



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, SEPTEMBER 8, 2008**

Roll Call: Ken Braman  
Brenda Hlas  
Tom Jones  
Dennis McGlone  
Bill Mowery  
Scott Pelot-Excused  
Mike Zita

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

The Regular Council Meeting convened on Monday, September 8, 2008 at 7:02 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, Vice President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE:**

Mr. Braman stated that he is having a family reunion today and has asked to be excused as soon as we get through the legislation portion of Ord #73-2008.

Mr. Zita stated that we do have a public hearing this evening starting at 7:15 and will stop wherever we are and pick up after the public hearing.

Mrs. Hlas stated that Res. #68-2008 was left off of the agenda by error and made a motion to add this to the agenda for a second reading, seconded by Mr. Jones.

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

Motion passed 6-0.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of August 25, 2008 were approved as written. Minutes of the Committee Work Session of September 2, 2008; Mr. Jones noted that Mr. Kostoff was excused for this meeting. The minutes were approved as corrected. Minutes of the Special Council Meeting of September 2, 2008; Mr. Jones noted a correction to the last page under adjourn, it should be Special Council Meeting not Regular. The minutes were approved as corrected.

**COMMUNICATION FROM THE PUBLIC:**

Ms. Tiffany Grimaldi, a Norton resident, spoke about the Craig's List website and the negative comments degrading our town. This is horrible and we need to find some kind of resolution and we need to make it work. We need to find some unity and some respect for the citizens because this is causing some flack, we are the laughing stock. This listing goes out world wide for everyone to see, and there are at least 5 or 6 pages of these comments.

Ms. Grimaldi spoke about the letter put out by Chief Schultz and that it was placed illegally in mailboxes and that she called the Postmaster and turned him in for this. There is no reason for this, it should have been done properly. Ms. Grimaldi stated that we need to enforce some type of a littering ordinance.

Mrs. Elaine Tompkins, a Norton resident, spoke about her concerns and questions on financial clarifications, (see attached).

At 7:15 PM Mr. Zita temporarily recessed the Regular Council Meeting to convene the following Public Hearings.

**Ord. #70-2008: An Ordinance To Reclassify The Properties Known As 3175 And 3147 Barber Road, Norton, Ohio- Vacant Lots (Permanent Parcel Numbers 4700310, 4700311, 4700168 And 4700166 From I-1 Light Industrial To B-3 Highway Business District.**

**Ord. #71-2008: An Ordinance To Reclassify Property Known As 3095 Barber Road, Norton, Ohio (Permanent Parcel Number 4603791 And 4603792 From I-1 Light Industrial District To B-3 Highway Business District.**

Mr. Zita asked the Clerk to certify the legal notice for the public hearing. Mrs. Richards certified that the legal ad for the public hearings was published in the Barberton Herald on August 21, 2008 and notices were also mailed to the contiguous property owners on that same date.

Mr. Zita called three times for anyone for or against the said rezoning to come forward, and no one came forward. Mr. Zita closed the public hearing at 7:19 PM to reconvene the Regular Council Meeting back to session.

**Presentation by Mike Meusel, Interim Director of Environmental Health and Ed Wood, Sanitarian on Septic Operations & Maintenance Program.**

Mr. Wood gave a short power point presentation on septic systems, how they work, the different types, how to maintain them properly, etc. Mr. Wood indicated that this October the Barberton Health District would begin inspections of all off-lot discharge systems in Norton for a fee of \$55.00. Mr. Wood indicated that there are approximately 2700 septic systems in Norton and that 1600 of these are off-lot systems. Mr. Wood said that they would begin inspections street by street alphabetically. Mr. Wood explained that in the past some systems had aeration motors and these motors may have quite working or were never replaced when they quit. This issue would be addressed with the inspections. Mr. Wood indicated that this entire process would take up to three years to complete, and the first round is visual inspection for the discharge points. Mr. Wood stated that any failed system is considered a health issue and would become a nuisance complaint. Mr. Jones questioned what happens if we end up hiring another health district? Mr. Wood replied that they would not start until April of 2009. Mr. Jones discussed the payment terms and Mr. Wood stated that if resident fails to make that payment it would eventually go onto the property taxes. Mr. Meusel stated that these details have not been finalized yet. Mr. Jones asked if there are any homes with septic systems in Barberton and Mr. Wood replied, yes, there are about 100. Mr. Jones asked if this is a program targeted at Norton and Mr. Wood replied no, this applies to both communities. Mr. Wood indicated that we are starting with Norton first because we are talking about 1600 systems here.

