



**NORTON CITY COUNCIL  
COMMITTEE WORK SESSION  
MONDAY, SEPTEMBER 20, 2021**

The Committee Work Session was convened on Monday, September 20, 2021 at 7:00 PM by Joe Kernan, Vice President of Council, followed by the Pledge of Allegiance and a moment of silent reflection.

<b>ROLL CALL:</b>	Jack Gainer Dan Karant (excused) Paul Tousley Scott Pelot Charlotte Whipkey Joe Kernan Dennis McGlone (excused)	<b>Also Present:</b> Mayor Zita Robert Fowler Pamela Keener Justin Markey Kerry Macomber
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**COMMUNICATIONS FROM THE PUBLIC - None**

**COMMITTEE OF THE WHOLE**

M2 Truck Purchase – Mr. Kernan stated this is regular replacement of vehicles. He will be asking to waive readings due to the lag time to get vehicle purchases (6-8 months). Mr. Fowler added we are still waiting on a truck ordered last year. Mr. Pelot asked what was included in the \$57,970 dealer installed options and Mr. Fowler replied this is for the chassis, dump body and controls. Mr. Pelot asked if they received more than one quote and Mr. Fowler said they are trying to get others, but last year this company was the lowest and Mr. Hess was on vacation last week. We will make sure when he gets the others that this is the lowest. Mr. Tousley asked if this was an additional or replacement vehicle and Mr. Fowler said they are replacing a 2014 vehicle. Mr. Tousley requested the trade-in information on that vehicle be provided to Council. Mr. Kernan moved to add Ord. No. 91-2021 to Council’s next agenda with emergency language and waive readings; seconded by Ms. Whipkey.

Roll Call:     Yes:   Kernan, Whipkey  
                   No:    None

Motion passed unanimously.

Johnson Road Waterline - Mr. Kernan explained this bid needs awarded as soon as possible to maintain the price and allow the lead time to procure the supplies to ensure the paving schedule in early 2022. Ms. Whipkey asked where it was specifically and Mr. Fowler responded from wherever it ends now and up to the old fire station. Mr. Kernan moved to add Ord. No. 92-2021 to Council’s next agenda with emergency language and waive readings; seconded by Ms. Whipkey.

Roll Call:     Yes:   Kernan, Whipkey  
                   No:    None

Motion passed unanimously.

OPWC Application for Reimer-Carl Waterline Project - Mr. Kernan explained this authorizes Administration to apply for Ohio Public Works Commission (OPWC) funding and the deadline is September 30, 2021. Mr. Fowler added we also have Barberton involved and are very likely to get the funds due to prior engineering done. Ms. Whipkey stated it says four projects so what four projects would that be? Mr. Fowler responded there were three projects earlier in the year that we thought we would seek funding for, but we received funds earlier. Ms. Whipkey asked if this would be corrected and Mr. Kernan stated the Clerk had corrected it after we got the packet. Mr. Kernan moved to add Ord. No. 93-2021 to Council's next agenda with emergency language and waive readings; seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey  
No: None

Motion passed unanimously.

Birds Eye Barn TIF – Mr. Gainer explained this will allow the City to have one common Tax Incremental Financing (TIF) fund, which in the future, can be used to support citywide infrastructure projects. Ms. Whipkey noted that Section 9 states the Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of not less than four (4) members elected to Council... It should state the approval of two-thirds (5) of the members of Council... Mr. Markey concurred and will provide a corrected ordinance. Ms. Whipkey stated she had looked back at some others that also had the incorrect language. Mr. Markey stated they would get it corrected. Mr. Gainer moved to add Ord. No. 94-2021 to Council's next agenda with emergency language; seconded by Mr. Pelot.

Roll Call: Yes: Gainer, Pelot  
No: None

Motion passed unanimously.

Full Time Fire Agreement – Mr. Pelot explained both parties have agreed to a 0% increase for 2021 and a \$600 ratification bonus with 8 hours of personal time added to their holiday hours. Mr. Pelot asked for confirmation that it should be 2021. Mr. Fowler concurred the agreement would run for one year. Mr. Pelot noted the unions require quick action and moved to add Ord. No. 95-2021 to Council's next agenda with emergency language and waive readings; seconded by Mr. Kernan.

Roll Call: Yes: Pelot, Kernan  
No: None

Motion passed unanimously.

