



**NORTON CITY COUNCIL  
COMMITTEE WORK SESSION  
MONDAY, OCTOBER 1, 2018**

The Committee Work Session was convened on October 1, 2018 at 7:00 PM in the Council Chambers of the Safety Administration Building. The meeting was called to order by Mr. Kernan, Vice 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 (Excused)	Ron Messner
	Charlotte Whipkey	Justin Markey
	Joe Kernan	Kerry Macomber
	Scott Pelot (Excused)	

**NEW BUSINESS - COMMITTEE OF THE WHOLE**

Energy Special Improvement District (ESID)

Mr. Fowler noted this is the project discussed for LED lights at the tennis courts, which will allow the City to become part of the ESID and also allow our businesses to participate in energy efficiency projects. Participation is by petition and will be paid by a 100% assessment to the businesses. Ms. Whipkey asked why the City payoff was changed to two years. Mr. Markey stated the plan is to pay the special assessments in one year with two semi-annual payments. Mr. Fowler corrected the amount for the project, which is now down to \$8000. Mr. Markey will make additional changes and make sure the Clerk has the information. Mr. Kernan stated that the City is doing an efficiency project first and then it will be made available to the businesses. Mr. Markey explained the County is trying to expand the program throughout the County and that is why they have approached the cities. Ms. Whipkey asked about Section 1710.11 (Competitive Bidding) and asked if there are Rules available. Mr. Markey explained that if you are a non-government users or a private business, they do not have to follow the public laws of competitive bidding. Ms. Whipkey suggested that the Mayor address this when he or his representative is on the Board of Trustees to clear up the language. Mr. Kernan clarified that the City will continue with our rules and follow the Ohio Revised Code. Ms. Whipkey requested a copy of the Rules and Mr. Markey agreed to supply them. Mr. Kernan moved that Ord #98-2018 be added to the next Council agenda, seconded by Ms. Whipkey.

Roll Call:    Yes:   Kernan, Whipkey  
                  No:    None

Motion Passed Unanimously:

AFSCME Office and Clerical Unit MOU

Mr. Karant remarked this is cleaning up the AFSCME contract so this group, which had settled earlier, will bring them up to the others. Mr. Fowler noted that other changes included the Fair Share Fee language is the language that was added by our local Union representatives and also it gives the Clerical .1 percent increase. Ms. Whipkey noted that the fair share fee allows the employees to opt out of the Union. Mr. Fowler agreed noting they can opt out of the association and that the City would no longer withhold their dues. Ms. Whipkey asked if the Union would continue to represent them. Mr. Markey stated that was to be determined and Mr. Gainer remarked this is being discussed in a court of law. Mr. Karant moved to add Ord #102-2018 to the next Council agenda, seconded by Mr. Gainer.

Roll Call: Yes: Karant, Gainer  
No: None

Motion passed unanimously.

Taser X26P Units for Police Department – Mr. Kernan noted that the Safety Committee did not have a quorum and thus moved it to the Committee of the Whole. Mr. McGlone asked Mr. Fowler if there were currently any tasers in the department. Mr. Fowler said there are only three and he would like to get more as soon as possible. Mr. Messner stated this was included in next year's budget. Mr. Fowler said that there is equipment funding left over and this will be a five-year lease and it will include several components. This will increase the equipment necessary for the Police Officers. Mr. Kernan stated this is a safety issue and suggested waiving second and third readings. Mr. Gainer asked if the current tasers are leased and asked if there was a Maintenance Agreement. The Mayor offered he believed two were purchased and one was donated. The Chief texted in the information that the current tasers are not leased and they do not have a maintenance agreement. Mr. McGlone moved to add Ord #103-2018 to the next Council agenda with emergency language and to waive second and third readings, seconded by Ms. Whipkey.

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

Motion Passed Unanimously.

