. Markey concurred. Mr. Markey stated he was okay with clarifying the rule, but could not endorse saying it was a majority based on the language. Ms. Whipkey stated the way it is now we can only have so many of us together discussing anything without it being a public meeting and Mr. Markey agreed. Mr. Rodgers noted that we just received a text the live streaming is not working. Mrs. Carr noted that we are also testing live streaming system tonight and the testing system was working. It was determined the regular streaming was working properly now so discussion continued. Ms. Whipkey noted that with the testing of the other live broadcast is being tested by just a few residents. Ms. Whipkey discussed going to the seven (7) members committees and that currently now two (2) can only legally get together within the Sunshine Law and Mr. Markey concurred as long as it was based on Committee assignments and the subject matter. Ms. Whipkey stated with seven (7) now we could have three (3) attending and be within the bounds of the Sunshine Law to which Mr. Markey if you made a quorum a majority so a quorum would be four so theoretically you could have three. Mr. Rodgers stated when we talk about growth and where we want to be, we cite other cities and how they are moving. Well other communities do this exact same thing and it works for them, just like he brought up last week, other cities meet twice a month and it works for them; all he wants to do is make this Council work for the people the best way we can. Mr. Rodgers stated he was getting frustrated and to end this it's his job to make these appointments, these are the appointments; he would give Council the opportunity to review it in June, but this is the way it's going to work. Ms. Whipkey stated she felt that we as Council can override this if we want to. Mr. Markey stated that is not how the rule reads for the appointment of Committees; the President has that authority to establish the committees under the rules and a rule change takes a two thirds majority at a regular meeting. Mr. Rodgers stated if you want to block this you can do it with the quorum vote, but let's try and use a little common sense on this.

Mr. Rodgers added we would look silly with a quorum of two, but the matter is closed for this evening, we can review it in June. Mr. Grether stated he understands it's the Presidents call; however he was opposed when it was to abolish the Committees and we would have had seven member Committees, now we are right back to that when the majority of this Council asked to not make that kind of change. Mr. Grether stated that the President was taking it upon his own and using his position and power to make the change on his own and he wants the people to know he does not support this change. Mr. Pierson stated if people are so opposed to this then state your reasons as to why and not just say no that is the easy way out. Ms. Whipkey stated she is opposed to this as it steps around the Sunshine law and she wants to see everything out in the open and she has in the past said no to meeting privately with x amount of Council members. Mr. Pierson discussed having one persons side of things isn't that as narrow of a view? Ms. Whipkey commented about there being private meetings and not open to the public and she wanted transparency. Mr. Markey responded to Ms. Whipkey's concern and pointed out that the way the rule reads now, with a quorum of two (2), Council cannot meet with more than one because Council was all part of the same Committee so those meetings could not take place. Mr. Tousley discussed Rule 113, and questioned if that reference to Special Committees is meant to be included. Mr. Markey stated if the subject matter was something that was not within the normal items of discussion a Special Committee could be formed. Mr. Rodgers reiterated his earlier statement as he did not know if some of us got it about the costs proposed in Nash Heights; if Council seats had not changed and the sewer project went through in 2013 as proposed, the people in Nash Heights would have faced a far higher assessment than the \$8200 being sold by some of you on that Council for the last couple years. Mr. Rodgers stated the reason was and he would not have known it either had he not been in those meetings looking at the numbers, it would not have worked. Mr. McGlone and Ms. Whipkey both recalled the \$8,200.00 was on the assumption that we would be purchasing the lines from Summit County and it was stated numerous times on the Council floor. Mr. Rodgers questioned if you knew it wouldn't have worked why would you have passed it and Ms. Whipkey pointed out that it did not get passed or they would have already being faced with it. There was discussion as to the letters sent out and the fact that there was an Assessment Board established and the numbers were estimates.

There were no reports from Standing Committees.

