



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
DECEMBER 14, 2015**

Roll Call: 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 Regular Council Meeting convened on Monday, December 14 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, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE**

Nash Heights Timeline To EPA

Mr. Pierson stated that he had not heard back from Mr. Markey on where we stand. Mr. Markey noted Council received the time line and drafted letter earlier via email this morning. Mr. Markey noted we removed the expedited track and with voting on the Res. of Necessity in February of next year and construction to begin on November 2016 and completion on November 2017. Mr. Markey noted the formal letter will be sent to the EPA in the morning if Council is in agreement to the contents and a formal vote is not required unless there is an issue. Ms. Whipkey asked if the letter would also be emailed and Mr. Markey concurred and that he and Mr. Finn had spoken with Mr. Fishbine relating to this and they are anticipating that email sometime tomorrow and the hard copy is being mailed by overnight mail and it should be received by Wednesday.

RES #89-2015- A resolution to determine the amount to be moved to the 128 Fund (Water & Sewer Improvement Fund) for 2015, and declaring an emergency.

Mr. Rodgers stated we needed to move on adding Res. #89-2015 allowing the City to collect the funds from the roll back tax and turned this over to Mr. Messner for the details. Mr. Messner stated he had been waiting for CCA to get the income tax figures to him so that he can move this money over. We collect at 11.43% of the income tax collections for the roll back and that is what is collected and that amount of \$624,599.20 will be moved to the Fund 128. Mr. Messner noted that Mr. Tousley had asked about the funding balance of Fund 128 after the transfer and he has updated that information with it on the schedule named the Fund 128 Analysis in front of you (see attachment).

Mr. Rodgers asked what tax year was that this collection references and Mr. Markey stated its 2014 taxes paid in 2015. Mr. Rodgers asked about the \$624,000.00 amount and if that is what is delivered to the City? Mr. Messner concurred and that figure was through November and that he had asked CCA to estimate through December. Mr. Messner stated that CCA does not get final figures until May or June April of next year and he cannot wait that long, he needs numbers now so they used figures from last December's collection which ended up with an estimate of \$5.6 million that should be collected by the end of December. The 11.43% portion of that figure comes up to the \$624,000.00 figure. With approval of this legislation he will make a journal entry for the \$624,599.20 and move it over officially from the general fund over to the sewer fund #128 for the roll back account for the end of year. The monies have been in the treasury; this is just a year end journal entry. Mr. Rodgers moved to add this to the agenda, seconded by Ms. Whipkey.

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

Motion passed 6-0.

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

Tom Korans, 3771 Brookside Drive, Norton, Ohio, stated he had been away for a while and it's good to be back. Mr. Kornas express his disdain with this sewer issue and with the cover page of the Norton Post with a sewer pipe, pictured over Norton and that it was a disgrace. Mr. Kornas stated the people are not informed on the progress, sometimes it's called Nash Heights, sometimes its 1,400 new tie ins different areas of the City. He would like something to come out stating what was going to happen. Mr. Kornas stated that he does not want to see the EPA involved and coming in telling us what to do, isn't someone working on this, is there some type of a committee working on that so they are not going to browbeat us. Mr. Rodgers stated we are working out the details on this and we are going back to discussions with Barberton and getting the costs down. The 1400 tie-ins is not in concrete and doesn't happen if we do not have a deal with Barberton. Mr. Kornas stated that he does not like what he is reading, and it's disturbing that the EPA is issuing violations as it will be on the news and people will be wondering what is going on here and that is not the case. Ms. Whipkey asked what is not the case, that we did not receive a notice of violation? Mr. Kornas stated no that we are not all polluting; there are a few septic systems that are bad and everyone has to pay. Mr. Pierson asked where this photo was taken and Mr. Kornas stated it's probably a file photo.

Ms. Judy Karadin, 3873 Croydon Road, right outside of the Nash Heights area, we live in Norton Center Heights and are also included in the Nash Heights Project. We have our home up for sale for six months and have had four (4) offers. One offer was more than our asking price but as soon as they found out about this sewer situation they pulled the offer. We have lived in Norton for thirteen (13) years and now were told we need to put in a new septic system in order to sell the house. We need to know a deadline when this is going to happen. We need to know a cost and no one can tell us anything. We have talked to our Council member, the Health district and have no other recourse than to contact the attorney general. Ms. Karadin stated we need a timeline for our road and nothing is clear here and she has heard so many stories she does not know what to believe.

