



NORTON CITY COUNCIL  
MONDAY, AUGUST 21, 2023 - 7:00 PM

SWEARING IN CEREMONY  
*Don Harbert, Ward 3 Councilman*

*Performed by:*

*The Honorable Judge McKenney,  
Presiding Administrative Judge,  
Barberton Municipal Court*

*Immediately following:*

NORTON CITY COUNCIL  
COMMITTEE WORK SESSION

**Agenda**

**CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENT REFLECTION**

**ROLL CALL**

**COMMUNICATIONS FROM THE PUBLIC**

**COMMITTEE OF THE WHOLE**

- A. Financial Reports
- B. Certification of Tax Levies – (Finance – Harbert)
- C. GPS Emitters – (Safety – Kernan)
- D. Dangerous Dogs – (Safety – Kernan)

**NON-AGENDA ITEMS**

**TOPICS FOR NEXT WORK SESSION – Tuesday, September 5, 2023**

**ADJOURN**

NOTE: During a meeting a live video stream can be accessed by going to [www.cityofnorton.org](http://www.cityofnorton.org) and clicking on the Broadcast Norton icon, which will take you to the City of Norton YouTube link.

# CITY OF NORTON

## MEMO



**To:** Members of Council

**From:** Pamela Keener  
Finance Director

**Date:** August 15, 2023

**Re:** Certification of Tax Levies

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Per ORC 5705.34, each taxing authority, by ordinance or resolution, shall authorize the necessary tax levies and certify them to the county auditor. Attached is a resolution authorizing accepting the amounts and rates as determined by the Summit County budget commission and authorizing the necessary tax levies and certifying them to the Summit County Fiscal Officer.

SPONSORED BY: Administration  
REFERRED TO: Committee Work Session  
INTRODUCED BY: Finance Chair Harbert

**CITY OF NORTON**  
**RESOLUTION NO. \_\_\_\_\_-2023**

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE SUMMIT COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Norton is a Charter City duly formed in the State of Ohio and located principally in the Counties of Summit and Wayne, Ohio,

WHEREAS, in accordance with the provisions of Ohio Law a tax budget has previously been submitted for the fiscal year 2024.

WHEREAS, the Budget Commission of Summit County, Ohio has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by the Norton City Council, and what part thereof is without and what part is within the ten mil limitation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Norton, Counties of Summit and Wayne, and State of Ohio that:

- Section 1: The Council of the City of Norton hereby accepts the amounts and rates as determined by the Summit County Budget Commission in its Certification attached as Exhibit A hereto and made a part hereof.
- Section 2: That there be and is hereby levied on the tax duplicate of the City of Norton, Ohio the rate of each tax necessary to be levied within and without the ten-mil limitation as set forth in the Certification.
- Section 3: All formal actions of this Council related to this Resolution and all deliberations of the Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.
- Section 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City of Norton and the inhabitants thereof for the reason that accepting the Amounts and Rates as determined by the Summit County Budget Commission is necessary for the prompt resolution of city affairs; and provided it receives the approval of two-thirds of the members of Council,

this Resolution shall be in full force and effect from and after its passage and approval by the Mayor, or otherwise the earliest period allowed by law.

Emergency Vote: \_\_\_\_\_ Yeas \_\_\_\_\_ Nays

Date passed: \_\_\_\_\_

\_\_\_\_\_  
Paul Tousley, President of Council

Date submitted to the Mayor \_\_\_\_\_

Attest: \_\_\_\_\_  
Kerry Macomber, Clerk of Council

\_\_\_\_\_  
Mike Zita, Mayor

Date approved by the Mayor \_\_\_\_\_

I, Kerry Macomber, Clerk of Council of the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Resolution No.** \_\_\_\_\_-2023 was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on \_\_\_\_\_, 2023.

That this legislation was posted according to law on \_\_\_\_\_, 2023 and will become effective on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor for the City of Norton, on August 14, 2023.