Mr. Zita asked how do you justify charging the \$55.00 inspection fee? Mr. Wood stated that this is the same fee that Summit County charges for their inspections. Mr. Jones stated that times are tough and some people cannot afford to buy groceries or their medications. Mr. Meusel indicated that this is not easy to implement and that the City Administrator is in support of this O & M (Operations & Maintenance) program. Mr. Jones asked how the residents would be notified prior to the inspection? Mr. Wood stated that they are going alphabetically, street by street. Lets say we are starting with Alberta and we know there are 4 off-lot systems on that street and we go there and inspect them. It's just like a gas meter or electric meter reading, people will not be billed until they are inspected. Mr. Jones asked about identification, city vehicles, etc. and Mr. Wood stated that they do have official ID and they cannot call ahead of time, it defeats the purpose, and it is impossible to schedule ahead of time. Mr. Mowery stated that the city needs some type of policy to help these residents when they have a failed system and are faced with these expenses. Mr. Mowery expressed his concerns about the expenses and the burden to the residents to repair these failed systems; many residents will not meet the criteria for funding. Mr. Mowery asked if a house has a failed system could the house be condemned until they bring it up to standards? Mr. Wood explained that we do work with the residents and we do go beyond our time frames to come to a solution and we will not condemn a residence. There was discussion on the types of replacement systems, the costs involved, and the temporary solutions such as pumping the tanks every ten days, etc. that could be reached. Mr. Wood discussed a program with Community Development Corporation of Summit County that has long term low cost loans. Mrs. Hlas stated that when she first was on Council she helped a resident on Wadsworth Road obtain a grant for a septic system upgrade. This grant went onto her property and she will never have to repay that grant until she transfers her property. Mrs. Hlas stated that there is help through Summit County Dept. of Economic Development if someone is financially strapped. Mrs. Hlas indicated that this is all part of the Phase II Clean Water Act and that all of Summit County is going through this, it affects all communities not just Norton. Mr. Meusel stated that she was correct, and that they were here to try and get Council's support for this, and we do realize that this may be a hardship for the residents. Mrs. Hlas asked for Council and Administration to be notified once a property becomes a nuisance issue. Mr. Wood indicated that for every 5 or 6 systems that he inspects 2 would probably be failed systems and will fall into this category. Mr. Jones discussed the rise in foreclosures and the banks taking over some of these homes, and asked if the banks fix these failed systems prior to sale? Mr. Wood cited an example with a house on Hametown Road that is a bankruptcy and in the hands of the bank. This is an off lot system and the person will have to put in an approved off lot aeration system and will not be able to just replace the motor. Because this parcel will be transferred to a new owner it will have to be a whole new ball of wax here. Mr. Jones asked again if the bank is liable and Mr. Wood stated that we do have situations where the bank actually owns the parcel and we deal with them directly. Mrs. Hlas stated that the banks have to disclose that to whoever is interested in purchasing it. Mr. Mowery stated that real estate inspections usually would declare this issue with all of the other inspections. Mr. Mowery stated that he wants to see Council and Administration work together on some type of a solution for the residents. Mr. Lino stated that this seems a lot like e-check, somebody just trying to make a dollar. Mr. Lino stated that these people are already getting a salary, so why are they charging \$55.00 to inspect? Mr. Lino questioned what happens if you are forced to replace your septic and then the city comes along and puts in a new sewer line, will they have to pay double? Mr. Wood stated that if someone has to put in a new septic system and it cost them \$12,000.00 and 2 years later the city installs a new sewer line; it's has always been the Health Dept.'s stance that they do not have to tie into the sewer until their septic system fails.