Mrs. Karadin asked if the information in the newspapers was correct and Mr. Rodgers responded the City had received a letter from the EPA stating we were found to be somewhat in violation of the EPA order. Mrs. Karadin asked about the letter being sent to the EPA that Mr. Markey had spoken on and Mr. Markey explained it has a timeline for the project and will be available tomorrow to the public.

The meeting was temporarily halted as the live streaming had a sound issue. Mr. Rodgers asked who had told her she would need to put in a new septic system before selling her home. Mrs. Karadin responded she has been told different stories by the lady she spoke to at Summit County Health about an example using a three year time line and if the City went over the timeline a new septic would need to be put in, but if it was under the timeline a fix could be done. Mrs. Carr noted that Mr. Bob Hassenyager, Director of Environmental Health of the Summit County Health District was present and could help with this problem. Mr. Hassenyager stated if he understood the situation, the challenge has been indicated the buyer is not looking to accept the property with the failed system; they want a complete replacement prior to purchase not knowing when the project would be done. Mr. Hassenyager stated this is more likely the underwriters that are asking for a full septic system as all that uncertainty makes the underwriters nervous. Mrs. Carr asked for an explanation of the Summit County Health policy when there are orders for a sewer to come in as in relation to the three year time line mentioned. Mr. Hassenyager stated that conversation was probably with a house not for sale with a failed system and is a nuisance now. If it appears a sewer is on the way, we would rather see a modification or a band aid to improve the property at a couple thousand dollar fix as opposed to a full repair/replacement for seven or eight thousand dollars to improve the quality of the discharge even though it would not be up to the current EPA standard. However it would not last forever if sewer did not come and how long it would last is likely what was being considered by the inspector and how long the Health District would allow the band aid fix. Mrs. Carr stated the new timeline is construction to begin in November 28, 2016 finishing in November of 2017 and asked if this would fit within her timeline and Mr. Hassenyager replied yes it probably would and they should be able to work with a band aid on that, but the question would be if the buyer would. Mr. Rodgers asked if we are saying construction is to begin in Nov 2016 and we are going to build Nash Heights out within one year, if so reality has to set in somewhere. If we look at other communities that have built like systems this cannot be done in a year. Mr. Markey noted the original construction schedule was about 18 months.

Mrs. Carr stated she does not disagree but we are better off staying as close to our original completion year in order to get the EPA approval. Mr. Rodgers stated this is too risky if we submit this and fall behind with the schedule. Mrs. Carr stated we went over this in executive session before and again now; the idea is to stay within that original timeline. Mr. Rodgers stated if it could be done in a year, that is fine, but he did not think it could with starting in November. Mr. Markey stated there is a lot of opportunity to make up time with the legislation process and waiving readings to start earlier. The goal is to get this project completed in 2017 as the EPA dictated. Mr. Rodgers stated this lady is here looking for straight answers and we are proposing something that is not going to happen unless we waive readings to get this construction earlier. Is that the intent to waive readings as we go through this or follow the schedule presented? Mrs. Carr responded our intent is to get the project done within the time frame.

