



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, AUGUST 24, 2015**

Roll Call: Scott Pelot
Dennis McGlone
Dennis Pierson
Paul Tousley
Charlotte Whipkey
Rick Rodgers

Also Present:
Mayor Mike Zita
Valerie Wax Carr
Ron Messner
Justin Markey
Karla Richards

The Regular Council Meeting convened on Monday, August 24, 2015 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Executive Session

At 7:01 PM, Mr. Rodgers moved to temporarily adjourn the Regular Council Meeting to convene into Executive Session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, as defined in (O.R.C. § 121.22) (G) (8) & Section 3.12 of the Norton City Charter. This is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project. The motion was seconded by Ms. Whipkey. Mr. Rodgers invited Mayor Zita, Mrs. Carr, Mr. Markey, and Mr. Messner to attend. Mr. Rodgers noted there would be no legislative action resulting from this meeting and Council would return to convene the Regular Council Meeting. Mr. Dave Spice, reporter from the Akron Beacon Journal asked if he or other members of the press could attend and was denied.

Roll Call: Yeas: Rodgers, Whipkey, Pelot, McGlone, Pierson, Tousley
Nays: None

Motion passed 6-0.

At 7:18 PM, Council adjourned from Executive Session and reconvened the Regular Council meeting.

COMMITTEE OF THE WHOLE CONTINUED:

Ord. #49-2015

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 MAYOR TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENT WITH KDA MANUFACTURING LLC, AND DECLARING AN EMERGENCY.

Mrs. Carr introduced Mr. David Klossner of KDA and Ms. Six and Mr. Warfield of InSite Development. Mr. Klossner offered a few short videos very similar to what type of company he would like to build here in Norton. Mr. Klossner stated the businesses in the videos are located in India and another one in Medina. Mr. Klossner stated it is a startup business and is the fifth time he has done this. Mr. Klossner stated the facility will be a twin powered machine center. We have already purchased all of these machines; we just need a facility to put them in. Mr. Rodgers asked if the two (2) plants are still in operation and Mr. Klossner replied yes. Mr. Klossner stated he was President of these two companies when they were originally established. Mr. Pierson asked about the typical machines if they are fossil fired type? Mr. Klossner replied that some will be natural gas and some would be wind power, and we are not going to put all of our eggs in one basket. Mr. Klossner stated he has been working with the Department of Energy and Department of Defense they are waiting for us to get our plant up and running. Mr. Pierson asked about the number of shifts and Mr. Klossner stated we may not run a full second shift because of the technical aspects it may not be necessary. It's so hard to find these types of highly skilled employees and to fully support them on second shift. Mr. Pierson asked how much of an effect this would have on the neighbors with trucks coming in at late hours? Mr. Klossner explained that he has checked the decibel readings and what is required and in testing our other facilities and it's around 54. The size of the equipment is so large that you don't want to be shipping them at night. Mayor Zita thanked Mr. Klossner for choosing Norton and he welcomed him to the community. Mr. Rodgers moved to allow for comments from the public, seconded by Ms. Whipkey.

Roll Call: Yeas: Rodgers, Whipkey, Pelot, McGlone, Pierson, Tousley
Nays: None

Motion passed 6-0.

Charlie Zenner, 3853 Valley Drive, Norton, Ohio, asked where is this going to be built at? Mrs. Carr stated there is no street address yet, but it's in McCafferty park area in Norton. Mr. Klossner stated it's next to JW Cheers and Mayor Zita stated it's also across from Leaches on Cleve-Mass Road. Mr. Zenner asked about water and sewer and Mrs. Carr it would be provided by Barberton. Mrs. Carr stated that Ms. Syx of InSite Development was also here to go over the details of the CRA agreement.