**SUMMIT COUNTY BUDGET COMMISSION CERTIFICATION OF TAX LEVY**  
(ORC Sections 5705.34 & 5705.35)

POLITICAL ENTITY: **NORTON CITY (SUMMIT & WAYNE COUNTIES)**  
ESTIMATE

Tax Year 2023/Collection Year 2024

THE VALUATIONS AND TAX RATES REFLECT TAX YEAR 2023/COLLECTION YEAR 2023  
LEVIES INSIDE and OUTSIDE 10 MILL LIMITATION, INCLUSIVE OF DEBT LEVIES

Date: August 7, 2023

1. RES/AG REAL VALUE	Summit	Wayne	Total
	252,489,050	190,860	252,659,910
2. OTHER REAL VALUE	48,020,750	-	48,020,750
3. TOTAL RES/AG & OTHER REAL VALUE	298,469,800	190,860	298,660,660
4. PUBLIC UTILITY PERSONAL VALUE	12,220,440	-	12,220,440
5. TOTAL REAL & PUBLIC UTILITY VALUE	310,710,240	190,860	310,901,100

THIS STATEMENT REFLECTS LESSTHEPENDING EXEMPTION ASSESSED VALUATION  
RES/AG PENDING EXEMPTION: 317,430  
OTHER PENDING EXEMPTION: 0  
TOTAL REAL & PUBLIC UTILITY PENDING EXEMPTION VALUE: 310,865,670

FUND TYPE CLT FUND #	PURPOSE	Authorized by the Voters on Ballot MO/DAY/YR	Number of Years Levy to Run	Tax Year Begins/Ends	Collection Year Begins/Ends	Maximum Rate Authorized to be Levied	REDUCTION FACTOR		EFFECTIVE RATE TO BE LEVIED		RES/AG OTHER	RES/AG OTHER	PUBLIC UTILITY	TOTAL	ROLL BACK	
							RES/AG	OTHER	RES/AG	OTHER						
GENERAL 01 00	Inside					1.50			1.600000 1.600000			\$404,206	\$73,533	\$497,392	Y	
POLICE PENSION 32 00	Inside					0.30			0.300000 0.300000			\$75,789	\$13,506	\$93,261	Y	
FIRE & EMS 40 00	Current Expense	Additional 11/6/2007	Contl	07/NA	08/NA	3.00	0.206112 0.193311		2.381664 2.420067			\$601,676	\$111,373	\$749,710	Y	
FIRE & EMS 41 00	Current Expense	Replace & Increase 11/3/2020	5	21/25	22/26	5.50	0.028602 0.013547		5.551029 5.524137			\$1,402,550	\$254,225	\$1,725,209	N	
<b>TOTALS</b>						10.50			9.833483 9.844204			\$2,484,221	\$453,037	\$128,314	\$3,065,572	

NOTE: The ROLLBACK column added to this certificate represents the recently passed state budget, beginning with tax year 2013 the ten and two and one-half percent rollbacks will no longer apply to new levies that are enacted after the August 2013 election. These non-qualifying levies include additional levies, the increase portion of renewal with increase levies, and the full effective millage of replacement levies. Levies that will continue to qualify for application of the rollbacks are levies approved at or before the August 2013 election, inside and charter millage as they appear on the 2013 tax list, renewals of qualified levies, and the substitute of qualified school district emergency levies under Revised Code section 5705.189. In this column the Y indicates the levy qualifies for the 10% and 2 1/2% rollback. The N indicates the levy does not qualify for the 10% and 2 1/2% rollback.

SPONSORED BY: Administration  
REFERRED TO: Committee Work Session  
INTRODUCED BY: \_\_\_\_\_

**CITY OF NORTON**  
**ORDINANCE NO. \_\_\_\_-2023**

AN ORDINANCE AUTHORIZING THE PURCHASE OF GPS EMITTERS FOR THE BARBER ROAD TRAFFIC SIGNALS FROM HALL PUBLIC SAFETY UPFITTERS AT A COST NOT TO EXCEED \$20,575.00

WHEREAS, the City has received a proposal from Hall Public Safety Upfitters (the "Vendor") for the acquisition of GPS Emitters for the Barber Road traffic signals as further described in the proposal (the "Equipment") in an amount not to exceed \$20,575.00, which proposal is in the form attached hereto as Exhibit A (the "Proposal"); and

WHEREAS, this Council has now determined to approve the acquisition of the Equipment through the Vendor in accordance with the Proposal.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Norton, Summit and Wayne Counties, State of Ohio, that:

- Section 1: This Council hereby authorizes the purchase of the Equipment from the Vendor in an amount not to exceed \$20,575.00 and in accordance with the Proposal.
- Section 2: This Council hereby directs the Administrative Officer and the Director Finance to take all necessary actions to complete the purchase of the Equipment in a timely manner.
- Section 3: All formal actions of this Council related to this Ordinance and all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code.
- Section 4: This Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

Vote: \_\_\_\_\_Yeas \_\_\_\_\_Nays

Date passed: \_\_\_\_\_

\_\_\_\_\_  
Paul Tousley, President of Council

Date submitted to the Mayor \_\_\_\_\_

Attest: \_\_\_\_\_  
Kerry Macomber, Clerk of Council

\_\_\_\_\_

Mike Zita, Mayor

Date approved by the Mayor \_\_\_\_\_

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No. \_\_\_\_-2023** was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on \_\_\_\_\_, 2023.