#### Acknowledge receipt of the December 2014 Budget Reports

Mr. Rodgers officially acknowledged the receipt of the December 2014 Budget Reports from Finance Director Mr. Messner.

#### MOU-Sanitary Sewers/Barberton Presentation

Mr. Rodgers turned the discussion over to Mrs. Carr and Mr. Demboski. Mrs. Carr noted this was covered last week in most papers, most of which had accurate figures, some were not accurate and have been corrected. Mrs. Carr noted the different advantages and pros and cons with Summit County DOES and Barberton. Mr. Rodgers asked if any of Council had any questions from their review of the MOU. Mr. Grether noted his questions about the JEDD were answered last week. Mr. Markey noted we are not opening up the JEDD district agreement for expansion, but in relation to Ms. Whipkey's question on modifying the JEDD agreement we are only putting in an acknowledgement that the flow limit would go away. Ms. Whipkey noted in the papers it was stated the \$1600 tap in fee being paid to Barberton, but we also have a \$1,400.00 fee to be paid to Norton.

Mr. Markey stated as it is right now you would pay tap in fees to Norton, Barberton and Summit County. Mr. Markey stated the agreement states the fees are paid and collected at one location which is the City of Barberton. The tap in fee would be \$3,000.00 total. Barberton currently charges a \$1,600.00 tap in fee. The \$1,400.00 tap in fee currently is the Norton portion. Ms. Whipkey stated so the only fee that is going away is the Summit County fee and Mr. Markey concurred, adding that the Norton fee is to be reduced from \$2700 to the \$1400 and the County fee will go away all together. Mr. Demboski offered the total of the three tap in fees used to be \$6300 and will be decreased to a total of \$3,000. Mr. Pierson questioned page 3 bottom paragraph "Service Area" and asked about the expansion west of 21. Mr. Markey stated this area was tightened up from the original intent. We call this the future planning area. Summit County and ourselves had concerns about a 208 Plan and there were concerns with the designated agency controlling the entire service area. Mr. Markey noted on page 7 paragraph L that is the current area to be addressed. For the purposes of the MOU we wanted the service area to be tight as the entire City of Norton. Barberton is the primary planning agency for the entire City for the 208 Plan. Mr. Demboski noted that the current 208 plan states that Barberton is the primary Designated Management Agency or DMA and Summit County and Norton are the secondary agencies although Summit County is the primary DMA for the DOES treatment plants. The person who owns the treatment plant is the primary DMA and the community would be the secondary DMA. Norton is already listed as the secondary and will continue to be the secondary because they have planning responsibility for the area. Mr. Pierson asked could this be changed, like if we would work with Wadsworth Twp? Mr. Demboski indicated a new plan would have to be filed with NEFCO and change the 208 Plan. Mr. Demboski stated that Barberton & Norton would have a planning meeting to look at and investigate the costs involved. Then Barberton would probably own and maintain the system in Norton and discharge into Wadsworth. To do that it would take a change of the 208 Plan which involves other entities such as ERTEC Technical Advisory Committee, NEFCO Policy Board to be incorporated into the 208 Plan. Mr. Pierson asked if in the 208 Plan are we an equal party to the table? Mr. Demboski replied there is representation from Summit County. Mr. Pierson stated it seems like it's more advantageous to Barberton as their customer base would have more influence over our community since they are making money on that customer base. He could see Barberton not being receptive to Wadsworth entering into it and that was his concern on whether we were equal. Mr. Rodgers stated his concerns are that we have our own control and with the assistance of Barberton we can continue to develop our community. Mr. Markey noted that you also have control when it comes to your assessment powers and duties. Mr. Markey stated we discussed that with then directly and we are all aware of this and will be in the sewer agreement. The reality of all of this is that you will be partners and it will require detailed planning by both as Norton will agree to help on some projects. Mr. Rodgers stated we will be in charge of our own planning which we will submit to them and get a yes or no from them. Mr. Demboski and Mr. Markey made it clear that Barberton wasn't going to initiate building sewers as they were not going pay for it. Mrs. Carr pointed out that it was not a foreign concept as we have worked with Barberton on various projects. Mr. Rodgers stated he wanted to economic development and with Barberton is the way we could do it. Mr. Markey added that the assessing of citizens fell to Norton as Barberton does not have that authority so Norton had the ultimate control on residential. Mr. Pierson asked if the County has no legal standing here then what are they even on the 208 Board? Mr. Demboski stated that the 208 Board is county wide and not limited to just Norton or Barberton. Mr. Pierson expressed his concerns that we need to be in control and not to be pressured by other entities.