Mayor Zita added we would have to make adjustments as we go to get it done sooner. Mr. Rodgers stated he knew that and we have to be straight forward with the people when we tell them something; we hear all the time from the people that we are not straight forward with them and he believed we could not do it in a year. Mr. Rodgers asked Mr. White if he felt we can build this within the one year and Mr. White stated that yes if the contract is set up with a specific time line and may cost more with a shorter timeline but it can be done. Mr. Rodgers stated that he still does not feel we can do this and unless if we intend to waive readings and Council will need to understand this. Mr. McGlone suggested if we don't waive the readings we can do Special Council meetings in between and that alone can save us at least three (3) weeks. Ms. Whipkey stated we have to give them something because of the timeline we agreed to, have missed, and that put us in violation. Mrs. Karadin stated she is amazed they have not fined the City yet due to the delays. Ms. Whipkey stated she believed the Administration was only trying to give the EPA something so they don't come in to fine us and if we don't have it done in November 2017 at least we should be at a point that it will be close to that so if someone were to buy your home once we are started they would know it is going in. This is the best we can do, if we could do better, we wouldn't have the EPA on us now. Ms. Whipkey stated she is of the same mind of the Administration to give the EPA a set plan and time line, and so the people have an idea when it's coming. Mr. Rodgers stated everyone is speaking of delays and the delays have been to get the cost down for the people in Nash Heights so they can afford it. Ms. Karadin asked how much this delay has cost the City and how long does it take to do that? Mr. Rodgers responded it hasn't cost anything and the estimated cost of the project has actually fallen. Mrs. Karadin pointed out that if the EPA fines the City you're going to pay. Mr. Rodgers stated we are hoping that does not happen, but it goes to affordability; she may be able to afford it at any cost, but there are those who cannot and that is what drives him. Mrs. Karadin asked again how long this takes as it has been about nine years and Mr. Rodgers answered it takes time, but it hasn't been nine years. Mayor Zita stated its' been a couple of years so far. Ms. Karadin stated she has been here for over 38 years and we still have no sewers. Mr. Rodgers stated you've lived there all that time and you've seen what is going on within the City; have you driven a petition to get sewers in your area to which Mrs. Karadin stated she had not that all she had done was call. Mr. Rodgers stated it is everyone's fault that Norton sewers are what they are. Mrs. Whipkey stated it's actually the Clean Water Act that has caught up with us; for many years the residents/general public were not on the hit list and everyone as read how they were going after the big businesses. Well now it is our turn and they have been raising the bar as they went along. It is not what the general public wants so much anymore, we are going to be following the federal law. This is not just a City thing or an Ohio thing, but is a Federal thing and asked Mr. Hassenyager's opinion. Mr. Hassenyager stated that was correct, it is a Federal thing, but standards haven't been tightened so much as they have gone after the bigger polluters as you indicated. It's all fine and good if you live at the top of the hill, but it is not so good if you are at the bottom and receiving everyone's waste. Mr. Pierson stated that Mrs. Karadin has indicated that the SCHD has stepped up enforcement in her particular situation due to the failing septic tank and asked Mr. Hassenyager if that would be a correct statement. Mr. Hassenyager stated that is not the way he understands this today. She has her home on the market; a private company evaluated it and concluded the system was showing signs of failure and the buyer wants a resolution to that before entering a contract to buy the home. Mr. Pierson stated that then you are saying a band aid system would be acceptable and he noted that you have homes that are running failed systems.

Mr. Hassenyager stated a band aid is only temporary and the buyer and buyer's underwriter has to approve it as well. Mr. Pierson stated we have several and one quoting your own department a sub standard system was permitted; in five years, you guys have done absolutely nothing in regards to a home spewing raw sewage; yet you are targeting a home for sale. Mr. Hassenyager responded we are not targeting this owner or anyone else; a buyer has said they are not going to buy the house unless provisions were made to make the septic system good. We have not sent her any orders; that is not targeting by our organization. We have not addressed the failing systems in Nash Heights for the most part because we do not want to charge these people twice, once for a new septic system and again for sanitary sewer installation. Mr. Pierson continued stating that he knew for a fact on the one situation as he has a letter copy from Mr. Pruitt and that a letter was sent to the resident. Mr. Hassenyager responded that if it was a black and odorous one then there should be follow-up on it and Mr. Pierson stated it was a new construction. Mr. Hassenyager answered he was not familiar with it and if Mr. Pierson gave him the address he would look into it. Mr. Pierson advised Mr. Hassenyager to speak to Mr. Pruitt on it as it helped drive some of the results on Greenwich and Easton. Mr. Pelot suggested Mrs. Karadin work with her realtor once the Resolution of Necessity for assessments were established to set up funds in an escrow account to cover this expense and Mrs. Karadin acknowledged that had been mentioned to her. Mrs. Carr stated she had spoken to the buyer and gave him the potential time line at that time and that would be updated later which he could obtain the update. Mr. Pierson stated that there should be a disclosure up front with the realtor listing these properties. Mrs. Karadin stated she did disclose this with the paperwork of the estimated cost to the realtor. Mrs. Karadin stated it's just her and her husband and there are no foul odors, or leaking on their property but she did not recall the exact language. Mr. Rodgers stated right now assessment costs were estimated at \$19,000.00 and extra costs for hook ups and that you need to inform the buyer to expect between \$20,000.00 to \$25,000.00. Mrs. Karadin asked so if she puts up the money now to fix this and then in two (2) years sewers come in she would have to pay for this again? Mr. Rodgers stated that he did not see that to be the case in her home. Mr. Rodgers stated and Mrs. Carr agreed the new time line would be on the City website tomorrow. Ms. Whipkey asked Mr. Hassenyager if this is safe to say if they have a septic problem the SCHD will do all within their power to work on a solution for a band aid fix and Mr. Hassenyager stated that was correct, we don't want the homeowner to have to pay twice. Ms. Whipkey clarified that statement was specifically for a homeowner that is planning on staying in the home and not selling out as a property for sale would have other restrictions. Mr. Pierson stated that has been the case for the last 36 months and Mr. Hassenyager concurred.

