



Norton City Council
Regular Council Meeting
Monday, June 22, 2020

The Regular Council Meeting was convened on Monday, June 22, 2020 at 7:00 PM via Zoom live streaming to City of Norton YouTube, pursuant to H.B. #197. The meeting was called to order by Joe Kernan, President of Council, followed by the Pledge of Allegiance and a moment of silent reflection.

Roll Call:	Jack Gainer	Also Present:
	Dennis McGlone (excused)	Mayor Zita
	Dan Karant	Robert Fowler
	Paul Tousley	Pam Keener
	Charlotte Whipkey	Justin Markey
	Scott Pelot	Kerry Macomber
	Joe Kernan	

COMMUNICATIONS FROM THE PUBLIC-

The email communication received from Joe Kazy, 3141 Monterey, Norton OH 44203, was read aloud by the Clerk of Council (copy attached). Mr. Kernan asked if the members of Council wished to respond to the comments that were read. Mr. Karant referenced the statement that there are companies that are not in compliance with the Community Reinvestment Area (CRA) agreements and nothing is publicly being done. He said that he hears statements like that which are unsubstantiated and questioned if we really have something like that or is this is a baseless claim. He inquired into the process. Ms. Whipkey replied that a Tax Incentive Review Council was appointed in 2018. The Board is comprised of three members from Summit County along with Mr. Mark Spisak and Mr. Fowler representing the City of Norton until 2021. She said KDA Company was shown to be in compliance and guessed that was the reference. Ms. Whipkey then addressed the flooding comment and noted that she has looked into the Summit County Surface Water Management District. She prefers to keep Norton taxpayer's money in Norton and ensure the work is done here. Further, she noted that even though Bath joined it, she is not sure anything has been done there. She always supports keeping the money here, as far as the watersheds go. Ms. Whipkey stated the comment on the parcel for \$1 to be used as a retention pond was clearly stated at the last meeting that was the purpose. Mr. Pelot asked for a status update on Kungle Road. Mayor Zita replied the state funding request will be decided at the end of July. Mr. Pelot inquired into the ownership of the road and the Mayor replied it has not yet.

COMMITTEE OF THE WHOLE - Reports from Standing Committees

Ms. Whipkey noted we only have four skill based businesses left in operation. There are three licenses open, although one has been applied for. Ms. Whipkey said these businesses all pay for January through June in December. They paid but only used a couple of months and she has been approached on this. She has discussed this with the administration and brought it up to

Council to have some relief for the next six months' fee, which is due June 30. They pay \$500 for every machine every six months and we do go in and count those and make sure they are licensed and how many are in use. We are proposing to reduce the next six month fee by to two months to help them get through the last 3 1/2 or 4 months they have not been in operation. Mr. Karant felt that was a reasonable request. Ms. Keener said that even though the legislation indicated they should pay in advance, that was not happening. She said her predecessor would go out in June and collect the fees for January through June and then go out in December and collect for July through December. Although, the legislation was written to be paid in advance, it was not happening in practice. So, they have not yet paid for January through June. Ms. Whipkey asked what they paid for in December and Ms. Keener replied they paid July through December. They were paying after-the-fact, even though the legislation called for advance payment. Mr. Pelot asked about pro-rating that or give a credit for so many months. Ms. Keener said she, Mr. Fowler and Mr. Markey agreed they will be collecting for three months. Mr. Gainer felt this was adequate and it should be three instead of two. Mr. Tousley asked if this action will match the legislation and Ms. Keener answered affirmatively and that she could start that in 2021. Mr. Kernan remarked they shut down in mid-March when the shut down orders occurred and asked when they were allowed to open back up. Ms. Whipkey stated they are all open now. Mr. Pelot stated it was probably two and a half months, but they will not have the level of business they had before. Mr. Gainer added he understands that some machines had to be eliminated in order to comply with social distancing requirements. They have not been able to use all of the machines so a rebate would have to be given based on the number of machines that were being used. If we are changing to a pre-pay method in July, that should be based on the number that are actually using. Ms. Keener said we do not bill them for both six-month periods all at one time. Mr. Gainer agreed and reiterated they should be billed according to how many machines are being used and not the total of machines they have. Mr. Pelot offered that from knowing the management of these businesses, it is likely the machines are leased and if the business was shut down, the owners may have returned the machines not being used that are leased. Ms. Keener noted the fees apply only to the machines that are plugged in. Ms. Whipkey noted the relief of fees can be done by motion and moved to reduce the skilled based gaming machine fees by three months for the period of January through June 2020; seconded by Mr. Pelot and added only charge for the machines that are in use. Mr. Kernan stated there was motion and second to reduce the fees for the skill based games by 50% for the months of January through June of 2020. Mr. Pelot said if we are collecting at the end rather than pre-pay, it would be prudent to let them know the 2021 bill will be for the last six months of 2020 and the first six months of 2021. Ms. Whipkey clarified that this is necessary to follow the legislation as written. She also noted this 50 percent reduction will help plus, there are fewer machines to pay for with social distancing.