Mr. Rodgers stated this agreement with Barberton really is a good deal for Norton as he sees it and what he has seen; he knows there is some history between Barberton and Norton, but we have to give some benefit of the doubt and he believes it will work out well for Norton citizens and he does not want to see any friction with this MOU right off of the bat here. The intentions are all good here and he has had conversations with Mike Went with Summit County and he felt we have a good deal with this MOU and much better than what they could offer us. He expects to create a good working relationship with Barberton going forward, although he quoted his hero, Reagan said, "Trust, but verify." Mr. Demboski stated the agreement will spell out a lot of the nuts and bolts and how it will work. Ms. Whipkey made the statement that basically this MOU was releasing the County of all responsibility and liability. Mr. Markey agreed and stated if you sell an asset you also would be selling the liabilities associated with it stating the County just wanted out. Ms. Whipkey stated we have to have someone to deal with this regardless as we are not in the sewer business, Barberton is going to get the sewer system and we don't really have anyone else to deal with. Mr. Demboski stated this is the framework we need in the MOU to work out the details within the agreement. Mrs. Carr stated that if you did not agree with the MOU there was no reason to move on with the agreement, but she does not want everyone to get hung up on this MOU, as the agreement is the important part and what will be binding. Ms. Whipkey expressed concerns with the constant statement that this is not binding but with saying yes now with this MOU and that we would be bound to also say yes when it comes to the agreement. Mr. Rodgers disagreed adding that when it comes to the agreement, we can still have changes, or amendments, etc. before we approve such an agreement. Mr. Markey concurred with Mr. Rodgers pointing out it may be questioned as to why it wasn't brought up before, but the agreement has to be negotiated. Mr. Demboski added that sections of the MOU would be expanded upon in the agreement. Mr. Grether discussed the changes to the tap in fees and Mr. Markey stated we would need to amend Norton's ordinance relating to the tap in fee as would Barberton and anyone connecting after this would receive the reduced rate. Mr. Rodgers asked if the tap in fees are the same for commercial and residential? Mr. Demboski stated that the businesses pay the same fee, but it's also by benefit and there could be more than one benefit for a business, so the business could be more as the tap in fee would be multiplied by the number of benefits. Mr. Pierson asked about the \$1400 fee referred to on page 6 under the System Development Charges for New Connections section and what was the explanation as to its use. Mrs. Carr stated that is spelled out in the model which we will be discussing shortly, (see attached). Ms. Whipkey inquired about the \$700,000 limit on revenues collected and Mr. Markey explained that Barberton charges a user fee at a flat rate that would be shared with Norton up to the \$700,000 to be applied to Norton projects. Ms. Whipkey noted the **tax credit** reduction collections coming in have nothing to do with this proposed agreement, is a separate fund altogether that is to go towards future sewers and Mr. Markey concurred. Ms. Whipkey went on to say that we could use the **tax credit** monies on sewers from this agreement and Mr. Markey answered that is how we could control future development with funding. Ms. Whipkey asked if the 50% surcharge is what is being paid now. Mr. Markey stated yes, but Barberton is essentially giving up their 22.5% to go for Norton projects. Mr. McGlone stated since they don't have water meters, how will they determine the amount? Mr. Demboski stated when you tie in you have to indicate how many are residing at that property. Mr. McGlone stated so basically they are going on trust here with that. Mr. Pierson stated if people wanted to meter their wells then that all goes out the window and Mr. Demboski replied yes. Mr. Grether stated he is currently a DOES sewer customer and Barberton water.

