



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JANUARY 26, 2009**

Roll Call: Ken Braman

Brenda Hlas

Tom Jones

Dennis McGlone

Bill Mowery

Scott Pelot

Mike Zita

Also Present:

Mayor David Koontz

Rick Ryland

John Moss

Pete Kostoff

Karla Richards

Ann Campbell

The Regular Council Meeting convened on Monday, January 26, 2009 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE:**

No discussions.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of January 12, 2009; Mr. Jones noted a correction at the top of the first page under Roll Call, Mrs. Hlas and Mr. Kostoff were both excused at this meeting. The minutes were approved as corrected.

Minutes of the Committee Work Session of January 5, 2009 were approved as submitted.

**COMMUNICATION FROM THE PUBLIC:**

Ms. Charlotte Whipkey, a Norton resident, spoke about the increase in our property taxes due to MAD raising our rates, which was brought to our attention by one of the Council members at the last meeting. Ms. Whipkey stated her increase went from \$4.00 to \$6.00 per half and asked who gave the MAD the authority to increase this tax, because she thought that the only way they could get an increase was to go through a Judge. Where is the constitutionality in this? It's taxation without representation. Ms. Whipkey stated that this is not right and something needs to be done about this, and this is something our Law Director needs to look into. We were forced into this and all of Council voted against this, yet it was still shoved down our throats. Ms. Whipkey stated two (2) weeks ago she had asked for our Law Director (who was excused) about his interpretation on her appeal of Issue #26. Ms. Whipkey stated something needs to be done about newspapers that continually put false information in their papers. Ms. Whipkey discussed the tax credit questioning how this impacts those residents on unemployment and if the city tax would be involved in that as well?

Mr. Zita moved on to other agenda items prior to starting the Public Hearing at approximately 7:15 PM.

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #8-2009**

Mr. Pelot offered Ord. #8-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 222.01 OF THE NORTON CODIFIED ORDINANCES TO MODIFY THE LOCATIONS FOR POSTING NOTICES AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Jones.

Roll Call: Yeas: Pelot, Jones, Braman, Hlas, McGlone, Mowery, Zita  
Nays: None

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #8-2009, seconded by Mr. Jones. Mr. Jones commented that he felt this was a good location, its open 24/7 and the residents have the opportunity to view the information. Mr. Pelot stated this location is the Duke & Duchess Station in Ward 1.

Roll Call: Yeas: Pelot, Jones, Braman, Hlas, McGlone, Mowery, Zita  
Nays: None

Motion passed 7-0.

**RES #9-2009**

Mr. Pelot offered Res. #9-2009 for its first reading and asked the Clerk to read it:

A RESOLUTION TO APPOINT REPRESENTATIVES TO ONE YEAR TERMS ON THE OHIO VOLUNTEER FIREFIGHTERS' DEPENDENTS FUND BOARD.

Mr. Pelot moved to waive the second and third readings, seconded by Mrs. Hlas.

Roll Call: Yeas: Pelot, Hlas, Braman, Jones, McGlone, Mowery, Zita  
Nays: None

Motion passed 7-0.

Mr. Pelot moved to adopt Res. #9-2009, seconded by Mrs. Hlas. Mr. Pelot stated Mr. Braman and Mr. McGlone would be serving on the Board for 2009.

Roll Call: Yeas: Pelot, Hlas, Braman, Jones, McGlone, Mowery, Zita  
Nays: None

Motion passed 7-0.

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD #1-2009**

Mr. Braman offered Ord. #1-2009 for its second and asked the Clerk to read it:

AN ORDINANCE TO REZONE VARIOUS PROPERTIES IN THE AREAS OF GREENWICH ROAD AND CROYDON ROAD, NORTON, OHIO FROM R-1 ONE FAMILY RESIDENCE DISTRICT TO B-2 NEIGHBORHOOD BUSINESS DISTRICT.

Second reading only.

**ORD #5-2009**

Mr. McGlone offered Ord. #5-2009 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE ADVANCES FROM THE GENERAL FUND INTO VARIOUS FUNDS.

Second reading only.

**ORD #6-2009**

Mr. McGlone offered Ord. #6-2009 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE TRANSFERS FROM THE GENERAL FUND INTO VARIOUS FUNDS.

Second reading only.

**ORD #7-2009**

Mr. McGlone offered Ord. #7-2009 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE NOMINAL EXPENDITURES FOR REFRESHMENTS OR MEALS TO BE SERVED AT VARIOUS EVENTS, AND TO DECLARE AN EMERGENCY.

Second reading only.