Roll Call: Yes: Whipkey, Pelot, Gainer, Karant, Tousley, Kernan
No: None

Motion passed unanimously.

CONSIDERATION OF MINUTES

Minutes of Regular Council Meeting of June 1, 2020 were accepted as submitted.

Minutes of Committee Work Session of June 15, 2020 were accepted as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita announced that O'Reilly's Auto Parts has begun construction at the former Norton Pub location.

Mr. Fowler stated the 2020 Road Program is completed and all local roads are done. Norton's portion of Medina Line Road (Eastern to Greenwich) is done and Medina County is starting their portion. When that is complete, there will be new pavement from Eastern to Ridgewood. Mr. Fowler reminded Council that the Ohio Public Works Commission (OPWC) projects have been on hold since early March. With the Governor signing HB 481, the 2021 projects have been funded and that include Wooster Road Storm Sewer and Wooster Road Program. These will be bid out this year and hopefully completed this year. We are getting bids on concrete work for Driftwood Street. Mr. Fowler reported that he and Mr. Slagg walked and marked it and it will be ready before Council goes on break.

PUBLIC HEARINGS - None

INTRODUCTION OF NEW LEGISLATION

Ord. No. 059-2020

Mr. Gainer introduced Ord. No. 059-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING REAL PROPERTY TAX EXEMPTIONS WITH RESPECT TO CERTAIN REAL PROPERTY WITHIN THE CITY OF NORTON COMMUNITY REINVESTMENT AREA FOR THE PURPOSE OF ENCOURAGING ECONOMIC DEVELOPMENT WITHIN THAT AREA; AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENT WITH TIMOTHY ENTERPRISES, LLC AND CALIBER COLLISION CORPORATION, AND DECLARING AN EMERGENCY.

Mr. Gainer moved to waive second and third readings; seconded by Mr. Karant

Roll Call: Yes: Gainer, Karant, Tousley, Whipkey, Pelot, Kernan

No: None

Motion passed: 6 - 0

Mr. Gainer moved to adopt Ord. No. 059-2020; seconded by Mr. Karant

Roll Call: Yes: Gainer, Karant, Tousley, Whipkey, Pelot, Kernan

No: None

Motion passed: 6 - 0

Ord. No. 060-2020

Mr. Gainer introduced Ord. No. 060-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING REAL PROPERTY TAX EXEMPTIONS WITH RESPECT TO CERTAIN REAL PROPERTY WITHIN THE CITY OF NORTON COMMUNITY REINVESTMENT AREA FOR THE PURPOSE OF ENCOURAGING ECONOMIC DEVELOPMENT WITHIN THAT AREA; AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA TAX

ABATEMENT AGREEMENT WITH AG-PRO OHIO, LLC AND AG-PRO REAL ESTATE INVESTMENTS II, LLC, AND DECLARING AN EMERGENCY.

