



NORTON CITY COUNCIL  
SPECIAL COUNCIL MEETING  
THURSDAY, JULY 11, 2019

The Special Council Meeting was convened on Thursday, July 11, 2019 at 7:00 PM in the Council Chambers of the Safety Administration Building. The meeting was called to order by Joe Kernan, President of Council, followed by the Pledge of Allegiance and a moment of silent reflection.

Roll Call:	Jack Gainer	Also Present:
	Dennis McGlone	Mayor Zita
	Dan Karant	Ron Messner
	Paul Tousley	Justin Markey
	Charlotte Whipkey	Robert Fowler
	Scott Pelot	Kerry Macomber
	Joe Kernan	

**NEW BUSINESS – Executive Session:** Mr. Kernan announced the reason for Executive Session was to consider the purchase, transfer or sale of property for public purposes as defined in ORC § 121.22(G)(2) and Section 3.12(2) of the Norton City Charter and moved to enter into an Executive Session; seconded by Ms. Whipkey.

Roll Call: Yes: Kernan, Whipkey, Gainer, McGlone, Karant, Tousley, Pelot  
No: None

Motion passed unanimously.

Mr. Kernan reminded the audience that while Council is in Executive Session, the audio and video is recording live and uninterrupted. If you do not want your conversations recorded, please exit the Council Chambers. He invited Mayor Zita and Messrs. Fowler, Messner, and Markey to join Council

Mr. Kernan reconvened the Special Council Meeting at 7:28 PM.

**COMMITTEE OF THE WHOLE**

Real Estate – Ms. Whipkey reported that she will move to add Ord No. 090-2019 to tonight’s agenda, waiving second and third readings. This is to sell property for a total of 34.8 acres to Clinton Aluminum Distribution for \$469,800, which includes CRA tax abatement. This is not written in stone; it is not concrete. Either side, at this point, could back out. This is not saying this is a done deal. Any of the dollars from the sale of any of the acreage, will be put towards the bond. That is the first thing on our agenda – to pay off that bond. We won’t see any money until the deal is finalized. The final decision will most likely not be done until next year.

Mr. Tousley stated that this was brought before Council on a Special Meeting on a Thursday night and on behalf of his residents, he moved to suspend Rules of Council to allow them to speak their concerns; seconded by Mr. Karant.

Ms. Whipkey stated that as much as she believes in the public speaking, she has seen things that went out of hand at the Planning Commission and some of the things that were said. This is a delicate situation and she would not like to see this put at risk by allowing public speaking tonight. Mr. Pelot reminded people that this is just to enter into an agreement for the sale of the property; nothing more. Mr. Karant agrees Ms. Whipkey about the sensitivity of this and the integrity of the group up here needs to be supported. But he believes that we need to be supportive of the residents, their wellbeing and their properties. We don't need to divulge any secretive information and it does not hurt to let them speak. Mr. Markey said he speaks for the Administration, he appreciates, probably at his behest on the sensitivity of the situation and they are always in support of public comment and doesn't believe it will cause a problem. We may not have a lot of answers to any questions, but doesn't think it will be a problem. Mr. Kernan stated he felt people knew how he stands on public comment and even though it is not part of a Special Council Meeting, he did feel he could not just add it. Now, there is a motion to allow public comment and it's been seconded. He stated he does not see any harm in letting the residents speak; this is their forum.

Roll Call: Yes: Tousley, Karant, Gainer, McGlone, Pelot, Kernan  
No: Whipkey

Motion passed: 6-1

Mr. Kernan stated the public will be allowed to comment. First, he stated, will be to move them into new legislation and before we do Introduction of Legislation, we will do Public Comment, under the same rules limited to five minutes.

Ms. Whipkey moved to add Ord. No. 090-2019 to tonight's agenda for a first reading; seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Gainer, McGlone, Karant, Tousley, Kernan  
No: None

Motion passed unanimously.

Amend Zoning Code Section 1287.04 – Mr. Gainer moved to add Ord. No. 091-2019 to tonight's agenda; seconded by Mr. Karant. Ms. Whipkey said this is amending the current legislation in order to make sure Council has approval of all site plans, including the Planning Commission. Mr. Markey said this is for the Mixed Use District (MUD), which was read for the fourth time on Monday. We said we would not move it forward to rezone the Golf Course property. This allows for the same process that is being used in the C-1 District, where all site plans go to Planning Commission and Council for approval to allow more control.

Roll Call: Yes: Gainer, Karant, McGlone, Tousley, Whipkey, Pelot, Kernan  
No: None

Motion passed unanimously.

