



Norton City Council

Regular Agenda

Monday, August 31, 2020

****Remote Teleconference Meeting****

The Regular Council Meeting was convened on Monday, August 31, 2020 at 7:06 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 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

COMMITTEE OF THE WHOLE - Reports from Standing Committees

Clean Ohio Grant: Mr. Kernan explained that this is to apply for grant funding to purchase property to be used for parks. Mr. Fowler said it is for 25 acres adjacent to seven acres we own off of Knollbrook and this is just for permission to apply for the grant. Mr. Kernan noted that the amount will be determined with Mr. Baltic after the grant is approved. Mr. Kernan moved to add Res. No. 83-2020 to tonight’s agenda; seconded by Ms. Whipkey.

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

Motion passed unanimously.

Resolution of Necessity Wooster Road: Mr. Pelot explained this project is from the eastern corporate boundary up to approximately 2300 feet. Mr. Kernan verified this was the portion off of St Rt 21 that has been discussed for some time. Mr. Tousley said he is supportive of getting the drainage corrected before the road work is done, but he was not aware there was going to be an assessment. He questioned whether there is precedence for assessing residents for storm sewers and if this was done on Cleveland-Massillon Road. Mr. Fowler noted they did this on Newpark Drive and that there will be an Assessment Equalization Board so all those impacted by an assessment will have an opportunity to be heard. The assessed portion of the project is about 30 percent, which is the amount that OPWC requires for matching funds to make the grant application more competitive. Mr. Kernan asked about the ratio of residents to businesses. Ms. Whipkey reiterated Mr. Tousley’s question as to when a storm water ditch has been assessed. Mr. Fowler said there are 15 residents and 11 businesses based on the name of the property owner, but it may not be reflective. Mr. Pelot repeated the question of when has the city

assessed for storm sewers and Mr. Fowler replied the Newpark Drive road program project included storm sewers. Mr. Kernan asked for clarification if Council has the ability to lower the assessment rate for residents but not businesses if we pass the resolution and then apply for the grant. Mr. Fowler replied we did apply and this is the result. Mr. Markey explained that Council has the ability to mirror the assessment rate as determined by the Assessment Equalization Board or use a uniform assessment methodology for all parcels. It would not be acceptable to exempt one class of property owners over another. Mr. Markey further offered that storm sewers looks like they were assessed in Gardner Blvd Phase II project in 2005 and Johnson Road also had a storm sewer component. Mr. Kernan summarized that this has been done before and Council has the authority to lower the assessment. Mr. Fowler offered the grant amount is 50% of the project cost. Mr. Pelot asked total project cost and Mr. Markey said \$180,000 with \$54,000 being the assessed portion. Mr. Fowler noted that based on the current bidding climate, this estimate is probably high. He also offered that the Administration will be speaking on behalf of the residents at the Assessment Equalization Board. Mr. Kernan noted this resolution is just to move the project forward with the debate on assessments to come later. Mr. Markey offered an explanation of the process stating that after the resolution is adopted, the parcel owners will be notified and they can object. If there are objections, then an Assessment Equalization Board is created to hear objections and report to Council. Once Council acts on the report, an Ordinance to Proceed is adopted. Then the contract for the improvement is let out and when all construction is completed and all costs are known, the assessing ordinance is adopted. So there are a couple of times Council gets involved on the assessment amounts. Mr. Kernan asked if the assessed portion was only on the storm water control and Mr. Fowler nodded in agreement. Mr. Kernan asked on where the line was going down and Mr. Fowler responded it was going from the corporation limit down north east to JR Wheel. The assessment is based on linear footage so it depends on how much frontage the parcel has. Mr. Fowler estimated \$1,100 per parcel but some owners have multiple parcels. Ohio Edison has the highest estimate at \$6,500. Mr. Markey directed Council to Exhibit A of the Resolution that depicts linear footage and estimated assessments. Mr. Gainer said Ms. Whipkey asked about ditches and questioned whether we are doing ditches or storm sewers. Mr. Fowler said it is a combination of ditches, storm sewers, piping, etc. Mr. Gainer asked for more clarity and Mr. Fowler stated he would send the plans to all of Council. Ms. Whipkey asked about timeline and Mr. Fowler said end of September. Mr. Tousley reiterated that he is concerned about an assessment even though we are calling it a benefit and we cannot build the road without it so he sees it as part of the road project. Residents are going to get this letter and they have no idea this is coming. Mr. Kernan agreed and said we will have three readings so we can get some feedback. We will take a close look at it because it is \$54,000. Ms. Whipkey remarked she has heard the complaints about how rough the road is but the residents on Wooster Road don't complain about the drainage; most of those complaints come from residents not on Wooster Road. Mr. Pelot said the road conditions are a result of the drainage. Mr. Kernan said he has heard a lot of complaints. Ms. Whipkey said she understood but most of the drainage complaints come from people over on Johnson and Mr. Tousley concurred. Mr. Kernan agreed but we have to fix the drainage to repair the road correctly and we can talk about assessments later. We have fixed roads many times in the past, but had to redo them due to the drainage issues. Ms. Whipkey stated we have discussed this for two years and never heard anything about assessments. Mr. Kernan explained that the assessments are used to leverage the grant funding as we get more points to get the money and perhaps more of it. Mr. Pelot moved to add Res. No. 84-2020 to tonight's agenda; seconded by Mr. Kernan. Mr. Pelot

noted anytime the City can get free money, it is good for the City and we can make things right later.

