



Norton City Council
 Committee Work Session
 Monday, June 15, 2020

The Regular Council Meeting was convened on Monday, June 15, 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	Mayor Zita
	Dan Karant	Robert Fowler
	Paul Tousley	Pam Keener
	Charlotte Whipkey	Justin Markey
	Scott Pelot (excused)	Kerry Macomber
	Joe Kernan	

COMMUNICATIONS FROM THE PUBLIC – None

COMMITTEE OF THE WHOLE

Caliber CRA – Mr. Gainer noted this Community Reinvestment Area Agreement (CRA) is for the Parcel No. 46-09030 located at 3985 Eastern Road, which is on the corner of Hametown and Wooster Roads across from the Stone Jail. They are asking to build a 12,000 square foot building to be operated by Caliber Collision Corporation. The agreement is to grant a 10-year, 50% real property tax exemption. The City has notified the School District and Summit County. The estimated investment is \$1.825 million and there will be the creation of five new jobs, which has a payroll of over \$200,000 by December 31, 2022. They also presently have seven full time jobs that will be moving here, with a payroll of \$284,000. Mr. Gainer expressed his appreciation to Mayor Zita, Robert Fowler, and staff for their work in bringing new investment to the City of Norton. Mr. Gainer moved to add Ord. No. 059-2020 to Council's next agenda; seconded by Mr. Karant. Mr. Fowler clarified that this company was coming from Doylestown in Chippewa Township and, in turn, thanked the City Council for allowing the waterline improvements, which precipitated this development with more to come. Mr. Karant asked how long this company has been in business. Mr. Fowler offered the original owner was Nagy's, which was bought by Caliber, he could find out the original date. Mayor Zita welcomed the company to Norton. Mr. Kernan asked if this was for a first reading and Mr. Fowler noted they wanted to get started with construction, so passing it on first reading would be helpful.

Roll Call: Yes: Gainer, Karant, McGlone
 No: None

Motion passed unanimously.

Ag Pro CRA – Mr. Gainer noted this Community Reinvestment Area Agreement (CRA) is for the Parcel No. 46-08441 located at 3060 Barber Road. The agreement is to grant a 10-year, 50% real property tax exemption. The estimated investment is around \$2 million, the retention of 15 full

time jobs and the creation of eight new jobs by December 31, 2021. The payroll for the retained jobs is around \$500,000; the payroll for the creation of eight new jobs is an estimated \$400,000. All required notices have been done to the County and the schools. Again, Mr. Gainer thanked the Administration for their work in securing this project and Ag Pro for choosing Norton. Mr. Gainer moved to add Ord. No. 060-2020 to Council's next agenda; seconded by Mr. Karant.

Ms. Whipkey noted they are also selling the City 14 acres for \$1 to be used as a retention pond and Mr. Fowler concurred. Mr. Fowler said it was only for the expansion and not the current building. Ms. Whipkey asked if they should be waiving the readings and Mr. Fowler said, yes. Mr. Kernan asked if these would be subject to TIF and Mr. Fowler replied that Mr. Markey and he are discussing it.

Roll Call: Yes: Gainer, Karant, McGlone
No: None

Motion passed unanimously.

Fire Levy - Mr. Tousley noted that the Resolution of Necessity was voted on and approved by City Council on May 11, 2020 for a new levy and that this is the next step in the process to bring it before the voters in November. Mr. McGlone said this will bring in about \$300,000. Mr. Tousley agreed, stating it would be over and above what they had in the past. Mr. Tousley moved to add Res. No. 061-2020 to Council's next agenda and to waive second and third readings; seconded by Mr. Kernan.

Roll Call: Yes: Tousley, Kernan, McGlone
No: None

Motion passed unanimously.

CARES Act Funding - Ms. Whipkey said this is to help collect for the expenditures for the COVID emergency and reimburse the City for expenditures from March 1, 2020 to December 31, 2020 that have not been accounted for as yet. This needs to be passed as soon as possible or we won't be eligible for any of the reimbursement. Ms. Whipkey moved to add Ord. No. 062-2020 to Council's next agenda with emergency language and to waive second and third readings; seconded by Mr. Kernan.

Roll Call: Yes: Whipkey, Kernan
No: None

Motion passed unanimously.