Mr. Chuck Fowler, 1136 Wilbur Avenue, Norton, Ohio, spoke about the comments tonight, stating he has seen some of the Council meetings and the sewers have been kicked around for two (2) years and nothing has been done by Council it seems. If you worked in the private sector you would have been fired by now and it would be justifiable. There is no excuse to go this long and get no results and that is what I have seen.

Mr. Fowler commented on some news paper articles in the West Side Leader that stated Mr. Rodgers was against the whole cost being passed on to Nash Heights residents. The Akron Beacon Journal commented about the MOU and it said the foundation of this deal was undercut by Mr. Rodgers because of the tie-ins and the extensions. It was his understanding that the monies collected from Barberton would be used to subsidize the extensions and tie-ins.

Mr. Fowler stated he noted in the Akron Beacon Journal article it states the Norton City Council has put the City of Norton in a situation of being fined on a daily basis by the EPA which is a result of kicking it around for two years. Mr. Fowler stated that the people to suffer, if this comes out of the General Fund, would be the safety forces, fire, street department, and probably add on to the cost of the sewer. Mr. Fowler stated it is apparent to him from what he is reading the EPA is fed up with the lack of action by the City of Norton; according to the attorney at the EPA the work they had put into this MOU was basically time wasted. Mr. Fowler stated the Beacon also stated it was originally a win-win situation and now that is not the case. Mr. Fowler stated when people bought homes some of them already had sewers, and now if the EPA fines the City then they will have to pay for sewers twice. Mr. Fowler stated that if this deal with Barberton has been undercut by Mr. Rodgers, then he has not seen very good leadership for two years and no results. The lady before me had to come to Council to get some answers to her situation. Why did it take two years for something to happen; nothing moved until the EPA came in and said we are going to shut you down and sue you. For that reason and from what he has seen, stalling, and undercutting, etc., Mr. Rodgers should resign your position as President from the City of Norton. Mr. Rodgers stated this is the last meeting he will be President of Council. Mr. Rodgers commented about residents paying for their sewers already when they bought their home and yet those who have septic systems and wells paid for that out-of-pocket or through mortgage when they purchased their homes. He questioned if that sewer failed would the citizen pay, no the City pays for this as the community pays for the sewer and water repairs within the community; he is frustrated with the idea that those in developments have paid for something that the rest of us didn't. Mr. Fowler asked what is the difference between sewer and water and a new roof on their home? Mr. Rodgers responded there is a great difference and he believes that statement was put out there by someone in this room; it is silly to think a resident would ask the rest of the community to pay for roof for their house, but we are talking about a piece of infrastructure coming into you home. Mr. Rodgers stated he is not saying everyone should pay for Nash Heights, but don't keep spreading around the thought that we paid for ours so you pay for yours. Mr. Rodgers stated that the price is comparable between putting a well and septic in with city utilities cost. Mr. Fowler stated he does not understand the point. Mr. Rodgers stated he may not be able to get that point across then, but he doesn't like hearing that "We paid for ours, you pay for yours" as they already did pay for theirs and this delay that you call kicking the can down the road is because we are trying to get the costs down. We are spending ten (10) million dollars, and it will be ten (10) million before it's over, if it takes two years to get that right then so be it. Mr. Fowler stated he disagrees with that statement and it does not take two (2) years to get where you are. Mr. Rodgers stated we already have construction costs, and that took time and that took the biggest part of the two years. Mr. Fowler stated it seems the only way it finally got rolling is because the EPA is threatening us with the mandate and fines and he believes they still have that option; he hoped the government was not so unfair if they felt Council had done their job or showed some results that they would come in here to shut us down and bankrupt us. Mr. Rodgers stated we have been working with the EPA for two (2) years, granted there is a problem with the Barberton deal, and although he can appreciate the Beacon Journal giving him such power because there are six (6) people up here and he only has one vote. Mr. Rodgers asked all of Council if any of them were happy with the 1400 new connections in the Barberton deal. Mr. Pelot and Mr. McGlone agreed they were fine with expanding the sewer as the same thing was going to happen down the road.

