



Norton City Council
 Regular Council Meeting
 Monday, July 6, 2020
 Remote Teleconference Meeting

The Regular Council Meeting was convened on Monday, July 6, 2020 at 7:04 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.

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| Roll Call: | Jack Gainer Dennis McGlone Dan Karant Paul Tousley Charlotte Whipkey Scott Pelot Joe Kernan | Also Present: Mayor Zita Robert Fowler Pam Keener Justin Markey Kerry Macomber |
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COMMUNICATIONS FROM THE PUBLIC - None

COMMITTEE OF THE WHOLE - Reports from Standing Committees

Budget Reports - Mr. Kernan acknowledged the receipt of Budget Reports for June 2020. Mr. Kernan stated that Council has not received the May 2020 Budget Reports. Once those have been received and reviewed, Council will acknowledge them at the next meeting.

Concrete Bid – Mr. Karant informed Council the concrete repair bids for Brooklawn Drive have come in and something they have been hoping for some time now. Mr. Karant stated it is the concrete work on Brooklawn and necessary to get this project started and moved to add Ord. No. 068-2020 to tonight’s agenda and to waive 2nd and 3rd readings; seconded by Mr. Pelot.

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

Motion passed unanimously.

Mr. Pelot asked if the memo was correct about bidding the concrete repair work for the entire year and asked if this was the only work to be done. Ms. Whipkey noted that this was the only bid and this is strictly for Brooklawn and that Mr. Fowler mentioned this is in preparation for the road work to be done on Brooklawn next year. Mr. Fowler said we did some concrete repair work with the 2020 road work, but in anticipation of next year’s work this is the only concrete that is being done because it is almost the entire street. Mr. Gainer said he thought the cost for the 700’ of curbing and work was reasonable for the entire street. Mr. McGlone said he was in Norton Acres and noticed they were coming back and doing some concrete work on the on sewer holes and asked if that was normal or do they do it before the pavement. Mr. Fowler responded he would hope they do it before the payment, but would check on it. Mr. Pelot remarked that the

ones he has looked at looked fantastic and better than when they do it before. They have a tight fit and they did a fantastic job.

CONSIDERATION OF MINUTES

Minutes of Regular Council Meeting of June 29, 2020 were accepted as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mr. Fowler informed Council the Medina Line Road project is continuing. Medina County has put down base coat, but they still have to do the top coat to Ridgewood and our portion of the payment is only 10 percent. The concrete work bid for the work on Wooster Road Sewer will go out to bid and will be awarded when Council returns from break. The storm water will be bid and the pavement will be awarded in October and encumbered this year, but the work will be done next year. Mr. Fowler noted that there will be several items for Council's consideration when they return. He and Ms. Keener are working on allocating a specific portion of income tax revenues towards capital improvements. They will have that for discussion after break.

PUBLIC HEARINGS - None

INTRODUCTION OF NEW LEGISLATION

Ord. No. 068-2020

Mr. Karant introduced Ord. No. 068-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF PERRIN ASPHALT CO. IN AN AMOUNT NOT TO EXCEED \$33,746 FOR THE 2020 CONCRETE REPAIR PROGRAM FOR BROOKLAWN DRIVE; AND DECLARING AN EMERGENCY.

Mr. Karant said we are expediting this because this needs to be scheduled to get the work done and he moved to waive second and third readings; seconded by Mr. Pelot.

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

Motion passed 7 - 0.

Mr. Karant moved to adopt Ord. No. 068-2020; seconded by Mr. Pelot.

Mr. Pelot noted that three different people bid on this project. Perrin was the lowest, one company was a no bid, and another company was about \$5,000 more.

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

Motion passed 7 - 0.

INTRODUCTION OF PRIOR LEGISLATION

Res. No. 061-2020

Mr. Tousley offered Res. No. 061-2020 for its third 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.

Mr. Tousley said with the passage of this, it will be on the ballot for the voters in November and he moved to adopt Res. No. 061-2020; seconded by Mr. Karant.

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

Motion passed 7-0.

Amended Ord. No. 063-2020

Mr. Tousley offered Amended Ord. No. 063-2020 for its third 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.

Mr. Tousley noted this ordinance does not have emergency language and moved to adopt Amended Ord. No. 063-2020; seconded by Mr. McGlone.

