

NORWALK CITY COUNCIL
MINUTES

December 6, 2016
7:30 p.m.

Municipal Court
Norwalk, Ohio

REGULAR SESSION

Council President Steve Euton called the meeting to order. Council member Chris Mushett offered the prayer which was followed by the Pledge of Allegiance. The following Council members were present: Steve Euton, Chris Mushett, Dave Wallace, Samantha Wilhelm, Steve Schumm, Deb Lucal, and Kelly Beck. Chris Castle was absent.

Law Director Stu O'Hara, Safety/Service Director Dan Wendt, Police Chief Dave Light, Fire Chief John Soisson, and Public Works Director Josh Snyder were also in attendance.

Mr. Beck moved to excuse Mr. Castle. Mr. Wallace seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

APPROVAL OF AGENDA Mr. Wallace moved to accept the agenda as presented. Mr. Beck seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

MINUTES Mr. Mushett moved to approve the November 15, November 22, and November 29, 2016 minutes as presented. Mrs. Lucal seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

COMMUNICATIONS AND PETITIONS – The Clerk stated that she received a liquor license renewal request from Sakura Japanese & Asian Cuisine, 187 Milan Avenue. She added that the Police Chief has no objection.

COMMITTEE REPORTS – none

OFFICIAL REPORTS

MAYOR – no report

SERVICE DIRECTOR – Mr. Wendt reported that Fire Station architects Mull and & Weithman have presented a draft schedule and the next meeting will be to discuss design of the new station. In Police business, he announced that the department may be adding a second K9 unit thanks to the City of Willard who is planning to discontinue its K9 program. He said the addition will not affect the General Fund. He added that the Norwalk Police Department has purchased a 2011 Crown Victoria K9 vehicle for \$6,500 to accommodate Joker, the newest canine. In Sanitation, he said the total cost for leaf pick up this season was \$20,030.54 which was paid from the Sanitation Fund. In Parks and Recreation, he said the department as a whole is up \$28,000 in total revenue as compared to 2015 and has spent approximately \$145,000 less than was spent in 2015.

In economic development, he said Norwalk Economic Development Committee recently had a visit from the INSITE Location Consultants. He said the visit included a day long tour and a mock business visit.

In other business, Mr. Wendt shared that a troupe of St. Paul High School volunteers hung many of the lights for Light Up Norwalk. He thanked them along with Melissa James, Jaime Fries, and Gary Roe for their contributions to the event. He said the North Pleasant Street parcel that Council approved the sale of sold to Sam Reamer for \$13,559.50.

FINANCE DIRECTOR – no report

LAW DIRECTOR – Mr. O’Hara stated that the federal lawsuit filed against the Norwalk Municipal Court four years ago has been dismissed at no expense to the City except for the insurance deductible.

ENGINEER – Mr. Snyder said the Pleasant Street Lift Station project is 1-2 weeks ahead of schedule. He said the Westwind Drive/State Route 250 project is finishing up the punch list. On the private development side, he discussed the private sports park, O’Reilly Auto Parts, and Dunkin Donuts.

Mr. Wallace asked what the timeline is for installation of hand railings on the Westwind Drive/State Route 250 project. Mr. Snyder said there is nothing definite at this time.

APPOINTED OR ELECTED OFFICIALS

PERSONS APPEARING BEFORE COUNCIL

UNFINISHED BUSINESS – none

SECOND READINGS OF ORDINANCES

Item No. 16-102

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO PAY HAS CLAIM SERVICE FOR AN INSURANCE DEDUCTIBLE FOR THE CITY OF NORWALK

Mrs. Wilhelm moved to pass the ordinance. Mr. Schumm seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Ordinance No. 2016-042 passed.

NEW ORDINANCES AND RESOLUTIONS

Item No. 16-101a

AN ORDINANCE TO BUDGET AND MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORWALK, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017

Mr. Wallace asked if the Administration plans to proceed with the \$838,000 budget deficit in the General Fund. Mr. Wendt confirmed there have been no changes and pointed out there is not a deficit for the budget as a whole.

Mr. Wallace moved to waive the rules requiring a first reading due to length and complexity. Mr. Beck seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, and Mrs. Wilhelm all voted in favor. Mr. Wallace voted no. Motion carried.