Mr. Wood stated that the Health Dept. will not force them to tie in unless their septic system fails. Mr. Lino asked who is doing these inspections? Mr. Wood stated that he would be doing most of them. Mr. Lino asked why then do you need the \$55.00 if you are already getting paid? Mr. Wood replied that this is a whole new program that requires additional manpower and time.

Ms. Grimaldi discussed the foreclosure properties and her experiences with purchasing properties. Ms. Grimaldi stated that if anything failed, you had to pay money out of your pocket to get things inspected because the banks won't tell you anything. They send you the contracts, the codes to get into these houses, one house they went into had huge holes in the foundation. When they asked the agents and the bank about it, they had no idea. They were told that every house that is in foreclosures is marked as "non-disclosure" property. You are really up the creek with out a paddle. Mr. Wood stated that these are really for sale "as is". Mrs. Hlas stated that if the banks know there is something wrong with the home they have to disclose it. Ms. Grimaldi stated that the banks don't know, just like they don't know when homes are meth labs either. Mr. Ryland stated that we do our water quality fall out inspections and when we have a high e-coli count, we report this to the Barberton Health District. Mr. Ryland stated that this is really adding structure to what they are already doing, it is only formalizing the program. Mr. Ryland stated that Oak Street is a prime example, we have failed systems there and the lots are not big enough to do anything with. We are looking at engineering a sewer line project here.

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #-77-2008**

Mrs. Hlas offered Ord #77-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID FOR AND AUTHORIZING AN AGREEMENT FOR THE SALE OF CERTAIN PROPERTY AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. Mowery. Mrs. Hlas stated that we have received a bid and we need to start the process for the sale of this parcel.

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #77-2008, seconded by Mr. Mowery. Mrs. Hlas stated that this is for our old service garage and we have a contract and would like to move forward with the sale. Mr. Jones asked Mr. Ryland if this property has a septic system and Mr. Ryland replied that he was not sure but he believed this was on a sewer line. Mr. Jones asked if we received other bids and Mr. Ryland replied that this was advertised and this was the only bid received.

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

Motion passed 6-0.

**RES #78-2008**

Mrs. Hlas offered Res. #78-2008 for it's first reading and asked the Clerk to read it:

A RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF A CREDIT AGREEMENT.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone. Mrs. Hlas indicated that she discussed this with Mr. Moss and he indicated that he would like to establish this credit agreement.

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Res. #78-2008, seconded by Mr. McGlone. Mr. Jones asked Mr. Moss if there were quite a few credit cards floating around and if this was the reason for this legislation? Mr. Moss stated that we have a number of credit cards secured in the vault in the Finance Department. Mr. Moss stated that national chain stores no longer handle their own credit, and the now use a nationally serviced credit card with their store logo. Mr. Moss explained that he is trying to set up one visa account that would offer us better controls and would address our needs. Mr. Jones asked what the limit would be on this particular card? Moss indicated that we would have a zero limit until a need and a purchase order was issued to support that need. So if someone were to steal a card and to go off and try to use it, they could only use it for that authorized purchase order amount.

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

Motion passed 5-1.

**RES #79-2008**

Mrs. Hlas offered Res. #79-2008 for it's first reading, and asked the Clerk to read it:

A RESOLUTION IN SUPPORT OF THE ANNUAL CIDER FESTIVAL.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Res. #79-2008, seconded by Mr. McGlone. Mrs. Hlas stated that this is an annual community event, the city supports it, however it does not finance it. This year the city has set aside \$12,000.00 for the fireworks display, we signed a contract for \$10,000.00 for fireworks. It has been moved to Columbia Woods Park this year, and as always the city provides Police, Fire and Service Dept. employees. Mr. Zita asked where the fireworks are being set off from, and Mr. Ryland replied from the back baseball field.

