



**COMMITTEE WORK SESSION
MONDAY, MAY 7, 2018 - 7:00 PM**

The Committee Work Session convened on Monday, May 7, 2018 at 7:00 p.m. in the Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, President of Council, followed by the Pledge of Allegiance, and a moment of silent prayer.

ROLL CALL:	Jack Gainer	Also Present:
	Dennis McGlone	Mayor Mike Zita
	Dan Karant	Robert Fowler
	Paul Tousley	Ron Messner
	Charlotte Whipkey	Justin Markey
	Joe Kernan	Kerry Macomber
	Scott Pelot	

General Topics of Discussion:

Medium Duty Dump Box for Ford 550 Truck – Mr. Karant indicated we are separating out the legislation because there are two separate parts. There is already legislation moving on the truck and Mr. Karant recommended that these two pieces be passed simultaneously, by waiving readings. Mr. Karant moved to add Ord #54-2018 to the next Council agenda with emergency language and to waive second and third readings, seconded by Mr. Tousley. Mr. Tousley asked if this was already in the budget. Mr. Messner said this particular truck was not budgeted for at that time, but there is enough in the lease budget line item for trucks. Mr. Pelot reiterated that this was originally lumped together in one ordinance with the actual truck and now this ordinance is to be split out for the box.

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

Motion passed unanimously.

Property and Casualty Insurance - Mr. Pelot noted this is the annual renewal with just a slight increase (1.6%) for a total cost of \$93,497. Considering the economy, police cruiser accidents, additional trucks, etc., it is very reasonable. Mr. Gainer asked if the City's liability insurance covers all city employees using city vehicles and equipment. Mr. Messner indicated in the affirmative. Mr. Gainer asked if this included part-time employees and if there was any restriction on part-time or seasonal employees. Mr. Messner confirmed that any and all

employees of the city are covered. Mr. Gainer asked if a person only receives \$1 pay, would they be covered. Mr. Markey said if there was a specific scenario that Mr. Gainer was inquiring about, he would be happy to discuss specifics with him. Mr. Messner said the bare minimum requirements for employees to qualify for coverage is 18 years of age, possessing a valid driver's license, and passing a background check. Mayor Zita also noted that some equipment requires a CDL. Mr. Pelot moved to add Ord #55-2018 to the next Council agenda, seconded by Ms. Whipkey. Mr. Kernan added that this may need to have the readings waived. Mr. Pelot agreed because it will be back dated to April 2018. Ms. Whipkey indicated that the emergency language needs to be added to the body of the ordinance.

Roll Call: Yes: Pelot, Whipkey, Kernan
No: None

Motion passed unanimously.

OPWC Application for Frashure Park – Mr. Markey said that this Resolution and the next one for OPWC Application for Brentwood Park can be discussed together. It is the same structure for the application to fund the abandonment of these package plants. By offering a minimum share of \$50,000, Barberton's grant application will be more competitive. Mr. Markey said it will come out of Fund 127 – Sanitary Sewer Fund because it is for elimination. Mr. Kernan asked if this was time sensitive and Mr. Fowler indicated there is a July 1, 2018 deadline so it can go all three readings. Mr. Gainer asked if Brentwood and Frashure were hooked up to the water treatment plant currently. Mr. Fowler said no, they are independent package plants and due to their age, there are structural problems. These sewage lines will be sent to the Barberton sewer plant. Mr. Pelot noted this arrangement was in the original MOU agreement with Barberton. Mr. Pelot moved to add both Res #56-2018 and #57-2018 to the next Council agenda, seconded by Ms. Whipkey.

Roll Call: Yes: Pelot, Whipkey, Kernan
No: None

Motion passed unanimously.

Recycling Apron Bids

Mr. Pelot said this is a paving project for \$12,850 that is supported by grant funding from the recycling program. We apply each year. Mr. Tousley confirmed this is a 100%, reimbursable grant. Mr. Pelot moved to add Ord #58-2018 to the next Council agenda, seconded by Ms. Whipkey. Mr. Fowler asked if we could get this done by the end of the month, then this could be completed by the time Bicentennial activities begin. Mr. Pelot indicated the emergency language would be added, the third reading waived, and a vote taken at the Council meeting on May 29, 2018.

