



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 18, 2020**

The Regular Council Meeting was convened on Tuesday, February 18, 2020 at 7:00 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	Ron Messner
	Paul Tousley	Justin Markey
	Charlotte Whipkey	Kerry Macomber
	Scott Pelot	
	Joe Kernan	

COMMUNICATIONS FROM THE PUBLIC

COMMITTEE OF THE WHOLE-Reports from Standing Committees

Finance Director position - Mr. McGlone noted that Mr. Messner is retiring after five and a half years at the end of the month. Administration did an excellent job finding Pamela Kenner and her starting salary will be \$78,000. Mr. McGlone moved to add Ord. Nos. 025-2020 and 026-2020 to tonight’s agenda, waiving second and third readings; seconded by Mr. Karant. Mr. McGlone explained the Ord. No. 026-2020 is the pick-up contribution for the Finance Director’s OPERS. Ms. Whipkey asked in regards to the pick-up, what will the total be and Mr. McGlone explained 10 percent and Mr. Markey added it was an extra 10%. Mr. Markey explained that there are two plans ways for employers to pay the pension contribution either the employee pays where the salary is deducted or the employer pays. The difference is the City is responsible for the employer pay; you negotiate the total rate of salary based on the loaded employee or employer pay. Ms. Keener has requested that the employer pay, which is what she had in Rittman, and Administration is okay with this. The total compensation package is \$78,000 plus the additional 10 percent. Ms. Whipkey clarified that the additional 10 percent will not be in her paycheck as it goes directly to OPERS. Mr. Markey concurred.

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

Motion passed unanimously.

Moratorium on vape shops – Mr. Gainer said this is concerning the vapor shops that are popping up everywhere in the State and we are asking for a six-month moratorium. House Bill (HB) 346 is proposing prohibition on them and we would like to get ahead of the game. This will give us time to study the effects of this and to make decisions on awarding future licensing. Mr. Gainer moved to add Ord. No. 027-2020 to tonight’s agenda, waiving second and third readings; seconded by Mr. Karant. Mr. Kernan said this is just a moratorium to study these things in light of the HB. It will give us a chance to determine regulations, such as location to schools, etc. Ms. Whipkey said we

currently have a Vape Shop and it will stay because they are already open and will not be affected by the moratorium as they are currently renovating. Mr. Markey said he didn't know because he didn't know if the store was open. Mr. Kernan said there is not a lot of activity. Mr. Pelot asked how we can waive second and third readings if we don't know the ramifications of it. He said he is not in favor because this is their business and the government has their hands in too much. Alcohol is sold all over the place and we are going to tell people they can't have a vape shop. Mr. Gainer stated that the alcoholic establishments are not in the news as much as these Vape Shops. Mr. Pelot asked if he has read the DUI's and people killed. Mr. Gainer said there are news reports of diseases and deaths attributed to wrongful use of the vaping devices. There is no proof yet, but he thinks the HB will study this. A moratorium will allow time to study this. He believes that the store is currently operating on a license and it should not affect him. Mr. Gainer stated he would not advocate for this unless the existing businesses are not affected. Mr. Kernan said his understanding is that this is on new businesses only with Mr. Gainer and Ms. Whipkey agreeing. If they have a license and have a business, they can continue. There is nothing wrong with looking at the information and understanding the health problems and dangers to the community. Mr. Karant was surprised when he saw it come on the Agenda, but looking into it, he is in agreement with this assessment of new businesses. He has had conversations with the Health Commissioner about this and putting it off for six months is okay. The Legislature may take care of this anyway if they ban it. He has seen the damage and would prefer to put it off and assess it. Mr. Pelot said we have all seen the damage of cigarettes, tobacco and cigars; are we going to put a moratorium ~~ban~~ on a Cigar Shop that wants to open here. The problem with people dying lies with the illegal substances in the vaping device. Mr. Gainer said if that is indeed proven after six months, we can lift the moratorium. In the meantime, we can do some research on it. Mr. Gainer again moved to add it to tonight's agenda; seconded by Mr. Karant. Mr. Tousley does not understand the emergency to do it tonight. The research has not been done. Twice there have been comments about this getting into the hands of children, but it is already against the law for those under age 21 in the City of Norton. Ms. Whipkey said she does not have a problem with a moratorium for six months on new businesses or waiving the readings because we need to get something on our books in case someone wants to build something and it is right across the street from the school. That is why she wants it on tonight. She agrees with Mr. Gainer and Mr. Pelot that the problems are arising from people not using it properly. We need to have something on the books like we do for other things that are a detriment to children. Mr. Kernan said the City placed a moratorium on medical marijuana so they could study it. Mr. Pelot said if somebody wants something, they can jump online and order it.