Item No. 16-106

AN ORDINANCE AMENDING AND SUPPLEMENTING THE 2016 ANNUAL BUDGET AND APPROPRIATION ORDINANCE NO. 2015-057 AND DECLARING AN EMERGENCY

Mr. Mushett moved that the clerk be instructed to read the legislation. Mr. Beck seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

Mrs. Wilhelm moved to suspend the rules requiring two readings of an ordinance. Mr. Wallace seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

Mr. Mushett moved to accept the emergency declaration as stated in Section 4. Mr. Beck seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

Mr. Wallace moved to pass the ordinance. Mr. Beck seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Ordinance No. 16-043 passed.

Item No. 16-107

AN ORDINANCE SUSPENDING THE LONGEVITY BENEFIT PROVIDED PURSUANT TO SECTION 5.16 OF THE PERSONNEL POLICY MANUAL AND DECLARING AN EMERGENCY

Mr. Beck moved that the clerk be instructed to read the legislation. Mrs. Lucal seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

Mr. Beck moved to suspend the rules requiring two readings of an ordinance. Mr. Schumm seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

Mr. Wallace moved to accept the emergency declaration as stated in Section 3. Mrs. Wilhelm seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

Mrs. Wilhelm moved to pass the ordinance. Mr. Schumm seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Ordinance No. 16-044 passed.

Item No. 16-108

A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR CERTIFY TO THE CITY OF NORWALK THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A .9 MILL REPLACEMENT LEVY FOR THE PURPOSE OF MAINTAINING THE NORWALK FIRE DEPARTMENT PURSUANT TO R.C.5705.19(I)

Mr. Mushett asked what the timeline is in relation to this legislation. Mr. O'Hara said the Administration is looking to place this on the primary ballot in May, 2017. Mr. Schumm pointed out that it may be the only item on the ballot. Mr. O'Hara clarified that this legislation is simply to get the information from the Auditor. He said the decision needs to be made by February 4, 2017 on which ballot to place the levy.

Mr. Beck moved to adopt the resolution. Mrs. Wilhelm seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Resolution No. 16-051 adopted.

Item No. 16-109

AN ORDINANCE AMENDING SECTION 181.06 OF THE NORWALK CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

Mr. Mushett asked if Mr. O'Hara was able to trace the history of the tax reciprocity agreement. Mr. O'Hara explained that the Revised Code states that a city has the power to impose income tax by up to 1% without a vote of the people. He said that in 1969 Norwalk City Council imposed ½% income tax. He said the initial legislation had reciprocity in it and it remains in the code today. He added that the

people did not vote on the income tax until 1992 when they approved two increases of ¼% each. Part was to fund the General Fund and the other was to fund Sanitation.

Mr. Mushett asked when this legislation would take effect as an emergency. Mr. O'Hara said legislation passed on an emergency basis takes effect immediately and there is no possibility of a referendum.

Mr. Beck moved that the clerk be instructed to read the legislation. Mrs. Lucal seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

Mr. Mushett moved to suspend the rules requiring two readings of an ordinance. Mr. Wallace seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

Mr. Wallace moved to accept the emergency declaration as stated in Section 3. Mr. Beck seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Motion carried.

Mr. Beck moved to pass the ordinance. Mr. Wallace seconded. Mrs. Lucal voted in favor. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Wilhelm, and Mr. Wallace all voted no. Motion defeated.

Mr. Schumm asked if *Item No. 16-067* could be voted on. Mr. O'Hara said the Finance Committee would need to take action before December 31, 2016 or the legislation will expire. Mr. Schumm requested a Finance Committee meeting.

Item No. 16-110

A RESOLUTION APPROVING AND DIRECTING COOPERATION OF THE CITY WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION IN THE MATTER OF A SPOT PAVING PROJECT WITHIN THE CITY OF NORWALK

Mr. Beck asked if Mr. Snyder was aware of the exact locations of the spot paving. Mr. Snyder said no, he was not given that information.

Mrs. Wilhelm moved to adopt the resolution. Mr. Mushett seconded. Mr. Beck, Mr. Mushett, Mr. Schumm, Mrs. Lucal, Mrs. Wilhelm, and Mr. Wallace all voted in favor. Resolution No. 16-052 adopted.

NEW BUSINESS

Mr. Euton said there will be a Finance Committee meeting preceeding the Work Session December 13, 2016 at 7:30 pm. He strongly encouraged all members to attend. Mr. O'Hara requested a Special Regular Session following the Work Session to address *Item No. 16-112*.

ADJOURNMENT There being no further business to discuss, the meeting was adjourned.

Stephen E. Euton
President

Jaime L. Peiples
Clerk