Mr. Ryland stated that the Lyons Club is still heavily involved in this and they would be selling cider as always. Mr. Jones asked if the Boy Scouts would still have their pancake breakfast, and Mr. Ryland replied yes, it would be held at the Norton Primary School. Mr. Jones asked how much total money along with the fireworks is the city spending? Mrs. Hlas stated that we just passed an ordinance for \$12,000.00 into the Special Events Fund and we signed a contract for \$10,000.00. Mrs. Hlas stated that she believed that Mr. Jones voted yes for that legislation, Mr. Jones disagreed. Mr. Jones asked who does the fireworks, and Mr. Ryland replied Garden City Fireworks out of New Jersey. Mr. Jones stated that he could not support this for \$12,000.00. Mr. Zita stated that the issue at hand is to support the Cider Festival and Mr. Jones stated that he supports the Cider Festival, but he does not support Resolution #79-2008 so it's no.

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

Motion passed 5-1.

**ORD #80-2008**

Mrs. Hlas offered Ord. #80-2008 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE TRANSFERS OF INTEREST FOR FISCAL YEAR 2007, APPROPRIATING SAID FUNDS IN THE 2008 BUDGET, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord #80-2008, seconded by Mr. McGlone. Mr. Jones asked if this is interest money from certain accounts that you want to move because the Auditors indicated that we need to do this? Mr. Moss concurred stating that we do earn interest and we support certain funds with interest money because of the types funds having permissive taxes.

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

Motion passed 6-0.

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD #68-2008**

Mr. Jones offered Ord. #68-2008 for it's second reading, and asked the Clerk to read it:

AN ORDINANCE APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATING TO THE CONSTRUCTION OF WATER MAINS, HYDRANTS AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY

APPURTENANCES THERETO, COMPRISING THE PROJECT KNOWN AS HAZELWOOD & CONNECT ROAD WATERLINES, AND DECLARING AN EMERGENCY.

Second reading only.

**RES #69-2008**

Mr. Mowery offered Res. #69-2008 for it's second reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR GRANTS FOR THE NORTON POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SALARIES OF CERTIFIED DARE OFFICERS, TEACHING OR PLANNING TO TEACH THE APPROVED DARE CURRICULUM IN LOCAL SCHOOLS AND DECLARING AN EMERGENCY.

Second reading only.

**ORD #70-2008**

Mr. Braman, offered Ord. #70-2008 for it's second reading, and asked the Clerk to read it:

AN ORDINANCE TO RECLASSIFY THE PROPERTIES KNOWN AS 3175 AND 3147 BARBER ROAD, NORTON, OHIO- VACANT LOTS (PERMANENT PARCEL NUMBERS 4700310, 4700311, 4700168 AND 4700166) FROM I-1 LIGHT INDUSTRIAL TO B-3 HIGHWAY BUSINESS DISTRICT.

Second reading only.

**ORD #71-2008**

Mr. Braman offered Ord. #71-2008 for it's second reading and asked the Clerk to read it:

AN ORDINANCE TO RECLASSIFY PROPERTY KNOWN AS 3095 BARBER ROAD, NORTON, OHIO (PERMANENT PARCEL NUMBER 4603791 AND 4603792 FROM I-1 LIGHT INDUSTRIAL DISTRICT TO B-3 HIGHWAY BUSINESS DISTRICT.

Second reading only

**RES #72-2008**

Mr. Jones offered Res. #72-2008 for it's second reading, and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CLEVELAND-MASSILLON ROAD, GREENRIDGE ROAD, DURHAM ROAD, DRIFTWOOD ROAD AND CERTAIN OTHER PARCELS BY CONSTRUCTING AND INSTALLING WATER LINES, TOGETHER WITH NECESSARY APPURTENANCES THERETO COMPRISING THE CLEVELAND-MASSILLON ROAD WATER IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

Second reading only.

**ORD #73-2008**

Mr. Braman offered Ord. #73-2008 for it's second reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE DEMOLITION OF THE UNSAFE STRUCTURES AT 3829 EASTON ROAD, NORTON, OHIO AND DECLARING AN EMERGENCY.

Second reading only.

