



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 27, 2008**

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
Russ Arters
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, October 27, 2008 at 7:02 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer. Mr. Pelot recognized two Boy Scouts, Matthew Housley and Justin Tokes in the audience tonight. They are from Boy Scout Troop #132, and are working on their Citizenship In the Community merit badges.

COMMITTEE OF THE WHOLE:

There were no reports

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of October 14, 2008 were approved as written.
Minutes of the Committee Work Session of October 20, 2008 were approved as written.

COMMUNICATION FROM THE PUBLIC:

Mr. John Rutecki and Ms. Holly Miller from Summit County Dept. of Development gave a brief program on the various financial and housing assistance programs available to the residents. First Home-First Loan, which the County will match 3-1 money up to \$14,997.00 towards the down payment. Mr. Rutecki stated that this goes on as a second lien on the home. The Housing Rehab Program is for current homeowners to help with various improvements up to \$25,000.00 to address repairs. Mr. Rutecki stated that with the area median income we provide them with a zero percent deferred loan which is only due upon the transfer or sale of their property. If they fall within 51-80% of the area median income we provide them with a 4% loan paid back directly to the County. Mr. Rutecki asked the Council share this information with their residents. The Home Weatherization Program is a grant type program that is not required to be paid back. This grant can be used to replace a furnace, windows, doors, etc and can be up to \$5,000.00. These residents must be at 120% below the poverty level to apply. The Purchase Rehab-Resale Program is up to \$40,000.00 subsidy to allow them to purchase the home. For example the buyer is seeking to get approval to purchase a \$100,000.00 property for rehab, we apply the \$40,000.00 and they would only need loan approval for \$60,000.00. They may also apply for the First Time First Home Program at the same time. Mrs. Hlas questioned the Home Weatherization Program, and Ms. Miller stated that the requirement is based on household income at or below 150% of the Federal poverty level. Mr. Jones questioned the interest rate for the First Home First

Loan Program and Mr. Rutecki replied it is zero. Mayor Koontz inquired about the Rehab Program and if this financing could be used for septic system repairs? Mr. Rutecki replied yes, and Ms. Miller added that the entire residence must be up to code. Mr. Pelot asked what is the area median income and Ms. Miller stated that a family of 4 has to make under \$44,500.00 annually.

Ms. Charlotte Whipkey, a Norton resident, spoke about her beliefs about government. Politicians are not what she calls representatives. Representatives sometimes have to make difficult decisions, but they are put there by their constituents and they are expected to listen to us. The politician takes the seat whether they are elected or appointed and they say, you put me here so now you live with what I say because you put me here. With or without your input and whether you like it or not. Ms. Whipkey commented on the Charter and how it has become morphed to a point where we need an attorney to tell us how to read it. You should not have to have someone come along and putting a twist, or legalize to fit the purpose, that's wrong. Ms. Whipkey discussed Issue #26 and the one reason it is out there is for accountability and she urged everyone to get out and vote this in on November 4, 2008.

Public Hearing:

ORD #87-2008- An ordinance to rezone various properties in the areas of Cleveland Massillon Road, Greenwich Road, Croydon Road and Pleasant Street, Norton, Ohio from current zoning classification to B-2 neighborhood business district.

Mr. Pelot temporarily recessed the Regular Council Meeting at 7:15 PM in order to convene the Public Hearing for Ord. #87-2008. The Clerk of Council certified that the legal notice for this Public Hearing was published in the Barberton Herald on October 9, 2008 and notices were mailed to all of the contiguous property owners on that same date.

Mr. Pelot called three times for anyone in favor of the rezoning to come forward, no one came forward.

Mr. Pelot called for anyone against the rezoning to come forward. Mr. William Ray, a Norton resident stated that this was the first he has ever heard about this rezoning and asked for an explanation. Mr. Arters stated that except for two parcels, none of the residents property is being rezoned. We are doing this rezoning to clean up this area because we currently have multiple types of zoning within this same area and we are trying to make them all the same and consistent. Mr. Greg Myers, 3187 Pleasant Street stated that there are 3 lots on Pleasant that do need to be rezoned, and that the majority of homes on this street are multiple family homes. Mr. Arters stated that the Bishop Motors property had 2 different zonings and would now become 1, and the schools had 3 zonings and now would become 1. Mr. Tom Winn, 3928 Croydon Road, got the letter about the rezoning and nothing so far has been explained or presented as to what this is all about. Mr. Arters stated that this issue has gone through the Planning Commission a couple of times, and Mr. Pelot asked if letter or notices were sent out to the residents by the Planning Commission and to elaborate on that this rezoning is all about. Mr. Arters replied that basically we have zoning in the center of town that is all over the place and we try to set a starting and ending point to clean it up and make all more business friendly. Mr. Arters stated that this all went through the Planning Commission before it was presented to Council level. Mrs. Hlas stated that most of the residents that received letters got them because you have adjoining property, it does not mean that your property is being rezoned. Mr. Ray asked how do we stop this, and