**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:**

Mayor Koontz had no report. Mr. Ryland reported on the salt supply situation for the city and submitted the attached report. Mr. Ryland stated that we currently have another 1200 tons of salt on order, which we will still get for the CUE bid price of \$44.00 per ton. Mr. Ryland indicated this is a manmade shortage and we are all paying the price. Mr. Ryland stated we could be looking at paying \$200,000.00 to \$500,000.00 more for road salt for next year. Mr. Pelot asked if there was a way to use something like a reverse auction to get better pricing, and Mr. Ryland indicated that it's possible. Mr. Ryland stated if this winter continues as it has been, we would expire our allocation and then some, and he was not sure what kind of price we would get after that. Mr. Jones asked how long would this carry us without any heavy snowfalls? Mr. Ryland replied we use approximately (16) tons every time we do a general salting within the city, so this will not last long. *(Note this statement was later corrected on January 27, 2009 to reflect that in fact, 16 ton only covers SR-21 and a total coverage of the City takes 300 ton).* Mr. Pelot asked how much salt was in stock now and Mr. Ryland replied 1500 tons as of today. Mr. Ryland stated once our allocation of 5500 tons is up, he was not sure what we would be paying for our salt.

**PUBLIC HEARING:**

**ORD #1-2008**

AN ORDINANCE TO REZONE VARIOUS PROPERTIES IN THE AREAS OF GREENWICH ROAD AND CROYDON ROAD, NORTON, OHIO FROM R-1 ONE FAMILY RESIDENCE DISTRICT TO B-2 NEIGHBORHOOD BUSINESS DISTRICT.

Mr. Zita asked the Clerk to certify the notice of the public hearing. Mrs. Richards certified the legal notice for the public hearing was published in the Barberton Herald on January 9, 2009 and notices were mailed to all contiguous property owners at that time. Mr. Zita called for anyone in favor of the zoning change to come forward. Mr. Alex Stavarz, a Norton resident, came forward and stated this fits well with the area, he is in favor of this rezoning, and expected this to pass. Mr. Zita called twice more for anyone else in favor; no one else came forward. Mr. Zita called three times for anyone against the zoning change to come forward, no one came forward. Mr. Zita closed the public hearing and reconvened the Regular Council meeting back to session.

**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS CONTINUED:**

Mr. Ryland discussed the recent appraisal for the Beldick Motel property, and he has met with owner and made a fair market value offer of \$285,000.00. Mr. Ryland indicated the owner has 10 days to either reject or negotiate. If he rejects the offer within 30 days we can file with the court to take the property by eminent domain. Mr. Ryland stated the appraisal was done very professionally and it took into account the conditions of the property, buildings, and tax filings over the past few years. It is a net figure due to the failing septic systems and the cost of improving this issue. Mr. Jones asked how much would it cost to comply with the septic or sewer line? Mr. Ryland replied the estimates for a sewer line are approximately \$101,000.00 to extend from the Albrecht Plaza, and private septic system is estimated at \$65,000.00 to \$100,000.00. Mr. Ryland stated the union negotiations are now complete and agreements have been reached with the Service, Clerical and Police with a zero percent wage increase for 2009. During 2009 we will establish a Labor Management Committee to look into health care and at the end of the year and they will come back with a revised health care plan for the city. Mr. Zita thanked Mr. Ryland for a job well done with the negotiations. Mr. Pelot questioned the process and time line for the Beldick property. Mr. Ryland further explained we have two (2) options, one is a quick sale and immediate possession or the second option is to let it go through the courts. Mr. Kostoff explained the first option is the quick sale and the law gives you the ability to gain access for a public improvement such as sewers, roadway, etc. We are looking at whether there is an upside to filing for a quick take or not. It would be set for a jury trial and the city would be very easy to prove it is for a public improvement and public necessity, and then the question becomes what is the value. Mr. Kostoff discussed the credentials of the appraiser and that even the property owner had commented that this was professionally done. Mr. Pelot expressed his eagerness to move forward to get started on the road during the summer months and the new fire station. Mr. Kostoff stated this is at the top of the priority list. Mr. Jones asked Mr. Moss if we were to acquire this property, where would this money come from? Mr. Moss replied that General Fund holds all of the property owned by the city. Mr. Jones asked if we have the money to pay for it? Mr. Moss replied ultimately we would use the money that would come from the sale of the fire station for economic purposes to pay off whatever costs we have. In the meantime we would need to finance it. Mr. Jones stated so we really don't have the money to purchase that property. Mr. Moss stated we have enough carry over balances to purchase it, but he felt this option was unwise and would proposed some small debt issue.

Mr. Moss stated he was asked to provide the cost of natural gas for the city buildings, (see attached), and gave a brief explanation. There was discussion as to the various buildings that the different costs per MCF and the fact that some of the buildings were not in the city's aggregation program for whatever reason. Mr. Moss stated that he would like to have discussion on the CIC on the next Committee Work Session, in addition to the 2009 Budget increase and decreases.

