

NORWALK CITY COUNCIL
MINUTES

February 14, 2017
7:30 p.m.

Municipal Court
Norwalk, Ohio

SPECIAL SESSION

Council President Steve Euton called the Special Session to order. The following Council members were present: Steve Euton, Chris Mushett, Chris Castle, Steve Schumm, Dave Wallace, Kelly Beck and Samantha Wilhelm. Deb Lucal was absent for family reasons.

Mayor Rob Duncan, Law Director Stu O'Hara, Finance Director Diane Eschen, Safety Service Director Dan Wendt, Police Chief Dave Light, and Public Works Director Josh Snyder were also in attendance.

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

Mr. Mushett moved to amend Item No. 17-013 to Item No. 17-013a. Mr. Wallace seconded. Mr. Mushett, Mr. Castle, Mr. Schumm, Mr. Wallace, Mr. Beck, and Mrs. Wilhelm voted in favor. Motion carried.

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

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

Mrs. Wilhelm moved to accept the emergency declaration as outlined in Section 8. Mr. Schumm seconded. Mr. Mushett, Mr. Castle, Mr. Schumm, Mr. Wallace, Mr. Beck, and Mrs. Wilhelm voted in favor. Motion carried.

Mr. Mushett moved to adopt the ordinance. Mr. Wallace seconded. Mr. Mushett, Mr. Castle, Mr. Schumm, Mr. Wallace, Mr. Beck, and Mrs. Wilhelm voted in favor. Ordinance No. 2017-004 adopted.

WORK SESSION

Item No. 17-015

A RESOLUTION APPROVING AN AMENDMENT TO A FIRE PROTECTION SERVICES AGREEMENT WITH THE TRUSTEES OF BRONSON TOWNSHIP, HURON COUNTY, OHIO

Mr. Wendt explained that this is an update to the current fire protection services agreement with Bronson Township.

Mr. Mushett asked if the City has been providing emergency services. Mr. Wendt said yes, this legislation will clarify the language. Mr. O'Hara explained that the original agreement excluded

emergency medical services of any type. He said in the event the Fire Department arrives on scene before the ambulance, there may be a need to administer emergency medical services.

Mr. Schumm asked for the duration of the agreement and price for service. Mr. O'Hara said the dates are in the original agreement and he will have them at the next regular session.

Mr. Wallace asked if the service the City has been providing is Basic Life Support care. Mr. Wendt said yes.

Council members agreed to place this item on the agenda.

Item No. 17-016

A RESOLUTION APPROVING AN AMENDMENT TO A FIRE PROTECTION SERVICES AGREEMENT WITH THE TRUSTEES OF NORWALK TOWNSHIP, HURON COUNTY, OHIO

Mayor Duncan said this legislation is the same as the previous only with Norwalk Township.

Council members agreed to place this item on the agenda.

Item No. 17-017

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2017 REPLACEMENT PAGES TO THE NORWALK CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

Mr. O'Hara said this is annual legislation to update any changes to the Codified Ordinances.

Council members agreed to place this item on the agenda.

Item No. 17-018

AN ORDINANCE LEVYING AN ANNUAL LICENSE TAX UPON THE OPERATION OF MOTOR VEHICLES ON THE PUBLIC ROADS OR HIGHWAYS OF THE CITY IN ACCORDANCE WITH REVISED CODE SECTION 4504.17

Mayor Duncan said that this item, along with *Item No. 17-019*, is legislation to raise funds to care for the roadways. He said this is a way that is fair to everyone across the board. He listed ways in which the money could be used to improve the roads.

Mr. Euton asked what the revenue is for both items combined. Mayor Duncan said approximately \$170,000 per year.

Mr. Euton asked why there are two ordinances. Mr. O'Hara explained that there are actually three separate sections of the Ohio Revised Code that allow a municipality to impose a fee on a license tag. He said they each have a maximum of \$5. He said the Administration has chosen to go for two of those at \$5 each.

Mr. Mushett asked where the funds presently come from to care for the roads. Mrs. Eschen said the Street Resurfacing Funds come from the General Capital Improvement Fund. Mr. Mushett asked about gas tax. Mrs. Eschen said the Street Fund is supported by gas tax and motor vehicle license fees.