Ms. Syx stated the KDA investment in Norton is \$2.7 million dollars with an average estimated payroll around \$1 million dollars. Ms. Syx explained that upon the approval from Council Mr. Klossner can begin the construction on that land he has purchased. Ms. Syx stated that could still occur later this year and we as waiting from the State on their approval of this designation of a CRA. Ms. Syx stated that once that happens we will be able to approve the agreement with KDA. Mr. Rodgers moved to add Ord. #49-2015 to the agenda for this evening, seconded by Ms. Whipkey.

Roll Call: Yeas: Rodgers, Whipkey, Pelot, McGlone, Pierson, Tousley
Nays: None

Motion passed 6-0.

Ord. #48-2015

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS WITH FIRST MERIT EQUIPMENT FINANCE, INC. FOR THE LEASE-PURCHASE OF A LIFE LINE "CUSTOM SUPERLINER" TYPE III AMBULANCE FROM PFUND SUPERIOR SALES, AND DECLARING AN EMERGENCY.

Fire Chief Schultz briefly explained the details of replacing a 1996 Road Rescue with an E-450 cab and chassis with a LifeLine box on the back of it. We have had very good luck with the E series and intend to stick with this. Mr. Rodgers clarified with the type of box we can transfer over to another new cab and chassis and Chief Schultz concurred and that cost could be about \$95,000.00 to do that. Mr. Tousley asked if this price includes a potential new vehicle and Chief Schultz replied yes. Mr. Pierson stated as he understands it the current vehicle cannot have the box taken off and re-chassis this and he asked Chief Schultz if he has talked with other companies about that? Chief Schultz stated he has discussed this with seven (7) or eight (8) other companies and they range from \$195,000.00 and up to over \$220,000.00 which we sent them on their way. Mr. Pierson stated he wanted to see written proposals in the future; you cannot simply go with conjecture. Mr. Pierson discussed the issues with electrolysis on the box and if that is why we are replacing this vehicle? Chief Schultz replied, no we are replacing this vehicle because it has over 90,000 miles on it. Mr. Pierson stated that is not what he is asking and asked if the life could be extended if we do the repairs and would the repair costs exceed half the replacement costs and Chief Schultz replied he would guess it would easily. Mr. Pierson asked if the Chief had any written estimates and the Chief responded that he did not have any written estimates. Mr. Pierson then stated that every time we do something we just go and buy new without looking. Mr. Pierson then used an example of a truck we replaced with a new vehicle due to the frame being rusted in half that he noticed was still in service. The Chief responded that the school has that truck as they could weld the frame as the Fire Department could not and risk having the welded frame break with a patient in it. Mr. Pierson asked for a listing of what all is wrong with this vehicle we are replacing. Chief stated the body is shot; the suspension is shot and based on mileage and use it is time to replace. Mr. Pierson asked why we want to do a purchase to lease versus an outright buy and what does that save us? We did a deal back in January that he believed we could have saved a lot of money. What would we save by buying it outright? Mr. Messner stated you would save the 2.88 % interest over the five year time frame, but did not have the dollar amount.

