



Regular Council Meeting
Monday, February 8, 2021

****Remote Teleconference Meeting****

The Regular Council Meeting was convened on Monday, February 8, 2021 at 7:00 PM via Zoom live streaming to City of Norton YouTube, pursuant to H.B. #197 and #404. The meeting was called to order by Dennis McGlone, President of Council, followed by the Pledge of Allegiance and a moment of silent reflection.

Roll Call:	Jack Gainer Dan Karant Paul Tousley Scott Pelot Charlotte Whipkey Joe Kernan Dennis McGlone	Also Present: Mayor Zita Robert Fowler Pam Keener Justin Markey Kerry Macomber
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COMMUNICATIONS FROM THE PUBLIC

Mr. McGlone noted that Susan Welch had requested to offer comment during this time but Mr. Fowler said that there was no one in the waiting room. Mr. Pelot shared that Ms. Welch had called him and indicated she is in favor of the City adopting the International Property Maintenance Code.

COMMITTEE OF THE WHOLE-Reports from Standing Committees

- A. Mr. McGlone acknowledged receipt of the January 2021 Financial Reports.
- B. Property Maintenance Code - Mr. Pelot moved Ord. No. 23-2021 to tonight’s agenda and explained that this will continue to be discussed at Committee Work Sessions; seconded by Mr. Karant.

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

Motion passed unanimously.

- C. Amend Appropriations - Mr. Kernan explained this was to move funds from the General Fund into various accounts mostly for bookkeeping purposes but there were some specific requests, such as the increase in the Law Enforcement fund for training and some swat equipment and the Water and Sewer Improvement Fund that can be addressed by Mr. Fowler. Mr. Fowler stated that this would only occur if the sale of property were to transpire to do the improvements on Cleveland-Massillon Road for the property in the southeast corner. That is only a portion of the money; the rest of the money will come from the land sale and water/sewer fund. That’s only to cover sewer and some of the design work. Mr. Kernan said that there was a memo sent to Council explaining each amendment to the appropriations (page 21 of the packet). Ms. Whipkey asked which

fund the \$531,000 was coming from and Mr. Fowler said Fund 128. Ms. Whipkey noted that is the roll back money and Mr. Fowler said that if we move forward, a portion of the cost for water and sewer would come out of that fund and is about one third of the cost. He said the estimated cost of the project is \$1.7 million. Mr. Fowler stated that if the land sale goes through we will have around a million dollars, the \$500,000, and the rest from the water fund to cover the entire project costs. Ms. Whipkey said she had a real issue with using the Fund 128 that was taken from residents' income tax and we need keep that as much as possible to use to help residents with assessments. She asked what was currently available in the Fund 128 and what is expected to come into the Fund 128. She also asked if money was still coming out of that Fund for Nash Heights. Ms. Keener noted that money is still coming out of that Fund for Nash Heights; she stated there are three debt service payments coming out of that Fund. Mr. Pelot asked what the balance is in that fund. Mr. Markey stated \$2.639 million is unencumbered. Mr. Kernan moved Ord. No. 24-2021 to tonight's agenda for a first reading; seconded by Mr. Pelot.

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

Motion passed: 6 - 1.

- D. Engineering Services - Ms. Whipkey reported that this ordinance has discrepancies that need to be clarified and corrected and requested that it be added to the Work Session next week and added to the Agenda for February 22, 2021. Mr. Fowler explained some of the discrepancies and said a revised ordinance would be forthcoming. He also indicated that the urgency is due to the fact that sewer infrastructure takes time and the man holes have to be cast specific to the project. Ms. Whipkey moved to add Ord. No. 25-2021 to Council's February 22, 2021 agenda as it will be rewritten; seconded by Mr. Pelot.

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

Motion passed unanimously. Ms. Whipkey noted we will be waiving second and third readings on February 22, 2021.

- E. City Hall Renovations – Change Order - Mr. McGlone explained there were some things inadvertently omitted from the original quote. Mr. Fowler said that Ms. Keener picked out a less expensive carpet so the change order will be reduced. Also, there was confusion about the ADA compliant doors, which has been corrected. Ms. Whipkey asked about the trench and Mr. Fowler explained it is to accommodate the wirings needed for the podium, microphone and IT equipment. Mr. Gainer asked about the new door on the back side of Council Chambers and Mr. Fowler noted a solid steel door with exit only. Mr. Tousley asked about the steel door and Mr. Fowler stated the \$14,000 door is a push-button opening for disabled individuals; the door that Mr. Gainer referenced is an exit only door that is currently glass. Mayor Zita noted that door had a black film on it which attracted the heat. Mr. Pelot asked if the new steel door will be insulated and Mr. Fowler answered affirmatively. Mr. McGlone moved Ord. No. 26-2021 to tonight's agenda; seconded by Mr. Karant.