Roll Call: Yes: Pelot, Whipkey, Kernan
No: None

Motion passed unanimously.

Legal Services in the First Energy Bankruptcy

Mr. Pelot noted that everyone received a letter from Attorney DeGirolamo indicating hourly rates. Mr. Markey explained that Norton Energy Storage, LLC, was included in the First Energy bankruptcy that was filed last month and since his firm represents First Energy, he cannot give legal advice on this issue. He sought out a secondary attorney to give advice as it pertains to the lease. Mr. Pelot remarked that this will ensure that the City's rights are protected and asked when is the next hearing or when should this be in effect. Mr. Markey indicated that it is critical to represent claims within 60 – 90 days after the bankruptcy is filed. Mr. Pelot moved to add Ord #59-2018 to the next Council agenda with emergency language and waive 2nd and 3rd readings, seconded by Ms. Whipkey.

Roll Call: Yes: Pelot, Whipkey, Kernan
 No: None

Motion passed unanimously.

Income Tax Review Board

Mr. Tousley indicated that Mr. Kernan had brought forward the name of Mr. Marino as interested in this board and Mr. Marino has provided a letter of interest that states his qualifications. Mr. Kernan said he has served on the Charter Review and very interested in helping the City. Mr. Kernan offered that he is well qualified and recommended him for this position. Ms. Whipkey noted that this appointment would fill the last vacancy on this Board. Mr. Tousley moved to add Res #60-2018 to the next Council agenda, seconded by Mr. Karant.

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

Motion passed unanimously.

Mr. Markey noted that now all of the seats are filled, if a Norton resident comes forward with an interest to serve, he would be happy to step down and allow them his seat on this Board.

Little Blvd Petition

Ms. Whipkey noted that the residents of Little Blvd have come forward with 100% participation to be included in the Nash Heights sewer project. The work will be assessed on their property taxes for 30 years beginning immediately. Mr. Markey confirmed it will be certified this year along with the rest of the assessments. Ms. Whipkey asked if there was anything required to do this and Mr. Markey responded that Council has been given the Resolution of Necessity plus the Ordinance to Proceed. The petition process allows these two documents to be combined. Ms. Whipkey asked if \$13,500 (\$11,500 plus \$2,000 for equipment), can go up, if needed. Mr. Markey said no, the assessment cannot increase because it is written in the petition. Mr. Fowler commented that the contractor has finalized this amount for the installation. It should remain at the \$73,653.05. Ms. Whipkey remarked the residents will be contributing \$67,500 and the City will pay the difference of \$6,153.

Mr. Tousley requested that the specific amounts be included in the legislation. The Ordinance currently reads that it is on file with the Clerk, but does not indicate cost. Mr. Markey agreed to edit. He noted that when the City did this initially for Nash Heights, emergency language was not included. Mr. Markey explained that in the petition process, the residents are waiving their rights from any procedural defects, so phases can be combined. Mr. Kernan asked if there was interest charged for the 30-year assessment. Mr. Markey said yes, same as Nash Heights. Mr. Pelot noted there is the option to pay if off up front. Mr. Kernan remarked that the residents were supposed to pay 100%, but dividing the total cost of the project by the number of residents comes up to about \$14,731 and you say the petition says \$13,500; in the previous discussion didn't we say they picked up all of it. Mr. Pelot said that the City has picked up a portion of all of the sewer projects around the City. Mr. Kernan said yes, but those were forced projects. Ms. Whipkey agreed stating that those were not something anyone wanted. Mr. Pelot said this is still part of the city sewer system and anyone working outside the city, is paying an additional ½% income tax to support the sewer system. We are talking about \$6500 to finish an entire section of the city minus one road in that section. Mr. McGlone discussed the Shellhart water project and those people were told how much it would cost adding how this petition is somewhat different with the engineering work already completed. Ms. Whipkey said now that the equipment is back, what happens if the people from other roads (Brookside, Golf Course, etc.) come forward. Mr. Markey responded he did not want to speculate on that and Council made those decisions. Mr. Pelot said we will deal with that when the time comes, but we have to define a specific number of what the city is going to pick up on future infrastructure expansions. Right now, although we haven't come up with it, the \$6,500 is just over \$1200 per parcel which is a pretty small piece. Mr. Karant said his understanding is the lay of the land on Brookside is not the same as on Little Blvd. It is more problematic and would need to be considered completely on its own as a separate project. Ms. Whipkey said originally Brookside was included just like Little and they were removed just like Little and now we have set precedent. Mr. Pelot said it would have to be the same 100% signature petition driven.