suggested that letters should have gone out prior to the Planning Commission making their decision. Mr. Ryland stated that that the process to appeal this would have been at the Planning Commission level. Mr. Ryland stated that there is an advertisement by the Planning Commission and a notice of the hearings is posted in the papers, and it is a public meeting. Mrs. Hlas explained that the voters had an opportunity a while back to approve a newer zoning code that would have had a provision to post a sign on the actual property anytime a rezoning was pending. This would have notified everyone in the area, Council adopted this, however; that got turned down by a referendum. Mr. Ray stated that he wants to see the area cleaned up and he wants to see it intact at the same time, but where do we stop? Mr. Steve Thompson, 3927 Croydon Road, stated that expansion and growth is fine, he lives at the corner of Croydon and Greenwich. Mr. Thompson questioned if the school has any plans to expand in the future? Mr. Ryland stated that the school district has stated that they do need bigger facilities, and he was unsure what their plans are. Mr. Thompson stated that residents had signed a petition a while back to get water brought to Croydon and this was turned over to the city, what ever happened to that? Mr. Thompson asked about future developers and if the city was expecting new businesses soon? Mr. Ryland stated that we have had developers ask, but we don't know about their plans. Mr. Thompson had concerns about fair market values, and does the city encourage this? Mr. Ryland stated that the city is not buying any of these homes, we do have a developer who is interested in the Greenwich Road corridor. Mr. Ryland stated that this is a decision with the homeowner and a contractor and that we do require buffer zones within our noise ordinances. Mr. Moss added that no one has to sell their home that's your decision when you are ready. Mr. Thompson discussed someone on Medina Line Road that had put up a large 6 ft. wire fence as a partition on their property as a buffer zone from the development. Ms. Whipkey asked what the definition of a B2 was and what would this do to their property values? Ms. Whipkey asked if there was any compensation for this? Ms. Whipkey stated that we have some clauses in our ordinances that if there is so much damage to a home you might not be allowed to be rebuilt, and these are questions that should be answered. Mr. Arters stated that a non-conforming home could be rebuild as long as they were living there. If the home was vacant for 6 months or longer it could be reverted to rezoning. Mr. Arters stated the property values are up to the appraiser and fair market values, we are not making them take a loss. Mayor Koontz stated that generally when a property zoning changes from residential to business the value would increase because it is more valuable as a business. Mr. Arters explained that in a B2 Neighborhood Business District the following types of businesses are allowed: food stores, dairy products and bakery goods stores, book stores, libraries, drug stores, florists, hardware stores and pet and auto accessory shops, gift and specialty shops, music, dance studios, photography shops, art, antique, dressmaking, apparel, tailor, fur and millinery shops, bakeries, dry cleaners, banks, barber shops and beauty parlors, repair shops for shoes, radios, televisions and domestic appliances, self-operated laundries, and mortuaries. Mr. Mowery asked if there was a possibility that a developer could buy all of those lots and put in a strip plaza like the one across the street? Mr. Arters stated that yes, the possibility is always there but they would have to go through all the stages through the Planning Commission. Mr. Pelot suggested the residents keep informed and watch what is going on with the Planning Commission. Mr. Winn stated that we have no interest in the corner house on Cryodon being rezoned, so what do we do about it? Mr. Pelot stated that you are doing what you can by being here now and telling Council how you feel, we as Council have to make a decision and vote on this. Mr. Winn stated that what is being presented is just piece meal and we want it stopped. Mr. Winn stated that Ms. Dolphin and himself met with Mr. Pritchard several years ago with the petition from the residents for

water and he still has copies of this and they had the required percentages of signatures to look into this. Mr. Pelot asked for these copies to be delivered to Mr. Ryland for review. Mayor Koontz stated that the city is obligated to look into the preliminary engineering and cost estimates and come back to these residents. Mayor Koontz stated that this would be an assessed project to these residents, and apologized to the residents for this not being followed up on. Mayor Koontz also discussed the process of vacating the streets to address the residents concerns of traffic flow away from the corner. Mayor Koontz stated that at this point Councils decision is to either pass this, turn it down and return it to the Planning Commission. Mr. Mowery explained that he was on the Planning Commission at one time and this is the process. Mr. Mowery reflected the Weber Drive issue and the problems with that rezoning. Mr. Mowery explained that the residents need to contact your Council representatives and let them know how you feel. How much do you want to disturb your neighborhoods, how much business do you want in Norton? Mr. Kostoff reminded Council of Section 1256.10 of the Codified which states that Council has 90 days after the public hearing, Council shall either adopt or deny recommendations of the Planning Commission, or adopt some modification thereof. Mr. Kostoff stated that Council could modify the recommendation if they so chose. Mr. Wills stated that this process of rezoning should be looked into so that the people affected are notified prior to it getting to this point. Mr. Pelot instructed the Clerk to check with the Planning Commission to see when the legal ad was posted, and to get a copy of the mailing list notifying these residents of their hearings. Mr. Don Harbart, 3239 Brooklawn Drive, Norton, Ohio, stated he lived on Croydon for over 20 years and the property that was discussed on Median Line Road earlier with the 6 ft. tall chain link fence is his sisters property. Mr. Harbart stated that directly behind her is now the new Wadsworth Crossings. Everything the developer had previously agreed to regarding the buffer zones disappeared as soon as the developer sold the property and urged the residents to keep this in mind. Mr. Pelot called twice more for anyone against the rezoning to come forward, no one else came forward.