That this legislation was posted according to law on \_\_\_\_\_, 2023 and will become effective on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor, City of Norton, August 15, 2023.

20010131 \_1



Estimate  
# EST-12355

Hall Public Safety Upfitters  
Corporate Office  
8291 Darrow Rd.  
Twinsburg, Ohio 44087  
855-387-3911  
Hallpublicsafety.com

Remit to/Mailing Address  
12400 Beechlawn Ave. N.E.  
Alliance, Ohio 44601

Customer  
**Norton Police Department**  
4060 Columbia Woods Dr  
Norton, OH 44203

Estimate Date : June 07, 2023  
Expiration Date : September 20, 2023  
Project : GPS preemption X21  
Sales rep : Caleb Hall

Ship To  
4060 Columbia Woods Dr  
Norton, OH 44203

#	Item & Description	Qty	Rate	Amount
1	Labor - Mobile SKU : Labor - Mobile Police cruisers X10 -install supplied GPS preemption units. wire in and test onsite at NPD	10.00	750.00	7,500.00
2	Labor - Mobile SKU : Labor - Mobile Fire units X11- engines, command cars, squads- install supplied GPS preemption units. wire in and test onsite at NFD	11.00	950.00	10,450.00
3	Misc. wires, connectors, supplies and hardware SKU : Misc. wires	21.00 EA	125.00	2,625.00
			<b>Sub Total</b>	<b>20,575.00</b>
			<b>Total</b>	<b>\$20,575.00</b>

Notes

Thank you for your business !!

\*\*\*\*Remit to/Mailing Address\*\*\*\*  
12400 Beechlawn Ave.  
Alliance, Ohio 44601

Terms & Conditions

Estimate is good for 30 days



SPONSORED BY \_\_\_\_\_  
REFERRED TO \_\_\_\_\_  
INTRODUCED BY \_\_\_\_\_

**CITY OF NORTON**  
**ORDINANCE NO. \_\_\_\_-2023**

AN ORDINANCE TO AMEND THE SECTION 618.015 (DANGEROUS DOGS) OF THE CODIFIED ORDINANCES OF THE CITY.

BE IT ORDAINED by the Council of the City of Norton, Counties of Summit and Wayne, State of Ohio:

- Section 1: Section 618.015 of the Codified Ordinances of the City is hereby amended and restated in their entirety to read as set forth on Exhibit A attached hereto.
- Section 2: All formal actions of this Council related to this Ordinance and all deliberations of the Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.
- Section 3: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor, or otherwise take effect and be in full force from and after the earliest period allowed by law.

Vote: \_\_\_\_\_ Yeas \_\_\_\_\_ Nays

Date passed: \_\_\_\_\_

\_\_\_\_\_  
Paul Tousley, President of Council

Date submitted to the Mayor \_\_\_\_\_

Attest: \_\_\_\_\_  
Kerry Macomber, Clerk of Council

\_\_\_\_\_  
Michael Zita, Mayor

Date approved by the Mayor \_\_\_\_\_

I, Kerry Macomber, Clerk for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing Ordinance No. \_\_\_\_-2023 was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on \_\_\_\_\_, 2023.

That this legislation was posted according to law on \_\_\_\_\_, 2023 and will become effective on \_\_\_\_\_, 2023.

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Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor, City of Norton,  
August 15, 2023.

**EXHIBIT A**

**618.015 DANGEROUS DOGS.**

(a) As used in this section, "dangerous dog" means and includes:

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of, human beings or domestic animals;
- (2) Any dog which attacks a human being or domestic animal without provocation; or
- (3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

No dog shall be deemed dangerous if it bites, attacks or menaces a trespasser on the property of its owner or if it harms or menaces anyone who has tormented or abused it.

(b) No person owning, harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of such person. A dangerous dog is "unconfined, " as the term is used in this section, if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or in a dog run area upon the premises of such person. Such pen or dog run area must have sides that are six feet high or a secure top. If the pen or structure has no bottom secured to the sides, or if a dog is a type which burrows, the sides must be imbedded into the ground not less than one foot. Such structure shall be clearly marked with the words "Dangerous Dog." Such pen or dog run area shall be not closer than six feet from any property line.

