



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 11, 2023**

The Regular Council Meeting was convened on Monday, September 11, 2023 at 7:00 p.m. by Paul Tousley, President of Council. Mr. Tousley noted there would be an extended moment of silence to commemorate the anniversary of 9/11. The Pledge of Allegiance was recited followed by a moment of silent reflection.

ROLL CALL

Jamie Lukens
Don Harbert
Joe Kernan
Scott Pelot
Charlotte Whipkey
Doug DeHarpert
Paul Tousley

Also Present:
Mayor Zita
Phil Turske
Pamela Keener
Kerry Macomber

COMMUNICATIONS FROM THE PUBLIC

Brian Smith, 3794 Easton Rd – Mr. Smith asked about Maco Drive, which has been closed since 2020 and was brought up a couple of Council meetings ago. He knows they are building a new house down there by the church. Originally, it was blocked off right at Hemphill but now there is a concrete barrier right past the church and he expressed safety concerns as a truck involved with construction at the house had a trailer partially blocking at the church. He asked if there are plans for a turn-around there for firetrucks, school buses, etc. He asked if that new house on Maco is going to have to put in a sidewalk or do an escrow. Mr. Smith asked when this legislation was enacted, was there a way he could get a paper on when it was mandated and if everyone had to put money in escrow. Ms. Whipkey noted it was enacted in 2004 and stated that we have a moratorium on that legislation on tonight’s agenda. Mr. Smith made a Public Records Request for the maintenance records of the Police Department building for this year to date; and the amount spent on the Water Tower to date. Mr. Tousley said that his comments regarding the turn-around on Maco will be taken into consideration.

COMMITTEE OF THE WHOLE

CONSIDERATION OF MINUTES

Minutes of Regular Council Meeting of August 28, 2023 were approved as submitted.
Minutes of Committee Work Session of September 5, 2023 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS - None

PUBLIC HEARING: None

INTRODUCTION OF NEW LEGISLATION

Ord. No. 53-2023

Mr. Harbert introduced Ord. No. 53-2023 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, 2023; AUTHORIZING AMENDMENTS TO THE CERTIFICATE OF ESTIMATED RESOURCES OF THE CITY FOR CALENDAR YEAR 2023; AND DECLARING AN EMERGENCY.

Mr. Harbert said this ordinance amends the appropriations for current expenses and ties into the first responders' retention incentive. It also amends the estimated resources from a grant award in the amount of \$140,881.59 which was a reduced amount due to the personnel turnover. Ms. Whipkey asked if more legislation would be needed or would the retention monies be started from this piece and Mr. Turske responded that the State is not requiring additional legislation; so once it is approved they would send it along with the documentation they have to sign. Mr. Harbert said with the significance of today being 9/11 and to get incentives into our first responders' hands, he moved to waive the second and third readings; seconded by Ms. Whipkey.

Roll Call: Yes: Harbert, Whipkey, Lukens, Kernan, Pelot, DeHarpert, Tousley
No: None

Motion passed: 7 - 0.

Mr. Harbert moved to adopt Ord. No. 53-2023; seconded by Ms. Whipkey.

Roll Call: Yes: Harbert, Whipkey, Lukens, Kernan, Pelot, DeHarpert, Tousley
No: None

Motion passed: 7 - 0.

Mr. Tousley noted that someone's paper hit a microphone and due to the technical difficulties with the sound system, he temporarily adjourned the meeting at 7:11 p.m. Mr. Tousley reconvened the meeting and apologized for the interruption at 7:22 p.m.

Ord. No. 54-2023

Ms. Whipkey introduced Ord. No. 54-2023 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER AN AMENDMENT TO A CELL TOWER GROUND LEASE WITH NCWPCS MPL 32-YEAR SITES TOWER HOLDINGS, LLC; AND DECLARING AN EMERGENCY.

Ms. Whipkey stated this contains emergency language and a 3% yearly increase, which it has since it was initiated in 2004. In addition, we would receive \$37,160 up front on top of the monthly payments. This is for another 20-year renewal. Mr. DeHarpert said that Ms. Keener said it was a five-year renewal and then there is an opportunity to renegotiate. Ms. Whipkey stated so we renegotiate after five and asked if Council was involved in negotiations. Ms. Keener replied she would think so, but that was before she was here. Ms. Whipkey asked if anyone on Council recalled anything it and said she does not recollect Council being involved in renegotiations. Mr. Tousley stated no and asked how this affects the \$37,160; Ms. Keener said it is a one-time payment. Mr. DeHarpert stated so if we do the five years we still get the \$37,000.