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

Motion passed 6-1.

Springfield Twp to join SWSCOM - Mr. Tousley stated this is to add Springfield Township to SWSCOM. This will increase it to include Barberton, Copley, Norton and now, Springfield. There is a chart that tells what percentage each community will pay. Norton is now 18.19% and asked what it used to be. Mr. Markey said 22 or 24 and for 2020, the effect will be a \$50,000 decrease for Norton; 2021, we expect about \$80,000 to \$90,000 savings due to the money coming in from Springfield. Dispatch Centers are merging all over the County now so you grow, merge, or die. This makes us the second largest for PSAP money which is the grant money given out based on the size of the center and gives us economies of scale. The same amount of employees will be able to serve all communities and is a great cost saving benefit for all. Mr. Tousley asked if we are continuing to try to add more communities. Mr. Markey said yes; Green is looking to add a

dispatch center and the county is constantly looking to regionalize everybody. We do talk to others, but many times it means giving up employees and they are not comfortable with that. Mayor stated Springfield will not lose employees because the Sheriff is currently providing dispatch services. The cost portions are set up based on the amount of residents and the call volume generated through the dispatch center. Mr. Tousley said there is a request to waive readings. Mr. Markey said it can wait until next week because Barberton and Copley are voting next week. Mayor stated Springfield already signed and approved. Mr. Gainer asked if dispatchers would be added here and Mr. Markey stated no, the current staff can handle it. Mr. Tousley moved to add Ord. No. 028-2020 to tonight's agenda; seconded by Mr. Pelot.

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

Motion passed unanimously.

Tentative Agreement - Mr. Markey stated that a tentative agreement between City of Norton and the International Association of EMT's and Paramedics R7-26 has been reached. It needs Council approval by motion so that it can be ratified by the Union. Once approved, the final agreement will come back to Council for formal approval. Mr. Gainer moved to approve the tentative agreement; seconded by Mr. McGlone. Mr. Markey asked that the Clerk attach a copy of the agreement to the minutes

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

Motion passed unanimously.

CONSIDERATION OF MINUTES

Minutes of Regular Council Meeting of February 10, 2020 were accepted as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita announced the OHM Advisors will have a Parks Master Plan meeting at Finney's Sports Bar on Tuesday, March 10, 2020 beginning with a formal presentation from 6:00 – 6:30 p.m.; public engagement activities from 6:30 – 7:00 p.m. and then casual conversation afterward. The public is encouraged to attend. Mr. Tousley asked if the survey is still on the Website and the Mayor answered affirmatively.

PUBLIC HEARINGS – None

INTRODUCTION OF NEW LEGISLATION

Ord. No. 025-2020

Mr. McGlone introduced Ord. No. 025-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO CONFIRM THE APPOINTMENT OF PAMELA HUDSON KEENER AS THE DIRECTOR OF FINANCE OF THE CITY OF NORTON, AND TO DECLARE AN EMERGENCY.

Mr. McGlone moved to waive second and third readings; seconded by Ms. Whipkey. Mr. McGlone noted that since Ron is retiring at the end of the month, we needed to get someone in here soon. Mr. Messner noted that she spent her first day with him today and did a very good job.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ord. No. 025-2020; seconded by Ms. Whipkey. Ms. Whipkey stated that Ms. Keener is highly qualified as she comes from a municipality and has worked with the State Auditors that we are working with and has interesting abilities that will be an asset and keep our City moving on. Mr. Kernan noted that she is well qualified, we have met her, and is well spoken. She knows what she is doing and we are very lucky.

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

Motion passed 7-0.

Ms. Keener stated that she appreciates the kind words and is looking forward to working with everyone in the City of Norton.

Ord. No. 026-2020

Mr. McGlone introduced Ord. No. 026-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE THAT THE CITY OF NORTON WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE DIRECTOR OF FINANCE OF THE CITY OF NORTON PURSUANT TO ORC SECTION 414(H)(2), AND DECLARING AN EMERGENCY.

