



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 13, 2009**

Roll Call: Ken Braman

Brenda Hlas

Tom Jones

Dennis McGlone

Bill Mowery

Scott Pelot

Mike Zita

Also Present:

Mayor David Koontz-Excused

Rick Ryland

John Moss

Pete Kostoff

Karla Richards

Ann Campbell

Russ Arters

The Regular Council Meeting convened on Tuesday, October 13, 2009 at 7:00 PM, in the 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:

Mr. Jones discussed the Assessment Equalization Board report for Gardner Blvd. Phase III. Mr. Jones stated he spoke with Mrs. Richards about this earlier today in regards to the Thomas' and their parcel. Mr. Jones stated last week we decided to exclude their additional lot of 35 ft., from the assessment project and now we find out that we cannot do this. Mr. Jones asked Mr. Kostoff if there was anything we could do to get around this? Mr. Kostoff explained he asked Mrs. Richards to provide all of Council with a copy of the Ohio Revised Code Section 727.17, which explains your duties. The law indicates you cannot change the report of the Board. Case law affirms this fact that you can only accept or reject that report. Mr. Kostoff stated he has discussed and proposed some side bar agreements with Mr. Ryland that would be proposed to the property owners, which is the intent of Council. Hopefully those agreements would be reached and we would then come to Council for final approval at the next Council meeting. Mr. Kostoff added that if we had permitted you to go ahead we could be up to a challenge by the residents.

Mr. Braman noted a small typo in the title on the agenda for Ord. #92-2009, the legislation is correct, however we need to strike out State and its plumbing not building.

Mr. Pelot stated he attended the Norton Health Advisory Board meeting last Wednesday and Mr. Ryan Pruett of the Summit County Health District discussed the status of the septic system inspections. Mr. Pelot stated that report indicated 506 systems have been inspected to date, 25 are failing, and a couple hundred are unknown because they pour into a ditch, which has since been covered. Without looking into that further they classify this as unknown. Mr. Pelot stated there are free Radon test kits available to all residents at the city Administration Building, front counter.

Mr. Zita stated we do have a Public Hearing tonight at 7:15 and we will need to temporarily recess the meeting to conduct that meeting.

COMMUNICATIONS FROM THE PUBLIC:

Mr. George Wahl, a Norton resident, stated he had a grievance to discuss about having to pay water fees to Barberton in triplicate, that's not quite fair and should be against the law. Mr. Wahl said there are a lot of people in Norton that feel this same way. Mr. Wahl discussed giving away the property to Barberton (lot #66) in exchange for not charging the Brentwood Estates these fees, and felt that was not correct. Mr. Wahl asked about the system development charges and meter fees, tap in fees, etc. Mr. Wahl asked if he is permitted to do his own hook up and have that inspected, because he can do the work. Mr. Wahl stated this is just not the way to do things and something should be done about it.

At 7:15 Mr. Zita recessed the meeting to convene the Public Hearing.

PUBLIC HEARING @ 7:15 PM

ORD #84-2009 AN ORDINANCE AMENDING SECTION 1298.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Zita asked the Clerk of Council to verify the notice for the Public Hearing. Mrs. Richards certified the legal notice for Ord. #84-2009 was published in the Barberton Herald on September 25, 2009. Mr. Zita called twice for anyone in favor of the zoning code amendments, to come forward and Mr. Jim Lino, a Norton resident came forward. Mr. Lino stated he hoped we would restrict the noise and smoke with the way the legislation is written up. Mr. Arters clarified that the ordinance does address the noise issue for wind mills and the applicant has specific requirements. Mr. Arters stated the main thrust of the ordinance applies to outdoor wood burners. Mr. Zita called three times for anyone against the zoning code amendment to come forward, there was no response. Mr. Jones asked Mr. Kostoff if he had Ord. #84-2009 in front of him, which he did not and Mrs. Richards located that for him. Mr. Jones called to his attention 1298.02 Section 2-b where it states "A use listed as a conditional use shall not be permitted by right" and asked if there was something else that should be added here? By right of what? Mr. Kostoff stated he was satisfied by it, and asked Mr. Jones if he was offering something here? Mr. Kostoff stated that means as a matter of right, and he would look at his draft and see if there was something missing.

Mr. Zita declared the Public Hearing closed and reconvened the Regular Council Meeting back into session continuing with Communications from the Public.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Ms. Charlotte Whipkey, a Norton resident, asked why do we continually have so many things that we have to waive the second and third readings on? We hear about them the week before and the following week you are supposed to rule on these things. Ms. Whipkey stated she has had Ord. #92-2009 explained to her on several occasions, however she questioned why we have to rush through this one if this cant even take effect until next year? Ms. Whipkey stated she can't help but notice that we have been without a Mayor in the last several meetings, and its been in the minutes that he has been excused. She never hears anything about this and asked if there is a particular reason we are no longer blessed with his presence?

