



**NORTON CITY COUNCIL  
COMMITTEE WORK SESSION  
AUGUST 20, 2018**

The Special Council Meeting convened on Monday, August 20, 2018 at 7:03 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 (excused)	Ron Messner
	Paul Tousley	Robert Fowler
	Charlotte Whipkey	Justin Markey
	Joe Kernan	Kerry Macomber
	Scott Pelot	

**NEW BUSINESS-COMMITTEE OF THE WHOLE**

Executive Session - Mr. Pelot moved to enter into the Executive Session for the purpose of Executive Session- Conference with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action as defined in O.R.C. Section 121.22 (G) (3) & Section 3.12 (3) of the Norton City Charter; acquisition of property as defined in O.R.C. Sections 121.22 (G) (2) & Section 3.12 (2) of the Norton City Charter; and employment matters as defined in O.R.C. Sections 121.22 (G) (1) & Section 3.12 (1) of the Norton City Charter. Seconded by Ms. Whipkey.

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

Motion Passed: 6-0.

Mr. Pelot invited Mayor Zita, Mr. Markey and Mr. Messner to attend and noted that Mr. Fowler will also be joining them. Mr. Pelot reminded everyone attending that while Council is in Executive Session, the audio and video is recording live and uninterrupted and that if you do not want your conversations recorded, please exit the Council chambers. At 8:31 PM, Council adjourned from Executive Session and reconvened the Special Council Meeting.

**COMMITTEE WORK SESSION – GENERAL TOPICS OF DISCUSSION**

Fire Department Purchase

Mr. Pelot noted that the turn out gear has been on a continual replacement program over five years. The cost is \$17,395 and it is the fourth of five years. Life expectancy is approximately

ten years. Mr. Tousley stated that the Chief informed him there were only two companies that provided proposals and requested copies of both proposals. Mr. Fowler stated he sent it to the Council Clerk. Mr. Pelot moved to add Ord #81-2018 to next week's agenda with emergency language and to waive second and third readings noting that waiving will allow the company to send out the turn out gear immediately, seconded by Mr. Kernan.

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

Motion passed unanimously.

The next item is to purchase three heart monitors and two automated CPR devices. This equipment will free up one individual when they are responding to an incident. The total is \$107,000. Mr. McGlone asked about life expectancy and Mr. Pelot said it varies somewhere around ten years, but when new technology is available, the Chief stated the other becomes obsolete. Mr. Kernan said the Chief indicated ten years during BOC. Mr. Pelot noted the company agreed to spreading the payments over five years. Mr. Pelot moved to add Ord #80-2018 to next week's agenda with emergency language and waiving second and third readings, seconded by Ms. Whipkey.

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

Motion passed unanimously.

#### Lawsuit Settlement

Mr. Fowler indicated that this was for the Houston Road damage caused by the concrete truck and the \$15,000 settlement covers the City costs for bringing the road up to the same quality as it was before the incident. Mr. Pelot asked when it was originally damaged and Mr. Fowler responded it was around October 7<sup>th</sup>, 2017. Mr. Pelot moved to add Ord #82-2018 to next week's agenda with emergency language and to waive second and third readings, seconded by Ms. Whipkey.

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

Motion passed unanimously.

#### Review of Charter Amendments

Mr. Tousley said before break Administration gave Council some suggestions and recommendations for multiple changes in the Charter. Mr. Pelot said Administration is looking to make four changes that they have determined to be most important to which Mr. Tousley concurred, turning it over to Mr. Markey.

Mr. Markey said the first item is Section 3.06 - Vacancy of a Council Member. The idea is to get a Council member appointed as quickly as possible when there is a vacancy using the nine-month timeframe until the next election as a benchmark for changing procedures so we don't get a three to three stalemate like we saw before with the seat remaining vacant for five, six, or

seven months. The recommendation is to fine tune the process to eliminate the Special Election in a manner to potentially have cost sharing through a designated Special Election recognizing a timeline, saving money.