Mr. McGlone moved to waive second and third readings; seconded by Ms. Whipkey. Mr. McGlone stated that this is for the new Finance Director and we need to have this in place to go with Ord. No. 025-2020.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ord. No. 026-2020; seconded by Ms. Whipkey. Mr. Tousley stated that this ordinance puts the salary above what he is comfortable with and that it is not a reflection on Ms. Keener, personally. No matter who the candidate was, he would not be in favor of this. Mr. Karant stated that after analysis of comparable salaries around the State, we need to move to the next step. He stated that we are now competitive in this salary offer with the pick-up clause and he has no problem with it. Ms. Whipkey agreed with Mr. Karant and she said that they knew they would have to up the game to attract qualified people. As much as she hates to lose Mr. Messner, she recognized that Ms. Keener comes with a very good background and can step right into the role; she is what we need to keep up with the city. She feels we were extremely lucky to have somebody of this quality. Mr. Pelot noted that this position deals with all the money, investments, tax dollars, and we need to have someone that is very qualified and has this background. Mr. Kernan stated this is a fair salary and well within the range that others are paying. We have been very fortunate with Mr. Messner and we have to pay the salary.

Roll Call: Yes: McGlone, Whipkey, Gainer, Karant, Pelot, Kernan
No: Tousley
Motion passed 6-1.

Ord. No. 027-2020

Mr. Gainer introduced Ord. No. 027-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE PLACING A MORATORIUM ON NEW ESTABLISHMENTS THAT SELL OR DISTRIBUTE ELECTRONIC SMOKING DEVICES AND/OR VAPOR PRODUCTS IN THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Gainer moved to waive second and third readings; seconded by Mr. Karant. Mr. Gainer stated that we need to get a jump on this and if there were businesses that wanted to come in tomorrow, this would stop it.

Roll Call: Yes: Gainer, Karant, McGlone, Whipkey, Kernan
No: Tousley, Pelot
Motion passed 5-2.

Mr. Gainer moved to adopt Ord. No. 027-2020; seconded by Mr. Karant.

Roll Call: Yes: Gainer, Karant, McGlone, Whipkey, Kernan
No: Tousley, Pelot
Motion passed 5-2.

Ord. No. 028-2020

Mr. Tousley introduced Ord. No. 028-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE AGREEMENT ESTABLISHING THE SOUTHWEST SUMMIT COUNCIL OF GOVERNMENTS, AND DECLARING AN EMERGENCY.
First reading only.

INTRODUCTION OF PRIOR LEGISLATION

Ord. No. 013-2020

Mr. Tousley offered Ord. No. 013-2020 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2020 DODGE DURANGO FOR THE POLICE DEPARTMENT AT A COST NOT TO EXCEED \$30,818, AND DECLARING AN EMERGENCY.

Mr. Tousley noted the difference of \$7,000 is the trade in that we got for the vehicles and moved to adopt Ord. No. 013-2020; seconded by Mr. Gainer. Mr. McGlone asked when we would receive them and Mr. Messner said they have to be built so it may take a couple months. Mr. Pelot noted this is part of the replacement program they put in place. Ms. Whipkey noted we are changing over to the Durangos because they can be better utilized. Mr. Tousley added he believed that this would give us four Durango now.

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

Ord. No. 014-2020

Mr. Tousley offered Ord. No. 014-2020 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2020 DODGE DURANGO FOR THE POLICE DEPARTMENT AT A COST NOT TO EXCEED \$23,818, AND DECLARING AN EMERGENCY.

Mr. Tousley moved to adopt Ord. No. 014-2020; seconded by Mr. Gainer.

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

Res. No. 015-2020

Mr. McGlone offered Res. No. 015-2020 for its third reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT AND REAPPOINTMENT OF VARIOUS INDIVIDUALS TO VARIOUS BOARDS AND COMMISSION IN THE CITY; AND DECLARING AN EMERGENCY.

Mr. McGlone moved to adopt Res. No. 015-2020; seconded by Ms. Karant. Mr. McGlone read aloud the list of appointees as written in Res. No. 015-2020 Exhibit A. Mr. McGlone recognized Mr. Mullins in the audience.

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

Ord. No. 018-2020

Ms. Whipkey offered Ord. No. 018-2020 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A NEW HOLLAND MODEL POWERSTAR PS75 TRACTOR AND EQUIPMENT FOR THE SERVICE DEPARTMENT AT A COST NOT TO EXCEED \$77,065.

Ms. Whipkey said we are trading in a 1999 that is not working for \$5000 trade in value and moved to adopt Ord. No. 018-2020; seconded by Mr. Pelot.

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

Ord. No. 019-2020

Mr. Gainer offered Ord. No. 019-2020 for its third reading and asked the Clerk to read it:

AN ORDINANCE REZONING PROPERTY DESCRIBED AS PERMANENT PARCEL NO. 46-04712 IN THE CITY FROM A B-1 DISTRICT TO AN R-1 DISTRICT.

Mr. Gainer said this is on Grenfall Road and the owners have not been able to sell it as a business area so they are trying to sell it as a residential area and moved to adopt Ord. No. 019-2020; seconded by Mr. Karant.

