



**NORTON**  
**NORTON CITY COUNCIL**  
**REGULAR COUNCIL MEETING**  
**MONDAY, NOVEMBER 13, 2023**

The Regular Council Meeting was convened on Monday, November 13, 2023 at 7:00 p.m. by Paul Tousley, President of Council. 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  
 Philip Turske  
 Pamela Keener  
 Justin Markey  
 Kerry Macomber

**COMMUNICATIONS FROM THE PUBLIC**

Robin Kerns, 3732 Golf Course Drive – Ms. Kerns said she is concerned about her street because after they ate away the hill the mounds put up only allow for one lane of traffic. She said we used to be able to go off the side of the road and drive on the grass to get around. Now, they have to wait until the traffic is gone before you can get to your driveway and home as she experienced coming home. It is dangerous and scary up there and everyone is concerned about it. If service people are parked on the side of the street, people will not be able to get to their home. She said her son-in-law could not back up the trailer into her driveway to pick up her lawn mower; he had to drive down the street, park and come back and push the mower down there. She said this could cause a serious problem and it needs to be addressed before there is a serious issue. She expressed concern that a heavy rain will wash away the mounding as it is. Mr. Tousley said that several Council members have been out there today to look at the situation and that Mr. Turske has notified the City Engineer who will be looking into it. Ms. Kerns said it seemed that there was no supervision even when they were installing the road. You would think people would be looking into these things and know how to do it. She wanted to make sure the City was aware of the problem and hopefully somebody will address it as she felt it was very important they did. Mr. Tousley thanked her for coming in to share her concerns. Ms. Whipkey asked if the City should have looked into this when they were doing the mounding and asked if the City Engineer should have been checking. Mr. Turske said there are inspectors out there and clarified the way the mounding is now is not a finished product. It's like the sloping; it takes time. He said there will be more work done to make sure the correct ratio of 3: 1 is achieved. Ms. Whipkey asked if they will be moving the dirt away from the pavement and Mr. Turske said that is his understanding, but he will check with the Engineer and find out what and when the next step will start as obviously they are not going to leave it like that. Ms. Whipkey said if we keep pushing maybe as they have not done a lot of what we were expecting. She didn't see where the mound incline was of much use besides helping the water run down onto the street unless they were going to reconsider putting in some drainage after all and Mr. Turske said he will check. Mr. Harbert said he spoke to the gentleman running the bulldozer and that there will be a landscaper that will come in after the mounding is done by Gangle to put in the trees and

landscaping. He expressed concern about how late can they plant the trees with the upcoming winter. Mr. DeHart said that there is a ton of rocks in the soil and it looks like the dump trucks just dumped the dirt. They will have to do a final grading before they put the topsoil down. As long as our engineer stays on top of it, he felt we would be okay. Mr. Tousley thanked Ms. Kerns for coming in and expressing her concerns; it was duly noted. Mr. Pelot said that we need to keep in mind that Golf Course Drive is a private drive and the width of the road was put in by the builder way back. The berm was not intended to be part of the roadway. He feels that the Engineers and builders will work with us to come up with something, but it is not the fault of the builder now due to the width of the road. Ms. Whipkey noted that they were supposed to widen it to 14' which was written in the agreement, but that never happened and it is only 9' on that end.

Brian Smith, 3794 Easton Road – Mr. Smith complained about the water loop in Loyal Oak. He brought this to Council when they did the sewer lines and when they had plates at the square. There are steel plates on St. Rt. 261 and Cleveland-Massillon and they do not have signs up. It is state law that there has to be signs warning of the steel plates. If a motorcycle hits these steel plates, they may go down and be killed. He told Council this should be put in the contract; you have to get on it. It's more important than those traffic cameras down on Barber Road. Mr. Smith has contacted ODOT and the Highway Patrol. Mr. Tousley said it has been noted and Administration will look into it. Mr. Smith said he saw Hookers take care of the accident on Easton and after they pulled the cars away, the road had oil, transmission fluid, and radiator fluid on Easton Road. They had to call Hookers back out. Mr. Smith stated he was out there with paper towels trying to clean it up. He noted that they did come back and cleaned it up with Oil Dry and that a Police Officer also came back later to make sure Hookers put down something to clean the oil spill. He offered compliments to that Police Officer for following up.

## **COMMITTEE OF THE WHOLE**

Financial Reports - President Tousley acknowledged receipt of the October 2023 Financial Reports.

