



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, MARCH 22, 2021**

The Regular Council Meeting was convened on Monday, March 22, 2021 at 7:00 PM 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 (excused) Charlotte Whipkey Joe Kernan Dennis McGlone	Also Present: Mayor Zita Justin Markey Robert Fowler Pamela Keener Kerry Macomber
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**COMMUNICATIONS FROM THE PUBLIC**

Bryan Barry, 2322 Inas Dr, Norton OH 44203 – The Clerk read Mr. Barry’s comments as submitted in its entirety and a copy is attached herewith.

**NEW BUSINESS**

Executive Session: Mr. McGlone informed Council that the Executive Session identified on t

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

ODOT Salt Contract – Mr. Tousley explained we are discussing a road salt contract for next year and deferred to Mr. Fowler. Mr. Fowler said this is an annual authorization process that allows the City to bid a portion of our road salt contract through ODOT. Mr. Fowler reminded Council how in 2018 we ran into a situation with CUE where there were no bids and we paid an extraordinary amount for salt. The City now buys half from ODOT and the other half through ~~from~~ CUE, which is coming up next. This just allows us to apply to be in the bid process and we are just part of it. Mr. Tousley inquired about the required purchase of 90% minimum and Mr. Fowler explained the process used to estimate the amount of salt needed for the next year from what we have left over. It is 3,000 tons for 2021/2022 season. Therefore, the City will purchase a minimum of 2,700 tons from ODOT. Mr. Tousley reiterated this just says we are going to buy 90% of our commitment from ODOT and Mr. Fowler concurred. Mr. Tousley moved to add Ord. No. 47-2021 to tonight’s agenda; waiving second and third readings for a vote; seconded by Ms. Whipkey. Ms. Whipkey noted that we are waiving the readings because there is an April 5, 2021 deadline with ODOT.

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

Motion passed unanimously.

CUE Salt Purchase - Mr. Tousley explained this ordinance goes along with the previous one to purchase 2700 tons of road salt at a total cost of \$207,650. Mr. Tousley noted there was a typo

in our legislation that will be corrected and moved to add Ord. No. 48-2021 to tonight's agenda; waiving second and third readings for a vote; seconded by Ms. Whipkey.

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

Motion passed unanimously.

### **CONSIDERATION OF MINUTES**

Minutes of the Regular Council Meeting of March 8, 2021 were accepted as submitted.  
Minutes of the Committee Work Session of March 15, 2021 were accepted as submitted.

### **REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS**

Mayor Zita announced the Green Up Norton - Community Work Day and Tree Planting is scheduled for Saturday, April 17, 2021 from 9:00 – 11:00 a.m. A rain date is tentatively scheduled for the following week. Individuals and groups are asked to pre-register through the City Website or by calling City Hall. He encouraged youth to participate to earn Community Service hours by cleaning up and mulching. Information is on the City Website.

Mr. Fowler announced the waterline construction will begin next week and the paving projects will begin as soon as the plants open; we will be first in line. We will be bringing a budget change to Council as we will be bidding Norton Avenue and it should go to bid in July; Johnson Road in the spring; and Barber Road resurfacing and traffic signals probably within the next month.

### **INTRODUCTION OF NEW LEGISLATION**

#### **Ord. No. 37-2021**

Mr. Kernan introduced Ord. No. 37-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT WITH WINDFALL FUNDING, LLC IN AN AMOUNT NOT TO EXCEED \$36,000.

First reading only.

#### **Ord. No. 38-2021**

Mr. Kernan introduced Ord. No. 38-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LETTER AGREEMENT WITH THE AUDITOR OF STATE TO PROVIDE AUDITING SERVICES TO THE CITY, AND DECLARING AN EMERGENCY.

Mr. Kernan explained this is a regular audit for the City of Norton and the work needs to begin soon. Mr. Kernan moved to waive second and third readings; seconded by Ms. Whipkey.

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

Motion passed: 6-0

Mr. Kernan moved to adopt Ord. No. 38-2021; seconded by Mr. Gainer.

Roll Call: Yes: Kernan, Gainer, Karant, Tousley, Whipkey, McGlone  
No: None  
Motion passed: 6-0

**Ord. No. 39-2021**

Mr. McGlone introduced Ord. No. 39-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE DECLARING CERTAIN CITY PROPERTIES AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AND DECLARING AN EMERGENCY.

Mr. McGlone moved to waive second and third readings; seconded by Mr. Karant. Mr. McGlone explained these are assets that are no longer needed and they are going to be scrapped.

Roll Call: Yes: McGlone, Karant, Gainer, Tousley, Whipkey, Kernan  
No: None  
Motion passed: 6-0

Mr. McGlone moved to adopt Ord. No. 39-2021; seconded by Mr. Karant.

Roll Call: Yes: McGlone, Karant, Gainer, Tousley, Whipkey, Kernan  
No: None  
Motion passed: 6-0

**Ord. No. 40-2021**

Mr. Kernan introduced Ord. No. 40-2021 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; AUTHORIZING AMENDMENTS TO THE CERTIFICATE OF ESTIMATED RESOURCES OF THE CITY FOR CALENDAR YEAR 2021; AND DECLARING AN EMERGENCY.