Mr. Pelot closed the public hearing at 8:01 and reconvened the Regular Council Meeting back to session.

INTRODUCTION OF NEW LEGISLATION:

RES #88-2008:

Mrs. Hlas offered Res. #88-2008 for it's fist 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.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone. Mrs. Hlas stated that this needs to be to the County by November 1, 2008.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Res. #88-2008, seconded by Mr. McGlone. Mrs. Hlas stated that this is something that we do every year for the County tax levies.

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

Motion passed 7-0

ORD #89-2008

Mr. Braman offered Ord. #89-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING CHAPTER 1460 OF TITLE SIX OF PART FOURTEEN BUILDING AND HOUSING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

First reading only.

RES #90-2008

Mr. Zita offered Res. #90-2008 for it's first reading and asked the Clerk to read it:

A RESOLUTION DECLARING THE NECESSITY OF APPROPRIATING CERTAIN REAL PROPERTY KNOWN AS THE BELDICK MOTEL, 3392 GREENWICH ROAD, BARBERTON, OHIO 44203, AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE "THE PROPERTY".

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

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

Motion passed 7-0.

Mr. Zita moved to adopt Res. #90-2008, seconded by Mrs. Hlas. Mr. Jones questioned the Barberton address and Mrs. Richards stated that this was double checked with the County and Mr. Kostoff stated that it is listed that way on the property deed. Mr. Zita stated that this permits dialogue with the Administration and the property owner. Mr. Kostoff added that it is also a requirement that you must state that the building and the road improvement are both major safety issues and are sufficient to establish the public purpose for necessity.

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

Motion passed 7-0.

ORD #91-2008

Mr. Zita offered Ord. #91-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE ESTABLISHING AN IDENTITY THEFT POLICY FOR THE CITY OF NORTON AND DECLARING AN EMERGENCY.

First reading only. Mr. Pelot clarified this appeared on the agenda as waiving the second and third readings, however the Federal Government has changed the time line for this and it is a first reading only tonight.

INTRODUCTION OF PRIOR LEGISLATION

ORD #84-2008

Mr. Zita offered Ord. #84-2008 for it's second reading and asked the Clerk to read it:

AN ORDINANCE REPEALING SECTION 258.18 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, MINIMUM AND MAXIMUM RANGE SYSTEM OF COMPENSATION IN ITS ENTIRETY, EFFECTIVE DECEMBER 31, 2008.

Second reading only.

ORD #87-2008

Mr. Braman offered Ord. #87-2008 for it's second reading and asked the Clerk to read it:

AN ORDINANCE TO REZONE VARIOUS PROPERTIES IN THE AREAS OF CLEVELAND MASSILLON, GREENWICH ROAD, CROYDON ROAD AND PLEASANT STREET, NORTON, OHIO FROM CURRENT ZONING CLASSIFICATIONS TO B-2 NEIGHBORHOOD BUSINESS DISTRICT.

Second reading only.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz commented about the older Fire Dept. vehicle that was replaced due to a broken and rusted out frame. This issue was looked into as to why it rusted out and it was determined that the company that built the frame had used inferior parts, and they are now out of business. Mayor Koontz noted that the City of Akron also experienced the same problem. Mr. Zita stated that Chief Schultz has issued a memo requesting Council authorize the sale of equipment to the school to be addressed at the next Committee meeting.

Mr. Ryland discussed the bids for the Berry, McGowan and Wadsworth Road project and that we have received a lot of interest due to the new process we are using with the internet auction. Mr. Ryland stated that we have 20 companies interested at this point and the last project we had 3 that were interested.

Mr. Moss stated that he would have the 2008 Budget issues ready for discussions at the next Committee Work Session on November 3, 2008.