Mr. Pierson stressed he felt we should do an outright purchase and he believed we had the money to do so. Mr. Messner stated last year we did budget \$200,000.00 in the Capital Budget. Mr. Pierson asked how many bids we had gotten. Chief Schultz stated we received three (3) written bids, a couple did not respond, and the ones that verbally quoted over \$200,000.00 we told them not to submit theirs in writing, that's way over our budget. Chief Schultz discussed some other vendors he has been hearing of the customers having issues with the paint and body due to electrolysis. Mr. Pierson asked where this vendor (LifeLine) is located and Chief Schultz replied in Iowa and they have local reps for repairs. Chief Schultz stated other agencies he spoke with; Rittman and Uniontown each have two (2) or three (3) and they have stated if they have a service issue it's been done in a timely manner. Mr. Rodgers asked Mr. Messner to provide Council with the costs for a outright purchase versus the proposed lease purchase and for the Chief to get the local servicer. Mr. Rodgers asked Mr. Markey if we can amend this at the next meeting if desired, and Mr. Markey concurred. Mr. Tousley asked about the statement on the Chief's packet or email that stated this bid was the highest of the three bids and could that be discussed now as at the Board of Control and asked Chief Schultz for clarification on that. Chief Schultz stated the big thing has been issues with warrant and paint issues and other vehicles were better suited for the private ambulance industry. Chief Schultz stated with the current bid layout we could have up to four (4) or (5) of us working in the back on a trauma patient as opposed to the alternative built for a driver and one attendant. Chief Schultz stated that with the current vehicles we have were painted twice and no one can seem to get this corrected. With this vendor not one agency he has contacted about their paint quality has any complaints. Mr. Pierson asked if this vehicle is stainless steel or aluminum and Chief Schultz replied its aluminum. They have some type of a treatment they apply and there are no issues with the electrolysis. This company has become one of the biggest sellers in this area because of the box they are building. Mr. Tousley asked what the differences were between the bids, and Mr. Messner stated one was \$141,000.00 and another was \$144,000.00 plus. Mr. Tousley questioned if the difference of \$20,000.00 was worth a better paint job? Mrs. Carr noted this company has a better warranty. Chief Schultz stated this company has a much better warrant because they know they have no issues with their quality of paint so the truck would not be out of service for paint issues. Chief Schultz stated that one other company does have powder coating and is built in Canada. Ms. Whipkey asked about the older trucks and if the box can be taken off and moved to other vehicles and Chief Schultz replied yes and we would have three we could move the box to if needed. Mr. Pierson asked Chief to call LifeStar in Van Worth Ohio and ask them if they can determine if this older vehicle can be re-chassed for the next meeting, and get that in writing. Mr. Pierson discussed the current rotation schedule of our vehicles and asked for a full status report of this. The Chief stated the rotation schedule is currently for eight years, but call volume could impact typical mileage restraints. Mr. Pierson asked of the other two (2) vehicles we have that will not be replaced and they will be able to be re-chassed and Chief Schultz concurred as that is the way to go due to costs. Mr. Tousley asked what will happen with this older vehicle and Chief Schultz replied it most likely it would go to auction. Mr. Pierson asked if there is not a trade in value for this vehicle and Chief Schultz replied he would be checking on this tomorrow. Mr. Pierson expressed we need to look at all options and not just give this vehicle away.

The Chief stated we did not give away the last fire truck, we got top dollar out of it. Mr. Pelot asked about the credit offered in the agreement and Chief Schultz replied that we get a credit for purchasing this vehicle because we are a City.

Mr. Rodgers moved to add to the agenda, seconded by Ms. Whipkey.

Roll Call: Yeas: Rodgers, Whipkey, Pelot, McGlone, Pierson, Tousley
Nays: None

Motion passed 6-0.

Acknowledgement of the July 2015 Budget Report

Mr. Rodgers officially acknowledged the July 2015 Budget Reports as being received by Council from Finance Director Mr. Messner.

COMMUNICATIONS FROM THE PUBLIC:

Ms. Marsha Gerin, 3027 Oak Street, Norton, Ohio, spoke complaining about her neighbors at 3017, who were present now, and they caused such a ruckus she had a police report filed. These residents have been causing many problems in our nice neighbor hood by harassing and cursing at the residents and we have been putting up with this for two (2) years and would like the City to get a nuisance or something against them. If you had to hear what is going on none of you would be happy. Ms. Gerin stated yesterday when she got out of her car this neighbor came out and he started cussing at her and the wife actually called her a bitch. Ms. Gerin asked which one of Council would like to come home to this. How long do we have to put up with this, you would not tolerate this. We never had any problems until these people moved in two (2) years ago, we call the police and they try. There is no need for this; we are working people, quiet people. Ms. Gerin stated that Mr. Rodgers has been trying to do something, but something needs to be done with these people.