Mr. Jim Lino, a Norton resident, spoke on Ord # 90-2009 creating a new fund for the tax credit revenue and he was under the assumption this was to be earmarked for the sewer project. Is this another fund for something else, or is this a way to keep people from dipping their fingers into this fund to use for other things? Mr. Lino discussed Mr. Wahl's comments about being charged twice for everything for his water. Its one thing if one city is charging for it and providing you a service, but wondered if the other city charges fees too, what does all that money go for?

Mr. Larry Perkins, a Norton resident, questioned the school funding and he understands the current method of funding schools in Ohio has been ruled unconstitutional in 2002. Mr. Perkins asked if this is still unconstitutional how would that affect our funding for the future if that is ever enforced. Mr. Perkins stated the slots were authorized to raise over \$933,000,000.00 over the next two (2) years to help balance the state budget. The slots are part of the lottery and the lottery is supposed to go to the school system. If State Issue #3 passes, would that affect the funding for our school systems? Mr. Perkins stated he has heard that Summit County will be re-appraising our property to some extent and asked how that would affect the school funding. Mr. Perkins discussed the 4-way stop at Greenwich and Medina Line and questioned if that cooperation would continue when the new school is built. Mr. Perkins asked who would be responsible to snow plow south bound Medina Line Road in Norton?

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of September 28, 2009 were approved as submitted.
Minutes of the Committee Work Session of October 5, 2009 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Ryland reported that Cleveland-Massillon waterline project is on schedule and the boring under I-76 has been completed. Mr. Ryland stated they are laying the pipe along Greenridge Road as of today. Mr. Ryland stated we will be approving a \$293,000.00 contract via Ord. #66-2009 tomorrow morning. This is for the paving of Cleveland-Massillon Road from I-76 north to the Copley line, which is roughly 7,800 linear feet of roadway that is being repaved. Mr. Ryland addressed Mr. Perkins concerns about snow plowing, and the agreement is with Medina County and we are holding discussions. Currently the city plows northbound and they plow southbound. Mr. Ryland stated as far as all issues raised about the schools, he really cannot address them, they are school issues, not city issues. Mr. Ryland addressed Mr. Wahl's concerns about the water fees and the impact fee Barberton charges is to recoup their costs to the water purification plant. There was a \$10,000,000.00 fee for improvements to that plant and it is a means to recover the costs. Mr. Moss stated that along with the budget changes he would also ask Council to discuss a change to the transfer ordinance in addition the Auditor of State has sent paperwork for the contract for the 2009-2010 CAFR, and would like that on the next committee agenda. Mr. Kostoff stated that by the end of this week we will have completed the transfer of the Beldick Motel to the City of Norton. Mr. Kostoff thanked Mr. Ryland and Mr. Moss for all of their help, they have really bent over backwards with all of the paperwork and all throughout this process. Mr. Arters addressed Ms. Whipkey's question on Ord #93-2009 and why the rush is that it has to go to the State for approval. The State only has three (3) public hearings a year and he wanted this to get to the State soon as possible.

INTRODUCTION OF NEW LEGISLATION

ORD #90-2009

Mrs. Hlas offered Ord. #90-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO CREATE A NEW FUND TO RECEIVE PROCEEDS FROM THE INCOME TAX CREDIT REDUCTION.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone. Mrs. Hlas stated that we need to waive readings now because the income tax went into effect on July 1, 2009.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. # 90-2009, seconded by Mr. McGlone. Mrs. Hlas stated this creates Fund #128 setting aside this money for a specific purpose and can be tracked better. Mr. Jones stated he was opposed to Ord. #48-2009 from the beginning, but seeing that this is to bring the money in he would reluctantly support this.

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

Motion passed 7-0.

RES #91-2009

Mrs. Hlas offered Res. #91-2009 for its first reading and asked the Clerk to read it:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE SUMMIT COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone. Mrs. Hlas stated we need to waive readings in order to have this at the County by November 3, 2009.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Res. # 91-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #92-2009

Mr. Braman offered Ord. #92-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE REQUESTING CERTIFICATION TO ENFORCE THE OHIO PLUMBING CODES WITHIN THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Braman moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Braman stated this only changes the process, the residents would come here instead of the City of Barberton, the rates would stay the same. Mr. Jones stated that Mr. Arters had indicated he was not a certified public inspector for Plumbing and Electrical, and Mr. Arters concurred. Mr. Jones asked who the part time inspector would be or what they would charge? Mr. Arters replied he did not know who it would be and the fee would be set as per inspection basis. Usually all contract inspectors bill the municipality on a per inspection basis. Mr. Jones asked if the costs are the same for plumbing and electrical inspections? Mr. Arters replied they are both the same fee of \$25.00 per inspection.

