



**NORTON CITY COUNCIL  
COMMITTEE WORK SESSION  
MONDAY, SEPTEMBER 17, 2018**

The Committee Work Session was convened on Monday, September 17, 2018 at 7:04 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	Ron Messner
	Paul Tousley	Robert Fowler
	Charlotte Whipkey	Justin Markey
	Joe Kernan	Kerry Macomber
	Scott Pelot	

**NEW BUSINESS - COMMITTEE OF THE WHOLE**

ODOT State Infrastructure Bank (SIB) Loan

Mr. Fowler stated as the Cleveland Massillon Road project is coming up for bid, the question came up how we were going to pay for our contribution and it was originally around \$3.1 million range. The good news is that Norton's new engineer found \$500,000 in grant monies available from ODOT to contribute to the second phase of Cleveland Massillon Road widening project and successfully lobbied Columbus for the funds. Of the monies being requested, \$1 million is for the sewer line and the monies to be used will come from another fund and \$1.7 million from road funds. The loan would be at low interest. Mr. Markey explained how the monies will be paid out of fund 128, which is the roll back monies and is how we had done the Phase 1 sewer line. Ms. Whipkey questioned whether this was going to leave the residents out of funds and what it would leave us with. Mr. Markey stated we could get a new set of numbers on that. Mr. Pelot said if we try to pay for all of it out of Fund 128 now, it would deplete the fund, which is why we are looking at spreading it out over 30 years and paying it back out of the 128 fund. Mr. Tousley asked if the loan can be paid back early and Mr. Markey will look at the loan agreements and see if the 128 fund will last long enough. Mr. Tousley asked what the life of the road will be. Mr. Fowler said the road will last seven to ten years with proper maintenance but the sewer will last 40 to 50 years. The most expensive portion is the infrastructure like sidewalks, curbs, sewer, land acquisition, etc. and it will last a long time. Mr. Messner said that in 2019 said that the sewer payments will begin with Barberton and it bothers him that Norton pays \$1 million for the sewer and turns over the asset to Barberton for nothing; they need to pay for it. Ms. Whipkey asked about no time limit on the ordinance while the memo says 20 years and we are talking 30. Mr. Markey explained there is a form and we can make the time limit which the time can be decided later. Mr. Markey explained that there is a

