



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
TUESDAY, OCTOBER 9, 2018**

The Regular Council Meeting was convened on October 9, 2018 at 7:02 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	Ron Messner
	Paul Tousley	Justin Markey
	Charlotte Whipkey	Kerry Macomber
	Joe Kernan	
	Scott Pelot (Excused)	

**COMMITTEE OF THE WHOLE-Reports from Standing Committees**

Mr. Kernan acknowledge Council's receipt of the August and September 2018 Budget Reports

**COMMUNICATIONS FROM THE PUBLIC - None**

**CONSIDERATION OF MINUTES**

Minutes of Regular Council Meeting of September 24, 2018 were approved as submitted.  
Minutes of Committee Work Session Meeting of October 1, 2018 were approved as submitted.

**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS**

**PUBLIC HEARINGS - None**

**INTRODUCTION OF NEW LEGISLATION**

**Ord #98-2018**

Mr. Kernan offered Ord #98-2018 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND A PLAN FOR PUBLIC IMPROVEMENTS; APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY IN COOPERATION WITH THE AKRON-SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT; DETERMINING TO PROCEED WITH SUCH PROJECT; AND DETERMINING TO LEVY SPECIAL ASSESSMENTS IN CONNECTION WITH SUCH PROJECT; AND DECLARING AN EMERGENCY.

First Reading Only.

**Ord #102-2018**

Mr. Tousley offered Ord #102-2018 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTON AND THE AFSCME OFFICE AND CLERICAL UNIT OF THE CITY, AND DECLARING AN EMERGENCY.

First Reading Only.

**Ord #103-2018**

Mr. McGlone offered Ord #103-2018 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF TAZER X26P UNITS AND ACCESSORIES FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Mr. McGlone stated we only have three Tasers for all police officer and that it is important for all police officers to have Tasers and moved to waive second and third readings, seconded by Mr. Kernan.

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

Motion passed unanimously.

Mr. McGlone moved to adopt Ord #103-2018, seconded by Mr. Kernan. Ms. Whipkey asked if this was a lease or purchase. Mr. Markey explained it is a five-year lease installment program, and at the end of the five years, the City will own the equipment; so it is a lease-purchase and at the end the City will own it. Ms. Whipkey asked Mr. Markey to explain the Certificate of Destruction. Mr. Markey said it was not the intention to resell the equipment, which is why this is here; they didn't want us to resell the equipment. Mr. Kernan asked if we would use the tasers until they are no longer working or obsolete. Mayor Zita noted that in the duration of the lease, the company will provide the batteries and cartridges so we will not have to purchase them and they are quite expensive. Mr. Kernan noted the used cartridges are up for recertification. Mr. Gainer asked that Certificate says the City is required to destroy the equipment and he is uncomfortable with that statement at the end of the contract. Mr. Markey said the Chief texted him and said the old Tasers will go back to the company and they are getting \$800 credit. Mr. Gainer asked which Tasers will have to be destroyed at the end of the fifth year according to the contract and asked what the reasoning was? Mr. Markey stated he did not have the answer and we could take it for another read if Council wasn't satisfied with this. Mr. Kernan clarified we are buying 20 tasers, not 20 tasers a year, and they can be used until they are obsolete and at that point, they have to be destroyed. Mr. Markey noted they are requiring the two old tasers to be destroyed so they will not assume any liability. Mr. Karant remarked that he interprets the notice to apply to the existing equipment not the new equipment, which probably has a warranty. Ms. Whipkey asked how old are the current tasers and clarified we will have a total of 20 not 23. Mr. Gainer read the notice in its entirety. Mr. Kernan stated that there is not one word about them being destroyed in that entire paragraph. Mr. Markey agreed that it does not apply to the new and read where the existing products would be identified at the end of the Certificate, which would not be the new tasers. Ms. Whipkey also noted that she agrees with Mr. Gainer and questioned the wording and why would they be responsible for equipment that was not their

product. Mr. Markey stated those were the type of questions he would have preferred to have gotten earlier and not wait until tonight and Ms. Whipkey responded she didn't get it until tonight and wanted clarity. Mr. Gainer stated he was not against buying the tasers, but he was against getting something that in five years time we have to destroy them and we cannot service. Mr. Markey stated if it wasn't in writing he wasn't worried about it. Mayor Zita suggested doing the first reading tonight and getting some clarifications for the next meeting. Ms. Whipkey agreed that she wanted a letter of clarification from the company and Mr. Gainer concurred. Mr. Kernan noted he had a motion and a second and asked if Mr. McGlone was withdrawing his motion. Mr. McGlone answered in the affirmative. Mr. Kernan stated it would go for a second reading.

**Ord #104-2018**

Mr. Tousley offered Ord #104-2018 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 1066.04(D)(6) OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

First reading only.

**Ord #105-2018**

Mr. Kernan offered Ord #105-2018 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING REAL PROPERTY TAX EXEMPTIONS WITH RESPECT TO CERTAIN REAL PROPERTY WITHIN THE CITY OF NORTON COMMUNITY REINVESTMENT AREA FOR THE PURPOSE OF ENCOURAGING ECONOMIC DEVELOPMENT WITHIN THAT AREA; AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENT WITH TRK LEGACY HOLDINGS, LLC, AND DECLARING AN EMERGENCY.

First reading only.

**Ord #106-2018**

Mr. Karant offered Ord #106-2018 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF ROAD SALT FROM NORDONIA LANDSCAPE SUPPLIES, AND DECLARING AN EMERGENCY.

Mr. Karant said this has been discussed at length and this is urgent so moved to waive second and third readings, seconded by Mr. Gainer.