Ms. Whipkey said she forwarded to all of Council a breakdown of payments that Ms. Keener had supplied and off to the left there is a 2% annual increase and she thinks this belongs to the Dorothy Court cell tower, which was initiated in 2016 by the June Ord. 46-2016; Ms. Keener concurred. Ms. Whipkey stated she believes that one was for five years at a time and she does not remember any negotiations. It should have been renewed in 2021 and now that we are in 2023, it needs to be looked at because the 2% needs to be raised. Ms. Whipkey noted that she didn't believe Council was involved in any of the negotiations from the legislations she went through. Mr. Pelot read from the contract (found on page 25 of 40 of the Agenda) stating that the landlord and tenant have exercised three extended terms leaving a balance of four extended terms for five years each. If all extension terms are exercised, the last term will end September 14, 2043. So, this is part way through that initial seven terms. Ms. Whipkey asked what was changed other than the \$37,000. Ms. Keener said the \$37,000 plus four times to renegotiate the five-year terms. Ms. Whipkey said she was going to leave it at that first reading only. She said she wants the answers to the other cell tower. Ms. Keener said it will expire in 2024 and it is on their radar. She will send her the agreement. Ms. Whipkey said we need to definitely increase the 2%.

First reading only.

Ord. No. 55-2023

Mr. Lukens introduced Ord. No. 55-2023 for its first reading and asked the Clerk to read it.

AN ORDINANCE DECLARING A MORATORIUM FOR A PERIOD OF SIX MONTHS ON ENFORCEMENT OF SECTION 1024.03 OF THE CODIFIED ORDINANCES RELATED TO THE CONSTRUCTION OF SIDEWALKS; AND DECLARING AN EMERGENCY.

Mr. Lukens said this is the ban on sidewalks for six months with the intent to amend this to make it better. His notes reflect this does not affect subdivisions because they make their own decisions. Also, this would not be in the radius of schools and parks or where there is a lot of foot traffic and obviously when it connects two existing sidewalks and not a sidewalk to nowhere. It is for a first reading and asked for comments.

Mr. Pelot asked if there was a list of where the sidewalks were and Mr. Turske said just the one that was previously provided. Ms. Whipkey said there was one on Carl. Mr. Tousley noted that Administration provided that list in June he believed. Mr. Pelot asked if this took into consideration the properties on Cleveland-Massillon and Mr. Turske answered affirmatively and the only deposit that was received was for the one on Carl. He did not know if anyone on Cleveland-Massillon actually paid for sidewalks put in. Ms. Whipkey acknowledged this was a first reading only, but stated she wants this rewritten to at least installing sidewalks when it ends so they continue and we should have the moratorium until that is done. Mr. Tousley noted that it has been referred to the Planning Commission, but he did not disagree with what she was saying. Ms. Whipkey said since we have come to this point, and we haven't come with any reason as to why not, can we get something in writing where we can reimburse the Carl resident their deposit plus interest. She said she has been asking about this since the first week in May. Mr. Turske said they could, but Mr. Markey advised it would be wise to allow the moratorium to pass first. Then Council can dictate the terms of that refund. Mr. DeHarpert suggested waiving the readings and Ms. Whipkey concurred. Mr. Pelot said if there is more than just that one property

on that list and someone did pay, Council is setting a precedence. Ms. Whipkey said she did not believe anyone paid. Mr. Pelot said it may have been part of their construction. It needs to be identified if it was part of the road improvement or part of the construction of their building. If they put the sidewalk in out of the funds for their building, there would be no assessment. Ms. Whipkey said then this would only apply to the Cleveland-Massillon project; as no other businesses such as on Eastern or anywhere else has sidewalks that she has seen. Mr. Lukens suggested doing a public notice. Mr. Tousley surmised the moratorium and the refund are two separate actions and requested the refund discussion be added to the next work session. Mr. Lukens moved to waive the second and third readings; seconded by Ms. Whipkey.

Roll Call: Yes: Lukens, Whipkey, Harbert, Kernan, DeHarpart, Tousley
No: Pelot
Motion passed: 6 – 1

Mr. Lukens moved to adopt Ord. No. 55-2023; seconded Ms. Whipkey.

Roll Call: Yes: Lukens, Whipkey, Harbert, Kernan, DeHarpart, Tousley
No: Pelot
Motion passed: 6 – 1

INTRODUCTION OF PREVIOUS LEGISLATION

Amended Ord. No. 51-2023

Mr. Kernan noted that last week it was determined we needed to change the word “purchase” to “installation” or “install” in the legislation. Mr. Kernan moved to amend the legislation as follows: replace the word purchase with installation in the title; replace the word purchase with install in the first Whereas clause; replace the word purchase with installation in the second Whereas clause; replace the word purchase with installation in Section 1; replace the word purchase with installation in Section 2; seconded by Mr. Tousley.

Roll Call: Yes: Kernan, Tousley, Lukens, Harbert, Pelot, Whipkey, DeHarpart
No:
Motion passed: 7 - 0

Mr. Kernan offered Amended Ord. No. 51-2023 for its second reading and asked the Clerk to read it.