Audio Visual Quotes - President Tousley noted this was discussed at length last week. The IT Department said that they felt Dove and Norlson were the best options. Mr. Tousley opened the floor for input with a request for legislation. Mr. Tousley said his preference is to do both the mutable microphones and the additional cameras. Mr. Tousley noted that Norslon's write up was easier to understand, but Dove came in, knew what they were doing and fixed some things. Also, Dove is the least expensive so he is leaning towards them. Mr. Harbert said that he has heard from several people that the sound does not seem to be an issue anymore so Dove may have fixed that issue and suggested that we may just need the cameras. Mr. Harbert recognized that Norlson wrote everything out and Dove just listed equipment. Mr. Tousley said that the sound was improved by Dove turning off some unused microphones and believes muting is still a good idea and gives us the ability to cut out the feedback. Ms. Whipkey asked who would control the microphones and Ms. Macomber said that each microphone will have a turn on switch. Ms. Whipkey noted that we were charged by Dove. Mr. DeHart said that muting microphones is important because the Clerk would be able to mute hers referencing typing noise. Mr. Pelot asked for more clarification from Dove and break it out so we can compare apples to apples. Mr. Tousley asked if we can move forward with readings and Mr. Pelot answered

affirmatively. Mr. Tousley requested Mr. Markey prepare legislation for the Dove quote unless someone had a strong opinion; seconded by Mr. DeHarpert. Mr. Tousley noted it is not over \$10,000 and legislation is not required, but he would prefer it for transparency.

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

Motion passed: 7 - 0

2024 Budget– Mr. Harbert said this is the annual budget for our expenditures. He thanked Ms. Keener for preparing the review of the 2023 carryovers meeting with him to go over the budget last week. He asked for clarification on the Waterline Project and asked if it went from St. Rt. 261 to Cleveland-Massillon and down to Wilbanks. Mr. Turske confirmed it goes to Wilbanks. Mr. Harbert asked Ms. Keener to follow up on the Property Tax Fund because as she stated the budget will increase due to the property tax increases and that it will be coming from the County. Ms. Keener stated she would forward it as soon as she got it. Mr. Harbert opened the floor for discussion. Ms. Whipkey asked if this includes budget amendments. Ms. Keener said there are no amendments. Ms. Whipkey asked about the ARP Funds of \$1,258,455 and asked if that was through 2024 and Ms. Keener said it has to be committed by the end of 2024 and expended by 2026. Ms. Whipkey said that is what she understood, but it was stated that it would be committed by 2024 not “the end” of 2024 and that phrase should be added. Ms. Whipkey asked if the water tower was included in the Waterline Project and Ms. Keener concurred it was in the 126 Fund. Ms. Whipkey asked on the water tower being funded by Tax Increment Finance (TIF) funds. Ms. Keener said they decided to use Ohio Water Development Agency (OWDA) and Ohio Department of Development (ODOD) funds. Ms. Whipkey asked when we will see TIF funds from Brookside and Ms. Keener said next year. Mr. Tousley asked if the COVID funds has to be used for specific things and Ms. Keener said yes, like infrastructure is one. Ms. Whipkey said it doesn’t have to be construction and Ms. Keener agreed stating it is a space holder right now but it can be modified. Ms. Whipkey said leave it as it is until next year as it seems we have a problem getting it out for something else. Ms. Keener said it has to be appropriated this year. Mr. Tousley said Chief Schultz will be here next Monday to discuss the Fire Department budget. Ms. Whipkey said she was shocked to see we are down 15 part-time employees and asked if the fulltime employees are filling in. Mr. Harbert said this was discussed in their meeting and this is a problem everywhere. He said the Chief will help explain. Ms. Keener said there is a budget amendment for personnel and the Chief will help explain. She also said we are using the full-timers but the overtime is down compared to last year. Mr. Pelot asked how many of those 15 vacancies were filled in the past and Ms. Keener said we filled three this year, but she will defer to Chief Schultz on the specifics of past vacancies. Mr. Harbert moved to add Ord. No. 63-2023 to tonight’s agenda for a first reading; seconded by Mr. Kernan.

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

Motion passed: 7 - 0.