Ms. Whipkey stated that she was never in favor of the 1400 new connections as that was everyone; she did not see that deal sustaining putting sewers in Nash Heights and having money left to help the rest of the City when it becomes their turn. Ms. Whipkey clarified that we already have a mandate from the EPA for Nash Heights. If we don't get moving or the EPA does not accept our timeline, they can tell us when to start digging. At that point there will be no assessments in place for the Nash Heights people and the EPA will force the City to do the entire project and in a way we will all be paying. It will not be just those already serviced by public sewer as it will be coming out of the City coffer. It's a little different if the sewer or utility is there, adding if she was wrong for someone to jump in, and your sewer line breaks there is a maintenance fee charged to the homeowner with a utility for repairs; it would not come out of the homeowner's pocket unless it was on their side running from their home to the main line. Someone with a septic system will have to make those corrections or repairs out of their own pocket unless they were eligible for help. Ms. Whipkey stated those that bought into a development paid for their sewer up front and septic/water residents paid for theirs when they bought it or need to repair/replace it. Mr. Fowler stated he has sewer and if he has a break he does not pay that up front it's built into his maintenance fees on his bills and Ms. Whipkey concurred. Mrs. Carr clarified the difference of a taxpayer and a user fee; the fee collected is used to maintain the system. Mr. Rodgers stated we are saying if the sewer line breaks in the street you won't pay for that because when you paid for your home that was the cost built into what you paid for the initial cost of your home so it is not an assessment on your taxes. Mr. Rodgers stated everyone is paying for their own and that's how it works. Mr. Fowler argued if the EPA comes in and orders construction to start in two (2) weeks, the General Fund would have to pay for this which means everyone in the City will pay for it. Mr. Rodgers stated no, we will assess those that benefit from this; the homeowners will be assessed. Mr. Markey stated you cannot be assessed if you do not benefit. Mr. Fowler asked so no one in Norton is going to have any cost for the sewers going into Nash Heights? Mr. Rodgers answered no and you don't now. Mr. Fowler stated he was under the impression if the EPA comes in here and mandates sewers to go in that money would have to come out of the General Fund to pay for it. Mr. Rodgers responded we would have to build the project, but then we are going to assess the residents. There was dissention on Council with that statement and Mr. Rodgers stated if we have to build Nash Heights under order, we are going to assess the residents in Nash Heights for the benefit that they are getting. Ms. Whipkey referred to Mr. Markey stating that is not the way she understands it and there is a time frame we are working in order to assess. Mr. Markey clarified that if you have no resolution of necessity and order to proceed documents done before you are ordered to construct then you cannot legally assess; you have to have those first two phases completed. Mr. Rodgers asked if Mr. Markey was saying we could not pass a resolution of necessity for assessments if we are ordered to proceed. Mr. Markey responded he is saying you may run out of time to get it all passed if you are ordered to build quickly and Mr. Rodgers stated that would be shame on us then. Mr. Fowler stated that is what he's saying. Mr. Rodgers stated we would take care of that before it happens; as far as us stalling, we have been working hard with the EPA on this. Mr. Fowler asked why did the EPA-Mr. Fishbine state that he was disappointed with the City and their time was wasted? Mr. Rodgers concurred that Mr. Fishbine had said that and at the same time he knew Norton had been in talks with an engineer down at the same office; Mr. Rodgers added he did not know why he made the wasted time statement and Mr. Fowler would have to ask him.