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

Motion passed 7-0.

Mr. Braman moved to adopt Ord. #92-2009, seconded by Mr. Pelot.

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

Motion passed 7-0.

RES #93-2009

Mr. Mowery offered Res. #93-2009 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO SUPPORT THE INSTALLATION OF FOUR-WAY STOP SIGNS AT THE INTERSECTION AT MEDINA LINE ROAD AND GREENWICH ROAD AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Braman. Mr. Mowery stated for the record, he asked Mr. Ryland if signs have been in place notifying the residents of what is about to take place? Mr. Ryland replied yes, and we are also looking into how we can better alert residents. We are investigating the suggestion of a solar stop sign light and we are getting a price from Signal Services for a 4-way flasher. Mr. Mowery asked if we are still looking at cost sharing with Medina County and Mr. Ryland replied yes once we have a true cost he would look into that option.

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

Motion passed 7-0.

Mr. Mowery moved to adopt Res. #93-2009, seconded by Mr. Braman.

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

Motion passed 7-0.

ORD #94-2009

Mrs. Hlas offered Ord. #94-2009 for its first reading and asked the Clerk to read it:

THE ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009 AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone. Mrs. Hlas stated we are waiving readings because these funds need to be taken care of before the end of the year.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #94-2009, seconded by Mr. McGlone. Mr. Jones asked Mr. Moss with the Beldick in mind, are we going to borrow the money or take it out of the General Fund? Mr. Moss asked for what part of the Beldick? Mr. Jones replied for the purchase of the property, the \$395,000.00. Mr. Moss stated we have already set that up and we are borrowing a note, we already talked about that. Mr. Jones asked where are we with the Johnson Meadows project. Mr. Moss replied we are working on the assessment portion. Mr. Zita called a point of order, what are we talking about here, can't this wait until later? Mr. Pelot stated Mr. Moss answered these same questions last week.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #84-2009

Mr. Braman offered Ord. #84-2009 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1298.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #85-2009

Mr. Braman offered Ord. #85-2009 for its second reading and asked the Clerk to read it:

AN ORDINANCE ADDING CHAPTER 1297 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #86-2009

Mr. Braman offered Ord. #86-2009 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1298.08 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Second reading only.

UNFINISHED BUSINESS:

Mr. Jones asked Mr. Ryland when Shelly and Sands would be completed with Wadsworth Road? Mr. Ryland replied he didn't know, he thought Mr. Jones was the project manager. Mr. Ryland replied that they are still working on the final road striping he expects this would be completed by the end of the month.

NEW BUSINESS:

Mr. Mowery stated he wished the Mayor was present for this question and deferred it to Mr. Ryland. Mr. Mowery stated that several people have been asking if we are taking applications to fill the Planning Director position? Mr. Ryland replied not at this time, we are sub contracting this position at this time. Mr. Ryland stated he is having discussions with Mayor Koontz about what our future plans are, and we have no open postings for this positions. Mr. Mowery asked if we are getting everything done without a full time Planning Director since Mr. Pritchard left, and Mr. Ryland replied we are managing. Mr. Ryland added that although the Mayor has been absent the last few meetings for personal reasons, he assured everyone that he talks with Mayor Koontz on a daily basis. Mr. Ryland stated that there is not a day that goes by where the Mayor is not informed on what is going on within the city on a daily basis. Mr. Jones discussed if turn signals were optional on cars today, and with cell phones and texting, while driving, he would like to discuss this at the next work session. Mrs. Hlas stated that Summit County Council is discussing this right now and if adopted it would be county wide. Mr. Pelot asked Mr. Ryland if he would look into re-painting the crosswalks at the schools, the are need to be addressed. Mr. McGlone discussed Mr. Wahl's concerns about the connection fees and suggested that if we are going to be getting some money coming in from the tax credits maybe we could look at some relief for the residents and discuss our surcharges. Mr. Ryland reminded Council the fees have not been increased for some time. Mrs. Hlas reminded everyone that we did have a second study done on our fee structures and it came back that we are in line with everyone else. Mr. Ryland stated that actually that report stated we are below what others charge.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Ryland gave several announcements, (see attached). Mr. Jones asked about the light bulb distribution that was mentioned at the last meeting. Mr. Pelot stated that he read that announcement and they have put a stop to this until they research the costs further. Mr. Pelot reminded everyone to get your flu shots for this season.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:53 PM.

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 October 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.