Once this goes into effect, he would be billed by Barberton utilities for both with the water meter usage setting the rate and Mrs. Carr concurred and that also affects about 1,400 customers currently. There was discussion on how Barberton calculates the water usage and sends this information over to DOES for their sewer billings. Mr. Rodgers discussed the reference in the MOU on page 8 to notices and questioned what types of notices this could be and Mr. Markey stated this is to set out a method of notification and was just referring to the MOU. Discussion on the MOU was voted on to allow public input and approved by all of Council. Mr. Tom Petrich, 3762 Easton Road, Norton, Ohio, questioned on the handout the reference to grants for the three allotments with treatment plants that were applied and why the residents in Nash Heights did not get any grants. Mr. Demboski explained that the plan is to apply for the grants, a 50% grant, for the abandonment of the plants. We did not have enough points to get grants for Nash Heights, but did get low interest loans because they do not consider septic tanks to be public infrastructure. Mr. Petrich asked what kind of interest rate would that be? Mr. Demboski explained the rate is a blended rate of 0% plus 2.76% although that changes every month. Mr. Markey explained the assessment would be based on the blend of all the interest rates; so you look at how much your loan is, how much the interest rates are blended together, and a County handling fee that is a fixed amount once it is certified at the final assessing ordinance stage. You get your final costs, final loan amounts, interest rates, and the handling fee and figure final assessment rates. Mr. Markey stated that the final costs would not be done until 2017 and 2018 and that is when the final assessments will be out and all assessments are due the first week of September, so if we miss that target date, it would sit until the following year. Mrs. Carr offered that the City would continue to try to go after any monies and is why she is a big proponent for Issue One. Mr. Petrich asked about the tap in fees and the different deals and adjustments that were made back and forth seem like a shell game. Mr. Petrich stated that on the fees it is said Norton doesn't collect them, but the totals remain the same. Mr. Petrich asked why Norton is still entitled to the 27.5% back from Barberton. Mr. Markey stated it's not a shell game here there is a reason for the numbers and it is a case by case basis. Mr. Petrich stated you could take the worst case scenario and just say it used to be \$30,000, but now it's only \$3,000; it's like a false argument or making yourselves feel good and Mr. Markey remarked it used to be \$6,300, to which Mr. Petrich stated he was missing the point. Mr. Petrich asked why Norton seems to be entitled to the surcharge fees. Mr. Demboski explained that this analysis is to be able to put in the improvements at a cost where the debt service is retired by the surcharge coming back from Barberton and the tap in fee coming back to pay the debt service so the assessments going forward would be less. Mr. Markey added it is not a shell game it's for both parties, for the analysis shows Norton negotiating for the best deal and Barberton to know it can be paid for and they can afford it. Mr. Petrich stated he knew there was a reason for it and it was kind of arbitrary in some sense and stressed again that it was like a shell game as things are combined and then presented as being great while the amount stays the same for the residents; Norton in the past had some entitlement to the surcharge due to ownership but has no part of the ownership with the MOU and still is receiving it. Mr. Demboski stated our intent was to reduce the DOES rate and keep the existing customers at a more stable level for the next twenty years out. There was discussion about the 2.5% increase each year and Mr. Petrich asked if there would be no other rate increases for the next twenty (20) years? Mr. Demboski noted the way Barberton's legislation reads is it's fixed a 2.5 % and they cannot raise the rates. Mr. Markey stated its uniform for Barberton and Norton's customers. Mr. Demboski stated this allows us to not need to dip back into the tax rollback money. Mr. Petrich questioned not using the rollback money as it is the resident's money.