Mr. Pierson asked Mr. Fowler where his daughter lives and Mr. Fowler stated she lives in Stonewyck and Mr. Pierson asked if she was aware she has a Barberton line that goes into Barberton? There are others around her that have a package plant not a sewer system and when that is scheduled to be replaced at a cost for about \$5,000,000.00 should the residents in Mr. Pierson's neighborhood have to pay for the package plants to be replaced that service those in a housing development? Mr. Fowler stated he did not. Mr. Pierson continued with or would it be more fair to spread that out and help everybody as good neighbors do. Mr. Fowler responded he did not really understand Mr. Pierson's point. Mr. Pierson stated the point is they are basically working on a large septic tank as it is not a central sewer system. Your daughter is on a Barberton line that does go to the Barberton treatment plant, but Brentwood, Frashure, Norton Acres, and a section of Mount Vernon have package plants where the waste goes. Mr. Pierson asked if you are going to be ok with these people being assessed \$20,000.00? Mr. McGlone stated that Mr. Markey had said they could not be assessed and Mr. Markey concurred. Mrs. Carr added that Barberton had already said they were not going to assess. Mr. Pierson stated so Barberton is going to eat the five million dollars on their taxpayers and not affect Norton, does that stand to reason? Mrs. Carr stated that she believed it was published in a newspaper article. Mr. Pierson responded he did not care what was in the paper as you can write whatever you want in the paper as one of our reporters does it on a weekly basis. Mr. Rogers stopped the current conversation and moved to allow more public comments that were not signed in, but it was going to be limited, seconded by Mr. Tousley.

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

Motion passed 6-0.

Mr. Paul Reese, 4052 Wadsworth Road, Norton, Ohio noted the gentleman on the article in the Beacon was not quite correct. Summit County has been subsidizing everyone with a package plant to the tune of between \$100,000.00 and \$300,000.00 and Barberton is going to buy that. It was also stated that the sewage plant in Barberton is old and needs updated, so who is going to pay for that? Is it going to be dollar for dollar with Barberton and Norton? Nobody seems to be able to answer that. So if they do the subsidizing and the money coming in is not going to cover those three plants, Barberton is going to buy all of this, how are they going to pay for this? It does not make sense and for anyone to say they are not going to assess them then the other people in Norton are going to pay for it. Someone in Norton has to pay for this and that is a fact. Mr. Rodgers ended this discussion by stating that most people being assessed with a \$20,000.00 plus assessment would hope to have someone that has their backs and that's what some on this Council have been trying to do.

## **CONSIDERATION OF MINUTES**

Consideration of the November 9, 2015 Regular Council Meeting, approved as submitted.  
Consideration of the November 16, 2015 Committee Work Session, approved as submitted.  
Consideration of the November 23, 2015 Regular Council Meeting, approved as submitted.  
Consideration of the November 30, 2015 Committee Work Session, approved as submitted.  
Consideration of the November 30, 2015 Special Council Meeting, approved as submitted.  
Consideration of the December 3, 2015 Special Council Meeting, approved as submitted.  
Consideration of the December 7, 2015 Committee Work Session-*Deferred to January 11, 2016*



**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS**

Mayor Zita read the Press Release from Off. Brett McShane-Shop with a Cop (see attached)

**PUBLIC HEARINGS-None**

**INTRODUCTION OF NEW LEGISLATION**

**ORD #81-2015 First Reading:**

Mr. Rodgers offered Ord. #82-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACTS WITH LEGAL DEFENDERS OFFICE OF SUMMIT COUNTY, OHIO, INC., AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Ord. #81-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

**ORD #82-2015 First Reading:**

Mr. Tousley offered Ord. #82-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTON AND THE AFSCME SERVICE WORKERS OF THE CITY, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Tousley moved to adopt Ord. #82-2015, seconded by Ms. Whipkey. Mr. Tousley stated the raises are 1.5% in 2016 and 2% on 2017.

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

Motion passed 6-0.

**ORD #83-2015**

Ms. Whipkey offered Ord. #83-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE DECLARING THAT CERTAIN CITY-OWNED PROPERTY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE ADMINISTRATIVE OFFICER TO SELL AND DISPOSE OF SUCH PROPERTY IN THE MANNER DETERMINED BY COUNCIL PURSUANT TO SECTION 5.10 OF THE CHARTER, AND DECLARING AN EMERGENCY.

