



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 8, 2019**

The Regular Council Meeting was convened on Monday, April 8, 2019 at 7:05 PM in the Council Chambers of the Safety Administration Building. 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	Mayor Zita
	Dan Karant (excused)	Ron Messner
	Paul Tousley	Robert Fowler
	Charlotte Whipkey	Justin Markey
	Scott Pelot	Kerry Macomber
	Joe Kernan	

**COMMUNICATIONS FROM THE PUBLIC - None**

**COMMITTEE OF THE WHOLE-Reports from Standing Committees**

Budget Reports

Mr. Kernan acknowledged the receipt of March 2019 Budget Reports.

Amend Appropriations

Ms. Whipkey explained that if this is moved forward to tonight's agenda, it will be known as Ord No. 042-2019. This proposed legislation is attached to Ord 130-2018, which was passed December 10, 2018 and it was meant to streamline appropriations and transfers. She personally found it confusing and spent a lot of time discussing it with Mr. Messner. The 2019 budget included \$900,000 showing in Fund 001-9000-59000, known as the Miscellaneous Transfer Fund (see Exhibit A of the proposed Ord 42-2019). However, Ord 130-2018 anticipated an increase of up to \$1,875,000 to streamline appropriations and allowed Mr. Messner to transfer the funds as needed into Funds 102, 170, 200 and 771 as identified in Ord No. 130-2018 Exhibit A (*Mr. Messner provided a copy of this legislation at the meeting, which is attached to the minutes*).

Now, the proposed Ord No. 042-2019 is actually increasing the budget up to \$1,400,000. This will leave us a balance of \$475,000 that we can move later, if needed. So the \$500,000 is actually being moved from the General Fund into the Miscellaneous Fund to Fund 506 (New Park Drive Reconstruction) for \$75,000 and Fund 113 (DWI Enforcement) for \$16,000. This totals \$91,000 being used right now as they are cash negative right now with the rest available to go to the funds as needed as a transfer with it coming back to us to approve before actually being spent.

Mr. Messner noted he gave copies to Council and that Ord No. 130-2018 Section 2 directs the Director of Finance to promptly provide a report to Council after completion of each transfer. He advised Council that as of March 26, 2019, he transferred \$354,000 out of the Transfer

Fund to Fund 170 (Roads) to meet the budget of \$1,100,000 and transferred \$300,000 to the Service Department Fund 102. So he has used \$600,000. He then advised Council he will be back later this year for additional increases to the transfer line as they come up as we generally do five or six transfers throughout the year. He doesn't see any transfer being needed for Fund 200, but he anticipates transferring the \$300,000 out of Fund 771 in June when we get our semiannual interest note for debt. He also anticipates transferring more in the Service Department Fund 102 as they only get revenue from gas and motor vehicle license supplements them. Ms. Whipkey noted Funds 108 and 109 were levies that ceased to be used in 2012 before the newest levies came. We have been trying to use up these funds for Fire Department, but there will no longer be revenue added. Mr. Tousley asked where these Funds will be transferred to. Ms. Whipkey explained we still have to pay Summit County Treasurer/Auditor to collect, so it will be moved to that line item to pay for that service. Mr. Messner said if they are going to stay in the same Fund 108 and Fund 109, but ORC requires clean funds for levies that have been collected and not spent; we do not want to lose \$29,000. He is requesting Council allow him to budget these funds to be he can continue to use the funds for Fire Department activity. Mr. Messner explained we pay Summit County a percentage to them for them collecting property taxes for our levies; it is going to pay the service charge on the fire levies. Ms. Whipkey moved to add Ord No. 042-2019 to tonight's agenda with emergency language and waiving second and third readings to straighten out the books, seconded by Mr. Pelot.