Mr. Markey stated this analysis does not take into count the **tax credit** rollback money and the rollback money is being used for water and sewer purposes; the reason for the 50% is that it is under the JEDD agreement so that is why it is there, but getting the benefit of using that 50% for Norton was part of the negotiation. Norton isn't entitled to it, they are projects that are going to occur; Barberton will keep the funds and apply it to Norton's projects. Mr. Petrich stated he understood it to go for projects and increase sewers, but he is saying the City gets the money for sewers which may be for the City's advantage, but not the residents. Mr. Petrich stated you should negotiate these things now in the MOU as Ms. Whipkey had pointed out if you say yes now, then you will be held to agree to this later. Mr. Petrich discussed what it really costs to tap in is about \$300.00 and you are charging thousands just does not seem right. Mrs. Carr stated we wanted to make sure we keep the roll back figures out of this model for a reason to make sure we could make this work. Mr. Rodgers stated during the discussion with Barberton that he whispered to keep the rollback money off the table and Mrs. Carr corrected him that he did not whisper, to which Mr. Rodgers agreed, but he did not want Barberton to see that pile of money as he wanted to protect it. Mr. Rodgers added this model shows Barberton how this system can be paid back over the next twenty (20) years and the jury is still out on the usage of the rollback money can or will be used in this ; in the next few weeks we will be talking and looking at the assessments and Council will decide how much rollback money can and will be used. Mr. Petrich clarified with Mrs. Carr that the residents can opt for a meter or have a flat rate and Mrs. Carr concurred that the resident does have a choice. Mr. Dembroski added that Barberton has an ordinance on this so they would need to be consulted and there is a charge involved for the meters with Mrs. Carr adding it had been discussed and Barberton is not opposed. Mrs. Carr pointed out line 20 on the proposal list as an old project being paid for with rollback money and just wanted people to know that some rollback money was being used. Ms. Whipkey stated she had an issue with the roll back funds that paid for the debt service for Barber Road sewer line and she was opposed to that back then in 2013. The rollback money should never have been touched as it was supposed to be used for new infrastructure and not past bills. Ms. Whipkey asked wasn't Barberton supposed to be paying something like \$75,000.00 into the Barber Road sewers? Mr. Tousley concurred as its listed on page #7-G. Ms. Whipkey stated there is nothing stated in the roll back ordinance that prohibits us from taking some of the funds to help offset the cost for the residents. Mr. Markey agreed, that ordinance was broadly written, if there was another intent he did not know, but the language was written broadly to provide water and sewer improvements; to which Ms. Whipkey pointed out that an improvement was not a past bill. Mr. Markey stated that he may disagree on that point whether it was a good policy decision to use it on a past bill he did not do, but it is broadly written and improvements is broadly defined. Mr. Pierson stated he has talked with two (2) different attorneys about the Councils sole authority on how those funds are used and it's not Administrations discretion. Ms. Whipkey stated she wanted to reassure the public that we could change it now and return that \$100,000.00 back into the **tax credit** and take the \$25,000 out of the General Fund since Barberton is paying the \$75,000.00. Mr. Markey stated you could choose any money source; it did not have to come from the rollback fund; although he did not agree with Mr. Pierson that the use of the rollback fund was at Council's complete discretion, but Council passes the budget, can amend the budget, and approve contracts so for all intent and purpose Council approves every expense that comes out of the rollback fund. Mr. Demboski stated since Barberton is taking over the sewers on Barber Road, you have to account for the debt and it would reduce you contribution in half. Mrs. Carr stated we are doing what you are asking; we are using less of that credit roll back money.