timing crunch with the application going to the State for the SIB Loan. Applying for the loan does not commit the City to accept all or any of an award. Mr. Tousley stated we apply, but we don't have to take all of it and Mr. Markey concurred or take nothing. Ms. Whipkey asked if this \$2.7 was in addition to the acquisition costs and monies already applied. Mr. Markey answered it was in addition to those paid to date as this is the actual construction costs. Ms. Whipkey asked if this was only 20% of the full cost and Mr. Markey agreed. Mr. Fowler stated it was 20% of the road, but 100% of the sewer. Ms. Whipkey said that fund 128 should not be used and leaving none for the residents; she would never agree to anything taking the entire 128 fund and wanted to see it in black and white. Ms. Whipkey asked what was left in the 128 fund and Mr. Messner responded it was about \$1.2 million. Mr. Fowler noted that item D, the TIF funds, would be appropriate and a great example for this type of project. If passed, the TIF funds could be applied to the debt fund on the loan. Ms. Whipkey asked about the payments on the SIB Loan – Mr. Markey said approximately \$100,000 a year and plus interest. Mr. Pelot asked if this will impact our credit rating and Mr. Markey said it will not impact the City negatively because it is not general obligation. Mr. Gainer asked if the TIF had to identify the type of project and Mr. Fowler agreed. Mr. Fowler explained the key to TIF project is it had to have a direct benefit to the property and he would argue a road and sewer line right in front of the property is about as direct benefit possible. Ms. Whipkey read Section 2 and questioned the intent and Council having a voice. Mr. Markey noted he could see where it could be understood that way and that this is an ODOT form and not crafted with that in mind; we could take that out, but we have to act quickly. Mr. Fowler said that Council always appropriates debt service payments. Mr. Markey stated if there was concern we could always come back to Council for approval. Mr. Tousley agrees we should apply for the loan but not to saddle the future with paying for a road that is no longer viable. Mr. Markey explained our cash is available in the sewer funds, but not roads. Mr. Fowler said we can itemize out the road portion when the bids are finalized and the Engineer's estimate for the total project is \$1.75 million. Mr. Kernan thought that the black top would be the least expensive part suggesting the first seven years of the loan can be paid for the road and the remaining 23 years for all other improvements. Mr. Tousley asked if grants for sidewalks are still available and Mr. Fowler stated he believed a portion of the safety grant found dealt with that. Mr. Fowler stated that on federally funded projects the proportion is 80/20. Mr. Pelot offered kudos to the new engineer for finding the grant money right out of the box. Mr. Pelot said we can separate out the road portion. Ms. Whipkey again noted her concern with Section 2. Mr. Kernan offered that effectuate means to him that the Administrative Officer has the ability to sign documents once the Council has approved the financial considerations. Ms. Whipkey reiterated that her interest is in protecting Fund 128 however you do it. Mr. Fowler said that is why they are going out for this loan and then use TIF dollars to pay debt service. Mr. Kernan said that TIF cannot be used to pay back Fund 128 but it can be used to pay back SIB Loans and both Mr. Markey and Mr. Fowler agreed. Mr. Pelot asked Mr. Messner to explain how the funding for the project was budgeted. Mr. Messner explained it had to wait until final numbers were provided. Mr. Markey said that these are in capital improvement project fund and the funds cannot be transferred out of special funds once created. We are behind the eight ball as Mr. Messner was not made aware by Mr. White that we needed this. The budget will have to be amended to ensure the project bills are paid. The contract should be awarded in November and the project may start early next year. Ms. Whipkey asked about adding language to protect Fund 128. Mr. Markey said ODOT needs a pledge of revenue to pay back and Norton used all income tax to guarantee that payment. Mr.

Pelot stated we pulling in roughly \$550,000 per year and Ms. Whipkey reminded him that about half of that is already pledged for Nash Heights. Mr. Pelot responded we could still pull \$500,000 out and be okay. Mr. Messner provided an update on the available funding in the various accounts that could be used for this project; at the end of August there was \$1.855 million in 128, \$1,218 million in 127, and \$1.1 million in 126 (Water Fund). Mr. Messner stated he had budgeted \$984,000 for sewer out of Fund 128 because the project was moving along. Mr. Markey stated it was really the road portion we were looking for funds on as we had budgeted for the sewer. Mr. Messner added that was \$1.4 million out of the \$1.8 million. Mr. Tousley stated we would be reimbursed for the Phase 1 sewer expenditure at some point and Mr. Markey concurred, but we did not know when and Mr. Fowler pointed out it wouldn't be full reimbursement. There was discussion on changing Section 2 among Council and it was determined the verbiage provided by ODOT should remain as written; Mr. Kernan added that he agreed that Fund 128 needed protected but we could specify that when the time came and Council can always change its own ordinances. Mr. Tousley clarified that Fund 127 cannot be used and Mr. Markey agreed that it cannot be used to extend sewers. Mr. Fowler agreed to provide a break out on road construction and a loan amortization schedule and an updated Fund 128 schedule. If anyone has any questions get them to the Administration before Monday's meeting. Mr. Pelot added it to next week's COTW for further discussion and moved to add Ord 97-2018 to the next Council meeting with emergency language and waive second and third readings, seconded by Mr. Kernan.

Roll Call: Yes: Pelot, Kernan, Whipkey

No: None

Motion passed unanimously.