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

Motion passed: 6-0

#### ODOT Road Salt Contracts

Mr. Fowler noted we have historically used the CUE Bid for salt. Based on last year's problems, we have chosen to go with ODOT because it is safe and they will give us a fixed price for a specific amount of salt. Normally ODOT is more expensive, but this year they were not. He just received this notice to join the consortium and it needs to be returned by April 19<sup>th</sup>. Mr. McGlone asked if a lot of communities are in this ODOT program and Mr. Fowler said yes. Mr. Kernan clarified this is just to allow Administration to sign the contract to participate. Mr. Fowler explained we have to notify ODOT that we want to be a participant and we cannot do that without Council permission. Ms. Whipkey remarked that no money is committed. Mr. Fowler concurred, and then we have the option to purchase 80% or up to 120% of the requested amount. If we say we want 1,000 tons of salt, we can get up to 1200 ton or 800 ton. Mr. Pelot noted that salt is becoming quite a difficult commodity with shortages and mining problems. Mr. Fowler said ODOT had salt all winter and we had an informal agreement that if Norton needed it, they could get it from them and replenish it later. Mr. Pelot asked if we have to bid out next year ahead of time and Mr. Fowler said this replaces that process. Mr. Pelot moved to add Ord No. 043-2019 to tonight's agenda with emergency language and waiving second and third readings, seconded by Ms. Whipkey.

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

Motion passed: 6-0

PC Resolution No. R6-2019

Mr. Markey noted that Council initiated this Mixed Use District classification that allows multi-uses for large acreage parcels to encourage maximum development value. This is just creating the classification. Council passed it to the Planning Commission to review and now the Planning Commission has reviewed and sent it back to Council for further action. If Council approves the language, it creates the classification. It does not automatically rezone anything. The property owners would have to apply for rezoning. Mr. Kernan asked if this is something that needs to go three readings. Mr. Markey said it does not have to and no public hearing is required. Mr. Kernan asked is there any reason that this cannot go for all three. Mr. Markey said it would be good to pass it after the second reading. Mr. Gainer moved to add Ord No. 044-2019 to tonight's agenda for a first reading, seconded by Ms. Whipkey.

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

Motion passed: 6-0

Settlement of Claims

Ms. Whipkey noted this is the last of the settlements for the Cleveland –Massillon Road widening project and we have seven days to comply with the court order. We have already put \$15,505 into the bank going towards this and now we need to approve paying this remaining \$12,320 for the total of \$27,825. Ms. Whipkey remarked that the City will pay up front and then 90% will be reimbursed by ODOT so we will only pay 10%. Mr. McGlone asked if we have settled with everyone and Mr. Markey said this was the last one. Mr. Tousley clarified that we have to act within seven days. Mayor Zita pointed out we just settled on this item this past Wednesday. Ms. Whipkey moved to add Ord No. 045-2019 to tonight's agenda with emergency language and waiving second and third readings, seconded by Mr. Pelot.

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

Motion passed: 6-0

Mr. Pelot clarified that this was for Sue Dayton.

Small Wireless Facilities – Mr. Pelot asked Mr. Markey if we were going to hold over to the next Committee Work Session. Mr. Markey stated that the FCC has recently passed regulations which make it difficult for cities to regulate these small cells and is going to check and see if this is something that we can do in Ohio and recognizes there is a deadline approaching. We may need to meet the deadline next week. Mr. Kernan said we could always have a Special Meeting when the legislation is ready.

Wichert Insurance – Mr. Kernan said that we just received information for 2019 City insurance tonight and it will be on next week's agenda as soon as we get legislation.

**CONSIDERATION OF MINUTES**

Minutes of Regular Council Meeting of March 25, 2019 were accepted as submitted.

**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS**

Mr. Fowler noted that last Thursday Karvo started grinding Gardner Blvd. and has a completion date of next summer. They have asked to close Hawthorne Rd at Gardner and they

were told to disseminate flyers to the neighborhood before it would happen. He will approve the flyer before it goes out. If approved, it will be closed for seven days. Mr. Tousley requested that the information be on the website and Mr. Fowler agreed and said that it would also be placed on the City sign once everything is approved and solidified. Mr. Pelot asked if there were concerns for Police and Fire and Mayor Zita remarked they have already addressed those.

Mr. Fowler announced that Dan Ellinger retired after 30+ years in the City Service Department. He did a great job. He was a valuable worker and served the residents well. We thank him for his service.

