



## COMMITTEE WORK SESSION AUGUST 18, 2008

**Committee Members Present:** Ken Braman  
Brenda Hlas  
Tom Jones  
Dennis McGlone  
Bill Mowery  
Mike Zita  
Scott Pelot

**Also Present:** Mayor David Koontz-Excused  
Rick Ryland  
John Moss  
Pete Kostoff  
Karla Richards  
Ann Campbell

The Committee Work Session convened on Monday, August 18, 2008 at 7:02 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Scott Pelot. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Mr. Pelot moved to adjust the agenda moving the Public Comment section to the beginning of the meeting, seconded by Mrs. Hlas.

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

Motion passed 7-0.

### **Public Comment-Non Agenda Items:**

Mr. Jim Lino, a Norton resident, spoke about Summit County doing our mosquito spraying in the past and that they used to check the swamps on Grove Ave. Mr. Lino stated that he has only seen the MAD out spraying three (3) times this year. Mr. Lino also questioned the status of the situation with the Barberton Health District and the City of Norton. Mr. Lino stated that if we have to travel to Akron for anything with the price of gas now it would cost us nearly \$10.00 to get there.

Ms. Alice Wagner, a Norton resident, spoke regarding the petition to reduce the fire levy in half and stated that this is crazy. Ms Wagner stated that they are hard workers, they deserve every dollar and they should get a raise. Ms. Wagner stated that some are leaving our community to take a better paying job elsewhere. Ms. Wagner stated that she hoped the residents would stick together and go against this 100% because it's crazy.

Mr. Andrew Howell, a Norton resident and President of the Norton part-time Firefighters Union, spoke regarding the fire levy petition (see attached).

Ms. Gayle Brenner, a Norton resident spoke about the fire levy petition, (see attached)

**Committee Work Session General Discussion:**

**PC Res. #11-2008 Rezoning**

Mr. Braman discussed the rezoning from I-1 to B-3 for Fred Martin Motors, which is one of our largest employers in the City. Mr. Braman stated that this is more in line for their activities and makes it more conforming. Mr. Ryland added that this is correct and as one of the largest employers they work very well with the city. Mr. Jones questioned if this would be a first reading next week and Mr. Braman replied yes and that a public hearing would be held at the second reading on September 8, 2008. Mr. Braman moved to place this on Council's next agenda for next week and giving the Clerk the authority to advertise for the public hearing, seconded by Mrs. Hlas.

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

Motion passed 7-0.

**PC Res. #12-2008 Rezoning**

Mr. Braman stated that this is basically the same thing just different lots being rezoned from I-1 to B-3. Mr. Braman stated that the same time frame for the public hearing apply. Mr. Braman added that Fred Martin Motors donates the DARE vehicle to the city each year. Mrs. Hlas questioned why this was prepared as two (2) separate ordinances, and Mr. Ryland indicated that it was because the parcels are separated by the highway adding that one of the parcels is for a used car sale business. Mr. McGlone questioned the difference between an I-1 and B-3. Mr. Ryland replied that I-1 is light industrial and B-3 is more commercial retail types of business. Mr. Jones stated that some communities have higher zonings and the B-1, B-2 and B-3 would come underneath that. Mr. Kostoff stated that these parcels have to be rezoned. Mr. Braman moved to place this on Council's next agenda with the public hearing on September 8, 2008, seconded by Mrs. Hlas.

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

Motion passed 7-0.

**PC Res. # 4-2008 Cleve-Mass. Road Waterline**

Mr. Jones stated that Council and the Administration have talked about this project for quite some time and it is going down to the Middle School. Mr. Ryland concurred that this is going down through Van Hyning Run. Mr. Jones questioned the loop under I-76 and Mr. Ryland stated that there would be one boring under I-76. Mr. Jones clarified that Brentwood is not included in this project and Mr. Ryland concurred adding that the option will exist for us to go on the water main with Brentwood.

Mr. Jones asked if all of the residents contiguous to this have been notified and Mr. Ryland replied not yet because that is what we are doing with this Resolution of Necessity. Mr. Jones moved to place this on Council's next agenda, second by Mr. Braman. Mr. Pelot asked if Greenridge Road would be repaved and Mr. Ryland replied no. Mr. Pelot stated that originally we had discussed possibly taking this waterline all the way down to the corner of St. Rt. 261 and asked if this was still an option? Mr. Ryland stated that it is still an option, it would have to be engineered and not be part of this project but could be done in conjunction with it. Mr. McGlone stated that he thought the reason for this project was because the school was having problems with their water. Mr. Ryland concurred, adding that it's also a major artery running within our city, which affects fire protection. Mrs. Hlas added that the school did spend several thousand dollars last year addressing the water treatment plant. Mr. Ryland indicated that arsenic and magnesium levels were increasing within the wells at the school and they addressed the issue last year.

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

Motion passed 7-0.

#### Assessment Equalization Board Report

Mr. Jones stated that this request is for the Berry, McGowan and Wadsworth Road project. Mr. Ryland stated that the Board has met and made their decision and filed their report with Council. Mr. Pelot clarified that this is before Council to accept the Boards report. Mr. Jones moved to add this to Council's next agenda suspending the second and third readings with emergency language, seconded by Mr. Braman.