Mr. Demboski pointed out that to Mr. Markey's credit line 45 stipulating the new user fees would be used for Norton and capped at \$700,000 to defray the costs of new debt or debt service. Mrs. Carr stated this makes Barberton put a little more skin into the game. Mr. Rodgers stated it says at the top "Norton's Proposal to Barberton" and this is what Norton has proposed to Barberton for them to become the sewer provider and assume quite a bit of debt; so we had to show them a way that it would cost effective for them. Regarding what we do or not do with the rollback monies is aside from this as we need to talk about the assessment as a Council, but in order to keep the deal moving this has to be part of it and this is what Barberton's Council is looking at and discussing as we are doing. Our issue with the roll back money usage needs to be discussed and decided upon by Council and we can always take some of this out of roll back money. Mr. Markey stated the point is by keeping it out of this model; that is your decision. Mr. Rodgers stated that if we remained with the County the rates would have been higher without a doubt. Mr. Rodgers stated that we need to discuss the assessment and what will be done with rollback money over the next couple of weeks. Mr. Pierson asked if Barberton is taking over sole responsibility, does that take into account any existing and current projects under works? Mr. Pierson clarified line 20 is part of what Barberton is taking ownership of so why don't they get the debt. Mr. Markey stated that is up to negotiation and what you see here in this model is what we have negotiated. Ms. Whipkey stated so whatever bills prior to this are still ours. Mr. Petrich asked about the references to Nash Heights East and West, was this broken out for finance purposes, but is being looked at as a whole? Mr. Demboski concurred that was the intent. Mr. Petrich discussed the **tax credit** roll back and the past administration always said it was to be used for trunk lines. Mrs. Carr stated the ordinance does state trunk lines in addition other items. Mrs. Carr disagreed and believed trunk lines were in the ordinance. Mr. Tousley commented on a resident's call last week that was concerned the MOU means we are going to sewer the entire City. Mr. Tousley explained that is not correct, it's to address only the current plans. Mr. Demboski added that line 54 was just a placeholder to make sure the proposal would work several years from now if a new project came along.

#### Amend Section 224.02 Assistant Fire Chief Salary

Mr. Tousley stated last week Council had some questions on the Assistant Chief position and that Chief Schultz had responded to those concerns via email. Mr. Tousley also added the question last week was on that the position of Assistant Fire Chief is not included in the original eight (8) new hires and with this that makes a total of none (9). Mrs. Carr stated that there may have been some confusion as to this issue, the position has always been there, it just never had a salary range and that is what is before you now. Ms. Whipkey stated if we say no to the salary then only eight (8) would be hired and Mrs. Carr concurred. Mr. Pierson noted in 1973 this position was created and has never been filled until now and asked why? Chief Schultz replied in 1973 there may have been only 300-500 calls a year and now we are at over 2,000 a year that makes a huge difference. Mr. Pierson stated that you have four (4) employees and now all of the sudden then cannot handle it? Chief Schultz stated that those four (4) people are all part time and in addition to the call volume increases there is an increase in the day to day operations. The call volume is so much now it's too much for two of us to keep up with. Chief Schultz stated the last grant application took him an entire year to get through. Mr. Pierson asked would this be open or closed civil service testing, and Chief Schultz replied closed. Mr. Pierson asked about pensions and Chief Schultz replied there is no pension benefit. Mr. Pierson asked about bringing in someone already employed and if their service time would carry over? Chief Schultz stated he was not an attorney but felt that would be a union negotiation issue.



Mr. McGlone stated he felt that is a PERS issue and not an administration issue. Mr. Pierson stated he is concerned that the costs presented would increase to that effect. Mr. Rodgers asked for clarification on the cost savings as presented within the budget and if this was taken into affect or not? Chief Schultz stated that nothing has changed from the budget as presented. Mr. Tousley stated that with the two (2) presentations by the Chief it was always his understanding there was always to be eight (8) new employees. Chief stated right out of the gate there was a line item for this. Mr. Tousley stated he never heard the nine (9) number anywhere until now. Ms. Whipkey stated that she did ask if the Assistant Chief was one of the eight (8) and we were told yes and she even listened to the old MP3 recording. Mr. Grether agreed there was confusion about the eight (8) or nine (9) and agreed with Ms. Whipkey's concerns. Chief Schultz urged all of Council to call him or stop in for any questions they may have at any time. Mr. Rodgers stated he is in full support of this and there may be a day in time that Chief Schultz may not be here. Ms. Whipkey stated as she understands if we say yes, you will go thru the Civil Service testing, if Chief Schultz would not be here, there is someone that could step right in. Chief Schultz replied that he may not know all aspects of my position, although he knows a lot of what he does. Mrs. Carr stated that to fill the Chief's position does require specific testing. Mr. Pierson asked when would we be a full time department and Chief Schultz it could be June before all of the tests and the physical exams. Mr. Pierson stated he wants to see 2014 breakdowns in overtime paid and then again for current year up to June. Mr. Pierson stated he wants to see the difference and if there is an exorbitant amount there had better be an explanation. Mr. Tousley moved to add Ord. #4-2015 to the agenda for a first reading only, seconded by Mr. Rodgers.