Mr. Fowler announced that HB 62 passed and there will be a 10.5 cent increase in the gas tax, which is a significant amount of revenue coming to the city. This is an increase of 45 percent from what it was. Mr. Fowler discussed the provision in the bill that dealt with traffic cameras. It does not apply to Norton because it was only for stationary cameras and not ones held by police officers. Mr. Markey added that it cannot be retroactive and we haven't run it in 2019 so we are not affected by loss of revenue. Mr. Pelot asked if there was any provision that prohibited the State from taking away funds from other funds to compensate like they did with the lottery. Mr. Fowler theorized that the gas funds makes up for the Local Government Funds we lost previously from the Government only it is designated specifically.

Mayor Zita and Mr. Fowler have been asked to speak to the Legislature on the Budget Bill. There is 9 percent increase in the Local Government Fund. There is a fee that the state generally pays 50% to offset the Marks radio cost to the City and this year it is zeroed out. They are going to request that it be put back into the budget bill. We have been very active with our legislators to have a positive impact on our Community.

The ReWorks grant application was submitted for cameras and server for monitoring the recycling area. There have been some vandalism activities in that area. Ms. Whipkey clarified that this is a 100% grant funding even though we initially put out the money and Mr. Fowler concurred it was 100%; it costs us nothing.

The Clark Mill development area residents will be receiving a letter from Barberton regarding the sewer installation. They are not required to connect, but they want to plan for it if it is wanted. Mr. Gainer asked if they will be installing laterals at every residence. Mr. Fowler believes that is something that needs to be discussed with CT Consultants although he highly recommends that as it is good for the City and property owner as it takes the line right up to the property line. Mr. Gainer understands they are not required to hook up but they will be grateful in the future to have the lateral there, if they need to use it. Mr. Fowler agreed it was the best course of action. Ms. Whipkey stated she agreed with Mr. Gainer and that this would be a change in policy that would be a good idea to keep it that way from now on. Mr. Fowler stated he would let CT know that was our recommendation. Mr. Gainer asked about the water line on SR 261 south loop and asked if it would include connections being available. Mr. Fowler said yes, it will be there if they want and will be that way for all water lines we run. Mayor Zita said as the road work is done, it will get it to the property line if there is a house there.

Mr. Fowler said they have worked with the Baseball and Football teams to see what they need and put something forward. They are doing a Parks Master Plan and want to make sure that everyone has an opportunity to give their recommendations including Council, the Parks Board and the teams. Mr. Tousley asked for information on the last time and how much they provided funding for the sports teams.

Mr. Fowler said they went out to bid for the Cleveland-Massillon north for sewer and water extension. It will be back at the end of month; he believed it was April 29<sup>th</sup> they would be back. Mr. Pelot asked for an update on the bridge on Cleveland-Massillon. Mr. Fowler said the deadline is August 2019. Mayor Zita said they have been working on it.

**PUBLIC HEARINGS - None**

### **INTRODUCTION OF NEW LEGISLATION**

#### **Ord No. 042-2019**

Ms. Whipkey offered Ord No. 042-2019 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019; AUTHORIZING TRANSFERS FROM THE GENERAL FUND FOR CALENDAR YEAR 2019; AND DECLARING AN EMERGENCY.

Ms. Whipkey moved to waive second and third readings on Ord No. 042-2019, seconded by Mr. Pelot. Mr. Tousley said in the original memo it says it needs to be done in April and he just received Exhibit A tonight; there is no way he would be pushing this forward tonight. Mr. Messner said we can go another reading and that he just needs it by the end of April. Ms. Whipkey withdrew her motion and Mr. Pelot withdrew his second.  
First reading only.

#### **Ord No. 043-2019**

Mr. Pelot offered Ord No. 043-2019 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2019, AND DECLARING AN EMERGENCY.

Mr. Pelot said this is needed by April 19, 2019 to authorize the Administration to enter into a contract with ODOT for salt. He moved to waive second and third readings, seconded by Ms. Whipkey.

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

Motion passed: 6-0

Mr. Pelot moved to adopt Ord No. 043-2019, seconded by Ms. Whipkey

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

Motion passed: 6-0

**Ord No. 044-2019**

Mr. Gainer offered Ord No. 044-2019 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE ZONING CODE OF THE CITY BY ADDING CHAPTER 1287.