Further, a sign shall also be placed on the premises where the pen or structure is located so as to be clearly legible from the public street or sidewalk adjacent to the premises, indicating that a dangerous dog is located on said premises.

(c) No person owning, harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length. Such dog shall be accompanied by an adult.

(d) No person shall own or harbor any dog for the purpose of fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to unprovoked attacks upon human beings or domestic animals.

(e) No person shall possess with the intent to sell, offer for sale, breed, buy or attempt to buy within the City any dangerous dog.

(f) If the Chief of Police has probable cause to believe that a dangerous dog is being harbored or cared for in violation of any of the provisions of this section, he or she may make an investigation and, if a violation is present, he or she may petition a court of competent jurisdiction to order the seizure and impoundment of such dog by the County Animal Warden or his or her deputy pending trial or final disposition of the matter.

(g) If a dog has been determined to be dangerous by a court of competent jurisdiction, the Chief of Police or his or her designee within the Police Division shall, upon the advice of the County Animal Warden or his or her deputy, issue a special permit for the keeping and maintenance of a dangerous dog upon a finding by the Chief of Police, as a result of his or her investigation and the advice of the County Animal Warden, that the following conditions will be met in the keeping and maintenance of the dangerous dog:

(1) The dangerous dog is at all times kept or maintained in a safe manner and is at all times confined securely so that the keeping of such dog will not constitute a danger to human life, domestic animals or the property of others.

(2) Adequate safeguards are made to prevent unauthorized access to such dangerous dog by members of the public.

(3) The health and well being of the dangerous dog is not in any way endangered by its manner of keeping or confinement.

(4) The manner of keeping of the dangerous dog does not constitute a nuisance and will not disturb the tranquility of the surrounding neighborhood.

(5) The keeping of the dangerous dog will not create or cause offensive odors or constitute a danger to the public health.

(6) The quarters in which the dangerous dog is kept are adequately constructed so that they may be kept in a clean and sanitary condition.

(7) The applicant for such special permit shall show his or her ability to respond in damages in a single limit amount of one hundred thousand dollars (\$100,000) for bodily injury to or death of any person or domestic animal, or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of the dangerous dog. Proof of liability to respond in damages may be given by filing with the County Dog Warden a certificate of insurance from an insurance company authorized to do business in the State stating that the applicant is, at the time of his or her application, and will be during the period of such special permit, insured against liability to respond in damages. Such certificate of insurance shall provide that no cancellation of the insurance will be made unless ten days notice is first given to the Chief of Police.

(h) The Chief of Police, in investigating any applicant for a permit under this section or in the enforcement of this section, shall consult with the County Animal Warden or his or her deputy and, further, may consult with and seek the advice of the County Health Department, the Humane Society or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of dangerous dogs.

(i) Annually, the Chief of Police shall renew such permit only upon inspection of the subject's premises and upon finding, after consultation with the County Animal Warden, that all the conditions set forth in subsection (g) hereof are being met at the time of renewal and have not been violated during the permit period which is expiring. If the Chief of Police determines during any such inspection that any of the conditions set forth in subsection (g) hereof are being violated or have been repeatedly violated in the expiring permit period, or if any such violation is not corrected within a period of time as he or she directs, which time shall not be less than fourteen days, he or she shall refuse to renew any such permit. If there have been repeated violations in the expiring permit period or if violations at the time of the renewal application continue, the

Chief of Police shall petition a court of competent jurisdiction for the removal of the dangerous dog to the custody of the County Animal Warden for further disposition according to law.

(j) A special permit is required for the keeping of each dangerous dog. No person shall keep or harbor a dangerous dog without obtaining a special permit as provided in this section. A fee of one hundred dollars (\$100.00) shall be paid to the City and collected by the Chief of Police for each special permit issued. A fee of fifty dollars (\$50.00) shall be paid to the City for each annual renewal of a special permit.

(k) No person shall violate any condition imposed by subsection (g) hereof in the issuance of a special permit for a dangerous dog.

(l) Whoever violates subsection (d) or (e) hereof is guilty of a misdemeanor of the first degree. Whoever violates subsection (b), (j) or (k) hereof is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the first degree for each subsequent offense.

Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses, necessitated by the seizure of any dog for the protection of the public, and such other expense as may be required for the destruction of such dog.

(m) Any dangerous dog which attacks a human being or another domestic animal may be ordered destroyed when, in the court's judgment, such dangerous dog represents a continuing threat of serious harm to human beings or domestic animals.

