

**NORWALK CITY COUNCIL**  
**MINUTES**

March 27, 2018  
7:30 p.m.

Municipal Court  
Norwalk, Ohio

**PUBLIC HEARING**

Council President Stephen Euton called the hearing to order. The following Council members were present: Stephen Euton, Samantha Wilhelm, Steve Schumm, Dave Wallace, Jordy Horowitz, Bryan Lamb, Chris Castle and Deb Lucal.

Mayor Rob Duncan, Law Director Stu O'Hara, Finance Director Michelle Reeder, Safety/Service Director Dan Wendt, and Public Works Director Josh Snyder were also in attendance.

*Item No. 18-010*

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY ENACTING CHAPTER 1168 OF THE NORWALK CODIFIED ORDINANCES PERTAINING TO THE CREATION OF A TRANSPORTATION BUSINESS DISTRICT

*Item No. 18-012*

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY ENACTING CHAPTER 1169 OF THE NORWALK CODIFIED ORDINANCES PERTAINING TO THE CREATION OF A COMMERCIAL AMUSEMENT BUSINESS DISTRICT

Mr. Euton asked if anyone in the audience wished to speak on either item. Doreen Schaffer, West Washington Street asked where the proposed districts would be located. Mr. Wendt said there is no physical parcel within the City limits because it doesn't exist at this time. Mr. O'Hara explained that the legislation would amend the zoning language to allow for the creation of these districts in the future.

Mr. Euton asked if there were any other questions. There being none, the public hearing was adjourned.

**WORK SESSION**

Council President Stephen Euton called the meeting to order. The following Council members were present: Stephen Euton, Samantha Wilhelm, Steve Schumm, Dave Wallace, Jordy Horowitz, Bryan Lamb, Chris Castle and Deb Lucal.

Mayor Rob Duncan, Law Director Stu O'Hara, Finance Director Michelle Reeder, Safety/Service Director Dan Wendt, and Public Works Director Josh Snyder were also in attendance.

**NEW LEGISLATION**

*Item No. 18-017*

A RESOLUTION AUTHORIZING THE MAYOR AND THE PUBLIC WORKS DIRECTOR TO SUBMIT AN APPLICATION FOR A TRANSPORTATION ALTERNATIVE PROGRAM GRANT THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION

Mr. Snyder said this legislation would permit the City to apply for a Transportation Alternative Program grant through ODOT. He said that if approved, the funds would be used to extend the multi-use Alex Waite trail almost two miles. He said the overall project price is around \$1.1 million and the City's portion of the project would be \$150,000 which includes engineering fees.

Mr. Euton asked how the project would be paid for. Mr. Snyder said the money would come from Capital Improvement Funds in 2021.

Mr. Wallace asked what exactly would be built. Mr. Snyder said the City already mows and maintains

the land and the proposed project would extend the trail from Old State Road by the Water plant, north to a point behind the Ken Ganley dealership, across the ravine to Bishman Park and Ernsthansen.

Mr. Euton asked if the trail would extend to the Milan River. Mr. Snyder said ultimately that is the plan for Phase 2 of the project.

Mr. Wallace confirmed that the money would come out of the Capital Improvement Funds in 2021. Mr. Snyder explained that ODOT is four years out on funding. Mr. Wallace asked if the funds exist to cover the project. Mr. Snyder said yes, in the year 2021 the funds will be there. Mrs. Reeder said the balance is just over \$1.1 million currently.

Mr. Euton asked if the trail will be blacktop. Mr. Snyder said the trail will consist of either blacktop or concrete and be eight to ten feet wide. Mr. Euton asked if any bridges will need to be constructed. Mr. Snyder said yes. There is a large diameter culvert adjacent to the railroad behind Bishman Park that needs to be crossed.

Council members agreed to place this item on the agenda.

Item No. 18-033

A RESOLUTION AUTHORIZING AND APPROVING A JOB CREATION GRANT AGREEMENT WITH WATERSOURCE, LLC

Mr. O'Hara said an agreement was created and approved by the Business Development committee with regards to Watersource, LLC. Due to a communication error the legislation was delayed in getting to Council. He added that the agreement allowed for them to start construction prior to approval.

Mr. Euton asked if the dates in the contract were met. Mr. O'Hara said yes.

Council members agreed to place this item on the agenda.

Item No. 18-034

AN ORDINANCE AMENDING CHAPTER 181 OF THE NORWALK CODIFIED ORDINANCES

Mr. O'Hara said this legislation is to amend the code to be in compliance with recent changes to Chapter 718 of the Ohio Revised Code.

Council members agreed to place this item on the agenda.