First reading only.

**Ord No. 045-2019**

Ms. Whipkey offered Ord No. 045-2019 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING A SETTLEMENT OF CLAIMS ON BEHALF OF THE CITY IN SUMMIT COUNTY COURT OF COMMON PLEAS – PROBATE DIVISION CASE NO. 2019-CV-0105, AND DECLARING AN EMERGENCY.

Ms. Whipkey explained this is for the widening of Cleveland-Massillon Road and we are under court order. She moved to waive second and third readings of Ord No. 045-2019, seconded by Mr. Pelot.

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

Motion passed: 6-0

Ms. Whipkey moved to adopt Ord No. 045-2019, seconded by Mr. Pelot.

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

Motion passed: 6-0

**INTRODUCTION OF PRIOR LEGISLATION**

**Ord No. 038-2019**

Ms. Whipkey offered Ord No. 038-2019 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2019 DODGE DURANGO FOR THE POLICE DEPARTMENT AT A COST NOT TO EXCEED \$21,379, AND DECLARING AN EMERGENCY.

Ms. Whipkey moved to adopt Ord No. 038-2019, seconded by Mr. Pelot. Mr. Pelot reminded people that this ordinance and the next are replacing aging vehicles in the Police Department. Mr. Tousley noted that the difference in price is due to different trade in values of the police cars.

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

Motion passed: 6-0

**Ord No. 039-2019**

Ms. Whipkey offered Ord No. 039-2019 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2019 DODGE DURANGO FOR THE POLICE DEPARTMENT AT A COST NOT TO EXCEED \$25,879, AND DECLARING AN EMERGENCY.

Ms. Whipkey moved to adopt Ord No. 039-2019, seconded by Mr. Pelot.

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

Motion passed: 6-0

### **PUBLIC SERVICE ANNOUNCEMENTS**

Mayor Zita announced that Norton Clean Up Day is April 27, 2019. From 8:30 AM to 1:00 PM starting at the Community Center for breakfast and lunch. If you pre-register, you will get a free water bottle. This is open for those needing community service hours for graduation, etc.

Mr. Fowler stated that during Clean Up Day, Home Depot will have activities for children under 12 years old and encouraged folks to call the Front Desk to sign up before the event. Mr. Tousley asked if they could sign up on the website and Mr. Fowler said no, they are asking they call in so we can keep track.

Mrs. Mullins announced that the Norton Women's Club will be hosting the Easter Egg Hunt this Saturday starting at 11:00 a.m. in Columbia Woods Park.

**NEW BUSINESS - Executive Session:** To consider the purchase, transfer or sale of property for public purposes as defined in ORC § 121.22(G)(2) & Section 3.12(2) of the Norton City Charter; and employment matters as defined in ORC § 121.22(G)(1) & Section 3.12(1) of the Norton City Charter; and conferences with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action as defined in ORC § 121.22(G)(3) & Section 3.12(3) of the Norton City Charter; and to consider confidential information related to economic development assistance as defined in ORC § 121.22(G)(8).

Mr. Kernan moved to recess into Executive Session, seconded by Mr. Pelot.

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

Motion passed: 6-0

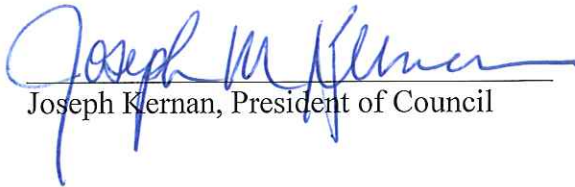
Mr. Kernan noted to all attendees that while Council is in Executive Session, the audio and video is recording live and uninterrupted. If you do not want your conversations recorded, please exit the Council Chambers. He informed all that when Council returns, they will not be taking any further legislative action. Mr. Kernan invited Mayor Zita, Mr. Fowler, Mr. Messner, and Mr. Markey to join them.

Mr. Kernan reconvened the Regular Meeting at 8:43 PM

### **ADJOURN**

There being no further business to come before Council, the meeting was adjourned at 8:43PM.



  
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 April 22, 2019.

  
Kerry Macomber, 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.