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

Motion passed 6-0.

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

### **CONSIDERATION OF MINUTES**

Minutes of the Committee Work Session of December 1, 2014, were approved as submitted.

Minutes of the Council Meeting of December 8, 2014, were approved as submitted.

Minutes of the Organizational Meeting of January 5, 2015, were approved as submitted.

Minutes of the Committee Work Session of January 5, 2015, were approved as submitted.

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

Mayor Zita thanked the Service Dep. staff for keeping our roads salted and safe over the past week.

### **PUBLIC HEARINGS-None**

### **INTRODUCTION OF NEW LEGISLATION**

#### **ORD #1-2015**

Mr. McGlone offered Ord. #1-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF NORTON, THE CITY OF BARBERTON AND SUMMIT COUNTY; AND DECLARING AN EMERGENCY.

First reading only.

**ORD #2-2015**

Ms. Whipkey offered Ord. #2-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH MICHAEL BENZA & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN OF A PAVEMENT MANAGEMENT SYSTEM, AND DECLARING AN EMERGENCY.

First reading only.

**ORD #3-2015**

Mr. Rodgers offered Ord. #3-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2015 DODGE CHARGER POLICE CRUISER FOR THE POLICE DEPARTMENT AT A COST NOT TO EXCEED \$24,361.25, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Ord. #3-2014, seconded by Ms. Whipkey.

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

Motion passed 6-0.

**\*ADDED TO THE AGENDA**

**ORD #4-2014**

Mr. Tousley offered Ord. #4-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 242.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO; AND DECLARING AN EMERGENCY.

First reading only.

## **INTRODUCTION OF PRIOR LEGISLATION**

### **ORD# 107-2014**

Ms. Whipkey offered Ord. 107-2014 for its second reading and asked the Clerk to read it:

AN ORDINANCE DECLARING CERTAIN CITY PROPERTIES AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE ADMINISTRATIVE OFFICER TO ADVERTISE THE PROPOSED SALE OF SAID PROPERTY AND DECLARING AN EMERGENCY.

Second reading only.

### **NEW BUSINESS**

Mr. Tousley reminded Mr. Rodgers about the Firefighters Dependents Fund and that we were waiting on clarification on the form. Mrs. Carr commented that was an error by the State and the form has now been corrected. Mr. Tousley stated he was still willing to serve and asked if Mr. Rodgers was and they both agreed to serve for this year.

Ms. Whipkey noted there has been a resignation on the MAD Board that Council will eventually need to appoint a replacement.

### **UNFINISHED BUSINESS**

Mr. Tousley asked Mrs. Carr about years ago the City had run a waterline underneath the railroad tracks. Mrs. Carr stated that Mr. White had pulled some information on that and she would look into this further. Ms. Whipkey asked about how we are doing with Mr. Arters vacancy. Mrs. Carr stated pretty well actually and that she has spoken with Mr. Rodgers about a plan of restructuring that department.

### **PUBLIC SERVICE ANNOUNCEMENTS**

Mayor read several announcements (see attached)

### **PUBLIC UPDATES**

None

### **ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 9:08 PM.

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Rick Rodgers, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on January 26, 2015.

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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.