CONSIDERATION OF THE MINUTES:

Consideration of the June 22, 2015 Regular Council Meeting, approved as submitted.
Consideration of the July 13, 2015 Regular Council Meeting, approved as submitted
Consideration of the August 17, 2015 Committee Work Session-*Deferred to 9-14-15*
Consideration of the August 17, 2015 Special Council Meeting, approved as submitted

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

There were no reports.

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION:

ORD #45-2015

Mr. Rodgers offered Ord. #45-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION

AND RETENTION AND TAX SHARING REVENUE 2015-2016 VERSION, AND DECLARING AN EMERGENCY.

First reading only.

ORD #46-2015

Mr. Rodgers offered Ord. #46-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE TRANSFERS FROM THE GENERAL FUND FOR CALENDAR YEAR 2015 INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to waive the second and third reading, seconded by Ms. Whipkey.

Roll Call: Yeas: Rodgers, Whipkey, Pelot, McGlone, Pierson, Tousley
Nays: None

Motion passed 6-0.

Mr. Rodgers moved to adopt Ord. #46-2015, seconded by Ms. Whipkey.

Roll Call: Yeas: Rodgers, Whipkey, Pelot, McGlone, Pierson, Tousley
Nays: None

Motion passed 6-0.

ORD #47-2015

Mr. Pelot offered Ord. #47-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH GLAUS, PYLE, SCHOMER, BURNS & DEHAVEN, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN OF THE SILVER SPRINGS ROAD RECONSTRUCTION & SLOPE STABILIZATION PROJECT, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Ms. Whipkey. Mr. Pelot stated the reason for waiving the readings is the time line needed for the engineering.

Roll Call: Yeas: Pelot, Whipkey, McGlone, Pierson, Tousley, Rodgers
Nays: None

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #47-2015, seconded by Ms. Whipkey.

Roll Call: Yeas: Pelot, Whipkey, McGlone, Pierson, Tousley, Rodgers
Nays: None

Motion passed 6-0.

***ADDED DURING COMMITTEE OF THE WHOLE
ORD #48-2015**

Mr. Rodgers offered Ord. #48-2015 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS WITH FIRST MERIT EQUIPMENT FINANCE, INC. FOR THE LEASE-PURCHASE OF A LIFE LINE "CUSTOM SUPERLINER" TYPE III AMBULANCE FROM PFUND SUPERIOR SALES, AND DECLARING AN EMERGENCY.

First reading only.

ORD #49-2015

Mr. Rodgers offered Ord. #49-2015 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 MAYOR TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENT WITH KDA MANUFACTURING LLC, AND DECLARING AN EMERGENCY.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION:

None

UNFINISHED BUSINESS:

Ms. Whipkey stated last week Mr. Rodgers had distributed to Council an opinion by Attorney Mendenhall and asked Mr. Rodgers if he still stands by that recommendation? Mr. Rodgers stated that he had not distributed that to all of Council, but yes he stands by it and that is what he truly believes to be the case. Mr. Rodgers asked if everyone on Council has a copy of that opinion as he was not on the distribution list. Mr. Pierson stated he had asked the Clerk of Council last week to please send a second notice for Mrs. Gibson's response to the vacuum systems that she offered to Council. Mr. Pierson asked Mrs. Richards if Mrs. Gibson had ever responded to the first email, and Mrs. Richards replied no. Mr. Pierson stated he wanted to try one last time. Ms. Whipkey stated she believed the email address Mrs. Richards used may have been at the school and she may not have received it. Mr. Pierson suggested we should get either another address and send a letter to her home as he wanted to know what this person had to say and hear from them.