### **COMMUNICATIONS FROM THE PUBLIC**

Ms. Vanderveen - 3004 Union Street, We have a lot of discussions about this property starting on March 12 and you have given a lot of insight and good advice. What I took away was that when it came time to do what you want to do tonight, the important factor was the deed restrictions. Ms. Vanderveen stated for the record, that we are no way opposed to prosperity

coming to Norton. What we don't want is someone 25 to 100 feet behind our property line. Clinton Aluminum runs 24 hours a day. They have semis, forklifts, trucks, lights, and lots of beeping. Nobody should have to live with that in their backyard. I realize there is not a ton of residents that surround the perimeter of the square (Eastern, Fairland, Union, Cleveland-Massillon). It's just a small group of us but these are our homes, this is where we live, and this is the right thing to do. Ms. Vanderveen reported five weeks ago, Mr. Kazy submitted an amendment to the I1 District Code law with the only change being the footage and nobody has addressed it; it is literally word for word outside of the footage. She appreciates that Mr. Markey has to review it, but stated she feels it is deliberately not being addressed and now you are entering into an agreement to sell the property. She said she just want to know that Council is doing what it said it would do about the deed restrictions. She said that the Ordinance posted on the website has no information as to where on the property it is. However, the Council President did respond to an email that she sent and she has had conversations with Mr. Fowler and learned that it is on the corner of Eastern and Fairland to be developed first because it has the water there. Her question is that if they are entering into an agreement to sell 34 acres to Clinton Aluminum, what are they putting in place to protect those that live around this piece of property. You had your Council Meeting on Monday and then you were supposed to go on break. But 24 hours ago, you posted that you are having a Special Meeting. Most people did not pay attention to that and there are very few people here tonight to speak against it. She said that she is not the only one in the square that is upset about it and they want to know if they are going to have boundary setbacks, mounds, shrubbery, so they don't have to deal with lights, noise, dirt, dust. What are the deed restrictions? Ms. Vanderveen thanked Mr. Tousley for making the motion to allow her to speak. She reiterated that she is not trying to mess up the deal and that she just wants to be sure Council is going to do what it said it would do.

Ms. Whipkey responded that in case we did not make it clear, this is not a done deal. This just allows us to keep moving forward. As Mr. Tousley stated, we are still looking out for your interests as well. Ms. Vanderveen interjected that is not what the Ordinance said and that the Ordinance gives Administration the authority to enter into a sales agreement without telling them what is in the sales agreement, what the deed restrictions are, or what is being put in place to protect the residents. Ms. Whipkey explained that when this comes back to Council and they say they want to accept it, then those things will be addressed. Ms. Vanderveen requested clarification for the record that this ordinance tonight is just to give Mr. Fowler, Mr. Zita, and Mr. Markey the authority to see if they can come to a sales agreement and if one is reached before anything is signed, that has to come back before Council to be approved. Ms. Whipkey asked Mr. Markey if she was getting this wrong.

Mr. Markey clarified that the Purchase and Sales Agreement is an agreement on terms to sell property, you're right, and the Council Ordinance gives the authority to actually sell the property. What he believes Ms. Whipkey is trying to say is when the property is developed, as opposed to just buying the property, those actions to develop the property go before the Planning Commission and back to Council. There is also a CRA that will come back before Council. Ms. Vanderveen interjected saying those are site plans and that is not what she is talking about tonight.

Ms. Vanderveen said that Council has told her time and time again, that the deed restrictions have to be a part of the sales agreement and she is asking if they are. Mr. Markey declined to

comment. Mr. Kernan stated there are no deeds pending and Mr. Markey concurred. Ms. Vanderveen said Council is allowing Administration to sell the property to Clinton Aluminum without deed restrictions and once they own the property; there is nothing that Council can do because they are the owners. Mr. Pelot explained that the site plans will still need to go through everything and they can require things like the mounding. Mr. Pelot acknowledged that Council is very aware of their situation. Ms. Vanderveen said what if they buy the property and don't agree with those things. What if they put forth the site plan and don't like the mound, shrubbery, or concrete. She stated, now, she is mad because they have had a lot of discussions on this and what she took away was that the deed restrictions needed to be in the sale of the land. She stated emphatically that was exactly what was said and encouraged Council to review tapes from prior meetings. Mr. Kernan said that legally, that is one way you can do it but you can also do it through the site plan process. There are other ways to do it. Mr. Markey said agreements, site plans, and other ways. Ms. Vanderveen said it is very disheartening because she has been told one thing and now being told another. She is hearing Ms. Whipkey state is not a done deal and it is such BS. She stated that she absolutely, 100 percent believes and maybe not you Council members that this has been in the works with Clinton Aluminum for some time and this was the intent and that is why this is moving along. She said she is frustrated because the amendment to the I-1 Industry was simply to change the footage to protect residents. It was a reasonable request and Council has done nothing with what was put forth. The code still says 25 – 100 feet and she is very disappointed in all of Council for not addressing that.