Mr. Kostoff indicated at the Mayor's request, he met recently with Mr. Donofrio-Summit County Fiscal Officer to discuss establishing a land-banking program. Mr. Kostoff reminded Council of the recent issues relating to the Easton Road parcel and the city's expenses relating to the maintenance, demolition and advertising for this process. Mr. Kostoff stated that an ordinance providing for a land banking program would provide a vehicle for the city to receive the parcels once they are condemned. It would also provide opportunities for the city to revitalize parcels to be resold and recoup some of the costs involved. Mr. Donofrio indicated his office would fully cooperate and assist us and would provide the city with a list of parcels set for potential Sheriff sales and a way to transfer those properties to the city. Mr. Kostoff indicated he has also been looking at draft legislation for some Charter changes as he was also asked to take a look at the Charter by Mayor Koontz. One of the items deals with legal advertising for cost savings, and he is proposing a Charter change to address this issue.

#### **UNFINISHED BUSINESS:**

Mr. Jones discussed the Mayors proposal of a tax credit roll back and has been talking to several residents stating they are opposed to it. Mr. Jones suggested we have a town meeting at the Community Center rather than discussing it in Council chambers. The people would feel more comfortable addressing the Administration instead of coming to a Council meeting. Mr. Jones stated he has asked people to come to Council meetings, and they state they are uncomfortable coming to Council. Mr. Jones suggested holding it on a Sunday afternoon. Mr. Pelot stated that may be a good idea, but we need more time to discuss the details on how the funds would be spent, where it would start, etc. Mayor Koontz stated he and the Administration are not opposed to a town meeting idea and he wants the residents to understand it. Mr. Jones asked Mr. Moss if he got the email he sent to him today and Mr. Moss replied he did receive it, however he did not agree with what Mr. Jones stated in his email, you are repeating things that are not so. Mr. Zita stated that if we are going to do this on Council floor, in the future all of Council should be included on the email so that we all know what's going on. Mr. Zita instructed Mr. Jones that if this is a one-on-one conversation to conduct this during the day, and Mr. Jones replied he would provide Mr. Zita with a copy of the email he sent to Mr. Moss. Mr. Pelot asked Mr. Ryland when would the architectural drawings be ready for the new fire station? Mr. Ryland replied the conceptual drawings are already completed. We have met with them again and asked for preliminary construction plans so we can see better documentation and put together better costs. Mr. Pelot asked Mr. Ryland if he has begun any plans for the 2009 Road Program? Mr. Ryland replied yes, and it all depends on how much money we end up spending on salt. Mr. Jones inquired about doing St. Rt. 261 and Mr. Ryland replied the State would be doing St. Rt. 261. Mr. Ryland stated that is a prime example of the road conditions on St. Rt. 261, this road is a mess, its full of pot holes and you have to dodge them as you drive over it. We are constantly filling these holes with materials, on a road that will be tore up in just a few months. We are paying \$115.00 per ton for road material that stays in that hole for about two (2) minutes. We are just burning through cash in the Street Dep. like we have it. Mr. Pelot asked about the asphalt that they tear up and if we can get this for fill. Mr. Ryland replied that sometimes it is part of the contract that they keep the debris for themselves to

use elsewhere, but he would look into it. Mr. Jones asked about Summit Road repairs and Mr. Ryland replied the contractor is aware of this agreed this is a problem. The issue is determining what went wrong, was it the tack that went down that allowed it to come it, an inferior mix of asphalt, etc. Mr. Jones stated it's the same thing on Grenfall Road. The real problem here is called there is no real road base.

**NEW BUSINESS:**

Mr. Jones stated this has nothing to do with Council, he has a bone to pick with the Herald Staff reporter. Mr. Zita cautioned this was not appropriate for Council floor. Mr. Jones disagreed, adding that it's in the newspaper that everyone in town reads and it uses his name. This staff writer takes the liberty of doing whatever she thinks is her way of doing things. She is accusing him of saying something he did not say; it was another member of Council that said it. Mr. Jones suggested she get her facts together. Mr. Pelot discussed the amount of meth labs being raided throughout Summit County and would like to investigate legislation to protect and notify the residents of these properties. Mr. Pelot stated that the residue could get down into the carpet, drywall, etc and becomes toxic and needs to be disclosed to a renter or potential buyer. Mr. Kostoff suggested instead of reinventing the wheel, we contact other communities that have already adopted this type of legislation. Mr. Kostoff stated he would be happy to look into this and report back to Council. Mr. Jones asked about the maps Ms. Campbell distributed tonight, and Mayor Koontz explained these are part of the Comprehensive Plan handout he provided to Council last week. Mayor Koontz stated the tax credit roll back would not be enough to do a sewer line to every house, but the goal is to get the trunk lines into every neighborhood.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Koontz made several community announcements, (see attached)

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:49

---

Mike Zita, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on January 26, 2009.

---

Karla Richards, CMC-Clerk of Council

**\*\*NOTE: THESE MINUTES ARE NOT VERBATIM\*\***

All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.