#### Energy Special Improvement District (ESID)

Mr. Fowler said that he sent the backup information tonight regarding ESID. He gave examples of how this program will provide business owners low interest funding for energy efficient improvements for their buildings and facilities. This is a voluntary program where the business owners agree to being assessed. The funding is provided by the Development Finance Authority and will be available once Norton joins ESID. Mr. Markey stated this can wait until the next Committee Work Session because there is no urgency. This will be a positive program for the business owners now and maybe residential customers in the future. Mr. McGlone asked if the business owner becomes delinquent on taxes, would the City be responsible and Mr. Markey stated no, it would be a separate process. Mr. Gainer and Mr. Messner suggested updating the street lights. Mr. Tousley remarked that the street lights are owned by First Energy. Mr. Gainer asked if the street lights could be included with the tennis lights and Mr. Fowler said not at this time because it is out of the budget allowed. Ms. Whipkey asked about the Board of the ESID and Mr. Markey explained the current composition that there is one representative from each member (unlimited total number) and the Mayor could appoint anyone as his representative for our community. Ms. Whipkey asked if the ORC 1710.11 relating to competitive bidding controls Special Improvement District and how would that affect us. Mr. Pelot asked Mr. Messner the rate of interest on these loans and Mr. Markey said zero percent loan but there is an administrative agreement. Mr. Markey stated, in relation to Ms. Whipkey's question, that the ORC 1710.11 deals with private companies not having to follow the competitive bidding requirements of the community, such as Crystal Clinic in Fairland, but it

does not apply to us. Mr. Gainer asked if the Board actually approved the loans and Mr. Markey explained the process stating that they approved some of the requirements but the Development Finance Authority would make final decision. Ms. Whipkey asked that just for clarification that section means the businesses do not have to follow the competitive bidding rules and Mr. Markey concurred. Mr. Karant asked about the funding cap and Mr. Markey explained there are different funding sources available and the smaller funds are limited with separate ones for large projects. Ms. Whipkey asked about paying the \$12,000 up front and Mr. Markey said it has to be assessed so that Norton can become part of the ESID but it can be paid off as early as one year and that is the intent. Private businesses may pay it sooner as well. Mr. Pelot moved to add Ord 98-2018 to the next Committee Work Session as Council did not have the agreements.

#### AFSCME Memorandum of Understanding

Mr. Tousley noted that this was a follow up to the Spring agreement. Mr. Fowler said there are a couple changes. The Service people received a "Me Too" clause and there was also a Supreme Court decision that removes the language of fair share fee. Currently, the union reps are interpreting this language. The other changes are highlighted on the MOU Agreement. Mr. Fowler stated that there is no urgency and it can go three readings. This agreement will become effective in January 2019. This year everyone got the same increase of two percent. Mr. Tousley moved to add Ord 99-2018 to the next Council meeting with emergency language, seconded by Mr. Karant.

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

Motion passed unanimously.

#### Albrecht TIF

Mr. Fowler explained this economic development tool that will allow the city to capture the increased taxable value of the ACME property after all the improvements that are being constructed and it will be used to fund infrastructure. Under these agreements the school will remain whole. The portion that goes into the City will be used to pay for specific projects. If the TIF does not go into effect, it will be distributed in normal terms. The TIF allows the City to capture the County's share and to use it for infrastructure. Mr. Fowler said we have until the end of the year and he anticipates more in the future. Mayor discussed this has been explored when the dentist office came in and he is encouraged that we can use it now. Mr. Pelot moved to add Ord 100-2018 to the next Council meeting with emergency language, seconded by Ms. Whipkey. Mr. Gainer asked about the different addresses and Mr. Markey said they can provide an overlay with the Parcel numbers.

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

Motion passed unanimously.

#### Litigation Settlement

Mr. Pelot explained that an agreement has been reached and ODOT will payback 90 percent. So at the end of the day, the City's portion is \$5,975 with the settlement. He explained the breakdown. Mr. Kernan said this agreement is much less than what litigation would amount to. Mr. Markey said this has saved a lot of money by not going to trial. Mr. Pelot moved to add Ord 101-2018 to the next Council meeting with emergency language and waiving second and third readings, seconded by Ms. Whipkey.

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

Motion passed unanimously.