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

Mr. Kernan noted this is a safety issue and moved to waive the third reading; seconded by Mr. Pelot. Mr. Harbert said we are approving this without a plan for the replacement of other traffic signals. He noted that he counted ten lights at the main intersection down here and questioned what would be the cost. He asked if it is just one signal that carries it back and forth to the emitter or is it multiple lights that need to be replaced. He indicated that we are discussing something that we don't have the infrastructure to support although he understood the safety

aspect and saving lives. Mr. Tousley explained this legislation is just for the ones on Barber Road and they are already equipped. Mr. Harbert acknowledged that but asked what is the plan for doing additional lights. Mr. Kernan said this will have to be considered in the budgeting process and that the information Mr. Turske provided estimated the lights at \$225,000. Ms. Whipkey said \$300,000 due to the GPS feature and illuminated signs with a life expectancy of 25 – 30 years with a standard light being \$225,000. She asked if this is per light because there's about 10 at the intersection of Greenwich and Cleveland-Massillon. Mr. Kernan said that is how he understands it; it is per light. Mr. Pelot said it all controlled by a controller and it is worth investigating. Mr. DeHarpert asked about different intersections and asked what kind of technology is on all of them. Some look like sensors and some look like cameras. He questioned what do they do now and what is different. Mr. Turske was not sure. Ms. Whipkey would like to know if they are cameras and that is why she asked for the product information on the lights as opposed to the work orders. She would like to have the specs and what they are capable of doing. The Board of Control only looked at cost and that's all we got also. Mr. DeHarpert asked the officer in the room if as the emergency vehicles approach a traffic light, do they emit a signal; the officer deferred the question to the Police Chief. Mr. Harbert said if it takes additional infrastructure to interact with lights and if it takes five years, what will the technology be like at that point. Mr. Tousley reiterated that this legislation is for Barber Road and it is equipped and ready to be used so it makes sense to move forward. Mr. DeHarpert said he is in agreement with the safety issue but he wants to know the difference between the GPS feature and the emitter we have now because he believes he has seen safety forces approach a light with their lights and sirens and they do change. He questioned why we would spend money on something that we can already do. Ms. Whipkey said the specs may answer that question.

Roll Call: Yes: Kernan, Pelot, Lukens, Tousley

No: Harbert, Whipkey, DeHarpert

Motion failed: 4 – 3 (Two-thirds of Council need to vote affirmatively to suspend Council Rules).

Ord. No. 52-2023

Mr. Kernan offered Ord. No. 52-2023 for its second reading and asked the Clerk to read it.

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

Second reading only.

NON-AGENDA ITEMS

Ms. Whipkey expressed thanks for the grass cutting on Golf Course Drive (noting that Mr. Harbert was probably thankful, as well). Mr. Turske noted that Barberton completed the task. Ms. Whipkey asked if the old guard rail on Akron-Wadsworth in the street can be removed. Mr. Turske said Mr. DeHarpert had asked on it a couple of weeks ago and there is additional work that needs to be done with the striping plan and how trucks approach it, but then the guardrail will be replaced and the old one removed. Ms. Whipkey referred to her email about the mailbox and asked for a sign on Golf Course Drive and Mr. Turske said there will be a "Dead-End" sign. They were looking at what else could be done. Ms. Whipkey said the mailbox should be restored to the way it was; Mr. Turske stated he had not had a chance to look at it yet. She asked

how long does the permit last for the self-demo for the house on Clarkmill and Mr. Turske responded he did not know. Ms. Whipkey asked about the response from Summit County Soil and Water regarding JLP Development and when Mr. Turske said there has been no response. Ms. Whipkey offered to contact them. Ms. Whipkey said she is still waiting on answers regarding the TIF money and where it can be spent. She asked about the TIRC information and Mr. Turske said the attorneys stated it's on the website, but will provide this and the legislation will be at the next committee meeting. Ms. Whipkey said Tri-Mor did get back to them and they are to send an appraisal for the car repair to Tri-More; so we believe it will be taken care of.

Mr. Pelot suggested reaching out to other communities to see if they could retrofit their traffic signals as opposed to buying new.

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita announced the Norton Cider Festival is Friday September 29 through Sunday October 1, 2023 and encouraged all to attend.

ADJOURN

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:54 PM.



Paul Tousley, 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 September 25, 2023.



Kerry Macomber, Clerk of Council

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

SIGN IN SHEET

COUNCIL MEETING AND COMMITTEE WORK SESSION

The following individuals were present and spoke at the Regular Council Meeting or the Committee Work Session held on Sept 11, 2023.

Please Print Your Name Clearly:
 (Please Note: P.O. Box Addresses Are Not Permitted)

NAME	COMPLETE ADDRESS	WARD LOCATION	PHONE
Bruce Daniels	3094 EASTON RD		

Approved by Council 02/02/09

