



Regular Council Meeting

Monday, September 28, 2020

****Remote Teleconference Meeting****

The Regular Council Meeting was convened on Monday, September 28, 2020 at 7:00 PM via Zoom live streaming to City of Norton YouTube, pursuant to H.B. #197. 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 Dennis McGlone Dan Karant Paul Tousley Charlotte Whipkey Scott Pelot Joe Kernan	Also Present: Mayor Zita Robert Fowler Pam Keener Justin Markey Kerry Macomber
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COMMUNICATIONS FROM THE PUBLIC- None

COMMITTEE OF THE WHOLE - Reports from Standing Committees

Quit Claim Deed - Mr. Kernan noted that the City is in the chain of title to this property, which is in Barberton and believes it was a cemetery. Mr. Fowler explained it had originally been platted for a cemetery, but there has been confirmation that there were no burials at that site. It is off of State Street near the old school. Mr. Markey said it is Christian Healthcare Ministry and provided the historical background that in the 1800's, the land was part of Norton Township and it should have been moved to the City of Barberton when they incorporated. The City of Barberton is going to deed this property over to Christian Ministry so they can expand their campus. By doing this now, it will give clear title so Barberton can deed it over to allow the Christian Ministry to use the land. Mr. Kernan reiterated we have no financial or other interest in this property. This legislation authorizes the Administrative Officer to sign a Quit Claim Deed. Mr. Tousley asked if there were any outstanding taxes associated with the property and Mr. Markey replied that it was always for public use so it is exempt from the tax duplicate. Mr. Kernan moved to add Ord. No. 088-2020 to tonight's agenda with the intent to waive second and third readings; seconded by Ms. Whipkey.

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

Motion passed unanimously.

Appropriations and Estimated Resources Amendment - Ms. Whipkey explained this is to rearrange monies to cover expenses, as needed. For example, \$12,500 will be an increase to the General Fund and decreased in the parks other expense lines and is really a no cost deal; \$56,500 moved to the Road Program from the General because we are not receiving the license revenue funds there in 170 and we are off setting that charge; etc. Ms. Whipkey stated the economic

development monies were basically for property not bought and noted this needs to be done so that we can clean up the 2020 budget. Ms. Whipkey said this is really to pay our bills and moved to add Ord. No. 089-2020 to tonight's agenda with the intent to waive second and third readings as there really isn't anything for the public to petition; seconded by Mr. Pelot.

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

Motion passed unanimously.

Transfers - Ms. Whipkey said this is the ordinance to transfer the \$56,500 to the Fund 170, and moved to add Ord. No. 090-2020 to tonight's agenda with the intent to waive second and third readings; seconded by Mr. Pelot.

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

Motion passed unanimously.

CONSIDERATION OF MINUTES

Minutes of Regular Council Meeting of September 14, 2020 were accepted as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita encouraged all resident to complete the Census information today, if they have not already done so. He noted the programs for the City are supported by the complete and accurate count of the residents in the City. Mr. Kernan said that many of our grants depend on this Census information and the Mayor concurred. Mr. Pelot remarked that the Census reads Barberton as our address and asked how they will differentiate between the cities. Mr. Pelot said he was not able to change the City. Mr. Fowler remarked the City is required to notify the Census if there are any boundary changes annually and they take that into account. Mr. Kernan added that the count is by Street Name as to what is inside the boundaries and not necessarily by City. Mr. Pelot replied that Norton should have its own zip code. The Mayor stated there have been discussions about this.

Mayor Zita announced the Norton/Copley Lions Club Cider Sales are every Saturday through October 31 from 9 AM to 3 PM. Locations include Ritzman Muffler Shop in Loyal Oak, the vacant lot of the former Corner Stone Elementary School and also Copley Feed. The money raised is kept in the community for activities and programs.

Mayor Zita encouraged all neighborhoods host Trick or Treat evening on Saturday, October 31, 2020 from 5 - 7 PM. The City Safety Forces will be out in the neighborhoods to help ensure all children are safe.

Mr. Fowler announced:

- Clark Mill Sewer Project is complete and the road was resurfaced last week;
- Walking trail at Columbia Woods has been bid and it should be back in a couple of weeks;

- Wooster Road Storm Sewer project is out to bid and the Wooster Road Waterline will be out for bid and awarded before Christmas break; and
- Roads went in last week at Cider Ridge development.

PUBLIC HEARINGS - None

INTRODUCTION OF NEW LEGISLATION

Ord. No. 088-2020

Mr. Kernan introduced Ord. No. 088-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING THAT CERTAIN PROPERTY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DETERMINING TO TRANSFER SUCH PROPERTY TO THE CITY OF BARBERTON; AND DECLARING AN EMERGENCY.

Mr. Kernan moved to waive second and third readings; seconded by Ms. Whipkey.