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

Roll Call: Yes: Kernan, Whipkey, Gainer, Karant, Tousley, McGlone  
No: None  
Motion passed: 6-0

Mr. Kernan moved to adopt Ord. No. 40-2021; seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey, Gainer, Karant, Tousley, McGlone  
No: None  
Motion passed: 6-0

**Ord. No. 41-2021**

Mr. Kernan introduced Ord. No. 41-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER AN AGREEMENT WITH WOOSTER BUILDINGS, LLC FOR CONSTRUCTION OF A STAGE ROOF FOR COLUMBIA WOODS PARK IN AN AMOUNT NOT TO EXCEED \$25,000; AND DECLARING AN EMERGENCY.

Mr. Kernan stated this is the first reading and intends to request the third reading be waived.

**Ord. No. 42-2021**

Mr. Kernan introduced Ord. No. 42-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH GPD FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN OF THE BARBER ROAD TRAFFIC SIGNAL PROJECT IN AN AMOUNT NOT TO EXCEED \$24,740; AND DECLARING AN EMERGENCY.

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

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

Motion passed: 6-0

Mr. Kernan moved to adopt Ord. No. 42-2021; seconded by Ms. Whipkey. Ms. Whipkey asked if these traffic light upgrades would allow emergency vehicles better access and if they currently are not and Mr. Fowler said that is correct because they are antiquated. Also, the new ones will be LED and demand driven.

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

Motion passed: 6-0

**Ord. No. 43-2021**

Mr. Kernan introduced Ord. No. 43-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH CTL ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE WOOSTER ROAD RESURFACING PROJECT IN AN AMOUNT NOT TO EXCEED \$29,769; AND DECLARING AN EMERGENCY.

Mr. Kernan stated this is the first reading and intends to request the third reading be waived.

**Ord. No. 44-2021**

Mr. Kernan introduced Ord. No. 44-2021 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 \$18,000; AND DECLARING AN EMERGENCY.

Mr. Kernan moved to waive second and third readings; seconded by Ms. Whipkey. Mr. Kernan said we are finishing up the construction and updates at City Hall so we need to get this change order in place. Ms. Whipkey asked if this work will allow Council to return to Council Chambers and meet in person. Mr. McGlone noted there will further discussion on returning to Council Chambers at a later date as some members still have concerns and we will know more later. Right now we are most likely looking at after break.

Roll Call: Yes: Kernan, Whipkey, Gainer, Karant, Tousley, McGlone  
No: None  
Motion passed: 6-0

Mr. Kernan moved to adopt Ord. No. 44-2021; seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey, Gainer, Karant, Tousley, McGlone  
No: None  
Motion passed: 6-0

**Ord. No. 45-2021**

Mr. Kernan introduced Ord. No. 45-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL DESIGN GROUP FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE GREENWICH ROAD SANITARY SEWER REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$14,988; AND DECLARING AN EMERGENCY.

First reading only.

**Ord. No. 46-2021**

Mr. Kernan introduced Ord. No. 46-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER AN AGREEMENT WITH AMERICAN ROADWAY LOGISTICS, INC. FOR TRAFFIC CONTROL SERVICES ON SR 21 IN AN AMOUNT NOT TO EXCEED \$10,050; AND DECLARING AN EMERGENCY.

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

Roll Call: Yes: Kernan, Whipkey, Gainer, Karant, Tousley, McGlone  
No: None  
Motion passed: 6-0

Mr. Kernan moved to adopt Ord. No. 46-2021; seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey, Gainer, Karant, Tousley, McGlone  
No: None  
Motion passed: 6-0

**Ord. No. 47-2021**

Mr. Tousley introduced Ord. No. 47-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2021, AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive second and third readings; seconded by Ms. Whipkey. Mr. Tousley recognized this was coming from his committee but noted he is not comfortable with introducing and voting on an ordinance at the same meeting so he will be opposing the waiving of the readings.

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

Motion passed: 5-1

Mr. Tousley moved to adopt Ord. No. 47-2021; seconded by Ms. Whipkey. Mr. Kernan noted that we need to move this forward and there are times that the Administration does not get the information in a timely manner, but we still have to act. Mr. Kernan complimented the Street Department for doing an excellent job keeping the streets clean this year.

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

Motion passed: 6-0

**Ord. No. 48-2021**

Mr. Tousley introduced Ord. No. 48-2021 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF ROAD SALT FROM CARGILL, INCORPORATED IN AN AMOUNT NOT TO EXCEED \$207,650, AND DECLARING AN EMERGENCY.

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

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

Motion passed: 5-1

Mr. Tousley moved to adopt Ord. No. 48-2021; seconded by Ms. Whipkey.