Clerical TA – Mr. Pelot stated the Clerical Tentative Agreement for 2022 and 2023 have been agreed by both parties to a \$1 per hour increase for 2021 with an additional \$10 payment for healthcare and requiring the union to pick one vision plan, and for 2022 they will receive the same \$1 per hour increase as the full time contract employees and pay an additional \$10 per month for health insurance. This will only take a voice vote at our next Regular Council meeting. Mr. Tousley clarified that the healthcare monthly cost to the employee will be \$10 per year. Mr. Fowler stated it is actually \$10 per month; so it will be \$190 a month next year and \$200 in 2022 and 2023, respectively. Ms. Whipkey asked for clarification if there would be no raises in 2021 and the \$1 per

hour increase would be effective January 1, 2022. Mr. Fowler concurred. Mr. Pelot stated the language says \$1 for 2021 and Mr. Fowler indicated it would be corrected to 2022 and 2023. Mr. Pelot moved to add the Clerical Tentative Agreement to Council's next agenda for a voice vote; seconded by Mr. Kernan.

Roll Call: Yes: Pelot, Kernan  
No: None

Motion passed unanimously.

Service TA - Mr. Pelot explained the Service Tentative Agreement for 2022 and 2023 and that both parties have agreed to a \$1 per hour increase for 2022 and 2023 with an additional \$10 payment for healthcare and requiring the union to pick one vision plan. The contract also eliminates year 1 of the laborer wage scale and adds a pay differential to the foreman of .38% in 2022 and .5 % in 2023. Ms. Whipkey inquired into the purpose of the voice vote, which Mr. Fowler explained it is necessary for Council to show an affirmative response to the tentative agreements. Otherwise, Administration would go back into the collective bargaining process with the unions due to the time constraints. Once the tentative agreements are finalized, Council will be presented with ordinances and the appropriate contracts. Mr. Pelot moved to add the Service Tentative Agreement to Council's next agenda for a voice vote; seconded by Mr. Kernan.

Roll Call: Yes: Pelot, Kernan  
No: None

Motion passed unanimously.

Part-time Fire TA - Mr. Pelot explained this is another tentative agreement where the City shall pay each bargaining unit member \$600 as follows: (1) \$300 upon ratification of this Agreement by the Union; and (2) an additional \$300 ninety (90) days later. Mr. Pelot moved to add the Part-time Fire Tentative Agreement to Council's next agenda for a voice vote; seconded by Mr. Kernan.

Roll Call: Yes: Pelot, Kernan  
No: None

Motion passed unanimously.

PC Resolution 5-2021 – Mr. Gainer explained this Planning Commission Resolution is for rezoning Parcel Number 4609069, located at 300 28th St. SW--from BI District to I-1 District. A Public Hearing will be held by Council on October 11, 2021. Mr. Tousley asked why it is necessary to rezone to an I-1 if this is for an office building and Mr. Fowler responded there will be manufacturing processes in the building, as well and will get Council a map later. We are looking to access the properties from Cleve-Mass Road so there are no commercial vehicles on those residential streets. Mr. Tousley asked if this is changed to I-1, can the City assure the residents that a large industrial business will not locate there in their backyards. Mr. Markey responded that the I-1 Zoning Code is citywide and the City cannot do spot zoning so there are no assurances the City can give that would not happen. Ms. Whipkey stated she thought it was supposed to be office buildings and Mr. Gainer responded they are office buildings. Mr. Gainer explained the industrial building will be accessed from Cleveland-Massillon Road. He said this is on the eastern end of the parcel and the nearest residence is about 450' away. Ms. Whipkey stated we would still have the

28<sup>th</sup> Street entrance to office buildings and wondered if it would also extend to the new structure to be built. Mr. Gainer said no, just the office building is at the end of 28<sup>th</sup> street and there will be no large truck traffic as there will be a separate entrance off of Cleve-Mass where the house is at the top of the hill and there is an existing driveway. There may be something like a parking lot or driveway between them, but he has not seen their plans. We have been assured it would only be passenger vehicles coming off 28<sup>th</sup> Street outside of small trucks making deliveries. Ms. Whipkey asked if there were going to be three building belonging to KDA. Ms. Whipkey stated she had tried to watch the Planning Commission meeting but couldn't hear the conversation so gave up. Mr. Gainer stated they are building the second industrial building, they have the original, and there will be the office buildings coming off of 28<sup>th</sup>. Mr. Tousley reiterated there will be a Public Hearing on October 11, 2021 and the legislation will be read at three separate meetings. Ms. Whipkey asked about the containers located near KDA and what was in them. No one knew anything about them. Mr. Gainer moved to add Ord. No. 96-2021 to Council's next agenda; seconded by Mr. Pelot.

Roll Call: Yes: Gainer, Pelot  
No: None

Motion passed unanimously.