Roll call: Yes: McGlone, Karant, Gainer, Tousley, Pelot, Whipkey, Kernan
No: None
Motion passed unanimously.

CONSIDERATION OF MINUTES

Minutes of Committee Work Session of January 19, 2021 were accepted as submitted.
Minutes of Regular Council Meeting of January 25, 2021 were accepted as submitted.
Minutes of Committee Work Session of February 1, 2021 were accepted as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita noted that the Boards and Commission member vacancies have been filled. The updated listing has been provided to Council. The Charter Review Commission has been established as of today and this will be provided to Council for next week's Committee Work Session.

Mr. Fowler said the Wooster Road Storm Sewer project will start next week. The Trail Project will begin by February 21 next week, as well. The Barber Road will go out to bid soon for resurfacing. Council will receive prices for timber for the roof and stage next week. The refuse contract decision will be made soon and this will be presented to Council the first week of March.

INTRODUCTION OF NEW LEGISLATION

Res. No. 22-2021

Mr. Pelot introduced Res. No. 22-2021 for its first reading and asked the Clerk to read it:

A RESOLUTION APPOINTING JACK GAINER AND JOSEPH KERNAN AS THIS COUNCIL'S REPRESENTATIVES TO THE CITY OF NORTON COMMUNITY REINVESTMENT AREA HOUSING COUNCIL, AND CONFIRMING THE APPOINTMENT BY THE MAYOR OF PAMELA KEENER AND WILLIAM BRAMANTO TO THE CITY OF NORTON COMMUNITY REINVESTMENT AREA HOUSING COUNCIL, ALL FOR THREE (3) YEAR TERMS, COMMENCING JANUARY 1, 2021 AND EXPIRING ON DECEMBER 31, 2023; AND DECLARING THE SAME TO BE AN EMERGENCY.

First reading only.

Ord. No. 23-2021

Mr. Pelot introduced Ord. No. 23-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND AND RESTATE CHAPTER 1496 OF THE CODIFIED ORDINANCES OF THE CITY AND REPEALING SECTION 660.14 AND CHAPTER 1498 OF THE CODIFIED ORDINANCES OF THE CITY.

First reading only. Mr. Pelot noted this will be discussed over the next several Council Work Sessions.

Ord. No. 24-2021

Mr. Kernan introduced Ord. No. 24-2021 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, 2021; AND DECLARING AN EMERGENCY.

First reading only.

Ord. No. 26-2021

Mr. McGlone introduced Ord. No. 26-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE A CHANGE ORDER WITH CAVANAUGH CONSTRUCTION FOR THE CITY HALL RENOVATIONS PROJECT IN AN AMOUNT NOT TO EXCEED \$42,600.59, AND DECLARING AN EMERGENCY.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

Ord. No. 7-2021

Ms. Whipkey offered Ord. No. 7-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ODOT FOR THE EXTENSION OF WATER SERVICES.

Second Reading only. Ms. Whipkey stated that this was requested by ODOT and they will help pay for this.

Ord. No. 8-2021

Mr. Kernan offered Ord. No. 8-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH ENGINEERING ASSOCIATES FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE SHELLHART EXT IN AN AMOUNT NOT TO EXCEED \$42,000.

Second Reading only.

Ord. No. 9-2021

Mr. Kernan offered Ord. No. 9-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH ENGINEERING ASSOCIATES FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE SHELLHART EXT IN AN AMOUNT NOT TO EXCEED \$57,600.

Second Reading only.

Ord. No. 10-2021

Mr. Kernan offered Ord. No. 10-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH GPD GROUP FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE CONSTRUCTION MANAGEMENT AND INSPECTION OF THE 2021 ROAD PROGRAM IN AN AMOUNT NOT TO EXCEED \$28,000.

Second Reading only.

Ord. No. 11-2021

Mr. Kernan offered Ord. No. 11-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF BARBICAS CONSTRUCTION CO. INC IN AN AMOUNT NOT TO EXCEED \$1,100,000 FOR THE 2021 STREET RESURFACING PROGRAM; AND DECLARING AN EMERGENCY.

Second Reading only.