NEW BUSINESS:

Council Ward 2 Vacancy

Mr. Rodgers stated that since Mr. Grether's resignation, effective last Friday, Council needs to set the date of a Special Election for Ward 2. Mr. Markey clarified Charter Section 3.06 and the exact specification as to the time frame and the procedures calling for a Special Election at the nearest available time which is a little vague. So Council needs to fill in the blanks and his recommendation would be with Council setting a time for filling out and submitting the petitions to the BOE. Mrs. Richards has spoken to the BOE and they indicated due to the November General Election there preference is for December and would fall more into line with the 90 days. Mr. Pierson stated in the effort to save money and with the upcoming Mayoral election; he questioned if we would be better to hold off until the November election. In the event the incumbent does not win we would then need to have two (2) Special Elections. Mr. Markey stated that is not a decision for him to make, but is a decision for Council. Mr. Pierson stated a December election is on top of the General almost and by waiting it would be only three months out actually. Ms. Whipkey discussed the Ohio Revised Code Section 733.31 filing vacancies Section D and asked if we don't have a time frame kick in we would need to follow this code. Mr. Markey stated it could, but since we have a Charter, it trumps ORC, but since we have a blank it makes sense to look at what the ORC has to say. Ms. Whipkey stated the ORC states if the vacancy occurs in more than 40 days before the election, could we not then have it on the November election? Mr. Markey stated we could pass a resolution directing that and it would be up to the Board of Election, we may have to fight them on it. Ms. Whipkey asked how they could argue with the Code and Mr. Markey stated that was a good question and it was a good argument to be made to the BOE. Mr. Markey stated he could ask the Board prior to a resolution. Mr. McGlone asked if the Board has a deadline we have to meet and Mr. Markey stated Council could pick the date the Board does have a 75-90 day notice in order to get ballots prepared, absentee ballots, particularly with the General Election; however they would probably accept less. Ms. Whipkey clarified for everyone this Special Election would be only for the Ward 2 residents and not city wide and should not cost nearly as much as Special Elections have cost us in the past. Ms. Whipkey stated if we were to wait until after the November election that would put this out until sometime in 2016. Mr. Rodgers stated that the majority of the At Large are in Ward 2 he does not feel residents have lack of representation. Mr. Tousley asked about the more than four (4) candidates would require a primary and asked if this would be necessary? Mr. Markey stated that since the Charter refers only to a Special Election and nothing on a Primary, could be limited to the Special and the highest voted candidate. Ms. Whipkey stated in reality people could start getting their petitions ready and Mr. Pelot stated no because you need to have a date of the Special Election first and Mr. Markey concurred. Mr. Pelot stated he would like to address a Resolution of Appreciation for Officer Braman's service; he was here for 8 years. Mr. Pelot moved to have a Resolution of Appreciation prepared for Officer Braman for the next Council meeting, seconded by Mr. Rodgers.

Roll Call: Yeas: Pelot, Rodgers, McGlone, Pierson, Tousley, Whipkey
Nays: None

Motion passed 6-0.

Mr. Pelot offered the same for Mr. Grether's service on Council, and moved to have a Resolution of Appreciation prepared for Mr. Grether for the next Council meeting, seconded by Mr. Rodgers.

Roll Call: Yeas: Pelot, Rodgers, McGlone, Pierson, Tousley, Whipkey
Nays: None

Motion passed 6-0.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita read several announcements, (see attached).

PUBLIC UPDATES:

Mr. Rodgers stated that we need to have lengthy discussion on the two (2) types of septic systems to clarify some of the questions from the public, to dispel some of what has been going around at next work session on September 8th. Mrs. Carr reminded Council that this is also the same evening we have the road study report and presentation from Mr. Benza which could be lengthy as well. Mr. Tousley reminded everyone about the Watershed Conservancy meeting at the Community Center at 5:00 PM on Thursday, September 3, 2015. Mrs. Carr stated there at 6 PM there will be another meeting or overview which is more of an open house. Ms. Whipkey asked if the public can ask questions at that open house and Mrs. Carr replied yes.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:29 PM.

Rick Rodgers, President of Council

I, Karla Richards, CMC-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, 2015.

Karla Richards, CMC-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.