Section 5.02 E and 5.03 B, deals with Competitive Bidding and the procedure for Letting Contracts. Section 5.02 E is titled Competitive Bidding and there is a competitive bidding requirement there. 5.03 B also addresses the competitive bidding process and is similar, but is different so it streamlines it. It would align with state law while not to evade or push projects through Council. There are certain projects that do not lend themselves to competitive bidding depending on the purchase as there may only be one contractor for something like purchasing services. Not that Council couldn't say to go competitive bid it, but it would not be required by Charter. An example would be a small building, under \$50,000 which is the threshold via ORC for bidding and therefore specs and plans would not have to be done by an architect and then go to bid as is currently required by Charter; it sometimes costs more to go through all those processes with paying for materials, design, and advertising. The tradeoff here is this would not require all purchases to have to come to Council, but would lower the amount of dollars that would. It was discussed with Mr. Tousley as to how we would be comfortable lowering ~~lower~~ the dollar level to \$5,000 for purchases to come before Council or whatever control you feel is necessary to put in place one set of requirements so there are not conflicting requirements. Mr. Tousley stated his a minor objection is that 5.03 B took out the Council majority vote and leaves it only with Board of Control approval. Mr. Markey said that is true, but the language regarding Council's vote was moved to the end of the Section 5.02 E, which added it back in and is the right section. Mr. Tousley stated so ultimately it does stay with Council even though it does not state it word for word and Mr. Markey concurred. Mr. Markey added that Norton does BOC differently than anyone else he is aware of as BOC is the Administrative approval of a contract. It is in place so no department head could enter into a contract over a certain dollar level without the public being aware of it. It is an administrative protection mechanism. Council approval is its own thing and they have been intermingled in Norton, which is fine, but doesn't serve a lot of purpose. The idea would be to move that Council approval to section 5.02 E as it talks on competitive bidding and what Council is required to do and 5.03 B which is approving contracts to the Board of Control and if it is over \$10,000 it would have to go to Council.

Mr. Tousley asked how this would be listed on the ballot. Mr. Markey said it would be listed as two separate changes. Which could have one being approved and not the other and could cause some chaos still; we have chaos now and could still have chaos, but hopefully if it goes to ballot, the people will see fit to change both at the same time. Mr. Pelot asked if they could be listed together. Mr. Markey said maybe; we could submit it that way and the Board of Election would decide, but probably would. Mr. Kernan said a survival clause could be added so that if both are not approved, then neither would be approved and Mr. Markey concurred that it could be added at the end of the ordinance. Mr. Kernan questioned if this language was under ORC Section 735, Mr. Markey stated yes, it was under Public Service Director, Mr. Markey stated it deals with Board of Control and sets competitive bidding at \$50,000.

Mr. Tousley reiterated his concern over the language of 5.03 B and it may hinder the adoption of both. Mr. Markey stated this is the problem with legal language although we try our best at

simplifying it. Mr. Kernan asked about the members of Board of Control (BOC) and if it is common to include Council members. Mr. Markey said it is not common for Council members to be on Board of Control. It typically is Administration and the meetings are held during the day, and are subject to the Open Meetings Act. Administration is more concerned with fixing the procedure and not who is on the BOC.

Ms. Whipkey asked about the difference between the competitive bidding language between City of Norton and Ohio Revised Code. Mr. Markey explained ORC states if it is over \$50,000 and only certain types of contracts are bid out; our language states every type of contract no matter what it is once the amount of \$25,000 reached. Ms. Whipkey questioned the \$5,000 versus \$25,000 and Mr. Markey stated the simplest way to explain it is that in Norton if it is over \$5,000, the BOC has to approve it, if it is over \$10,000, Council approves; and contracts over \$10,000 has to be approved by BOC and Council and if the Revised Code requires it, it is competitively bid. Mr. Kernan stated that what it comes to is that anything over \$10,000 has to be approved by the BOC and Council in some form or another and Mr. Markey concurred. Mr. Markey stated they are not trying to duck Council, they just want it clear what the rules are to operate by and is why they are willing to lower the amount.