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

Motion passed unanimously.

CONSIDERATION OF MINUTES

Minutes of Regular Council Meeting of August 24, 2020 were accepted as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mr. Fowler said the Medina Line project was closed out at \$34,000 under the contract price.

Mr. Karant announced that the Summit County Board of Health passed an ordinance that all patrons and employees must have a mask on unless they have an exemption. There will be a \$100 fine for violations. The fine will be against the businesses and complaint driven. Mr. McGlone asked if they have to have a form from a doctor and Mr. Karant said it has to be a legitimate medical condition for the exemption and are specified in it.

Mr. Markey will be sending Council a memo regarding Brookside Golf Course.

PUBLIC HEARINGS - None

INTRODUCTION OF NEW LEGISLATION

Res. No. 083-2020

Mr. Kernan introduced Res. No. 083-2020 for its first reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR FINANCIAL ASSISTANCE THROUGH THE CLEAN OHIO FUND GREEN SPACE CONSERVATION PROGRAM FOR THE BALTIC FARM PROJECT; AND DECLARING AN EMERGENCY.

First reading only.

Res. No. 084-2020

Mr. Pelot introduced Res. No. 084-2020 for its first reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE WOOSTER ROAD WEST BETWEEN THE EASTERN CORPORATE BOUNDARY OF THE CITY SOUTHWEST FOR APPROXIMATELY 2,300 LINEAR FEET BY CONSTRUCTING, RECONSTRUCTING, IMPROVING, PAVING, GRADING, DRAINING, AND CONSTRUCTING AND INSTALLING STORM SEWER IMPROVEMENTS TOGETHER WITH NECESSARY APPURTENANCES THERETO, COMPRISING THE WOOSTER ROAD STORM SEWER IMPROVEMENTS PROJECT; AND DECLARING AN EMERGENCY.

First reading only.

Mr. Pelot asked if we had a fund set up for storm sewers and Ms. Keener said there is one on the books but it is inactive.

INTRODUCTION OF PRIOR LEGISLATION

Ord. No. 070-2020

Mr. Pelot offered Ord. No. 070-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF S. CLEVELAND-MASSILLON ROAD; ALL IN ACCORDANCE WITH A PETITION SUBMITTED BY THE PROPERTY OWNERS; AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the third reading; seconded by Mr. Kernan.

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

Motion passed: 7 – 0

Mr. Pelot moved to adopt Ord. No. 070-2020; seconded by Mr. Kernan. Mr. Pelot said this was submitted by petition for improvements and paid 100%.

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

Motion passed: 7 – 0

Ord. No. 071-2020

Mr. Pelot offered Ord. No. 071-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR NEWPARK DRIVE PROJECT; AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the third reading; seconded by Mr. Kernan.

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

Motion passed: 7 – 0

Mr. Pelot moved to adopt Ord. No. 071-2020; seconded by Mr. Kernan. Mr. Pelot noted the project was to remediate the flooding.

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

Motion passed: 7 – 0

Ms. Whipkey asked if the next three ordinances could be read as a consent agenda. Mr. Markey declined stating that they did not receive proper notice as consent agenda items.

Ord. No. 072-2020

Ms. Whipkey offered Ord. No. 072-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS; EXEMPTING SUCH IMPROVEMENTS FROM AD VALOREM REAL PROPERTY TAXATION; REQUIRING THE OWNER OF THE IMPROVEMENTS TO MAKE SERVICE PAYMENTS IN LIEU OF AD VALOREM REAL PROPERTY TAXES AND ESTABLISHING A MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS IN LIEU OF AD VALOREM PROPERTY TAXES, ALL PURSUANT TO SECTIONS 5709.40, 5709.42 AND 5709.43 OF THE REVISED CODE; AND DECLARING AN EMERGENCY.

Second reading only.

Ord. No. 073-2020

Ms. Whipkey offered Ord. No. 073-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS; EXEMPTING SUCH IMPROVEMENTS FROM AD VALOREM REAL PROPERTY TAXATION; REQUIRING THE OWNER OF THE IMPROVEMENTS TO MAKE SERVICE PAYMENTS IN LIEU OF AD VALOREM REAL PROPERTY TAXES AND ESTABLISHING A MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS IN LIEU OF AD VALOREM PROPERTY TAXES, ALL PURSUANT TO SECTIONS 5709.40, 5709.42 AND 5709.43 OF THE REVISED CODE; AND DECLARING AN EMERGENCY.

Second reading only.