#### FCC Ruling on Small Cell Infrastructure

Ms. Whipkey explained City Council is sending a letter to FCC to have input on the rules of small cell facilities in the City's right-of-way; it was limiting our say in this and we need this sent out by tomorrow electronically. Mr. Markey explained that there are currently several in Norton. He is working on Ordinances to get regulations in place suggested by the Ohio Municipal League, but Nortonized. Small cell is how they deploy 5G cellular service as opposed to the large cell towers. The State preempts the localities by saying it has to be put in the right-of-way. Mr. Kernan asked if these are on the telephone poles now and Mr. Markey said yes. He believes the municipalities should have some say as to how this is going to happen and also the fee involved and Mr. Markey concurred. The FCC and State are pre-empting us and setting caps on the fees. Mr. Gainer noted that there is a possibility they can put a 27 Cu. Ft. box, which is the size of refrigerator or 3x3x3. There is also a possibility that the apparatus box can be underground. Mr. Gainer noted there is a box that prohibits the line of sight for traffic already in Norton. Mr. Pelot asked the Administration to look at making some changes either to the box location or the stop sign. He also requested the provisions of height; responsibility of owners of the boxes through bonding and a limitation on number of boxes to be included in the Ordinances. Mr. Markey will look into it. Mr. Gainer discussed the fee schedule that will not address the costs. Mr. Fowler said the state had a moratorium until August 3, 2018. Today, there are three right-of-way permits out and Administration will finish the Ordinance soon before the cell companies rush to get permits. Mr. Pelot encouraged all that were interested to sign the letter.

#### **UNFINISHED BUSINESS**

Ms. Whipkey asked for an update on the I-76 cameras and Mr. Fowler said signs went up last Thursday and started on Monday. Mr. Pelot said the Chief is holding camera activity to three hours a day. They are focusing on protecting the worker's, as well as travelers' safety. He is hoping to see the accidents decrease and will also identify the worst time of the day for offenses. Mr. Gainer thinks it is already working. Mr. Pelot asked Mr. Messner if the Chief has been with him about the distribution of fees and he said he is setting up different funds to keep it separate. Ms. Whipkey added that she was approached by several out-of-towners that are glad to see the project initiated.

Mr. Gainer asked for an update on the Western Star Cemetery fencing and Mr. Fowler will follow up. Mr. Tousley asked on the fence around the pump station on Golf Course Drive and Mr. Fowler will follow up. Mr. Tousley asked about final assessments and Mr. Fowler said



there is not a final number. Mr. Markey said assessments have to be certified by the second Monday in September and that did not happen. The first assessment will not go out until 2020 to the tax payers. The City will have to front the initial payment to Barberton.

Mr. Gainer said there are no sound walls along Norton Acres and asked if they are going to be included. Mr. McGlone concurred they are missing. Mr. Pelot asked if the Chief got back to us on "No Engine Breaking" signs around Norton and Mr. Markey will look into it.

Mr. Gainer asked about the water problems and the response from the ODOT Engineer acknowledged that there was a problem but had no solution. Several members of Council agreed they have also received resident concerns. Mr. Gainer encouraged Administration to work with ODO on installing retention ponds or something to alleviate the water problems. Ms. Whipkey agreed that it is now the time to deal with this while they have the equipment there and the resources to do it.

Mr. Pelot asked the Clerk to put the Road Work Schedule on the next COTW meeting. Ms. Whipkey asked if we were supposed to pick from those roads or add new ones. Mr. Fowler said that was the list that Mr. Hess felt were the most problematic and he has asked Council for their input into which roads they think should be addressed. Mr. Fowler said the Engineer is looking at a plan to find grant money for some of the roads.

Mr. Karant asked Mr. Fowler about the resident requesting a sound study behind Golf Course Drive and Mr. Fowler said ODOT is controlling all of this and he will follow up with the process.

**TOPICS FOR NEXT WORK SESSION – Monday, October 1, 2018**

Road Work Schedule

Update Matters Referred

DAC resignation of Mr. Gainer and Appointment

**PUBLIC COMMENT**

**ADJOURN** - There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:49 p.m.

  
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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

September 24, 2018.

  
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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.