Ms. Whipkey stated this is for the Brentwood water plant we no longer need and want to put out to bid to sell. Mr. Whipkey moved to waive the second and third readings, seconded by Mr. Pelot.

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

Motion passed 6-0.

Ms. Whipkey moved to adopt Ord. #83-2015, seconded by Mr. Pelot.

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

Motion passed 6-0.

**ORD #84-2015**

Mr. Rodgers offered Ord. #84-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO EXTEND THE TERM OF THE CITY'S AFSCME DENTAL LEVEL III PLAN, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Ord. #84-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

**ORD #85-2015      First Reading:**

Mr. Rodgers offered Ord. #85-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE NOMINAL EXPENDITURES FOR REFRESHMENTS OR MEALS TO BE SERVED AT VARIOUS EVENTS, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the second and third readings, seconded by Ms. Whipkey. Mr. Rodgers noted this is a little different so that we will not have to redo this every year and will remain in effect until something changes.

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Ord. #85-2015, seconded by Ms. Whipkey

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

Motion passed 6-0.

**ORD #86-2015**

Mr. Rodgers offered Ord. #86-2015 for its first reading and asked the Clerk to read it:

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE TAX YEAR 2015 COLLECTIONS PAYABLE IN 2016 PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Ord. #86-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

**ORD #87-2015**

Mr. Tousley offered Ord. #87-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE NON-BARGAINING HOURLY WAGES FOR PART-TIME POLICE OFFICERS; AND DECLARING AN EMERGENCY.

Mr. Tousley stated this will catch them up with the full time and they had not received a raise since 2013. This would mirror the raises that the bargaining officers received. Mr. Tousley indicated this is an increase of 1.25% in 2014, 2.0% in 2015 and going forward would keep up with the bargaining officer raises. Mr. Tousley moved to waive the second and third readings, seconded by Ms. Whipkey.

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

Motion passed 6-0.

Mr. Tousley moved to adopt Ord. #87-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

**ORD #88-2015**

Mr. Rodgers offered Ord. #88-2015 for its first reading and asked the Clerk to read it:

THE ANNUAL APPROPRIATION ORDINANCE FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the second and third readings, seconded by Ms. Whipkey. Mr. Tousley stated he has gone back and forth over this for weeks in his own head as he had issues with the Fire Department and the increases of almost 10% last year and 15% this year. Mr. Tousley stated that he went back and looked at the voting records of the residents of his ward which they supported 741 to 620 and they agreed to the amounts of the levy and based on this he will support it.

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Ord. #88-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

**\*\*Added During Committee of the Whole**

**RES #89-2015**

Mr. Rodgers offered Res. #89-2015 for its first reading and asked the Clerk to read it:

A RESOLUTION TO DETERMINE THE AMOUNT TO BE MOVED TO THE 128 FUND (WATER & SEWER IMPROVEMENT FUND) FOR 2015, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Rodgers moved to adopt Res. #89-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #73-2015**

Mr. Pelot offered Ord. #73-2015 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 440.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO; AND DECLARING AN EMERGENCY.

Mr. Pelot stated this is placing a weight restriction on sections of Summit Road and the maximum weight for thru tucks not to exceed a total of five (5) tons.

Mr. Pelot moved to adopt Ord. #73-2015, seconded by Ms. Whipkey.

Roll Call: Yeas: Whipkey, Pierson, Tousley, Rodgers  
Nays: Pelot, McGlone

Motion passed 4-2.

**ORD #74-2015**

Mr. Rodgers offered Ord. #74-2015 for its third reading and asked the Clerk to read it:

AN ORDINANCE ADOPTING MEDICAL COVERAGES AND RATES FOR EMPLOYEES OF THE CITY OF NORTON; AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to adopt Res. #74-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

**ORD #76-2015**

Mr. Tousley offered Ord. #76-2015 for its third reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO AMEND THE NON-BARGAINING UNIT SALARY RATES AND WAGES, AND DECLARING AN EMERGENCY.

