



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, SEPTEMBER 28, 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

The Regular Council Meeting convened on Monday, September 28, 2009 at 7:02 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:**

Mrs. Hlas discussed the eminent domain hearing held on the Beldick Motel property today and turned this discussion over to Mr. Kostoff for the details. Mr. Kostoff stated the Finance Director has submitted three (3) ordinances for Council's consideration this evening. Mr. Kostoff stated the pretrial was held today in Probate Court as the City of Norton Vs Mr. Adams. Mr. Kostoff stated the acquisition has been authorized previously by Council to build the new fire station. Mr. Kostoff indicated a trial was likely to be held in December or January, and after a daylong consultation with Mr. Ryland and Mr. Moss we have a proposal for Council to consider for action tonight. Mr. Kostoff introduced Mr. Steven Funk, associate from his law firm who has been the lead trial lawyer on this case to offer the key points of the proposal. Mr. Funk outlined the legal steps in an eminent domain process in detail. Mr. Funk explained that we are proposing a compromise to what has been originally proposed. Mr. Adams appraisal was \$425,000.00 the city's original appraisal was \$285,00.00 and was reduced to \$250,000.00. The compromise was \$350,000.00 in addition would provided \$45,000.00 for a total settlement of \$395,000.00. We believe this settlement is within the range and is a fair compromise; maybe more than the city would like to have paid, but less than what Mr. Adams thought he would receive. Mr. Jones asked if we would have to borrow this money and Mr. Moss replied yes. Mr. Jones asked about a time frame to pay this off and Mr. Moss stated he did not have an amortization schedule with him. However, it makes sense to go out for a one year note and plan that into next year's budget, with a low interest rate. At that point we can decide how long we want to pay this off, and he would like to stay as aggressive as we have been in the past and pay it off as quickly as possible. Mr. Moss stated the purchase of real estate is not authorized in the Fire Dept. budget and he had always anticipated using General Fund money for this and the revenue from selling the old fire station. Mr. Ryland stated when we started these negotiations back in April, the asking price for the Beldick and adjacent property was at \$810,000.00 plus 3% interest from 2003, making it nearly \$1,000,000.00.

Mr. Ryland stated that today when we walked into court it was in excess of \$500,000.00. Now we are at \$395,000.00 which fits the needs of the city. Mrs. Hlas moved to add Ord. #87-2009 amending the Budget to increase for this amount to tonight's agenda, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to add Ord. #88-2009 for the issuance of the Note to tonight's agenda, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to add Ord. #89-2009 authorizing the Administration to execute to tonight's agenda, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mr. Zita stated that Mr. Pelot has agreed to serve the remainder of the year on the Norton Health Advisory Board.

#### **COMMUNICATIONS FROM THE PUBLIC:**

Mr. Lee Beaty, a Norton resident, spoke about the school levy and the tax credit issues and how they are both inner twined. Mr. Beaty stated these are substantial increases in one year, adding that he felt the tax credit was a poor piece of legislation because you are discriminating against a certain group of residents. You are looking at raising one group of people's taxes while another group of people does not have to share that burden. Mr. Beaty stated that he does see the advantages of passing a new school levy and having a new school, however he cannot support both. The only fair alternative is to have a tax increase for all the residents, not just one group.

Mr. Jeff Case, a Norton resident, discussed the EPA letter, the agreement the city signed in 2003, and the fees charged to the residents. Mr. Case stated the concerns of the EPA is that we have done nothing as far as what we stated we would do and now all of the sudden we are scrambling to do something. Mr. Case asked if everyone is aware that everything runs down hill? In order to take care of our Service Garage and the EPA issues we will have to install a pump station, which as Mr. Ryland indicated is going to be expensive. Mr. Case asked are we going to have this same situation when we build our new Fire Station? Mr. Case stated he did not like Ord. #48-2009, but maybe it is the best deal.

Mr. Case read a section of that ordinance and asked just what is the definition of “fire protection” does that mean a hydrant, a station, a fire truck, an axe, and a fireman? That didn’t pass and he was glad it didn’t pass because if it had we would be paying for that with this money. In 2003 after we made the agreement with EPA and we did the water and sewer charges, which it states: *the imposition of surcharges provided for in this section shall not preclude a levy of special assessments and or charges against benefited properties now in place or imposed in the future.* This means that even though I am paying the surcharges, I can still be assessed. Now you come to Ord. #48-2008, which states in part: *Commencing July 1, 2009 and continuing for a period of 25 years, up to and including June 30, 2034, the credit shall be equal to the tax rate imposed by Section 880.03 of the Codified Ordinances of the City reduced by 0.5%. The revenues generated by the City from 0.5% tax credit reduction provided in this paragraph shall be used by the City exclusively for the purposes of paying costs of acquiring, constructing, reconstructing, rehabilitating, renovating, installing, enlarging or otherwise improving water and sewer improvements in the City, including, without limitation, water and/or sewer lines, water and/or sewage pump stations, storage tanks, manholes, hydrants, and any other facility, improvement or appurtenance related to the water and sewer improvements, and includes costs associated with planning for and engineering water and sewer improvements, as well as related financing costs.* Mr. Case stated the way he understands this section, commencing July 1, 2009 any water or sewer line that comes in you cannot be assessed for because that is what this tax is paying for.