Tap-in Fees – Ord. No. 84-2021 - Ms. Whipkey referred to the Ordinance Nos. 84-2021, 92-2017, and 136-2020 and stated that they should all be in compliance with one another. There is no justification for offering different alternatives to the different Phases of the project. She noted she is still waiting on information as to which residents near Oser and I-76 do not have access to sewer. She did not want to do anything with it until Phase 1 has the same options outside of the initial costs due to price differences. She could not go along with raising Phase 1's prices every year and no payment options. As she understands it, a Mr. Milo Milkovich, near the High School, has tied into the sewer around December 3 or 4, 2020. She believed he would have been paying the \$16,000 and she felt anyone connecting at the higher price should be given back the difference. Ms. Whipkey noted she believed it was up to \$16,500 currently. As far as standardizing all the tie in benefits, she did not know how they were going to do that with all the various ways that we end up with sewer and water lines being installed. We have the petition driven lines as in Loyal Oak, we have the mandated areas like Nash Heights, and then where the City initiates them like Cleve-Mass widening. Mr. Pelot stated the increase each year should be on petition-driven projects. If it is mandatory or city sponsored, they should be structured the same as to whatever the cost is. As far as the petition driven projects, they are saying they want to put it in. He's okay with giving payments, but the \$500 a year was to get people motivated to tap in sooner than later. He noted that all construction materials have gone up significantly and by using a percentage ratio, you can capture the difference and adjust the fee accordingly. The \$500 a year also helps take care of the dollar value changing over time; the dollar isn't as strong as it was five years ago and is not worth as much. If it's apples to apples it should be consistent. He also stated residents should be able to put the fee on tax duplicate or sewer bill over a specific period of time. Ms. Whipkey asked if they did put it on their sewer bill, could the people actually deduct it from their taxes or do they just lose that option because it is on a utility as opposed to being assessed on their actual property tax? Mr. Kernan responded he did not know as he was not a tax attorney, but if they need to pay an assessment and we do not have an accelerator clause then we, as a City, are paying interest on that money. That means you all get to pay that interest and the residents are using the city's finances for free for 10 or 20 years until they decide to tap in. That is not fair. If they need to tap in and they don't tap in right away, then the next year there should be some acceleration to cover the cost of

using the City's money because this is what they are doing. So they need to make the rest of the citizens whole by paying that money back. That is one reason for the acceleration clause. Also, an accelerator clause may encourage people to tap in. Whether that works or not, I do not know; to me, it's not the biggest point. The biggest point is the acceleration clause is needed to make the City whole because the City is paying a service fee for that financing and it needs to be reimbursed. That's why I support the acceleration clause; the other stuff about making payments and things of that nature is something that should be for people that didn't have a choice. We were ordered to put something in and they had to put it in and pay for it. I understand not everyone has \$15,000 sitting around and they have to make payments somehow. If someone petitions, then they ought to be prepared to pay for their assessment then. Mr. Gainer stated this is getting confusing. Mr. Gainer wondered if just the person that bought the Meden Place petitioned and it was agreed it was. So all the other Loyal Oak people and the Cleve-Mass Phases, that did not ask for it, should be able to hook up and put the assessment on their taxes. As the people in Loyal Oak tied in, the petitioner would have that money deducted from his assessment of 100%. Those tapping in later, should pay the additional \$500/year increase for whatever specified time period. In return for us recouping the 3% interest charge, all the people in Loyal Oak and the Phases should have the option of putting it on their taxes yearly as many would not have that kind of money. The businesses should be lower in the amount of time to pay for it. As far as the petitioner, the way he understood it, there was only the one and they will hopefully be given some time to pay it off due to the amount. He doesn't have a problem with the \$500 a year he has decided. He also believes the people that already paid the \$500, they've paid it so anyone in the future should have that in mind. If they don't hook up soon, it will cost them more as it cost us more as a City to pay for it. He also encouraged this opportunity to be widely publicized to get more people to sign up for city services within a specific amount of time before it is increased. He also thought Norton would benefit to have more sewer and water customers which in the long run is a benefit to everyone. Any future lines should be set up the same way unless it is mandated; those that are mandated should have the same opportunity Nash Heights had. He is sure we could come up with a percentage; of course it will continue to increase. Mr. Gainer said we can begin today and go forward with an agreed upon accelerator amount. He is not too sure he would like to see the payments go on the utility bills as Barberton would be collecting the interest. Ms. Whipkey stated she didn't know what would be best to be paid on a utility bill or on the taxes, but Barberton is the one that owns the utilities and comes out ahead. The way she understood it, we have already paid for Loyal Oak with the 127 and 128 funds which means there is nothing to be paid outside of the fact of collecting from the petitioner. They are not tied into anything, so they should have to pay a fee for not being tied in particularly when they are the ones that asked for it. She did not feel it was that beneficial to go from \$15,000 up to \$19,000 over the course of time on people who did not ask for it and if they did fail they get an extra ten years to pay for it. So what will we do, go back to Loyal Oak and tell them we changed our minds so you will have this added now and Phase 1 is out of luck but we might let you make payments. I never did understand why we didn't make a Resolution of Necessity unless it has something to do with this being tie in benefits as opposed to actual assessments. This is all just a mess the way we set it up to begin with. All I wanted was to make it equitable for those that have already had the lines put in front of their houses, maybe or maybe not. Mr. Fowler stated the Phases were all made before he got here, but that sewer line was part of the project for which there was debt issued to pay that street improvement. If you do not escalate that cost, then the City is covering that interest from all those people for that portion of the project. So essentially you are giving a zero percent loan when the City is paying 3%. Going to Nash Heights, there is a percentage of interest on that project that this City was covering which is why we put in an