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

Motion passed: 6-0

**INTRODUCTION OF PRIOR LEGISLATION**

**Ord. No. 31-2021**

Mr. Kernan offered Ord. No. 31-2021 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A NEW HOLLAND TS6.110 TRACTOR AND BOOM MOWER FOR THE SERVICE DEPARTMENT AT A COST NOT TO EXCEED \$140,230.

Mr. Kernan moved to adopt Ord. No. 31-2021; seconded by Ms. Whipkey.

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

Motion passed: 6-0

**Ord. No. 32-2021**

Mr. Gainer offered Ord. No. 32-2021 for its third 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.

Mr. Gainer said this is the TIF for Petit on Frantz Drive and moved to adopt Ord. No. 32-2021; seconded by Mr. Karant.

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

Motion passed: 6-0

**Ord. No. 33-2021**

Mr. Gainer offered Ord. No. 33-2021 for its third 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.

Mr. Gainer said this is the TIF for Commerce Park Drive and moved to adopt Ord. No. 33-2021; seconded by Mr. Karant. Mr. Kernan noted that the TIF allows the City to recapture tax monies that would go to the County so the City can complete infrastructure improvements.

Roll Call: Yes: Gainer, Karant, Tousley, Kernan, Whipkey, McGlone  
No: None  
Motion passed: 6-0

**Ord. No. 34-2021**

Mr. Gainer offered Ord. No. 34-2021 for its third 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 PETIT AUTO WASH, INC. AND THOMAS J. PETIT AND SHARON L. PETIT, AND DECLARING AN EMERGENCY.

Mr. Gainer moved to adopt Ord. No. 34-2021; seconded by Mr. Karant.

Roll Call: Yes: Gainer, Karant, Tousley, Kernan, Whipkey, McGlone  
No: None  
Motion passed: 6-0

**PUBLIC SERVICE ANNOUNCEMENTS**

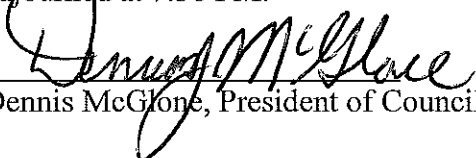
Mayor Zita announced that longtime Norton resident, Walter Baltic, celebrated his 100<sup>th</sup> birthday yesterday and the Mayor attended his birthday party and presented him with a Proclamation recognizing the monumental event.

Mayor Zita noted that based on Mr. Barry's comments from the public tonight, they will attempt to reach him and resolve the issues. Mayor Zita commented that he had no knowledge of Mr. Barry calling him or the Administration. Mr. Gainer noted that Mr. Barry's comments said he had called his Council person, which he is in Ward 1 but he does not remember Mr. Barry calling and reporting these issues. Ms. Whipkey said that when the Clerk called her it came up as a 434 number and the City of Norton was not identified as the caller. Mr. Karant noted that he referred to his concerns as zoning but it is really property maintenance code and we just adopted an updated code. It was clear this is a complaint-driven process and the City will not be driving around looking for infractions.

Mr. McGlone announced that next Monday, March 29, 2021 is the fifth Monday and therefore, no meeting will be held. The next meeting is Monday, April 5, 2021, and is a Committee Work Session.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:36 PM.

  
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 April 12, 2021.

Kerry Macomber  
Kerry Macomber, Clerk of Council

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





Kerry Macomber &lt;kmacomber3@gmail.com&gt;

**FW: [EXT] Re: City of Norton Public Comment**

1 message

**Kerry Macomber** <KMacomber@cityofnorton.org>  
To: "kmacomber3@gmail.com" <kmacomber3@gmail.com>

Mon, Mar 22, 2021 at 12:52 PM

**From:** Bryan Barry [mailto:bbarry62@gmail.com]  
**Sent:** Monday, March 22, 2021 11:53 AM  
**To:** Kerry Macomber <KMacomber@cityofnorton.org>  
**Subject:** [EXT] Re: City of Norton Public Comment

*2322 Inas Dr Norton OH*

Hello Kerry, I hope you are enjoying the spring weather.

I am contacting the city because I am concerned about our zoning laws. Norton is a city and not a township. As a city we have a duty to enforce proper upkeep of housing in our locale. When I look at Norton now I see residences that look like dumps. As an example look at residences on the corner of Frashure and Summit, Frashure and Sandy and a house on Clark's Mill with a car abandoned in the back yard and no siding on a top floor addition. This is an insult to property owners who take care of their properties. The city accepts this because of our current zoning regulations that were adopted when we were a township 50 years ago. Can we please grow up.

I am also concerned with clear cutting of properties to make space for new development. Can we please change this to keep more greenery before we turn ourselves into another suburban wasteland? The southern states have far better zoning codes and we have an opportunity to be trail blazer here.

Lastly I am very angry with the response from city administrators when I ask for a return phone call. The mayor never returns a phone call or the city manager. This is unacceptable. To his credit, our councilman has.

Thanks for posting this request

On Fri, Mar 19, 2021, 11:21 AM Kerry Macomber <KMacomber@cityofnorton.org> wrote:

Mr. Barry,

Please provide me with a written copy of the comments that you will be making on Monday night.

Thanks,

Kerry