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

Mayor Koontz announced the hiring of an Interim Planning Director-Jim Oberdorfer to fill the vacancy in the office since Mr. Pritchard left. Mr. Oberdorfer retired earlier this spring from Summit County Department of Planning and has started his employment with the city last week. Mayor Koontz stated that Mr. Oberdorfer would be in the office all day on Mondays and Tuesdays. Mayor Koontz stated that this would help us keep up with the workload, refine some of our ideas and help us to recruit a new Planning Director. Mayor Koontz stated that the city has turned in over \$30,000.00 worth of assessments to the tax division of Summit County for mowing fees to be reimbursed to the city.

Mr. Ryland thanked the Barberton Health District for their presentation on septic systems.

Mr. Moss stated that the new heavy rescue vehicle has been received by the Fire Dept. The new gazebo is in the process of construction at Columbia Woods Park with the concrete curbing. Mr. Moss stated that he would have some budget issues for discussion at the next Committee Work Session such as salt, payroll for storm damage cleanup. The Fire Dept. already this year has exceed all of the activity that it had for all of last year by about 15% and last year was a record year. That has increased vehicle expenses, fuel expenses, payroll, etc. Mr. Moss stated that when we have cost overruns we try and find places to cut back on expenses and we are finding that difficult this year and this needs to come before Council.

**UNFINISHED BUSINESS:**

Mr. Jones asked Mr. Moss about the road program and that we added approximately \$160,000.00 for this year, and Mr. Moss concurred. Mr. Jones stated that we passed Ord #47-2008 on May 12, 2008 for \$274,000.00 and now we have added close to \$160,000.00 for a total of about \$433,000.00. Mr. Jones asked if we are going finish those roads with that kind of money this year? Mr. Moss replied no, not really because we have pushed Clark Mill to early spring of 2009 and that part of that is seasonal and budgetary. Mr. Moss stated that as a possibility to keep our costs down we are looking to cut 2 roads out (Durham and Cynwood) so that includes 3 roads that will not be done this year. Mr. Jones asked what construction company is doing the roads and if other bids were submitted? Mr. Ryland replied that Lytle Construction is doing our roads and no other bids were submitted. Mr. Jones questioned the house on Clubside that caught on fire, and the article in the Barberton Herald, which stated the Police was investigating this. Mr. Ryland indicated that this has been turned over to the State Fire Marshall for investigations. Mr. Jones stated that the article in the paper stated that this was a suspicious fire and a 3 page letter written in block letters was turned into the Norton Police Dept. for investigation. Mr. Ryland indicated that it is really the State Fire Marshall's job to investigate the true cause. Mr. Jones asked to be kept apprised of this because it is in his ward.

Mr. Jones discussed speed bumps on St. Rt. 261 and Mr. Ryland stated that he had already addressed the cost of that with Council in a previous email. Mr. Ryland stated that unless Council wants to take action to appropriate money he would not take any action. Mr. Jones discussed the ramps being ground off and nothing has been done so far.

**NEW BUSINESS:**

Mr. Jones stated that it has been 4 months since Chief Carris has retired and asked Mayor Koontz where we are with this? Mayor Koontz indicated that Lt. Hete is still the acting Interim Chief. Mr. Jones asked if he was being paid the Chief's wages or the Lt. wages? Mr. Ryland indicated that he is being paid the Lt. wages. Mr. Jones asked about the hourly rate for the new Interim Planning Director? Mayor Koontz replied it is \$50.00 per hour with no benefits. Mr. Jones reminded everyone that Thursday is 911 and we should lower our flags down to half-staff in remembrance. Mayor Koontz indicated that he has a proclamation on that subject to read under the Public Service Announcements.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Koontz made several announcements, (see attached)

Mr. Jones addressed Mr. Wood and Mr. Meusel and asked them to help the community and the Administration and get the city some grant money to put in some sewer lines and help the people out one way or another.

Mr. Jones stated that for the record, he did not vote in favor Ord #76-2008, he voted no.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:37 PM.

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Mike Zita, Vice 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 September 22, 2008.

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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. 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.