Ord. No. 12-2021

Mr. Kernan offered Ord. No. 12-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF LOCKHART CONSTRUCTION CO. IN AN AMOUNT NOT TO EXCEED \$650,000 FOR THE 2020 WATERLINE IMPROVEMENTS; AND DECLARING AN EMERGENCY.

Second Reading only.

Ord. No. 13-2021

Mr. Kernan offered Ord. No. 13-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF LOCKHART CONSTRUCTION CO. IN AN AMOUNT NOT TO EXCEED \$2,200,000 FOR THE SR 261 SOUTH LOOP IMPROVEMENTS; AND DECLARING AN EMERGENCY.

Second Reading only.

Ord. No. 14-2021

Mr. Kernan offered Ord. No. 14-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT WITH GARDNERSERVICE COMPANY FOR THE PURCHASE OF AIR IONIZER EQUIPMENT IN THE AMOUNT NOT TO EXCEED \$28,629; AND DECLARING AN EMERGENCY.

Second Reading only.

Ord. No. 15-2021

Mr. Pelot offered Ord. No. 15-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1402.01 OF THE CODIFIED ORDINANCES.

Second Reading only.

Ord. No. 16-2021

Mr. Pelot offered Ord. No. 16-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1404 OF THE CODIFIED ORDINANCES.
Second Reading only.

Ord. No. 17-2021

Mr. Pelot offered Ord. No. 17-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1406.01 OF THE CODIFIED ORDINANCES.
Second Reading only.

Ord. No. 18-2021

Mr. Pelot offered Ord. No. 18-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1410.01 OF THE CODIFIED ORDINANCES.
Second Reading only.

Ord. No. 19-2021

Mr. Gainer offered Ord. No. 19-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE CREATING A TAX INCREMENT FINANCING INCENTIVE DISTRICT PURSUANT TO SECTIONS 5709.40, 5709.42, AND 5709.43 OF THE REVISED CODE; AND DECLARING AN EMERGENCY.
Second Reading only.

Res. No. 20-2021

Mr. Pelot offered Res. No. 20-2021 for its second reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT AND REAPPOINTMENT OF VARIOUS INDIVIDUALS TO VARIOUS BOARDS AND COMMISSIONS; AND DECLARING AN EMERGENCY.

Second Reading only. Ms. Whipkey asked if there was anyone appointed to the Planning Commission. Mr. Fowler explained that the Parks Board representative is the one that needs to be reappointed. Mayor Zita noted that Ruth Stimac is the representative that is on the Parks Board and also serves on the Planning Commission. Ms. Whipkey asked if the Parks Board had to vote on it. Mayor Zita noted that is the Parks Board responsibility to appoint someone. Ms. Whipkey stated it is very odd to only have one board that only needs one person appointed to it. Mayor Zita said he would double check but thinks we are okay.

Ord. No. 21-2021

Mr. Kernan offered Ord. No. 21-2021 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING A TRANSFER FROM THE GENERAL FUND FOR THE CALENDAR YEAR 2021, AND DECLARING AN EMERGENCY.

Mr. Kernan moved to waive third reading; seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey, Gainer, Karant, Tousley, Pelot, McGlone
No: None
Motion passed: 7 - 0

Mr. Kernan moved to adopt Ord. No. 21-2021; seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey, Gainer, Karant, Tousley, Pelot, McGlone
No: None
Motion passed: 7 - 0

Ord. No. 1-2021

Mr. Gainer offered Ord. No. 1-2021 for its third reading and asked the Clerk to read it:

AN ORDINANCE ADOPTING THE ECONOMIC DEVELOPMENT PLAN FOR THE CLARKMILL INCENTIVE DISTRICT; AND DECLARING AN EMERGENCY.

Mr. Gainer moved to adopt Ord. No. 1-2021; seconded by Mr. Karant.

Roll Call: Yes: Gainer, Karant, Tousley, Pelot, Whipkey, Kernan, McGlone
No: None
Motion passed: 7 - 0

Res. No. 4-2021

Mr. Kernan offered Res. No. 4-2021 for its third reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR THE FINANCIAL ASSISTANCE THROUGH THE STATE CAPITAL IMPROVEMENT PROGRAM AND THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM FOR FOUR PROJECTS IN THE CITY OF NORTON, AND COMMITTING TO PROVIDE THE LOCAL SHARE FOR EACH PROJECT; AND DECLARING AN EMERGENCY.