Noise Ordinance - Mr. Tousley noted the Administration has been working on this for some time and that he has only a couple of suggested changes. Under 648.13 (a) (5), night time hours to change from "11:00 p.m. to 8:00 a.m. weekends and holidays" to "11:00 p.m. to 7:00 a.m." Mr. Tousley also questioned if under 648.13 (e) **Exemptions**, lawn mowers, snow blowers, chain saws, etc. should be included because they all run at a higher decibel (dBA) than what is listed under 648.13 (c) **Maximum Noise Level Recommendations**. Mr. Tousley asked if enforcement would be a police judgment call and Mr. Markey opined that this is a police officer's judgment call and there are standards in the ordinance. The Chief was appreciative of the increased standards that will allow them to do their job and to use their discretion. Mr. Markey also noted that it modeled after Summit County and it has been implemented. Mr. Karant noted that the

snow blowers may need to be used in an emergency situation before the night time hour restrictions for those that need to get out to work, or the Fire Department, etc. Mr. Tousley stated that the daytime use is 65 dBA and lawn mowers run at 90 dBA (according to Google). Mr. Gainer asked if the City owns decibel meters and asked where the reading will be taken and how violation would be determined. Mr. Karant said it is at the place where the complaint was made. Mr. Markey would have to check with the Police Chief to see how it will be handled. Mr. Gainer commented that from his back porch, about one in ten cars on St. Rt. 261 would exceed the 65 dBA recommendation, so he believes this is too low for an ordinance. Mr. Kernan remarked this is complaint driven and the Police Officers have the ability to use their discretion. He also noted that if this ordinance is modeled after Summit County Noise Ordinance, he assumes it is constitutional, has been tested and is enforceable. Mr. Gainer asked if the city owns a decibel meter and have they been used or will they be used. Mr. Karant said it reads a decibel meter is not required and that it is a judgment call. Mr. McGlone said Barberton Speedway may be more concerned about the times. Ms. Whipkey agreed with Mr. Tousley about changing the time from 8:00 a.m. to 7:00 a.m., as well as to include chainsaws, snow blowers, etc. Mr. Karant clarified that Mr. Tousley's chainsaw, snow blower remarks was for exemptions and Mr. Tousley concurred. Mr. Tousley remarked that sometimes people tend to "weaponize" ordinances when in disputes with neighbors and by including these things, it would eliminate the "weapon" from the situation. Mr. Gainer said it has been reported the Barberton Speedway may also want to have concerts and this would put pressure on the new owners and they would not be able to have a race. Mr. Kernan noted they are part of an organized sporting event so it is exempted until 11:00 p.m. and then they will have to stop. Ms. Whipkey asked about special events. Mr. Kernan said those would have to stop at 11:00 p.m. Ms. Whipkey expressed concern regarding special events which happens a couple of times a year and bring a lot of racing enthusiasts from out of state. Mr. Kernan pointed out that this ordinance was not just for the speedway. Mr. Karant suggested creating a special events exemption that could be applied for 30 days before the event with enough time to notify the neighbors. This would include any special event; not just for the Speedway. Mr. Gainer agreed because there may be events at Columbia Woods Park. Mr. Kernan said the event planner should plan for the event so it ends by 11:00 p.m. Ms. Whipkey replied that there are things that may happen during the racing event that were not planned and would require cleaning the track and delaying the race. Mr. Tousley stated fireworks and events are planned for in the ordinance and asked if Council was agreeable to extending hours as Ms. Whipkey suggested or keeping it as is. A majority noted they were in agreement with keeping it as is. Mr. Tousley expressed concern about allowing events to go past 11:00 p.m. because it could be one or several hours over. Mr. Kernan said that it could fall to the Police Officer's discretion. Majority of Council agreed to make the change from 8:00 a.m. to 7:00 a.m. on the night time restrictions for weekends and holidays. There was discussion about eliminating the decibels requirement of lawn equipment, snow blowers, etc. Mr. Markey said it sets a standard so it can be enforced. Majority of Council agreed to maintain the set decibels. Mr. McGlone added we can always revisit it and make changes if necessary. Mr. Tousley moved to add Ord. No. 063-2020 to Council's next agenda; seconded by Mr. Kernan.

Roll Call: Yes: Tousley, Kernan, McGlone
No: None

Motion passed unanimously.

Wolf Creek Conservancy District - Mr. Gainer requested this be discussed as the last item and Mr. Kernan agreed.