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

Motion passed 7-0.

#### Ordinance to Proceed-Berry & McGowan

Mr. Jones stated that we have already discussed this project and asked Mr. Ryland if we need to move quickly with this legislation? Mr. Ryland stated that the quicker we get to the bidding process the better off we would be. Mr. Jones moved to place this on Council's next agenda, suspending the second and third readings, seconded by Mr. Braman.

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

Motion passed 7-0

### Set Assessment Equalization Board Hazelwood & Connect

Mr. Jones clarified that Mr. Rick Maier resides in Ward 2 not Ward 1. Mr. Jones stated that he spoke with Mrs. Richards prior to the meeting and that Mr. Maier, Mr. Bennett and Mr. Lada have agreed to serve and Mr. Adams as an alternate. Mr. Jones stated that he had no problem with anyone wishing to serve and give up his or her time. Mr. McGlone stated that he has no problem with them serving, he just thought that in our Committee discussions we would have been further along with some type a plan for relief for the elderly. Mr. Ryland stated that they did have discussion and we ran into some difficulty with determining the hardship aspect. Mr. Ryland stated that the State does offer relief under the Homestead Exemption Plan. Mr. Kostoff stated that the issue of limiting it to a certain age might not be defensible. We did draft something as requested and as we looked into it further we found the Ohio statues deal with finances as criteria not age, and if challenged it opens up the door. Mr. Kostoff stated that he had not been asked to look into this any further and he was unprepared for this discussion. We could look at it again and Mr. McGlone stated that he thought the City of Akron had something. Mr. Jones moved to add this item to Council's next agenda, seconded by Mr. Braman.

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

Motion passed 7-0.

### Easton Road Property Demolition

Mr. Zita stated that this was brought to our attention earlier by Ms. Kline, the Barberton Health Commissioner. Mr. Zita turned the discussion over to Mr. Kostoff for details. Mr. Kostoff stated that he has prepared the draft of Ord. #73-2008 and suggested Council have three (3) full readings on this. Mr. Kostoff explained the details of the property owners, their passing away, the passing away of the next of kin, etc. Mr. Kostoff indicated that the son never processed the deed and title through Probate Court before he passed away. Mr. Kostoff indicated that since then several other relatives have contacted the city and certified letters have been sent out. Mr. Kostoff stated that this property is a public nuisance and the city has followed proper procedure and gone above and beyond the requirements to notify any interested parties (see attached). Mr. Kostoff suggested having the Fire Chief and Mr. Arters present at a future meeting to provide further details. Mr. Kostoff explained that the ordinance is the city's best protection to the residents to assure that we have taken all necessary steps, that this parcel is a public nuisance, and that we will enforce our zoning codes. Mr. Jones questioned what was the next step for the city to take, and Mr. Kostoff stated that the cost for the demolition would go onto the tax duplicate. Mr. Kostoff indicated that after that you could then ask for legislation asking the Probate Court to turn the property over to the city, and we could sell it and then the city would recover their expenses. Mr. Jones questioned if the neighbors have been notified, and Mr. Ryland replied yes, they are the ones that brought it to out attention and asked the city to step in and do something about this eyesore. Mr. Kostoff added that in addition to the city determining that this property is a nuisance, the Barberton Health Commission has also declared it a nuisance.

Mr. Pelot thanked the Administration for capping the well and pumping out all of the water in the basement. Mr. Zita moved to add this to Council's next agenda for a first reading, seconded by Mrs. Hlas. Mr. Pelot instructed the Clerk to ask the Fire Chief and Mr. Arters to attend the next Work Session to elaborate on this issue.

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

Motion passed 7-0

DARE Resolution

Mr. Mowery stated that every one should be aware of the successful DARE program that our Norton Police Dept. runs at the school. Mr. Mowery stated that every year Council passes a resolution to defray the costs for the officer's salaries and this is vital to continue the program. Mr. Pelot stated that this is a great program and we do get grant money back for this. Mr. Mowery moved to place this on Council's next agenda, seconded by Mr. Jones.

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

Motion passed 7-0.

ODOT Consent Legislation-Summit Road Bridge Fascia

Mr. McGlone stated that this is required to give ODOT the consent to make repairs to the Summit Road bridge that was hit by a truck a few weeks ago. Mr. Ryland indicated that was correct, in addition to that ODOT is considering raising the height of the bridge. Mr. Jones clarified that this is where the truck tried to get under the bridge, and Mr. Ryland replied yes, he tried three (3) times. Mr. McGlone moved to add this to Council's next agenda, waiving second and third readings, with emergency language, seconded by Mr. Jones.

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

Motion passed 7-0.

Unfinished Business:

Mr. Jones commented on the road striping and that he had asked Mr. Ryland about this back on July 14, 2008. Mr. Jones asked if we are doing the roads in general or at intersections? Mr. Ryland stated that we have no plans for long striping at this time. We are not nearly done with the intersections at the schools. Mr. Jones stated that he was concerned with the area of Easton and Wadsworth Roads. Mr. Ryland stated that we are doing the stop lines and would have to check on that area.