Item No. 18-035

A RESOLUTION OF NECESSITY CAUSING THE PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATE OF COSTS FOR THE 2019 CITY SIDEWALK PROGRAM

Mr. Snyder said the 2018 Sidewalk Program encompassed the northeast quadrant while the 2019 Sidewalk Program is slated to cover the southeast quadrant.

Council members agreed to place this item on the agenda.

Item No. 18-037

AN ORDINANCE AUTHORIZING THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL TO ESTABLISH AND MAINTAIN A "DO NOT KNOCK REGISTRY" IN CONJUNCTION WITH CHAPTER 719 OF THE NORWALK CODIFIED ORDINANCES AND ENACTING SECTION 719.16 IN FURTHERANCE THEREOF

NOPEC Representative Tony Ramos was present and explained the "Do Not Knock Registry". He provided Council members with information which is on file with the Clerk.

Mr. Lamb asked if the list is available to businesses. Mr. Ramos said yes, it would only not apply to non-profit groups such as churches and scout groups.

Mr. Schumm asked how this would apply to Schwan trucks and weed businesses. Mr. Ramos said those solicitors should be complying with the current ordinance.

Mr. O'Hara said earlier this year, Council enacted Chapter 719 of the NCO which revised the Code to require solicitors to obtain a permit from the City. He said that Chapter requires that the City maintain a list of people who do not want solicitors.

Mr. Wallace asked if there is any financial gain to NOPEC. Mr. Ramos said no, and added that residents do not need to be NOPEC customers to take advantage of the program.

Mr. Euton asked if the Public Records Act would apply to the list. Mr. O'Hara said it does apply if the City maintains the list, but not if NOPEC does.

Mr. Castle said that allowing NOPEC to maintain the list stifles the efforts of other energy aggregates which is a benefit to NOPEC. Mr. Ramos said the primary goal of the voluntary program is to protect the residents from misleading sales pitches.

Mr. Wendt asked if he would be able to reference the list to see if a resident has signed up at any given time. Mr. Ramos said yes.

Mr. Horowitz asked what the difference is between Chapters 719 and 713.12. Mr. O'Hara said Chapter 719 replaced 713.12. Mr. Horowitz asked if the decal has the NOPEC logo on it. Mr. Ramos said yes and referred Mr. Horowitz to the sample decal in the packet provided. Mr. Horowitz said that the cities of Lakewood and Bay maintain their list in-house.

Mr. Castle asked if the list that the Mayor's Office keeps has been advertised on the website or Channel 15. Mr. Wendt said no and explained that the list is administratively burdensome.

Mr. Castle expressed his disapproval of the NOPEC logo on the provided decal. Mayor Duncan said homeowners don't have to use the provided decal.

Mr. Euton asked what the penalty is for knocking on the door of a home that is on the list. Mr. O'Hara said the solicitor would lose their vendors license as well as be subject to prosecution for a misdemeanor offense.

Mr. Lamb asked how many people are on the current list. Mr. Wendt was unsure, but said not many. He added that the list is not current.

Mr. Euton pointed out that NOPEC would update each individual address yearly.

Mr. Castle said the legislation says NOPEC is authorized to contact homeowners yearly, not required. Mr. Ramos said that is sample legislation and NOPEC will comply with any changes.

Mr. Horowitz asked about blocktheknock.com. Mr. Ramos said around 60 residents have registered on blocktheknock.com. He added that if the City chooses to adopt the program, those residents will be automatically registered and sent a window cling.

Mr. Euton asked if there is any risk to NOPEC because it prevents competitors from knocking. Mr. Ramos said the list is voluntary and this provides residents with the option to choose not to hear from competitors. He said NOPEC does not solicit, but they are required to send opt-out letters to residents. Mr. O'Hara explained that Norwalk is an energy aggregation community. Residents are already in

unless they opt-out. Further, he said this legislation is simply allowing NOPEC to maintain the list. Solicitors will still be required to obtain a permit from the City.

Mr. Castle said that since NOPEC is non-profit, they would be able to solicit if they did decide to do so in the future. Mr. Ramos said that is accurate, but the Public Utilities Commission prohibits them from doing so.

Mayor Duncan explained the benefits of being part of a NOPEC community in relation to grant opportunities available to the entire community, not just NOPEC customers.

Mrs. Wilhelm asked where the list would stand if the City chooses to leave NOPEC in the future. Mr. O'Hara said the City would be required to maintain the list under Chapter 719.