Mr. Kostoff indicated that he would have legislation ready on the Civil Service vacancy for the Police and Fire Chiefs for the next Committee Work Session. Mr. Kostoff stated that the drafts would also be sent to the Chair of the Civil Service Commission for review and input. Mr. Kostoff discussed Issue #26 and his comments have nothing to do with the independent judgement of the residents as to whether they want to reduce the size of Council. Mr. Kostoff again made it clear that his comments were directed to Council. As the Law Director he sees this issue would reduce the size of Council based on going back to a

previous election and taking the individuals who placed second and third, though duly elected, and eliminate those positions. Mr. Kostoff stated that there is a number of case law out there suggesting that this method is constitutionally flawed. Mr. Kostoff stated that if this proposal had stated it would take effect upon the completion of these Councilpersons terms, he would not be talking about this. Mr. Kostoff stated that it is up to the public if they want to reduce the number of Council members, but the constitutional manner in which they do this is in his purview of his position to caution and advise Council. Mr. Kostoff stated that Council does have the statutory obligation of transmitting this, it did not mean that you favored it, you had no discretion here. Mr. Kostoff stated that he never indicated that he had a position on this, he does have an opinion in relationship to the manner in which it is being proposed. Mr. Kostoff stated that whether he thinks this is a great idea or not, that is not his job, his job is to advise Council in relationship as to the manner in how we are doing things legally. Mr. Kostoff stated that it is his job to advise Council as to what the law is and as long as he is here he will continue to do that.

UNFINISHED BUSINESS:

Mr. McGlone discussed the natural gas aggregation program and the conflicting information and letters that are out there to the residents Mr. Ryland stated that if you were not in the program before you need to opt into the program. Ms. Campbell clarified that there were 3 different letters sent out. Ms. Campbell stated that if you were already in the program there was a letter sent notifying you that can opt out if you wanted to. The second letter was sent to residents that were not in notifying them how they could opt in, and she could not recall what the third letter stated. Mr. Jones questioned the status of Ord. #68-2008 for Hazelwood and Connect Waterline and the date for the Assessment Equalization Board meeting and asked Mrs. Richards to explain the delay. Mrs. Richards indicated that she has discussed this with Mr. Kostoff and that we are waiting to secure the date for the public hearing. Mr. Kostoff stated he saw no reason this would not be set the date before the end of the week. Mr. Jones questioned if the city is done with the road striping and Mr. Ryland replied yes, the weather is too cold, paint won't stick.

NEW BUSINESS:

Mr. McGlone asked if we would see something soon for the 2009 Budget? Mr. Moss replied yes, he would have something for the second meeting in November. Mr. McGlone questioned how we look as far as property taxes and Mr. Moss replied that this could have an impact and we may see some changes. However even with foreclosures the banks take over and they do pay the taxes. Mr. McGlone asked if we are going to see any budget cuts this year and Mr. Moss replied that we cut before we started the year and its been very difficult to live within these budgets. Mr. McGlone asked Mr. Ryland about the health care plans for employees and Mr. Ryland replied that we are looking at alternate plans and we have responses from over 16 different companies to reviews. Mr. McGlone asked if this would come to Council before the end of the year and before the Budget is complete? Mr. Ryland replied we would set the budget in place and the contract negotiations would be put in place later. The budget would be adjusted either up or down depending on what takes place with the negotiations. Mr. McGlone stated that this doesn't make sense to him, the County already knows what the rates are already and they can work on the budget for next year. Mr. Ryland asked if the County was self-insured and are their contract negotiations up, and until those are complete it is premature for someone to tell you what your rates are for next year. Mr. Moss stated that in 2008 we did not increase the amount of money we contribute to the pool to pay our health care.

For 2009 we are looking to increase this in order to have a healthy carryover. Mr. Moss indicated that what Mr. Ryland is looking at is to reduce the costs for the plan overall.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz thanked everyone who voted for Norton Football player Steve Smith as the Plain Dealer Week 9 Game Ball Of the Week Award. Mayor Koontz reminded everyone about the Flu Shots, (see attached). Mayor Koontz announced a Spaghetti Dinner for city employee John Bolender who was injured in a motorcycle accident and is unable to work, (see attached). Mayor Koontz announced that Norton Music Boosters Holiday Tree Festival and Spaghetti Dinner, and Breakfast with Santa, (see attached).

Mrs. Hlas announced Panther Parents Athletic Boosters is holding a Night at The Races on Sat. November 8, 2008 at the Norton Moose. Doors open at 6:00 PM. Dinner tickets are \$15.00 Horse sponsor tickets are \$15.00. More information is available on the Norton City School website.

Mr. Pelot reminded everyone about Trick or Treat this weekend, please be careful and watch out for the children in your neighborhood. Mr. Pelot reminded the residents that Mulch Makers is still taking leaves and debris from Norton residents.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:30 PM.

Scott Pelot, 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 November 10, 2008.

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. If you do not have access to Time-Warner Channel #15, you may request to view a copy of any VHS recorded meeting in Council Chambers. Please contact Ann Campbell in the Administration office to make the necessary arrangements at (330) 825-7815 ext. 14.