**Unfinished Business Concluded:**

Mr. Pelot questioned the status of the Topia project. Mr. Ryland stated that it is probably dead in the water, there are no plans for them moving forward, other than what has already been submitted. They have been instructed to take down the signs and clean up the lot. Mr. Pelot asked if they were given a deadline to clean things up? Mr. Ryland stated that the building is sound and will not be torn down. Mr. Ryland indicated that he had discussions today with the owners regarding cleaning up the property, moving the trucks inside and getting rid of the piles of asphalt. Mr. Ryland stated that there is nothing that we can do about the piles of dirt around the building. Mr. Pelot asked where we are with the 2008 Road Program and Mr. Ryland indicated that we would be opening the bids this Thursday and would be moving quickly once that is done. Mr. Ryland stated that if the bids come in within the range you could see work starting within a week or so. Mr. Jones discussed the high weeds on Heritage Parkway off of Wadsworth Road and Mr. Ryland indicated that he would look into this.

**New Business:**

Mr. Zita discussed the electric and gas aggregation programs and asked where we are with them. Mr. Ryland stated that residents should have already received letters regarding electric rates and that the program remains as is for now. Mr. Ryland stated that he has recently received two (2) quotes on the gas prices, which are very favorable and in fact are less than last year. We still have not made a move yet, we are trying to watch the market before we lock in and he would be comfortable with locking in with what numbers came in last Friday. Mr. Ryland indicated that the estimates for MCF were nearly \$20.00. Mrs. Hlas discussed the MAD finding three (3) pools of West Nile Virus (WNV) on Shellhart, Clark Mill and Inas. Mrs. Hlas stated that the MAD has stepped up spraying in these areas and if any residents have questions they can contact the MAD. Mr. Pelot indicated that he asked Mrs. Richards to contact the MAD to inquire about the area on Shellhart. Mrs. Hlas stated that she contacted them and found out that the locations are: the corner Inas and Sue Lane where the two meet there is a pond back there; on Shellhart where it curves around to the Barberton Brookside Golf Course near the swamp area; and on Clark Mill near the speedway there is swampland area back there. Mrs. Hlas stated that she was told there was an old tire dump back in this area, and there are some tires still back there. Mr. Ryland addressed what Mr. Howell discussed earlier about the EMS call and that he spent several hours on the phone last week answering complaints that it took us 18 minutes to respond to an emergency call. Mr. Ryland stated that is ludicrous and that he has the 911 tape and the timeline if Council would like to hear it. Mr. Ryland stated that in a nutshell we were called at 12:50 PM at 12:51 PM we were dispatched, at 12:53 PM our group was in route and arrived at 12:56 PM and at 1:13 PM the patient was being loaded into the squad and being transported. At 1:27 PM they arrived at Akron General Medical Center, and the entire process taking roughly thirty-seven (37) minutes. The idea of it taking us eighteen (18) minutes for us to get there and still be at Akron General Hospital at 1:27 PM is just a crazy thought process. Mr. Ryland stated that he has the tape if Council chooses to hear it and the timeline if they want to see it. Mr. Pelot stated that he would like to see a copy of the timeline provided to Council and the media.

**New Business continued:**

Mr. Ryland stated that these types of rumors are destructive to the city and to these employees as a group. They are hard working men and women who serve the city. Mr. Ryland stated that he listens to all of the calls that come in and he knows how professional and hard working they are. Mr. Ryland stated that too much time was wasted on a rumor, a lie that was put out there. Mrs. Hlas asked if there is anything we can do about miscommunication being placed on their website? Mr. Ryland stated that you would have to ask Mr. Kostoff about that. Chief Schultz requested that Mr. Ryland play the 911 tape, adding that this has gotten way out of hand, at some point you have to draw the line. This is where he draws the line, he requested that something be done to get this off of their website. Mr. Ryland played the 911 call in its entirety. Mr. Ryland stated that the seventeen (17) minutes on site is the time required to get vitals, a backboard on, a neck brace on. Mr. Ryland noted that they did not speed to the hospital because this was a back-neck injury it was a gentle ride. Mr. Ryland added that we did not send out numerous vehicles as claimed. Mr. Ryland thanked the Norton Fire Department for doing such a great job. Mr. Pelot questioned Mr. Kostoff about the possibility of the city taking any legal action against the website. Mr. Kostoff stated that he did not know, however if the majority of Council directed him to look into it he would do so. Mr. Pelot moved to have Mr. Kostoff look into taking legal action to the website posting false information, seconded by Mr. Zita.

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

Motion passed 7-0.

**Topics for the next Work Session:**

Charter Amendment for legal advertisements, MPO Ordinance, Credit Card agreement. Mr. Braman mentioned moving the Easton Road Demolition and the Nuisance and Property Maintenance Code from the Property Committee to the Planning Committee.

Mr. Pelot acknowledged the loss of a long time Norton resident and Council audience attendee, Mr. John Carris, he will be missed.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:12 PM.

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Scott Pelot, President of Council

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

All 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.