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

Motion passed unanimously.

Mr. Karant moved to adopt Ord #106-2018, seconded by Mr. McGlone.

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

Motion passed unanimously.

**Ord #107-2018**

Mr. Karant offered Ord #107-2018 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS WITH VALLEY FREIGHTLINER & WESTERN STAR, INC. FOR THE PURCHASE OF A 2019 FREIGHTLINER M2 106

First reading only.

**Ord #108-2018**      **First Reading:**

Mr. Kernan offered Ord #108-2018 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF BARBERTON TO APPLY FOR WATER SUPPLY REVOLVING LOAN ACCOUNT FUNDING; AND DECLARING AN EMERGENCY.

First reading only.

**INTRODUCTION OF PRIOR LEGISLATION**

**Ord #99-2018**

Mr. Tousley offered Ord #99-2018 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTON AND THE AFSCME SERVICE WORKERS OF THE CITY, AND DECLARING AN EMERGENCY.

Second reading only.

**Ord #100-2018**

Mr. Kernan offered Ord #100-2018 for its second reading and asked the Clerk to read it:

AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS; EXEMPTING SUCH IMPROVEMENTS FROM AD VALOREM REAL PROPERTY TAXATION; REQUIRING THE OWNER OF THE IMPROVEMENTS TO MAKE SERVICE PAYMENTS IN LIEU OF AD VALOREM REAL PROPERTY TAXES AND ESTABLISHING A MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS IN LIEU OF AD VALOREM PROPERTY TAXES, ALL PURSUANT TO SECTIONS 5709.40, 5709.42 AND 5709.43 OF THE REVISED CODE; AND DECLARING AN EMERGENCY.

Second reading only.

**UNFINISHED BUSINESS**

Ms. Whipkey asked Mr. Markey about turning the sewer lines over to City of Barberton on Cleveland Massillon Road as Mr. Pelot had inquired on. Mr. Markey said that he believes we did although Mr. Pelot didn't believe we had to, but that was the requirement to connect.

Ms. Whipkey asked about the Gardiner report. Mr. Messner noted we are half way through and basically on track but we may not hit the savings threshold because changes have been made in

the Engineering study. For example, the Police Department was figured at 70 degrees but this summer, the police were wearing vests and requested the air be turned down to 65 degrees; three shifts a day at 65 degrees is a big expense. He was hoping we would come close, but did not know if we would hit it or if we could go back to them and say we didn't see the savings so therefore make the payment. They will come back and say and alluded to already that we have made changes. Ms. Whipkey noted if we do not make the savings, we wouldn't get the difference back. Mr. Markey said he would look at the contract but there were conditions to be considered and suspected that was correct. Ms. Whipkey said that the summer was atypical with warmer and drier days, which needed stressed, plus they provide this service to other cities and she felt it wasn't the first time they would have run into this. Mr. Messner noted that we have already made the first lease payment so this would likely fall under the next payment and he has suggested that to them on the guarantee and they responded we had changed the engineering parameters significantly in a couple departments. Ms. Whipkey asked if the second payment would be where these figures are applied and Mr. Messner said since the first payment was made and they were really late getting this program actually put in place, like late October or early November of last year, he thinks if we were to meet the parameters, they should make the second payment for us. Mr. Markey stated he would need to look at the contract and Ms. Whipkey responded she would appreciate that as we have already paid once and now looking at a second payment. Mr. Messner said they may just reimburse us. Mr. Gainer said this is likely to happen every year and they should have considered the Police Department air conditioning needs when they engineered it. Mr. Messner said it was 2016 when the study was conducted and the temperatures from then were used. Mr. Messner has talked with the Chief about making changes during the second and third shifts when there isn't the number of personnel in the building. Ms. Whipkey asked if we weren't paying a yearly \$10,000 fee for the study and Mr. Messner agreed and it was determined that would only occur the first one or two years, maybe three years to see the trend. Ms. Whipkey said if you pay the \$10,000 for the study then the guarantee holds up and Mr. Markey concurred.

**NEW BUSINESS** - None

#### **PUBLIC SERVICE ANNOUNCEMENTS**

Mayor Zita announced this past weekend was the 30<sup>th</sup> anniversary of the Cider Fest and another event in the Bicentennial and he thanked the Cider Fest Committee for all the work they've done and hoped the residents enjoyed it. On Saturday, October 27, 2018, the annual pancake breakfast is at the Fire Department from 7 AM to 12 Noon and Trick or Treat is from 5PM to 7PM. Mr. Karant announced the Medicine Take Back 10 AM to 1 PM at the Medicine Shoppe – no sharps (needles) or pressurized canisters – just medications. Also, there is a Spaghetti Dinner fundraiser by the Norton Women's Club October 14, 2018 4PM – 7PM for the benefit of a local family at the Community Center.

**EXECUTIVE SESSION** –Acquisition of property as defined in O.R.C. § 121.22 (G) (2) & Section 3.12 (2) of the Norton City Charter.

Mr. Kernan moved to adjourn into Executive Session, seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey, Gainer, McGlone, Karant, Tousley

No: None

Motion passed unanimously.

Mr. Kernan invited Mayor Zita, Mr. Messner and Mr. Markey to join the Executive Session.

He also announced to all attendees that while Council is in Executive Session, the audio and video is recording live and uninterrupted so if you do not want your conversations recorded, please exit the Council chambers. Mr. Kernan also stated there would be no further business conducted after the Executive Session.

Mr. Kernan reconvened the Regular City Council at 7:49 PM.

**ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:50 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 October 22, 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.