Mr. Wallace said he is concerned that the previous budget discussions didn't mention the need for road repair funds. He asked how this could help the General Capital Improvement Fund. Mayor Duncan said that currently funds are pulled from the General Capital Improvement Fund for road repairs. He added that if there were other funds available for road repair that money would remain in the General Capital Improvement Fund.

Mr. Mushett asked if the Administration is comfortable tripling the tax the average citizen is currently paying for tags with two potential upcoming replacement levies for the Fire Department and Parks and Recreation. Mayor Duncan said it only amounts to .83 cents a month.

Mr. Castle said this money can only be used for the streets. He said it is another option for a revenue stream. He said \$10 seemed like a good compromise.

Mr. Schumm asked if Norwalk charges less than other cities for tags. Mr. Castle said on average it ends up being about \$10 more. Mr. Schumm requested comparisons to other cities. Mr. Mushett had that information and said in Huron County, 4 municipalities are paying \$5, 5 municipalities are paying \$10, and 1 is paying \$15.

Mr. Beck said he appreciates hearing exactly what the funds could be used to accomplish and asked why the Administration decided to go forward with two \$5 charges instead of one. Mayor Duncan said the Administration felt two was a good compromise.

Mr. Wallace asked if the City has been short on road repair funds as he has not heard of this being an issue. Mayor Duncan said there are projects that are pushed down the road every year due to lack of funds. He added that the State Auditor gave the City low marks on Capital Assets due to the City being financially unable to repair or replace equipment.

Mike Bach, 4 Manchester Drive was present and said the streets have three sources of revenue. He said the roads have been poorly patched and cited other road issues around the City. In addition, he discussed the catch basins being full of leaves and trash. He also questioned the \$5 BMV charge that goes to the Sheriff. Mr. Euton said that is not in Council's jurisdiction.

Jeremy Norris, 94 Eastwood Drive said he owns Norris Lawncare Service and he drives all over the City. He said it recently cost him \$193 to get tags for all of his vehicles. He said in the last three years, he has had to replace two axels, 4 leaf springs, and tires due to damage from potholes. He said he is willing to pay the extra fees to ensure good roads.

Steve Risner, 65 Chapel Drive said as long as the money is really going to fix the roads he is in favor of the tax.

Council members agreed to place this item on the agenda.

Item No. 17-019

AN ORDINANCE LEVYING AN ANNUAL LICENSE TAX UPON THE OPERATION OF MOTOR VEHICLES ON THE PUBLIC ROADS OR HIGHWAYS OF THE CITY IN ACCORDANCE WITH REVISED CODE SECTION 4504.171

Council members agreed to place this item on the agenda.

Item No. 17-020

A RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES

Mayor Duncan said this is a resolution strongly opposing the State of Ohio, Governor's proposed 2017-2018 budget which proposes centralized collection of net profit tax returns and other provisions related to the municipal income tax. He said this will cause a substantial loss of revenue needed to support the health, safety, welfare, and economic development efforts of Ohio municipalities.

Mr. Wallace requested numbers. Mayor Duncan did not have that information with him, but said he will email it to Council members. Mrs. Wilhelm requested a phone number where people could voice their concerns in addition to the numbers.

Mr. Mushett asked what the effect would be on RITA if this budget was to pass. Mrs. Eschen said this is one of the first steps the State is taking in preparation of a total takeover for the distribution of municipal income tax. She said the school districts have encountered problems with the distribution of school income taxes.

Mr. Mushett asked what the Ohio Business Gateway is. Mrs. Eschen explained that it is an opportunity for individuals who own more than one business in Ohio to file one tax return and the taxes would be distributed to the proper municipalities. She said there have been issues with delays and the Governor is seeking to put more money into the program.

Council members agreed to place this item on the agenda.

Item No. 17-021

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 529 OF THE NORWALK CODIFIED ORDINANCES PERTAINING TO THE CONSUMPTION OF ALCOHOL ON CITY PROPERTY

Mr. Wendt explained that there are two parts to this legislation. He said the first part is pertaining to events or festivals. He said it would allow for organizations to obtain a liquor license allowing them to sell beer and wine on public property. He said there would be a permit process, physical boundaries set, and no glass allowed. In reference to private events, he said the Parks and Recreation Department is trying to rebrand the clubhouse at the Norwalk Reservoir as a reception hall. He said currently drinking is not permitted in the facility. He said this legislation would allow beer and wine, no glass, and the permitted area would be clearly delineated. He distributed and discussed a decision matrix, an Ohio Plan risk management report, and sample permit which are all on file with the clerk.