Alan Furey, Sycamore Drive asked why the ordinance can't be changed so that residents can just post a no solicitation sign and eliminate the need for a list. Mr. O'Hara said some people don't like signs on their homes. Mr. Wendt said the list is necessary from an enforcement standpoint. Mr. Castle approved of Mr. Furey's idea because it puts the residents' destiny in their own hands.

Mayor Duncan said a majority of the calls he gets about solicitors are from elderly residents. Sometimes they can become confused by the solicitations.

Council members agreed to place this item on the agenda.

Item No. 18-039

AN ORDINANCE AMENDING AND SUPPLEMENTING THE 2018 ANNUAL BUDGET AND APPROPRIATION ORDINANCE NO. 2017-047 AND DECLARING AN EMERGENCY

Mr. Schumm asked why the program costs more than anticipated. Mr. Snyder said the cost is due to concrete cost and a large number of trees to be removed. In addition, he said not many homeowners have chosen to replace their own walks.

Mr. Wallace asked why they don't just do \$80,000 worth of work which is what was approved. Mr. Snyder said that is an option, but this is an assessed project so the money will be recouped eventually. Mr. Wallace asked what would happen if the bid came back at \$125,000. Mr. Snyder said that amount would have been more than 10% over the engineer's estimate.

Mr. Euton asked why the project was bid if the estimate was already over the approved amount.

Mr. Schumm said it comes down to the fact that too many trees were removed.

Mr. Castle said the budgeted amount is configured based on the fact that a certain percentage of residents replace their own sidewalks. Mr. Snyder agreed and said the quantity is larger than anticipated.

Mr. Wallace asked how to prevent this from happening again. Mr. Snyder said they can stop estimating at a certain number. Mayor Duncan added that traditionally 25% of people have done their own sidewalks.

Mrs. Wilhelm asked what percentage of residents are fixing their own sidewalks this year. Mr. Snyder agreed to provide that information. Mrs. Wilhelm said Mr. Snyder will be left to decide what will be fixed first. Mr. Snyder said he will fix any walks the trees are causing damage to first. Mrs. Wilhelm asked if there is any way to incentivize having homeowners do their own. Mr. Snyder said historically the City has gotten good bulk pricing and homeowners can't compete.

Mr. Horowitz asked if the City forces could complete some of the work to lower the cost. Mr. Snyder said it would be hard to say that General Services could keep up with concrete contractors that do the work every day.

Mr. Euton asked if substantial changes to the project would require a re-bid. Mr. O'Hara said yes. Mr. Euton said there is something different with the dynamics of the project this year as the project has been bid three times and there are fewer bidders than normal. He said options include skipping this year completely or denying the supplemental. Mr. Castle added that concrete companies are busier than usual this year.

Mr. Wallace suggested re-bidding the project and giving it to whichever bidder gives us the longer sidewalk. Mr. Snyder said it is necessary to specify the work in the bid due to the locations and tree damage. He said the contractors cannot cherry pick which walks they want to complete.

Mr. Lamb asked if the special assessments on the homeowner means the City will eventually get the money. Mr. Snyder said yes, with exception to the stump grinding and the portion of the walk damaged by City trees which the City pays for. Mrs. Reeder explained the repayment schedule. Mr. O'Hara said that the repayment schedule was set by Council.

Mr. Schumm said he has seen people trip on the sidewalk and said the City has a responsibility to fix the sidewalks.

Mr. Snyder reviewed the timeline for the Sidewalk Project at the request of Mrs. Reeder.

Mr. Schumm said that the Lutheran Church on Executive Drive has dangerous sidewalks. Mr. Snyder said Executive Drive is not in the scheduled area this year, but the Church has requested that the trees be removed. He added that the funds won't likely be available to remove them this year.

Council members agreed to place this item on the agenda.

Item No. 18-040

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

Mr. Snyder said this legislation is to approve an ODOT project which will consist of a microsurfacing slurry seal on the four lane segment of Route 20 just off the bypass. Mrs. Reeder said the funds were in the budget for such a project. Mr. Snyder added that ODOT does a small project on Route 20 every year.

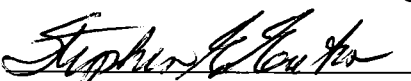
Council members agreed to place this item on the agenda.

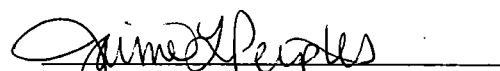
Mr. Schumm requested updates on the airsoft facility and the junk car removal program. Mr. Loughton said the airsoft facility has paid for sign permits, but he was unsure as to whether the facility is open. He said the compliance rate for the junk car program is at 80%.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

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

  
Stephen E. Euton  
President of Council

  
Jaime L. Peiples  
Council Clerk