escalator. It is our recommendation that this ordinance include an escalator much like the rest of the projects. Mr. Gainer stated that most people have a mortgage where the taxes are in escrow so they do pay it monthly with the mortgage payment. All the costs of the escalator and the utility bills would have to be figured to know all the benefits to the City. Mr. Tousley stated this should be equal across the board and this agreement should be a priority so residents will have an answer to the cost. Mr. Tousley believed we shouldn't leave this meeting until we have an agreement of some sort as at least one home owner lost a sale due to not having an answer. Mr. Pelot stated we need a standardized benefit cost. Mr. Pelot asked Mrs. Keener which would be best to be on the taxes or on the monthly sewer bill. Mrs. Keener responded taxes. Mr. Pelot stated that allows the people to keep the amounts and who paid what if the property sells. Mr. Gainer stated it is in the form of a lien on your taxes so it has to be paid in full when the property is sold and he felt it should be on the taxes but would not argue on it. I would recommend it move forward and pass; then ask the administration to change what is necessary to make it equitable for everyone and the City. Mr. Pelot added the \$500 should be added to all except those that have mandatory connections. Mr. Pelot then stated the Administration should make it up and send it out to Council to go over and come up with any questions before next Monday. Mr. Kernan stated the \$500 should be added whether it is mandatory or not as we paid out X amount of dollars and if someone doesn't tap in for ten years that is money the City doesn't have to use on other projects. Mr. Pelot stated he misstated when he said mandatory and meant petitioned. Mr. Gainer state that was exactly how he felt; if you didn't tap in for ten years they got it free. Mr. Kernan stated it sounds like the majority of Council is in favor of the \$500 increments.

Council reviewed and discussed the three pieces of legislation and requested Administration draft an agreement that states the property owner may pay the benefit charge in full at the time of the tap-in or may select to pay monthly installments as part of a payment plan that includes the following consideration:

- \$14,500 per benefit or a consistent percentage ratio based on the total cost of the improvement project;
- \$500 accelerator adjustment starting January 1, 2023 and capped after 10 years;
- 3% Administrative Fee;
- Summit County Fiscal Office Administrative Fee for inclusion of assessment on property tax duplicate. Ms. Keener will provide this information.

The Administrative Officer of the City must approve all payments plans on behalf of the City and may require the owner or consumer to execute and deliver to the City a promissory note in the amount owed for the benefit charge. In no case shall a payment plan be for a term exceeding 5 years or 60 monthly installments for commercial or industrial properties or 10 years or 120 monthly installments for residential properties. If a residential property is required to connect to the Improvement due to an order by Summit County Health Department to abandon their septic system, then a payment plan may be for a term not exceeding 20 years or 240 monthly installments.

Mr. Gainer asked the Administration to review the contract to determine where the improvement ended in Phase 1 and if the residents on Oser should have received service. He believed the last house on Cleve-Mass just before I-76 was addressed to Oser, but Ms. Whipkey says it is addressed to Cleve-Mass. She also thought there were a couple more coming south that did not have sewer.

Mr. Pelot stated he thought he saw there was some issue with elevation on that sewer line. Mr. Gainer felt it should be looked into and included in the discussion.

Ms. Whipkey asked if you were looking at redoing 92-2017, 136-2020, and 84-2021? Mr. Kernan stated you have a plan as to what Council is looking for going forward and you have the ordinances that we have beat to death for the last four meetings and hopefully come next Monday we can have those and in some form that they are consistent with one another and take a look at.

Barberton-Norton Mosquito Abatement District (MAD) District Advisory Council representative  
Mr. Pelot announced the City has been requested to name a representative for the MAD District Advisory Council. It was agreed that Council will revisit this after the election.


**TOPICS FOR NEXT WORK SESSION – Monday, October 4, 2021**

The Mayor announced Trick or Treat Saturday, October 30, 2021 from 5:00 – 7:00 p.m. Mr. Kernan encourage all neighborhoods to observe this time as well in coordination with the City Safety Forces.

Norton Cider Festival will be held October 1 – 3, 2021 in Columbia Woods Park.

**ADJOURN:**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:25 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 November 8, 2021.

  
Kerry Macomber, Clerk of Council

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