Mr. Gainer moved to waive second and third readings; seconded by Mr. Karant

Roll Call: Yes: Gainer, Karant, Tousley, Whipkey, Pelot, Kernan
No: None

Motion passed: 6 - 0

Mr. Gainer moved to adopt Ord. No. 060-2020; seconded by Mr. Karant

Roll Call: Yes: Gainer, Karant, Tousley, Whipkey, Pelot, Kernan
No: None

Motion passed: 6 - 0

Res. No. 061-2020

Mr. Tousley introduced Res. No. 061-2020 for its first reading and asked the Clerk to read it:

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF THE QUESTION OF THE REPLACEMENT AND INCREASE OF A 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 REVISED CODE, AND DECLARING AN EMERGENCY.

First reading only.

Res. No. 062-2020

Ms. Whipkey introduced Res. No. 062-2020 for its first reading and asked the Clerk to read it:

A RESOLUTION REQUESTING A DISTRIBUTION FROM THE SUMMIT COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND; AND DECLARING AN EMERGENCY.

Ms. Whipkey said we needed to make two separate resolutions because we have state and county relief funds and this is the one for the County and it needs to be passed immediately to get the money and moved to waive second and third readings; seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Gainer, Karant, Tousley, Kernan
No: None

Motion passed: 6 - 0

Ms. Whipkey moved to adopt Ord. No. 062-2020; seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Gainer, Karant, Tousley, Kernan
No: None
Motion passed: 6 - 0

Ord. No. 063-2020

Mr. Tousley said that he would like more discussion and asked Mr. Kernan if this is an appropriate time or should it wait for the Committee Work Session. Mr. Kernan said this is for a first reading, so it can be read. He will be calling for next week's meeting to be a Regular Meeting and maybe the week after, as well so they can be read three times as he felt this one and the tax levy deserved three readings. Mr. Tousley said the exemptions section needs to include property maintenance equipment because of the decibel restrictions virtually everyone would be in violation when working in their yards. Mr. Pelot agreed that this needs to be addressed. After he reviewed the minutes from last week, he felt that these were too low. Mr. Kernan remarked that he thought the restriction did not apply during day-light hours and Mr. Tousley noted the legislation identifies decibel levels for both day and night hours and would like to make this very clear for future Councils. Mr. Gainer agreed with Mr. Tousley's term of property maintenance equipment. Ms. Whipkey also concurred stating that the day-light hours would still stay. Mr. Markey said there is already exemptions for construction sounds during day light hours and the exemptions section can be amended to include this for people to maintain their own homes. Mr. Tousley moved to amend Ord. No. 063-2020 to include property maintenance equipment in the exempted section between the hours of 7:00 a.m. to 9:00 p.m.; seconded by Mr. Pelot.

Roll Call: Yes: Tousley, Pelot, Gainer, Karant, Whipkey, Kernan
No: None
Motion passed: 6 - 0

Mr. Tousley introduced Amended Ord. No. 063-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 648.13 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO; AND DECLARING AN EMERGENCY.
First reading only.

Ord. No. 065-2020

Ms. Whipkey introduced Ord. No. 065-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE ESTABLISHING FUND 500 (CAPITAL PROJECTS FUND) AND FUND 115 (CARES ACT FUND), AND DECLARING AN EMERGENCY.
First reading only.

Ms. Whipkey stated this ordinance is creating a fund is for Capital Projects and also creates a fund for taking in State Monies for the COVID-19 emergency. Ms. Keener interjected saying this is not the correct legislation; the ordinance has been revised based on information provided by the County on June 12th. The revised ordinance creates three

funds: Fund 500 (Capital Projects Fund), Fund 115 (Local Coronavirus Relief Fund) and Fund 116 (Summit County Covid-19 PSGP Fund) and was inadvertently omitted from tonight's packet. Mr. Kernan noted the ordinance has only been read once so the ordinance can be amended and read at the next Council meeting.

Ord. No. 066-2020

Ms. Whipkey introduced Ord. No. 066-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE A CONTRACT WITH A REGIONAL COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF ADMINISTRATION AND COLLECTION OF MUNICIPAL INCOME TAX IN THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Ms. Whipkey noted this needs to be passed tonight because it replaces CCA with RITA to collect income taxes next year. CCA requires a six-month notice and moved to waive second and third readings; seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Gainer, Karant, Tousley, Kernan
No: None

Motion passed: 6 - 0

Ms. Whipkey moved to adopt Ord. No. 062-2020; seconded by Mr. Pelot. Mr. Kernan remarked that he reviewed the information provided by Ms. Keener and believes this to be a good choice. Mr. Pelot remarked that he has heard many complaints about CCA and hopes that RITA will be better for Norton. Ms. Whipkey said the tax preparers have even complained.