Mr. Mushett asked if the City assumes any liability when issuing a permit for alcohol to be served. Mr. O'Hara said no, as long as reasonable steps are taken to ensure the individual follows the permit process.

Mr. Wallace asked if this legislation is similar to other festivals having beer tents. Mr. Wendt said yes, but he would want to be sure the beer tents are on public property. Mr. Castle said most of the places in question are on public property. He added that as long as the permitted areas are clearly blocked off it couldn't hurt to draw people into town.

Mr. Wallace requested Chief Light's attendance at the next Council meeting to gain his perspective. Mr. Wendt agreed.

Mr. Schumm said he is very proud of the City's extensive Parks and Recreation system and asked if this legislation would open a can of worms. Mr. Wendt said the shelters at the Reservoir are in disrepair. He discussed the option of selling the naming rights for the clubhouse to raise funds for the remodel.

Mr. Mushett asked under what circumstances a permit would be denied if the individual met all of the qualifications. Mr. Wendt said there are still some Administrative decisions to be made in reference to that. Mayor Duncan mentioned the possibility of other planned events in the immediate area.

Mike Bach, 4 Manchester Drive expressed his disapproval of the legislation.

Mrs. Wilhelm asked who would sign off on the permits. Mr. Wendt explained the current permit process.

Mr. Euton asked if it would be possible for the permit to require the approval of both the Safety Service Director and the Police Chief. He added that the Police Department could then do a background check on the applicant. Mr. O'Hara said he will look into that.

Robert Perry, Grand Avenue asked about the insurance. Mr. Wendt said he is unsure about smaller events, but he will research that more. Mr. Perry said he is not opposed to a charge to guarantee no damage is incurred.

Steve Beck, 69 Parsons Street spoke on behalf of the Norwalk Jaycees. He said their main focus for the upcoming Strawberry Festival is on the kids. He said from a safety standpoint, if this legislation is to pass, there would be a well defined area for beer and they will do their absolute best to ensure nobody is overserved.

Pat Kelly, Midtown Manor said she does not remember the original Strawberry Festival causing any problems.

Council members agreed to place this item on the agenda.

Item No. 17-022

AN ORDINANCE AUTHORIZING THE MAYOR AND PUBLIC WORKS DIRECTOR TO ADVERTISE AND RECEIVE BIDS FOR THE 2017 SAFE ROUTES TO SCHOOL PROJECT AND AUTHORIZING A CONTRACT AFTER BIDDING

Mr. Snyder said the Safe Routes to School Infrastructure Project was awarded to the City in late 2013. He said the total cost for the project is \$140,000 of which \$100,000 comes from the Ohio Department of Transportation. He said the project includes new flashers, signals, and crosswalk

markings at Pleasant, League, and Main Street Schools. In addition, he said the signs will be LED which will save on electric costs in the long term.

Council members agreed to place this item on the agenda.

Item No. 17-023

AN ORDINANCE GRANTING A TAXICAB FRANCHISE TO DANIEL GOHLKE dba GT CAB AND AUTHORIZING THE MAYOR TO ENTER INTO A FRANCHISE AND LICENSE AGREEMENT THEREFOR

Mr. Wendt said the only other transportation services presently in town are the Senior Services busses and Paco's Taxi. He said the City is in desperate need for someone to fill the void.

Mr. Mushett asked what the hours of the taxi service would be. Mr. Gohlke said 24 hours a day, 7 days a week.

Mr. Castle said he is in favor of this business for the citizens who have been without due to the recent closing of another taxicab company.

Council members agreed to place this item on the agenda.


Parks and Recreation Superintendent Joe Lindenberger and Recreation Director Niki Cross presented the 2016 Parks and Recreation Department year-end report.

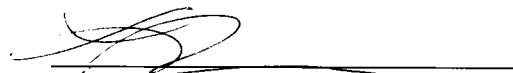
Mayor Duncan said the Planning Commission has recommended approval for *Item No. 17-011*. Mr. Euton scheduled a Safety Committee meeting on February 21, 2017 at 7:15pm provided the Planning Commission has issued a formal recommendation.

UNFINISHED BUSINESS

Mr. Euton said that February 21, 2017 will be the next regular session. There will be a Safety Committee meeting prior to that at 7:15pm.

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


Stephen E. Euton
President


Lisa J. Hivnor
Acting Clerk