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

Motion passed 7-0.

Ord. No. 020-2020

Mr. Gainer offered Ord. No. 020-2020 for its third reading and asked the Clerk to read it:

AN ORDINANCE REZONING PROPERTY DESCRIBED AS PERMANENT PARCEL NOS. 46-08000, 46-08001, 46-08002, 46-04438, 46-04439, 46-03581, 46-02627, 46-08436, 46-08662 AND 46-03582 IN THE CITY FROM AN R-1 DISTRICT TO AN I-1 DISTRICT.

Mr. Gainer stated this is the Eastern and Fairland properties and moved to adopt Ord. No. 020-2020; seconded by Mr. Karant.

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

Motion passed 7-0.

Ord. No. 021-2020

Mr. Gainer offered Ord. No. 021-2020 for its third reading and asked the Clerk to read it:

AN ORDINANCE REZONING PROPERTY DESCRIBED AS PERMANENT PARCEL NO. 46-02907 IN THE CITY FROM AN R-3 R-PC DISTRICT TO AN I-1 DISTRICT.

Mr. Gainer moved to adopt Ord. No. 021-2020; seconded by Mr. Karant.

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

Motion passed 7-0.

Ord. No. 022-2020

Mr. Gainer offered Ord. No. 022-2020 for its third reading and asked the Clerk to read it:

AN ORDINANCE REZONING PROPERTY DESCRIBED AS PERMANENT PARCEL NO. 46-04174 IN THE CITY FROM AN R-1 DISTRICT TO A B-2 DISTRICT.

Mr. Gainer said this is the property being asked to change from residential to business and moved to adopt Ord. No. 022-2020; seconded by Mr. Kernan. Mr. Kernan clarified this was the property on

Wooster Road. Ms. Whipkey stated that we have had numerous residents speaking against this and she had spoken to businesses there that don't want it. The businesses that are across the street are mostly home run businesses and are nonconforming uses. We have already set precedent for this and if we are going to change the zoning, we should do it all together so they are all on equal footing as we did on Cleveland Massillon and Greenwich. Ms. Whipkey stated that she has not ever nor will she be supporting it tonight. Mr. Gainer agreed and stated that the residents in the area are against it. Ms. Whipkey was contacted by phone by Mr. and Mrs. Rider and they expressed their opposition but they could not be here tonight as we changed the schedule. Mr. Kernan noted that the Planning Commission did not approve this and stated that this particular rezone just does not fit.

Roll Call: Yes: None
 No: Gainer, Kernan, McGlone, Karant, Tousley, Whipkey, Pelot
Motion failed 0-7.

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita noted that on March 11, 2020 the Barberton Community Food Pantries will have a Bingo fundraiser at the Community Center with more information to come.

On Saturday, March 14, 2020 from 12 – 3 PM, the Norton Safety forces will have the Chili Cook Off. Call Chief Schultz for more information.

Save the Date for Saturday, April 18, 2020 for Clean Up Day from 8:30 AM – 1:30 PM. We still need sponsors and volunteers. This is great for service hours for seniors at the High school.

Adopt-A-Spot Sponsors and Caretakers are needed for this year. Information will be available in the next couple of weeks.

Mr. Messner said that CCA helps with income taxes. The dates that they will be at the Community Center is posted on the sign downtown. It is free to the public and they can assist with City Income Taxes. Mr. Pelot asked Mr. Messner about the School Tax and Mr. Messner said all the questions are being referred to the Norton School Treasurer.


Mr. Kernan noted the Easter Basket collection is going until March 13, 2020. Ms. Macomber noted that the baskets will be delivered to Summit County Children Services and they are in need of baskets for older children/teenagers. Mr. Kernan also noted cash donations are also welcomed.

Mr. Karant noted that the Ward 3 Meeting is scheduled for next Wednesday, February 26 starting at 7:00 PM. Unfortunately, this was scheduled on Ash Wednesday so a second meeting will be held on Tuesday, March 31, 2020. Mr. Gainer asked what topics will be discussed. Mr. Karant noted there are eight topics to be touched on, including exterior maintenance, sidewalk, Brookside development; water line extensions, etc. Mr. Karant said the Ward 3 meeting will hopefully be more customer friendly so people don't have to come to the Council Meeting and sign in and be on TV. The watershed and storm water fees, street signs, and the assessment letter that is going to be coming out.

Mr. Pelot noted that if people want to bend Ron's ear, he will be here through February 28th.

ADJOURN:

There being no other business to come before Council, the meeting was adjourned at 7:52 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 February 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.