Amend Section 1066.04 of the Codified Ordinances

Mr. Karant requested Administration to explain. Mr. Markey offered that the ACLU has taken this up as an issue and has notified the Cities that the Solicitation Portion should be removed to avoid potential lawsuits. The rule will stay in place and just the solicitation portion removed. Mr. Gainer asked if we have the authority to stop a person from begging anywhere in town. Mr. Markey responded he would need to review all the rules. Mr. Fowler said we have the authority to ask an individual to move or be removed from an unsafe location. It is not as narrowly tailored as they would prefer, but this is the only option available. Mr. Kernan said that previously we have not allowed soliciting, selling, or begging on city property or sidewalks adjacent. Mr. Markey interprets this as citywide not

just parks. Mr. Karant disagreed, stating that the public place and Park is noted and the sidewalks adjacent. Mr. Markey said but the last sentence is stricken. Mr. Karant read it as presented and noted that it specifically states parks and authorization by the Public Service Director. Mr. Kernan asked previously, no alms or soliciting was allowed Citywide. Mr. Markey said that is how he interpreted it; we are still requiring permission to use parks. Mr. Karant clarified that Mr. Fowler was the Director of Public Service. Mr. Kernan noted that salespeople have to get a permit for a commercial enterprise, but we cannot stop people from soliciting or asking for money because of First Amendment Rights. Mr. Kernan remarked that there are no safeguards to prevent people from knocking on residents' doors and asking for money. Mr. Markey noted that the Police Chief does not seem to believe this will be a problem. Mr. Gainer questioned again the right to solicit any type of funds. Mr. Markey will explore it a bit more. Mayor Zita noted that residents should feel free to call the Police Department if unknown people knock on your door. Mr. Karant confirmed that this is limited to the Parks. Mr. Karant moved to add Ord #104-2018 to the next Council agenda, seconded by Mr. Gainer.

Roll Call: Yes: Karant, Gainer  
No: None

Motion passed unanimously.

#### Community Reinvestment Area Tax Abatement Agreement

Mr. Fowler noted Condor Welding is a current company located on Wadsworth Road that is building a new facility. We offered 30%, which is what we offer everyone. It says 100% because we are offering a PILOT (payment in lieu of taxes), which will make 100% payment to the City and the School and the business will receive a 30% discount in his taxes. Mr. Kernan asked if these are two separate contracts for the City and the School and Mr. Markey agreed they are and explained how they are developed and enforced. The 30% that is being discounted is actually what Summit County would have received. Mr. Gainer asked where the new building is going to be located and Mr. Fowler said on Barber Road west side of the street just South of New Park Drive. Mr. Markey said the school has to approve the Compensation Agreement but Council can go through the normal process of three readings. Mr. Kernan moved to add Ord #105-2018 to the next Council agenda, seconded by Mr. McGlone.

Roll Call: Yes: Kernan, McGlone  
No: None

Motion passed unanimously.

Ms. Whipkey asked that the application reads 30 years and Mr. Markey noted that the state limits it to 15 years. Mr. Gainer asked about the TIF arrangements and asked if the Administration was going to actively pursue them. Mr. Kernan asked to hold that discussion for Unfinished Business.

#### Purchase Road Salt

Mr. Fowler stated that the consortium that the City buys salt through (CUE) and the bids came in from Jan to April. Another supplier has come forward and offered it to CUE

members at a lower rate. Administration discussed cost saving measures and this opportunity and noted it requires an exception to our bidding law under our Charter. Mr. Kernan noted that this situation exists all over Northeast Ohio. Mr. Fowler said he has exhausted every other option and said that all municipalities have this problem that ODOT uses CUE. Mr. Gainer asked if we should consider an alternative to salt. Mr. Fowler noted that Mr. Hess is considering alternatives. Mayor Zita is concerned about the residual silt left behind. Ms. Whipkey asked about the current supplies and Mr. Fowler noted 5500 tons are normally ordered per year. Mayor Zita said the City of Norton has tried to squeak through before and using residual that ends up being a safety concern. There is a shortage for salt all over. Mr. Fowler said these 2500 tons will get us through January. Mr. Gainer asked if we considered cinders. Mr. Fowler answered in the affirmative. Mr. Kernan asked about brine and Mr. Fowler said we don't have the equipment. Mayor Zita described the process for making that work, which is not always successful. Ms. Whipkey noted the quote and the amount should get us through January and then questioned if the CUE was guaranteed, which Mr. Fowler said no. Ms. Whipkey asked if we were allowed to suspend competitive bidding. Mr. Markey explained that in this case of emergency, it would be okay to suspend. Mr. Kernan said he does not ever remember Council suspending competitive bidding, so this must be an emergency situation. Mr. Karant asked if this was enough and should we be ordering more. Mr. Fowler said that he is concerned about the budget impact and struggles with it philosophically yet it is necessary. Mr. Fowler said it has such a budgetary impact because the price has almost doubled – last year was \$58 now it is \$102. Mr. McGlone asked what the prediction for future years. Mr. Fowler stated that there has been a lot of concern and looking to bid it out in April to get ahead of it. Mr. Kernan moved to add Ord #106-2018 to the next Council agenda, suspending second and third reading; seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey

No: None

Motion passed unanimously.