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

Motion passed 7 - 0.

Mr. Kernan moved to adopt Ord. No. 088-2020; seconded by Ms. Whipkey.

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

Motion passed 7 - 0.

Ord. No. 089-2020

Ms. Whipkey introduced Ord. No. 089-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AUTHORIZING AMENDMENTS TO THE CERTIFICATE OF ESTIMATED RESOURCES OF THE CITY FOR CALENDAR YEAR 2020; AND DECLARING AN EMERGENCY.

Ms. Whipkey moved to waive second and third readings; seconded by Mr. Pelot.

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

Motion passed: 7 - 0.

Ms. Whipkey moved to adopt Ord. No. 089-2020; seconded by Mr. Pelot.

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

Motion passed: 7 - 0.

Ord. No. 090-2020

Ms. Whipkey introduced Ord. No. 090-2020 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING A TRANSFER FROM THE GENERAL FUND FOR CALENDAR YEAR 2020; AND DECLARING AN EMERGENCY.

Ms. Whipkey moved to waive second and third readings; seconded by Mr. Pelot.

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

Motion passed: 7 - 0.

Ms. Whipkey moved to adopt Ord. No. 090-2020; seconded by Mr. Pelot.

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

Motion passed: 7 - 0.

INTRODUCTION OF PRIOR LEGISLATION

Res. No. 086-2020

Mr. Kernan offered Res. No. 086-2020 for its second reading and asked the Clerk to read it:

A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE JGB ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF NORTON, OHIO; AND DECLARING AN EMERGENCY.

Second reading only.

Ord. No. 087-2020

Mr. Kernan offered Ord. No. 087-2020 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE A NON-EXCLUSIVE RIGHT-OF-WAY ACCESS AGREEMENT WITH KDA INVESTMENTS, LLC FOR THE USE OF AN UNIMPROVED PORTION OF 28TH STREET SW; AND DECLARING AN EMERGENCY.

Second reading only.

Res. No. 084-2020

Mr. Pelot offered Res. No. 084-2020 for its third reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE WOOSTER ROAD WEST BETWEEN THE EASTERN CORPORATE BOUNDARY OF THE CITY SOUTHWEST FOR APPROXIMATELY 2,300 LINEAR FEET BY CONSTRUCTING, RECONSTRUCTING, IMPROVING, PAVING, GRADING, DRAINING, AND CONSTRUCTING AND INSTALLING STORM SEWER IMPROVEMENTS TOGETHER WITH NECESSARY

APPURTENANCES THERETO, COMPRISING THE WOOSTER ROAD STORM SEWER IMPROVEMENTS PROJECT; AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt Res. No. 084-2020; seconded by Mr. Kernan. Ms. Whipkey said that regardless of whether the assessment charges can be changed in the future, she will not support or approve of any legislation that allows residents to be assessed for a ditch. Mr. Tousley agreed with Ms. Whipkey. He noted that although he has confidence this will be resolved to keep the residents whole, as long as there is an Exhibit A specifying amounts of an assessment, he will not support the legislation. Ms. Whipkey added she does not want this to set a precedence whereby residents can be assessed for a ditch. Mr. Pelot explained that if we do not have this legislation as written, we will not be eligible for grant monies for the project. Mr. Kernan concurred. Mr. Pelot said the only reason he is supporting this is for the free grant money.

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

Motion Passed: 5 – 2.

PUBLIC SERVICE ANNOUNCEMENTS

NEW BUSINESS

Mr. Kernan moved at 7:43 PM to enter into an Executive Session to consider confidential information related to economic development assistance as defined in ORC § 121.22(G)(8); employment matters as defined in ORC § 121.22(G)(1) & Section 3.12(1) of the Norton City Charter; and conferences with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action as defined in ORC § 121.22(G)(3) & Section 3.12(3) of the Norton City Charter; seconded by Mr. Pelot.

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

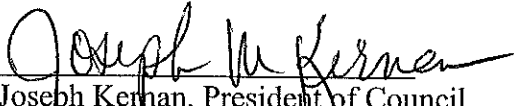
Motion passed 7 - 0.

Mr. Kernan invited Mayor Zita, Mr. Fowler, Ms. Keener, and Mr. Markey to join Council. Mr. Markey explained that he has sent a Zoom Meeting Request to all of Council for the Executive Session. Once that discussion is completed, Council will return to the Regular Council Meeting, which has continued to stream live through Zoom and YouTube.

Mr. Kernan reconvened the Regular Council Meeting at 8:44 PM.

ADJOURN:

There being no other business to come before Council, the meeting was adjourned at 8:45 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 October 13, 2020.


Kerry Macomber, Clerk of Council

****Note: these minutes are not verbatim****
Original signed and approved minutes are on file with Clerk of Council.