Ms. Whipkey moved to add Ord #61-2018 to tonight's Special Council agenda with emergency language and to waive 2nd and 3rd readings, seconded by Mr. McGlone. Mr. Markey stated he is going to edit Paragraph E Section 1 to include that the estimated costs are \$83,653.05, which is construction cost plus \$10,000 and also add to Paragraph F that Council adopts estimated assessments of \$13,500 per benefit unit for the Petitioned Improvements so it is written out and clear.

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

Motion passed unanimously.

UNFINISHED BUSINESS

Western Star Cemetery Fencing – Mr. Fowler discussed the differences in types of materials and variety of quotes that he has received and some seemed outlandish. He stated that he does not have a recommendation and noted that the Parks and Cemetery Board should also have input. Ms. Whipkey noted that the quote from Lowe's had a note added for a credit of \$6,000 and asked if that was for installation or something else. Mr. Pelot offered assistance by providing his copy to Mr. Fowler. Mr. Fowler said he will check with Mr. Hess. Mr. Gainer

remarked that the Parks and Cemetery Board will be forwarding a Resolution indicating its preference. Mr. Gainer asked for clarification on the quotes and requested Council review them. Mr. Fowler read from the quote the information regarding installation. Mr. Gainer acknowledged that information, but said he had other questions. Mr. Pelot said that this should be discussed at the Parks and Cemetery Board and if he has further questions, those can be reviewed at a later date. Ms. Whipkey asked about the removal of the City's chain-link fencing and Mr. Fowler indicated it was probably at the Service Garage. Ms. Whipkey asked if it could be salvaged or repurposed somewhere else. She also noted that this project will not be completed before Memorial Day and reminded everyone that the headstones still need to be repaired. Mr. Gainer asked if these quotes and pricing were given to Parks and Cemetery Board and Mr. Fowler in the negative and noted he was instructed to give them to City Council. Mr. Pelot asked Mr. Fowler to send those to the Parks and Cemetery Board.

Denise Mullins, 2886 Wilbanks Drive, Norton OH 44203, is a member of the Parks and Cemetery Board and stated that at the last meeting, Mr. Fowler mentioned a price of approximately \$7,600 for aluminum fencing. The Board was in favor of that type of fencing and believed Council would proceed. She wondered if there was miscommunication because their notes indicated they were in favor of the one described and at that price. She indicated they were not aware they could look at other types of fencing. Ms. Whipkey said she was also at that meeting and that was her impression as well. Mr. Pelot asked Mr. Messner if there were financial resources to purchase a fence from \$7600 - \$13,000 and would our personnel be able to install the fence? Ms. Whipkey asked about the Bicentennial grant funds and Mr. Messner said no, that those funds have been identified. Mr. Messner said if the total is under \$8,000, then it could be supported. Mr. Gainer questioned the particulars of the quotes and it was determined that most of the quotes did not include the installation. Mr. Gainer discussed the differences between the quotes and again asked about labor for installation. Mr. Fowler indicated we would have to hire a landscape company. Mr. Gainer expressed concern about not meeting our goal of getting this accomplished by Memorial Day or the Bicentennial, if we do not move this forward. Mr. McGlone asked Mr. Fowler if we could get these answers by next Wednesday and Mr. Fowler agreed. Mr. Pelot said we can act on this once we have a direction and then it will be up to Administration to get it done. Mr. Gainer asked if this could be on the next Committee Work Session. Mr. Tousley asked how necessary is a fence considering there are no neighbors so can't decorative landscaping or shrubs suffice? There is a wood line between the cemetery and the next house. Mr. Pelot said that can be taken into consideration at the next Committee Work Session. Denise Mullins asked if she should bring up before the Parks and Cemetery Board the option of a natural fencing option. Mr. Pelot noted it is worth considering all options. Ms. Mullins noted that depending on the weather, the plants need to be watered regularly. Ms. Whipkey noted that meetings she attended, the Board was adamant the cemetery needs a fence around it. Mr. Pelot indicated that we will do everything we can to get it done by Memorial Day, but if nothing else, by the Bicentennial.