Mr. Tousley this will also catch up for employee raises not given since 2013. Mr. Tousley stated that 1.0625% for 2014 and 1.8125% for 2015 and going forward would be raises based on a weighted average from the bargaining units. Mr. Tousley moved to adopt Ord. #76-2015, seconded by Ms. Whipkey. Mr. Pierson stated he will vote for this because it affects more than just two (2) people. He believes that management people should not be given raises. They should be earned and based on some kind of a benchmark or performance. Secondly, he did not feel it should be a retroactive pay because industry does not do it this way as someone had mentioned tonight.

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

Motion passed 6-0.

**RES #77-2015**

Mr. McGlone offered Res. #77-2015 for its third reading and asked the Clerk to read it:

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF THE QUESTION OF THE RENEWAL OF AN ADDITIONAL TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS AND SITES THEREFORE, SOURCES OF WATER SUPPLY AND MATERIALS THEREFORE, THE PAYMENT OF PERMANENT, PART-TIME OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE AND COMMUNICATIONS PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE REVISED CODE, AND THE PROVISION OF AMBULANCE, PARAMEDIC AND OTHER EMERGENCY MEDICAL SERVICES OPERATED BY THE FIRE DEPARTMENT PURSUANT TO SECTION 5705.19 (I) OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

Mr. McGlone explained this is a renewal of the 4.6 mills and we have to get this to the Board of Elections for the March 15, 2016, election.

Mr. McGlone moved to adopt Res. #77-2015, seconded by Ms. Whipkey.

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

Motion passed 6-0.

### **UNFINISHED BUSINESS**

Mrs. Carr asked in light of what Mr. Rodgers eluded to about the conversations about the EPA time line, and that he felt that the present timeline is unrealistic and if you want to add the six (6) months back in we all need to know now so we are all on the same page. Ms. Whipkey stated she recalled the original agreement timeline was for one year as well, correct? We were supposed to have Nash Heights done this year in the original 2013 one. Mr. Markey stated we had three phases and put them all together and the time line then was May of 2017, and this pushes it back six (6) months from that to November. Mrs. Carr stated if we add back the six (6) months for eighteen (18) months of construction and that changes the completion date to May of 2018 instead of November of 2017. Mrs. Carr noted that for two weeks she thought we were fine with the timeline to keep within the project year and tonight is the first time she was aware there is an interest in changing this. Mr. Rodgers stated he had agreed but he has read it over and over and he is trying, but this is not real as he does not believe we can accomplish this. Mrs. Carr stated she believes the concerns with the EPA is that we have not stuck to the time line. Mr. Rodgers stated he believed the EPA will think we are feeding them something upon reading this year completion date. Mr. Rodgers added that Mr. White had said we could do it in a year at a greater expense, but he did not believe we would spend the money to get it done in a year. Mrs. Carr stated she did agree with Mr. McGlone on the need to hold special meetings to meet the schedule and show some good faith to the EPA; it's not no one has heard of this issue. Mayor Zita stated we had not intended to waive readings. Mr. Tousley asked if it's fair to say if the construction start date is met, that is the most important goal. If the construction takes longer this is something that really is beyond our control and Mr. Markey concurred. Ms. Whipkey and Mr. McGlone stated they want to stick with this current time line. Mr. Pelot also agreed, adding that we have people that cannot sell their homes because we have not started this project and if we need to put more effort into this to speed this along he is fine with that. Mr. Rodgers stated if we are going to have extra meetings in order to do that then everyone needs to commit to this and be present at the meetings to get it done and he was fine with that if everyone wants to leave it.

### **NEW BUSINESS-None**

**PUBLIC SERVICE ANNOUNCEMENTS-PSA-There were none.**

### **PUBLIC UPDATES**

Ms. Whipkey stated the work has started at the Community Center for the handicapped doors and key pad as well as the air conditioning should also begin next week. Ms. Whipkey stated she would like Komunale approached on blowing out the ducts.

We have put all this money into the Center and it is going to look really nice until you look at the ceiling. We need to look at getting those ducts clean and get that painted around the duct works and vents. Mrs. Carr stated we can look at that. Mr. Pierson stated let's make sure they don't paint over the fixtures, and trim rings, this needs to be masked off properly and painted appropriately. Mr. Tousley asked if both would be completed by the end of this year and Mrs. Carr replied yes. Ms. Whipkey announced the Barberton-Norton DAC met last Friday and appointed a new member so next year they will have a full board going forward.

**ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:43 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.