Ms. Charlotte Whipkey, a Norton resident, spoke regarding Ord. #84-2009 Section B and asked for clarification as a conditional use or grandfather clause. Ms. Whipkey stated that on the agenda Ord. #86-2008 does not say whether or not it is a first reading, as she thought it was discussed it would be. Ms. Whipkey discussed the EPA letter and the concerns about the conditions at the Service Garage. Ms. Whipkey stated she contacted the EPA and they confirmed that the Ohio Revised Code that they do not require you to connect to a sanitary sewer, it is up to the local health district. They also stated it is not a surprise as the city is leading everyone to believe, and that everything was under lock and key by the former Planning Director. Ms. Whipkey stated this was a deal that was made in 2003 and it should have been taken care of by 2008 and now here we are. Ms. Whipkey stated that she spoke with someone at the EPA he indicated there was no requirement for the Service Garage to connect to sanitary sewer, the only requirement was the vehicles could not be washed there. This is something you should look at because that is a lot of money to be coming from either the Sewer Fund of the General Fund.

Mr. Gilbert Chaney, a Norton resident, stated that perhaps Acme would be interested in buying the old Fire Station. Mr. Chaney commented about the whole country going down the tubes. President Obama is putting all of the czars in office, they are all communists, and all these people are from Chicago. Mr. Chaney stated he is going to put an article in the Norton Post about why it is getting so bad. Mr. Chaney stated that he would be voting against every school levy from now on. He would rather see the kids out on the streets than to have them being taught the junk they are getting taught in school.

Mr. Chaney stated that businesses are closing all over the place, and its going to get so bad we will have Marshall Law. We will have people shooting and killing people in the streets.

Mr. Chaney stated look at what's happened with NAFTA, wake up people and look at what's going on.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of September 14, 2009 were approved as submitted.

Minutes of the Committee Work Session of September 21, 2009 were approved as submitted.

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

Mr. Ryland had no report. Mr. Moss stated that he estimated that a debt service cost \$35,000.00 a year we could pay for the Beldick property with the sale of the current Fire Station property. Mr. Moss indicated that he expected we would get approximately \$300,000.00 and we could pay off that debt by 2013. Mr. Kostoff stated that the property at 3829 Easton Road, which was put up for a sheriff sale, the court has ordered the property transferred to the City of Norton. Mr. Kostoff stated the city should receive the deed shortly and is the first example of the city's land banking program and he was pleased by that effort.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #84-2009**

Mr. Braman offered Ord. #84-2009 for its first 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.

First reading only.

**ORD #85-2009**

Mr. Braman offered Ord. #85-2009 for its first 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.

First reading only.

**ORD #86-2009**

Mr. Braman offered Ord. #86-2009 for its first 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.

First reading only.

**ORD #87-2009-Added to the Agenda**

Mrs. Hlas offered Ord. #87-2009 for its first reading and asked the Clerk to read it.

AN ORDINANCE TO AMEND THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009 TO REFLECT AN INCREASE IN THE GENERAL FUND BUDGETED EXPENSES; AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #87-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #88-2009-Added to the Agenda**

Mrs. Hlas offered Ord. #88-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$400,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #88-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #89-2009-Added to the Agenda**

Mrs. Hlas offered Ord. #89-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATION TO EXECUTE A STIPULATED FINAL JUDGMENT ENTRY IN CONNECTION WITH THE

APPROPRIATION OF CERTAIN REAL PROPERTY KNOWN AS THE BELDICK MOTEL, 3392 GREENWICH ROAD, BARBERTON, OHIO 44203, AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone. Mr. Jones asked Mr. Kostoff to clarify the address of Barberton and Mr. Kostoff replied that is the legal property description on record at the county.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #89-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD #79-2009**

Mrs. Hlas offered Ord. #79-2009 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH A FUND TO PROPERLY ACCOUNT FOR REVENUE AND EXPENSES ASSOCIATED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING.

Mrs. Hlas moved to adopt Ord. #79-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #81-2009**

Mrs. Hlas offered Ord. #81-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE REPEALING ORDINANCE NO. 48-2009; AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to adopt Ord. #81-2009, seconded by Mr. Pelot.

Roll Call: Yeas: Jones, McGlone, Mowery  
Nays: Hlas, Pelot, Braman, Zita

Motion failed by 4-3 vote. Ord. #48-2009 remains in effect as adopted on 5-11-09.

**UNFINISHED BUSINESS:**

Mr. Jones commented on Mr. Moss's report on September 21, 2009 about cutting the 2009 Budget by \$500,000.00 and asked where the cuts would come from? Mr. Moss stated that is an estimate and would be a total of all increases and decreases. Mr. Moss stated this is mostly for more changes and it is a net change.

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Pelot thanked the Cider Festival Committee for the great job that they did this year, and Mr. Meden for a great fireworks display on Sunday evening. Mr. Zita announced voter registration at the Norton Acme on October 2<sup>nd</sup> and 3<sup>rd</sup> from 11:00 AM to 7 AM by the Summit County Board of Elections. Mr. Zita announced the Norton Fireman's Pancake Breakfast, (details attached).

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:44 PM.

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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 13, 2009.

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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.