Establish Fund 500 and Fund 115 - Ms. Whipkey explained that creating Fund 500 to contain all of the capital projects under one heading. This will eliminate the need to establish individual fund accounts for each project. Each project will have its own separate line within the fund and she believed it would make it easier for tracking. She explained that this is also creating Fund 115 CARES Act to track the reimbursements for the funds used for COVID 19. Both funds need to be created as soon as possible. Ms. Whipkey moved to add Ord. No. 065-2020 to Council's next agenda with emergency language and waiving readings; seconded by Mr. Kernan.

Mr. Fowler clarified that the City needs to create two CARE Act funds so that the County monies will be separate from the State monies. Ms. Keener noted that the revised legislation has been sent to Council and Council Clerk. Mr. Kernan recalled that he saw the revised legislation for two lines in the CARE Act fund and the Capital Project fund.

Roll Call: Yes: Whipkey, Kernan
No: None

Motion passed unanimously.

Regional Income Tax Authority (RITA) - Ms. Whipkey noted that this will change our income tax collection agency over from CCA to RITA. We have to give CCA a six-month notice to end the contract so RITA will not be in service until next year. It will provide for a savings of approximately \$90,000 per year. Ms. Keener said that was an estimate but there will be an annual savings and they are working to determine the amount. Ms. Whipkey said it will offer more transparencies and is also internet friendly and more accessible for the residents. Ms. Whipkey noted the ordinance has emergency language and Mr. Kernan inquired on the need to waive readings. Ms. Whipkey moved to add Ord. No. 066-2020 to Council's next agenda and the readings need to be waived; seconded by Mr. Kernan.

Mr. Tousley asked if the level of service was the same as CCA and Ms. Keener assured him it was and RITA will provide tax-payer assistance. Mr. Karant offered that as a business and as an individual, he has found the CCA forms to be cumbersome and confusing. That is why they have people come to the Community Center to help with their taxes. He asked if Ms. Keener was familiar with them and Ms. Keener replied that she and Mr. Fowler have had experience with RITA and they find it is more used in Northeast Ohio than CCA. They have user-friendly forms available and assistance. Mr. Karant asked which municipalities are in the Council of Governments (COG). Mr. Fowler shared that the City of Barberton has switched to RITA and their concern administratively, is that RITA uses 1040's by zip codes. Because Norton and Barberton share the 44203 zip code, residents may be receiving RITA correspondence. It is better for us to be in the same tax conglomerate as Barberton. Mr. Fowler said RITA uses the Ohio Business Gateway and will be able to better respond to businesses. There is a toll free number and someone is always there to assist. They will be able to come here and help residents. They also pay twice a month which makes it easier to trend analyze our own financials. The current system has just closed out March, so we are two months behind and we don't know if the numbers are accurate. Mr. Markey offered that RITA is much larger and that most political subdivisions with Summit County are members. Also, CCA is City of Cleveland but with RITA, Norton will become part of the COG and help with management. Mr. Fowler compared it to the Dispatch Center, which is a COG. Ms. Keener offered that we will have a seat at the table and will send

Council a copy of a presentation. Ms. Keener also noted that they will come to Council meetings, if desired.

Roll Call: Yes: Whipkey, Kernan
No: None

Motion passed unanimously.

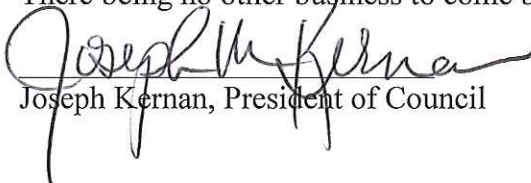
Wolf Creek Conservancy District - Mr. Gainer discussed the presentation that described the history and potential funding source to alleviate the flooding problems in Norton and surrounding communities. He explained the process that is available to Norton City Council to establish a dedicated funding source and the requirements to do so. Recognizing that this has been attempted in the past and has been discussed at length, Mr. Gainer said that he was prepared to make a motion to move Ord. No. 064-2020 to Council's next agenda. Mr. Karant remarked that he is in favor of such a district, but he is not comfortable with this method. Mr. Kernan remarked that everything Mr. Gainer said was true, but he does not want to turn over all power to a committee and then have no input. Mr. Gainer restated his position and expounded on the importance of a plan. Mr. Karant offered the formation of the Mosquito Abatement District (MAD) as an alternative approach and seconded Mr. Gainer's motion. Mr. Gainer shared the success of the Muskingum Watershed and made comparative statements for this watershed.

Roll Call: Yes: Gainer
No: Karant, McGlone

Motion failed.

ADJOURN:

There being no other business to come before Council, the meeting was adjourned at 8:11 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 22, 2020.


Kerry Macomber, Clerk of Council

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