Roll Call: Yes: Whipkey, Pelot, Gainer, Karant, Tousley, Kernan
No: None

Motion passed: 6 - 0

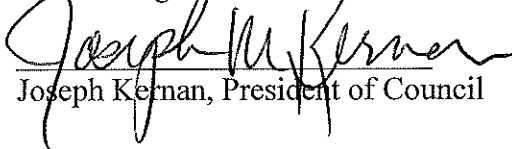
INTRODUCTION OF PRIOR LEGISLATION

PUBLIC SERVICE ANNOUNCEMENTS

Mr. Fowler noted that he misspoke when he said Driftwood was getting concrete. Mayor Zita corrected him because Driftwood is under design and considered for a future OPWC grant. Brooklawn is getting new concrete for curbs and gutters.

ADJOURN:

There being no other business to come before Council, the meeting was adjourned at 7:40 PM.


Joseph Kernan, President of Council

I, Kerry Macomber, Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on June 29, 2020.

Kerry Macomber
Kerry Macomber, Clerk of Council

****Note: these minutes are not verbatim****
Original signed and approved minutes are on file with Clerk of Council.

Kerry Macomber

From: Joe Kazy <jmkjjkz@hotmail.com>
Sent: Wednesday, June 17, 2020 6:31 PM
To: Kerry Macomber
Subject: [EXT] Communication From The Public

Joe Kazy
3141 Monterey Drive.

1. In regards to the CRA's that are on tonight's agenda, I fully understand the reasoning behind the tax abatements, my question is, whom within the city will be monitoring them to make sure they are in compliance with the agreement in order to receive the tax abatement? We have a few companies that have better tax abatements that are not in compliance now and nothing is being "publicly" done about it.
2. I agree with Mr. Gainer that the flooding issue within Norton and the surrounding communities needs to be addressed and resolved. My question is has Mr. Gainer or any member of the council or the administration look into the Summit County Surface Water Management District? This district is available to all cities, villages and townships within Summit County. This program will cost the property owners around \$48.00 a year if the City of Norton would join it. Bath Township joined this district about a year or so ago.
3. With Parcel #4608441 that the City of Norton is purchasing part of it for \$1.00, what plans does the city have for this property? In my opinion this would be a great location for a water runoff retention pond.

Best Regards,
Joe Kazy
3141 Monterey Dr
Norton, Ohio 44203
330-573-1114

Kerry Macomber

To: Joe Kazy
Subject: RE: [EXT] Re: [EXT] Communication From The Public

OK, thanks.

From: Joe Kazy [mailto:jmkjzk@hotmail.com]
Sent: Friday, June 19, 2020 11:26 AM
To: Kerry Macomber
Subject: [EXT] Re: [EXT] Communication From The Public

May I also add:

4. It's been over a year since the Kungle Road bridge collapsed, when will the residents of Norton expect an update to when this will be fix and reopened?

Best Regards,
Joe Kazy
3141 Monteray Dr
Norton, Ohio 44203
330-573-1114

From: Kerry Macomber <KMacomber@cityofnorton.org>
Sent: Thursday, June 18, 2020 12:23:05 PM
To: Joe Kazy <jmkjzk@hotmail.com>
Subject: RE: [EXT] Communication From The Public

Mr. Kazy,

Thank you for submitting your comments. These will be read into the record on Monday, June 22, 2020.

Kerry Macomber, MPA
Clerk of Council
City of Norton
4060 Columbia Woods Drive
Norton OH 44203
(330) 825-7815 x322

From: Joe Kazy [mailto:jmkjzk@hotmail.com]
Sent: Wednesday, June 17, 2020 6:31 PM
To: Kerry Macomber
Subject: [EXT] Communication From The Public

Joe Kazy
3141 Monteray Drive.