Ord. No. 074-2020

Ms. Whipkey offered Ord. No. 074-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS; EXEMPTING SUCH IMPROVEMENTS FROM AD VALOREM REAL PROPERTY TAXATION; REQUIRING THE OWNER OF THE IMPROVEMENTS TO MAKE SERVICE PAYMENTS IN LIEU OF AD VALOREM REAL PROPERTY TAXES AND ESTABLISHING A MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS IN LIEU OF AD VALOREM PROPERTY TAXES, ALL PURSUANT TO SECTIONS 5709.40,

5709.42 AND 5709.43 OF THE REVISED CODE; AND DECLARING AN EMERGENCY.

Second reading only.

Ord. No. 075-2020

Mr. Tousley offered Ord. No. 075-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE RE-MOUNT OF A FORD E450 AMBULANCE FOR THE DIVISION OF FIRE & EMERGENCY MEDICAL SERVICES AT A COST NOT TO EXCEED \$129,127.

Second reading only.

Ord. No. 076-2020

Mr. Tousley offered Ord. No. 076-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A POWER COT AND POWER LOAD SYSTEM FOR THE DIVISION OF FIRE & EMERGENCY MEDICAL SERVICES AT A COST NOT TO EXCEED \$48,600.

Second reading only.

Ord. No. 077-2020

Mr. Tousley offered Ord. No. 077-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A RENEWAL OF AN INTERGOVERNMENTAL AGREEMENT FOR ANIMAL CONTROL SERVICES WITH THE COUNTY OF SUMMIT, OHIO.

Second reading only.

Ord. No. 078-2020

Mr. McGlone offered Ord. No. 078-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE A CONSORTIUM AGREEMENT AND BYLAWS FOR THE SOUTH CENTRAL OHIO INSURANCE CONSORTIUM COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF ADMINISTRATION OF HEALTH BENEFITS FOR THE CITY OF NORTON, OHIO.

Second reading only.

Ord. No. 079-2020

Mr. Kernan offered Ord. No. 079-2020 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.

Mr. Kernan moved to waive the third reading; seconded by Ms. Whipkey. Mr. Kernan said we want to get this advertised since there is no need for the property. Mr. Fowler said it will be advertised through September 25, 2020 through 3:00 PM. Sealed bids will be accepted at City Hall. Picture of the items will be posted. Residents can call when they arrive at City Hall and let them know they are there to drop off a bid.

Roll Call: Yes: Kernan, Whipkey, Gainer, McGlone, Karant, Tousley, Pelot
No: None
Motion passed: 7 – 0

Mr. Kernan moved to adopt Ord. No. 079-2020; seconded by Mr. Gainer.

Roll Call: Yes: Kernan, Gainer, McGlone, Karant, Tousley, Whipkey, Pelot
No: None
Motion passed: 7 – 0

Amended Ord. No. 080-2020

Mr. Tousley offered Amended Ord. No. 080-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR THE BOARDING OF PRISONERS WITH THE CITY OF BARBERTON FOR CALENDAR YEAR 2020 IN AN AMOUNT NOT TO EXCEED \$16,753; AND DECLARING AN EMERGENCY.

Second reading only.

Ord. No. 081-2020

Mr. McGlone offered Ord. No. 081-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF GLAUS, PYLE, SCHOMER, BURNS, AND DEHAVEN, INC. AS THE MUNICIPAL ENGINEER PURSUANT TO SECTION 5.06(C) OF THE CHARTER OF THE CITY OF NORTON, OHIO.

Second reading only.

Ord. No. 082-2020

Mr. Tousley offered Ord. No. 082-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH GPD GROUP FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH CARES ACT FACILITY RENOVATIONS IN AN AMOUNT NOT TO EXCEED \$39,000, AND DECLARING AN EMERGENCY.

Mr. Tousley explained this is to make City more COVID compliant to get Council and Residents back to City Hall. Mr. Fowler announced the City will receive another allotment from the State and there will be enough funds to pay for what is designed. There may be one more distribution

coming from the State. All renovations are paid for by State grant funding and include 6-foot social distancing in Council Chambers, one entrance and one exit, etc. The ventilation system will also be evaluated. Mr. Tousley moved to waive the third reading; seconded by Mr. Gainer.

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

Motion passed: 7 – 0

Mr. Tousley moved to adopt Ord. No. 082-2020; seconded by Mr. Gainer.

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

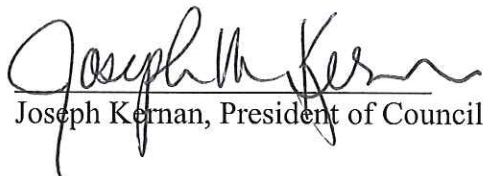
Motion passed: 7 – 0

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita encouraged all to remain COVID compliant and have a safe and happy Labor Day Holiday.

ADJOURN:

There being no other business to come before Council, the meeting was adjourned at 7:56 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 September 14, 2020.


Kerry Macomber, Clerk of Council

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