Mr. Pelot said there were several issues with this, such as the decibel levels that they are looking to implement are 65 in residential areas and 67 for non-residential areas in the day time. Night time is 55 and 62, respectively. Mr. Pelot shared several examples of similar decibel levels for normal conversation and background noise is at 60 decibels, office noise and a car at 60 mph is 70 decibels, and a vacuum cleaner or normal radio is 75. The ordinance reads that if these decibel levels can be heard at 80 feet, they are in violation and could result in a \$250 fine. Mr. Pelot said if a person is playing a radio while doing yardwork, a neighbor could get them fined. He remarked that these decibel levels are ridiculous and has heard many complaints. Mr. Tousley stated that the ordinance is written so that the decibel level is from where the complaint is made and not from the source. He agreed with Mr. Pelot that these decibel levels are very low. Mr. Gainer asked at what decibel levels they would recommend. Mr. Pelot noted that a vacuum cleaner and an average radio is 75, so that should be the absolute minimum and he also suggested the distance needs to be further than 80 feet. He also offered that the weekend hours should be extended until midnight. Mr. Kernan noted we have been talking about this for five or six weeks. Mr. Karant asked where these levels came from and if they were adopted from the City of Akron. Mr. Kernan responded it was from Summit County. Mr. Pelot said a motorcycle with

just the engine running is upwards of 95 decibels so if you start it up in your driveway and let it warm up, you could be in violation. Mr. Pelot said these decibels levels are too restrictive. Mr. McGlone does not see a lot of people complaining about this. Mr. Pelot also noted that there is a lot of open land within the City and if the property owners want to ride a four-wheeler or dirt bike, they would be in violation. He anticipates neighbors calling the Police Department on neighbors. Mr. Kernan replied that he believes the Police are professional enough and will use their discretion and they will not be ticketing every time somebody calls. Mr. Gainer offered that this is complaint driven and if you are affecting your neighbor with a loud radio after 11:00 PM and they complain to the Police, it should be turned off. There was discussion regarding use of four-wheelers and other scenarios and it was determined there are other ordinances that address those. Mr. Gainer offered he was not opposed to raising the decibel level to 85, as suggested, but also noted that there have been exceptions made for lawn equipment. Ms. Whipkey stated she understood Mr. Gainer and the others, and liked the word “weaponized” legislation that Mr. Tousley used just because they have a grudge against their neighbor and that’s where the concern lies. Ms. Whipkey asked Mr. Markey if there was a codified section regarding chronic nuisance for people that keep calling the police to antagonize others. She stated there is something for alarms going off and Mr. Markey replied that he would look into it. Ms. Whipkey stated that if we don’t, we should look at one so it prevents people from “weaponizing” our ordinances to go against others. Mr. Gainer said whatever decibel set this is going to apply on occasion and it won’t be happening all the time. If it does happen constantly, then issue a Noise Ordinance violation. Mr. Tousley removed the motion to adopt Amended Ord. No. 063-202; Mr. McGlone removed the second.

Mr. Pelot moved to amend the Amended Ord. No. 063-2020 to increase the decibel levels from 65 to 85; seconded by Mr. Gainer. Mr. Kernan questioned the justification for the 85 level because Mr. Markey used 65, which was determined as acceptable in other legislation. Mr. Pelot stated normal conversation is 60 and motorcycles at 95. Mr. Karant offered the crux is that the point where the complaint is from versus where the sound originates. Noise dissipates a lot over distance especially in open air. Mr. Karant noted that he does not see any reason to change the original ordinance. Mr. Kernan said we really should have more confidence in our police officers because they are trained to make these judgement calls and to diffuse these situations. Mr. Pelot said this is one more call that pulls the police from more important situations. Mr. Tousley clarified this change is for day time not night time.

Roll Call: Yes: Pelot, Gainer, Tousley
 No: McGlone, Karant, Whipkey, Kernan
Motion failed 4-3.

Ms. Whipkey noted that we can revisit this at any time. She understands that Mr. Pelot would like to avoid having the police called out on unnecessary calls, but she sees them giving out warnings and not tickets. If we identify repeat callers, then we need to implement something to address that problem.

Mr. Tousley moved to adopt the original Amended Ord. No. 063-2020; seconded by Mr. McGlone.

Roll Call: Yes: Tousley, McGlone, Gainer, Karant, Whipkey, Kernan
No: Pelot

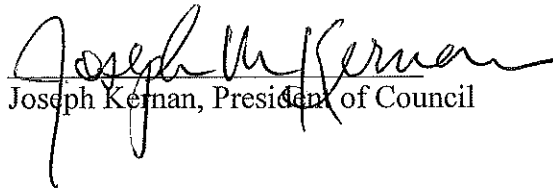
Motion passed 6-1.

Mr. Tousley noted there is no emergency language and residents can do as they wish as far as referendum. Mr. Kernan concurred stating it will go into effect 30 days after the Mayor signs.

PUBLIC SERVICE ANNOUNCEMENTS

ADJOURN:

There being no other business to come before Council, the meeting was adjourned at 7:36 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 August 24, 2020.


Kerry Macomber, Clerk of Council

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