Mr. Markey stated the next two sections are more controversial as it deals with compensation. Section 3.08 deals with the Compensation of Council. The Ohio Public Employment Retirement System (OPERS) gives service credit by the monthly compensation, but Norton City Council members do not earn enough to qualify. Everyone in the City should be concerned with allowing for pension benefits as it ensures a stronger candidate pool of competent people. Other communities have done this by changing the Charter to say whatever the minimum rate is to guarantee OPERS pension benefits so it doesn't have to go to the voters and it is the State dictating the wage. The reasoning is the same for Section 3.02, Compensation for Mayor. Mr. McGlone asked when that went into effect and Mr. Markey stated he believed it was 2012 or 2013 so no one there is getting the full percentage of service credit and none for the health care eligibility as you need to get \$1,000 per month.

Mr. Gainer asked who would be eligible, but before that could be answered a recording problem was noticed.

At 8:58 p.m. Mr. Pelot called a brief recess to address equipment malfunction of the recording process. Mr. Pelot reconvened the session at 9:06 p.m. It was decided to cover the Charter Amendment changes proposed again for the public's benefit and information as it was not certain what recorded or not.

Mr. Markey summarized the Charter Sections that Administration recommends changing. Section 3.06 Vacancy on the Council will change the procedure due to the stalemate we had before to allow 30 days for Council to make an appointment. If Council does not make an appointment, the Mayor then can appoint a replacement. Mr. Kernan added it prevents a vacancy to last for months and months. Ms. Whipkey asked if it is a Ward, can the residents of the Ward have some input. Mr. Markey thought all Council members should be treated the same – Ward Council person same as At-large Council person. Ms. Whipkey stated she wanted

that part to remain that if they are voted out of office, they should not be eligible for a reappointment for two years. Mr. Gainer said this restriction is already included in the Charter stating that if one has been removed or resigned, they are not eligible for two years.

Section 5.02 E and 5.03 B, dealing with competitive bidding and Board of Control procedure. There are currently a couple of requirements for competitive bidding and approval levels for BOC and Council. This would establish one set of requirements: contracts over \$5000 goes to BOC; contracts over \$10,000 goes to Council; and always follow competitive bidding rules only according to the Ohio Revised Code. Mr. Markey stated that Mr. Fowler had pointed out to him while on technical standby that engineering contracts are currently bid out in Norton due to being over \$25,000, but ORC says it is not legal to competitively bid for whatever reason. Ms. Whipkey restated and confirmed amounts and control mechanisms with Mr. Markey. Mr. Markey also noted that Administration would not be opposed to all contacts over \$5,000 must be approved by Council period. Mr. Tousley stated that competitive bidding starts at \$50,000 in the state, but Council will continue to ask for three bids, quotes, proposals, etc.

Section 3.08 Compensation of Council and Section 2.02 ~~302~~ for Mayor's Compensation State Pension requires \$1000 per month to receive service credit towards pension to qualify for healthcare, which started in 2012 although they get partial pension credit. Policy reasons for this change include the ability to attract the most qualified people to serve on Council as people put a lot of their time into these positions. This may encourage people to serve for the pension credits. Mr. Markey noted that the Mayor's rate would be tied to the Council's compensation. Mr. Kernan asked when the Board of Elections deadline was to get the Amendments on the ballot. Mr. Markey noted September 7, 2018. Ms. Whipkey said the compensation section for the Mayor is already listed as Section 2.09 and the compensation should be moved because it is not a qualification.

Mayor Zita asked about the provision regarding Primary Elections. Mr. Markey explained why the Board of Elections requested the Primary being changed. He discussed the pros and cons; one specifically of needing to do ballots early in the year. Mr. Markey said it could also be eliminated because Norton is nonpartisan and Norton has not had a primary since going nonpartisan. Mr. Kernan asked if there are a lot of candidates, would there be a run off between the top two? Mr. Markey said yes. Mr. Pelot suggested waiting until Summit County makes a final decision, because Norton is not going to foot the bill for a Special Election unless we were the only ones with something going to ballot. Ms. Whipkey agreed. Mr. Markey said this will require a Charter Change and will have to be voted on for Charter Amendments. Mayor Zita stated it had went before Akron Council and it was turned down; the Mayor is currently working on a petition.

Judith Lynn Lee 3227 Creekside Drive, Norton OH 44203 informed Council there would be a discussion on this topic at the Northwest Akron Library on August 21, 2018 at 6:00 p.m.