T21 Legislation

Mr. Karant explained this legislation would give enforcement powers to the Health District to regulate the businesses selling any type of inhalation of tobacco – cigarettes, vaping, etc. It has no impact on the individuals under age 21 smoking. It has an impact on the retailers. Mr. Karant discussed the literature and the statistics. He said they fell short when they did not

include the economic impact to a community and to employers regarding the effects of smoking on that age group and how the effects continue later in life. This also addresses vaping and the information on the effect of vaping is evolving and it is negative. Mr. Pelot inquired which communities have passed T21 legislation and if the State of Ohio was taking action. Mr. Karant noted City of Akron has already and the Mayor noted that the cities that have passed legislation are listed on the handouts. Mr. Karant is asking a representative come to the next COTW to discuss this and he would like to recommend the Council consider T21 legislation. Mr. Pelot announced that presentation will be at the 5-21-18 Committee Work Session. Mr. Tousley remarked that he has a strong opinion about this and prefaced his remarks by stating he does not partake in any tobacco products. He does, however, participate in freedom every day, which is of the utmost importance to him. From the business aspects – there are two communities that are very business friendly and our residents will go there. He disagrees with the financial information provided regarding the impact to businesses. The impact is going to be tenfold because if people go to Wadsworth to buy cigarettes, they'll buy snacks, energy drinks, lottery tickets, etc. Also, there is a \$150 implementation fee, which will impact every business simply because they are there. Pushing this on businesses will further Norton's reputation for not being business friendly. He investigated the numbers as they were presented and determined that this would trickle down to \$13 a year per individual in America. He stated his freedom is worth more than \$1 per month. The fees that the retailer has to pay are going to be passed onto consumers in other products. He feels the Constitution provides individuals with rights to make important decisions and individuals in this age group should be treated as adults. He does not condone these products, but he does condone Freedom. Ms. Whipkey indicated she has many of the same feelings as Mr. Tousley. She thinks if this is going to take place, it should be by a vote of the people. We are telling people that are 18 years old that they cannot buy cigarettes, but they can go overseas and die for me. Mr. Kernan said for the sake of argument, don't tell people that every day when we refuse them beer. Mr. Pelot said he also agreed with Mr. Tousley and shared his personal experience. He reiterated that we will have Summit County Health Department to do a presentation noting that he respects Mr. Karant's interest in this initiative.

Charter Section 660.03 Littering – Mr. Tousley said he brought this up. He and Mr. Fowler have been working on something along these lines and asked Mr. Fowler to explain. Mr. Fowler said there were situations where refuse was accumulating on the property and the zoning inspector has to post and then wait a given timeframe of ten (10) days to correct a problem. The Administration has discussed making recommendations to Council for considering criteria to be used to determine if the city can expedite action. For example: 1) determine if the resident has trash service and 2) determine if the residence is occupied. Mr. Pelot noted this would be used to ensure public safety by allowing the City to expedite clean up and assess the home owner for the service. Mr. Fowler indicated this was not the appropriate Charter section to address this type of administrative action. Mr. Pelot acknowledged this was a place holder until appropriate legislation is written. Mr. Tousley requested that Mr. Markey prepare a draft ordinance for consideration.

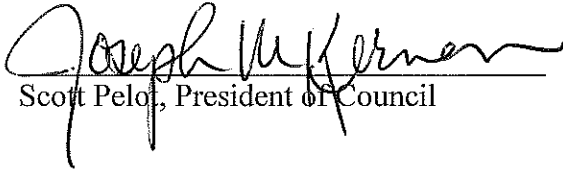
NEW BUSINESS - Mr. Gainer announced that Ms. Mullins in the Norton representative on the Mosquito Abatement District (MAD).

TOPICS FOR NEXT WORK SESSION – Monday, May 21, 2018:

Western Star Cemetery Fencing
T-21 Presentation by Summit County Health Department
Littering

PUBLIC COMMENT - None

ADJOURN - There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:16 p.m.



Scott Pelot, 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

May 14, 2018.



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.