#### Purchase Truck Chassis

Mr. Fowler noted that the Service Department will start to purchase a 5-ton dump truck and it takes 90 days to get the truck to the City. The City has a bed and piston that will be repurposing so it saves \$50,000 to \$60,000. Mr. Kernan asked if this was a five year lease and Mr. Messner said only two or three years. Mr. Kernan moved to add Ord #107-2018 to the next Council agenda, seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey

No: None

Motion passed unanimously.

#### Water Supply Revolving Loan Fund Application

Mr. Fowler noted we applied for grant funding to do the State Route 261 Water Project but we missed out because the project was not ready to go to construction because the Engineering and Design was not complete. It has to go through Barberton because we do

not have a Public Water System number so we are not able to enter into the agreement. This allows Barberton to execute the agreement on our behalf. Mr. Gainer asked if this was from Collier to Medina Line and Mr. Fowler said yes. Ms. Whipkey asked if we were going with Akron for water. Mr. Fowler stated if City has its own Public Service Water, then we could qualify and act autonomously. The fee includes design and \$30,000 for a permit from the EPA and associated fees that have to be paid. He is still looking to become autonomous by qualifying for a Public Water System. Ms. Whipkey said EPA should be more cooperative with us. Is the water coming from Akron or Barberton? Mr. Fowler said it will be from Barberton but we are still working with Akron and Wadsworth. The redundancy factor is favorable in this grant application. Mr. Gainer asked who was designing the project. Mr. Fowler said Engineering Associates was chosen in the RFQ process in January. Ms. Whipkey asked if all of three cities were providing water, could one of the cities refuse to supply water. Mr. Fowler noted that all water lines in the City of Norton belong to the city, but we pay Barberton to maintain them. Mr. Gainer asked how the City charged for water usage. The sewer lines are owned and maintained by Barberton. Mr. Fowler said all water users are metered and they also have to account for the loss of water in the Users Annual Report. Ms. Whipkey noted that Barberton may choose not to go forward with constructing the project. Mr. Fowler said it is not a construction project, yet. It is strictly design. Mr. Kernan noted Barberton probably used that language to keep that point clear. Mr. Kernan moved that Ord #108-2018 be added to the next Council agenda, seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey  
No: None

Motion Passed Unanimously

### **UNFINISHED BUSINESS**

Mr. Fowler said that he intends to give Council monthly updates on the traffic enforcement program and as of today, 3,219 civil citations have been written. Once construction is over, the Police will be patrolling that area because there is definitely a problem. Mr. Kernan said those citations are for 65 mph and over and that is only a few hours a day. The construction barricades will be coming down in the next few weeks for the winter months and the camera use will be stopped. Normal policing will take place for speeding violations. Ms. Whipkey stated that a notice came through that the speed trailers in Arizona are also capturing license plate numbers. Mr. Fowler noted that the Chief of Police is always updating the Facebook page.

Mr. Gainer asked if the Building Permits could be reviewed to determine if TIF would be applicable. Mr. Fowler said yes, there is one locally and he said he will always use TIF for new construction. They started with ACME because it is something new. He appreciates Mr. Gainer for attending the class and hopes that all Council will.

Mr. Gainer asked about fencing and Mr. Fowler reported that Mr. Hess said the corner is done and the back still needs an estimate.

Mr. Karant noted that he has received a couple of complaints about the trash hauler and asked for an update. Mr. Fowler said they have not heard back from them but believes they have been responsive to complaints.

Mr. Gainer noted that he thanked Administration for patching Rich Road. Mr. Fowler remarked that Shannon has done a great job getting these calls to the right place.

Ms. Whipkey asked about the Gardiner Energy Savings Report and Mr. Messner stated he will send out the 3 month (quarterly) synopsis.

**TOPICS FOR NEXT WORK SESSION – Monday, October 15, 2018**

Medical Mutual Health Benefits  
Auditor of State  
Summit County certification of tax rates  
Tax Budget  
Storm Water Mitigation

**PUBLIC COMMENT - None**

**ADJOURN** Mr. Kernan noted that there being no other business to come before the Committee Work Session, the meeting was adjourned at 8:10 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 October 9, 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.