Income Tax– Mr. Harbert said this will amend Chapter 881 of the Codified Ordinances to align with the State HB 33 regarding Municipal Income Tax to adopt the updates. It is a State Bill we aligning with and contains emergency language. Ms. Whipkey asked if we have to do this and

Ms. Keener said absolutely and that she had provided a detailed analysis of the HB 33 requirements. She said some requirements are currently being done but others such as defining a new formula for at-home workers, the late filing fee change, and also that RITA will be fined if they send out a delinquent notice to a resident that files an extension. Mr. DeHarpert said this mandatory and has to be passed by the end of the year and he questioned if it is necessary to go all three readings. Ms. Whipkey said she was not in favor of waiving readings and asked for more clarity for the public. Ms. Keener asked if the detailed analysis was not complete. Mr. Tousley noted it sounds like the changes are more tax payer friendly and Ms. Keener concurred. He said the analysis was not incomplete, but going through all three readings will give it more exposure for the public and he did not disagree with that. Mr. Harbert moved to add Ord. No. 64-2023 to tonight's agenda for a first reading; seconded by Mr. Kernan.

Roll Call: Yes: Harbert, Kernan, Lukens, Pelot, Whipkey, DeHarpert, Tousley  
No: None  
Motion passed: 7 - 0.

### **CONSIDERATION OF MINUTES**

Minutes of Regular Council Meeting of October 23, 2023 were approved as submitted.  
Minutes of Special Council Meeting of November 6, 2023 were approved as submitted.

**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS - None**

**PUBLIC HEARING: None**

### **INTRODUCTION OF NEW LEGISLATION**

#### **Ord. No. 63-2023**

Mr. Harbert introduced Ord. No. 63-2023 for its first reading and asked the Clerk to read it:

THE ANNUAL APPROPRIATION ORDINANCE FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.

First reading only.

#### **Ord. No. 64-2023**

Mr. Harbert introduced Ord. No. 64-2023 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND CHAPTER 881 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO REGARDING MUNICIPAL INCOME TAX TO ADOPT UPDATES TO CONFORM TO HOUSE BILL 33; AND DECLARING AN EMERGENCY.

First reading only.

### **INTRODUCTION OF PREVIOUS LEGISLATION**

#### **Ord. No. 62-2023**

Mr. DeHarpert offered Ord. No. 62-2023 for its second reading and asked the Clerk to read it:

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE MAJOR SUBDIVISION PROPOSED OF PROPERTY LOCATED AT 3837 S CLEVELAND-MASSILLON ROAD.

Second reading only.

Mr. Tousley noted that Mr. Hahn is here if there are any questions.

### **NON-AGENDA ITEMS**

Mr. Tousley asked when is the earliest that we can include Council Elect and Mr. Markey said now is fine to include them on emails and include them in the discussion. Mr. Pelot said also the proposed budget for 2024 should be provided to them.

Mr. Lukens asked about leaf pickup and Mr. Turske if he has anything who answered negatively.

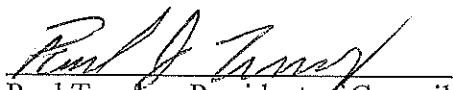
Ms. Whipkey said she was happy to have access to a local newspaper, but she has not been particularly happy with how they report things. For the record, she stated that she did not decline to speak to them about the election. She spoke with the reporter, Emily, twice and she told her the first time she would be home that evening. The reporter called again about 11:10 pm and there were no precincts in so she told the reporter she would be happy to speak to her after the results as she did not want to misspeak. The reporter never called back. That's a little different between call me when the votes are in and saying no or just not answering the phone. In the meantime, she congratulated all of the newly elected and wished them and the Norton residents the best of luck, as well. Ms. Whipkey asked about how long we pay New Franklin for Clinton Aluminum and if it was part of the JEDD money. Ms. Keener said the income tax revenue sharing is for five years and it is separate from the JEDD. Revenue sharing decreases each year. Ms. Whipkey asked if the JEDD numbers are the full amount collected such as the \$1,095,978 for 2021 and Ms. Keener concurred. Ms. Whipkey asked about the 40% that we would have been paying was on that full amount. Ms. Keener said that we collect the full amount of 2%, but Barberton only gets the 40% on 1 ½ %. Ms. Whipkey said when looking at some of the past budgets, it doesn't sound right, but she will refigure it. Ms. Whipkey said everyone should consider at least one charter change for the BZA to notify residents across the street because it currently states if there are over 20 residents, it doesn't need to be done.

### **PUBLIC SERVICE ANNOUNCEMENTS**

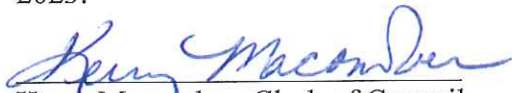
Mayor Zita announced the Holiday Tree Lighting will be Saturday, December 2, 2023 and there will be information on the website on how to secure and set up trees for the festival.

### **ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:41 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 November 27, 2023.

  
Kerry Macomber, Clerk of Council

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