Mr. Kernan moved to adopt Res. No. 4-2021; seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey, Gainer, Karant, Tousley, Pelot, McGlone
No: None
Motion passed: 7 - 0

Res. No. 5-2021

Mr. Kernan offered Res. No. 5-2021 for its third reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION BLOCK GRANT (STBG) RESURFACING FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY TO IMPROVE CERTAIN STREETS.

Mr. Kernan moved to adopt Res. No. 5-2021; seconded by Ms. Whipkey.

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

Motion passed: 7 - 0

Clerk of Council, Kerry Macomber, noted that Ord. No. 9-2021 was read incorrectly and read the following:

Ord. No. 9-2021

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH ENGINEERING ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN ENGINEERING FOR THE INTERSTATE 76 CROSSING IN THE CITY IN THE AMOUNT NOT TO EXCEED \$57,600, AND DECLARING AN EMERGENCY.

Mr. Kernan confirmed this was a second reading only.

COMMUNICATIONS FROM THE PUBLIC -

Susan Welch, 3108 Monterey Dr, Norton OH 44203. Ms. Welch spoke in favor of the City of Norton adopting the International Property Maintenance Code and to adopt automatic updates to the code. A complete copy of her statement is attached to the minutes herewith.

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita reminded everyone to stay safe and practice social distancing and to wear your mask.

NEW BUSINESS

Executive Session: Mr. McGlone moved to enter into Executive Session for preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment per ORC §121.22(G)(4) and Section 3.12(4) of the Norton City Charter and to consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest per ORC §121.22(G)(2) and Section 3.12(2) of the Norton City Charter; seconded by Mr. Gainer.

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

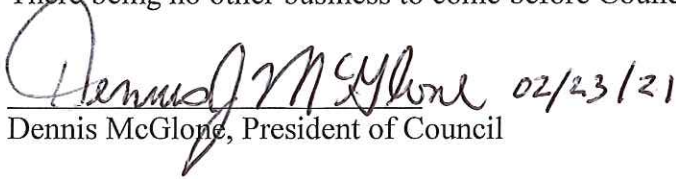
Motion passed: 7 - 0

Mr. McGlone then invited Mayor Zita, Mr. Markey and Ms. Keener to join them. He also announced that no further legislative action would be conducted after returning from the Executive Session. Mr. Markey explained the process for joining the Zoom meeting for the Executive Session. Mr. Tousley noted Mr. Fowler had not been officially invited and Mr. McGlone did so. Council went into Executive Session at 7:45 p.m.


Mr. McGlone reconvened the Regular Council Meeting at 8:23 p.m.

ADJOURN:

There being no other business to come before Council, the meeting was adjourned at 8:24 p.m.


Dennis McGlone, 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 February 22, 2021.


Kerry Macomber, Clerk of Council

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

Mr. Mayor, President of Council, Council Members, and Citizens of Norton,

First of all, I would like to complement and thank Norton City Council and our City Administration for your hard work and accomplishments of this past year. Because of this, Norton continues to develop in so many positive ways.

Having said that, I think you will agree there is much to be done to prepare the City of Norton for continued positive growth.

Adopting the **International Property Code** is a step in the right direction to lay down a strong foundation for the future development of our City of Norton.

I would empower the person charged with upholding this code, the responsibility to be not only reactive to the complaints brought forth by others, but proactive to those situations that others for one reason or another prefer to remain silent. Regardless, the process needs to be safe, for those voicing a concern, fair to those affected by a concern and respectful to all.

The International Property Code will provide the city with a solid foundation for future building and keep the current properties in good order. Both are important elements for the City of Norton to shine and to be an inviting prospect for investors whether that be future citizens or businesses.

I therefore, recommend council add the wording in this legislation to adopt the most up to date International Property Code and put in place an automatic adoption of future updates to the International Property Code for it would be costly for the City of Norton to develop their own code and the review and updating would be laborious. The code requires a base of technical knowledge in the field in order to evaluate changes that most of us are not qualified to do!

In addition, I recommend funds be allotted to the budget for the appropriate staff to attend educational/programs as it is related to staying current on the code.

Finally, the adoption of the code will put the City of Norton in line with the State of Ohio recommendations.

In summary, I strongly support the adoption of this code and encourage each of you to adopt the code with the proposed changes.

Thank you again for your dedication and hard work in moving our city in a positive direction.

Kerry Macomber Cell Phone if have problems during meeting TEXT 330-620-5027 Phone #929-436-2866

Zoom Meeting February 8, 2021

ID 84261164036 Pass Code 854198 ID 823 6859 7058 Pass Code 544063