Mr. Markey read the minimum requirements of candidates for instituting a Special Election according to the current Charter. Mr. Kernan said allowing for the May primary would require only one change and all other requirements remain the same. Mr. Tousley noted the number of

villages and cities that have eliminated the Primary is 3:1 and suggested it may be appropriate for Norton. But he would want the voters to decide. If this change is going to generate more Charter changes, then he would suggest waiting. Mr. Markey explained the constitutional requirements for Charter amendments and what would constitute a Special Election. The BOE would have to comply with the Charter if necessary. He said this Charter amendment could wait until the November election. Mr. Pelot would prefer to wait until Summit County makes a final decision and Ms. Whipkey agreed.

Mr. Tousley moved to have the first five sections discussed on the charter added to the next agenda, seconded by Mr. Gainer. Mr. Pelot summarized the changes.

Roll Call: Yes: Tousley, Gainer  
No: None

Motion passed unanimously.

### Cleveland-Massillon Phase 3

Mr. Pelot noted this pertains to the acquisition of land necessary for the widening of Cleveland-Massillon Road. They were looking to come to settlement and a number need to move forward. There are seven parcels and Mr. Markey will prepare the Ordinances. Mr. Kernan requested that Ord #87-2018 be voted on separately. Mr. Pelot described the parcels and owners. Mr. Pelot moved to add six parcels, Ordinances 83,84,85,86,88, and 90-2018, excluding Ord #87-2018, to the next agenda with emergency language and to waive second and third readings, seconded by Mr. Kernan.

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

Motion passed unanimously.

Mr. Pelot moved to add Ord #87-2018 to next week's agenda with emergency language and to waive second and third readings, seconded by Ms. Whipkey.

Roll call: Yes: Pelot, Whipkey  
No: None  
Abstain: Kernan

Motion passed unanimously.

### Engineering Services

Mr. Kernan explained that GPD Group Engineering Services will serve as the municipal engineer with a 28 month contract not to exceed \$120,000. Mr. Tousley asked how this compares monetarily with the past Engineer. Mr. Fowler said approximately \$3,000 annually less and believes there will be more savings as we only pay for what is used while the other was 20 hours per week. The entire contract is capped at \$50,000 yearly. If more work is needed, it will need to come before Council. This group will be preparing road plans for bidding for next year's program and storm water issues. Mr. Gainer asked how often the Engineer would be available to the City as he believed it was four days a week which is more than Mr. White was

available and Mr. Fowler agreed. Mr. Fowler noted the firms were ranked before and after the interview. One of the critical components was accessibility to the Engineer. Mr. Kernan said there were four firms interviewed. Mr. Gainer stated he had read all the information and all four firms were excellent and Mr. Kernan agreed. Mr. Kernan moved to add this to the next agenda with emergency language, seconded by Mr. Pelot adding that if there is another engineering firm that has more expertise in a certain area, it can still be pursued for that project. Ms. Whipkey pointed out that we, as a City, do have a history with this particular firm.

Roll call: Yes: Kernan, Pelot, McGlone  
No: None

Motion passed unanimously.

#### Factfinders Report

Mr. Pelot summarized the factfinders recommendations as 2.0%, 2.3% and 2.5% over the next three years retroactive to January 1, 2018 along with a few other changes. Mr. Pelot stated Council will not be acting on this tonight and Mr. Kernan asked if we should not move it out of Committee. Mr. Markey noted that the factfinder report will go into effect after seven days and this is just to make everyone aware of it.

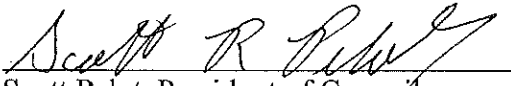
#### **UNFINISHED BUSINESS**

#### **TOPICS FOR NEXT WORK SESSION – Tuesday, September 4, 2018**

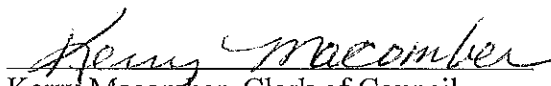
#### **PUBLIC COMMENT**

#### **ADJOURN**

There being no further business to come before Council, the meeting was adjourned at 9:41 PM.

  
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 August 27, 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.