Ms. Whipkey said she would address it. Ms. Whipkey said that proposed ordinance would have been put forth over all Industrial Zoning in the City. Some of the businesses don't have the capability of being 200 feet away from a residential and then they would have to come forward for a variance. We are not required to take in and look at something that a citizen suggested. Ms. Vanderveen interjected stating that Council has the responsibility to respond with a reason as to why they are not considering it and that has not been said. Ms. Whipkey said it has now.

Michael Stack - 3004 Union Street. Ms. Stack thanked Council for allowing him to speak. It was said that the deed agreement would be put on because I1 could not be changed throughout the district. So, the best way to do it would be to put a deed restriction on that property. But again, I was here; that was residential. You brought this to me. You have to protect me and the other residents around there. I did not come into an Industrial area and ask them to tear down a building. He has put a lot of money, time, blood, sweat and tears into the property. He built his house and I cannot imagine a business running 24/7 25 feet from your boundary line. What hours of operation are you going to allow them to run? What am I going to see, hear and taste? There are no deed restrictions, setbacks or limited times of operation. Imagine trying to be on the back deck and trying to enjoy time with your family and all you hear are back up alarms from trucks and stamping machines. Please – deed restrictions.

Bill Mowery - 2106 Warren Avenue. I live in a light industrial and I live in a non-conforming use. I have numerous businesses around me that are good and taking care of their properties and I have no problems whatsoever. Norton needs to move forward and is aware it is a hardship for some people. We allowed CRS to purchase the property and they did everything we asked them to do with the shrubbery, etc. and they did everything for the community. ABC Plumbing did the same - they have been good as far as he is aware and he had a lot of

questions when they first came. Mr. Mowery said he takes offense at anyone that says anything against our Council right now; the Council is doing a great job and commended Mayor Zita. He has always been out there and everyone speaks highly of what he has done for the City of Norton and how Norton is moving forward. Mr. Mowery stated he hoped everyone got re-elected to their seats.

## **INTRODUCTION OF NEW LEGISLATION**

### **Ord. No. 090-2019**

Ms. Whipkey introduced Ord. No. 090-2019 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A REAL ESTATE PURCHASE AND SALE AGREEMENT; AND DECLARING AN EMERGENCY.

Ms. Whipkey moved to waive second and third readings; seconded by Mr. Pelot. Mr. Tousley said he would not do business like this in his personal life this quickly. He does not feel right moving this forward without it being aired to the public. He is not against bringing the company in, but they should understand we are a municipality and we have rules.

Roll Call: Yes: Whipkey, Pelot, Gainer, McGlone, Karant, Kernan  
No: Tousley

Motion passed 6-1.

Ms. Whipkey moved to adopt Ord. No. 090-2019; seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Gainer, McGlone, Karant, Kernan  
No: Tousley

Motion passed 6-1.

### **Ord. No. 091-2019**

Mr. Gainer introduced Ord. No. 091-2019 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO INITIATE AN AMENDMENT IN THE ZONING CODE OF THE CITY BY AMENDING SECTION 1287.04.

Mr. Gainer moved to waive second and third readings; seconded by Ms. Whipkey. Mr. Tousley said for the same reasons on the first one. What is the hurry? Mr. Kernan said we want this to go to the Planning Commission and come back up so that we can vote on this plus the MUD rezoning at the same time so we have the authority to approve or not approve the final site plans. Mr. Tousley asked that the Exhibit A be read. Mr. Gainer said that the public has requested this so that we have the ability to make decisions. Mr. Kernan read Exhibit A and explained that these were the same requirements as the C-1 so that all site plans need both the Planning Commission and the Council approval. Mr. Markey said there are more requirements in this proposal for site plan approval, which makes it more robust than our current code.

Roll Call: Yes: Gainer, Whipkey, Pelot, McGlone, Karant, Tousley, Kernan  
No: None

Motion passed unanimously.

Mr. Gainer moved to adopt Ord. No. 090-2019; seconded by Mr. Karant.

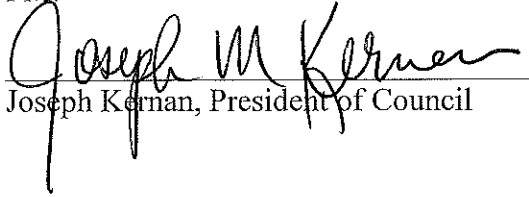
Roll Call: Yes: Gainer, Karant, McGlone, Tousley, Whipkey, Pelot, Kernan  
No: None

Motion passed unanimously.

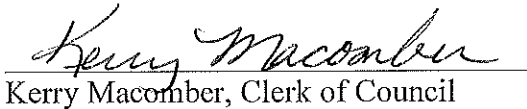
## INTRODUCTION OF PRIOR LEGISLATION

### ADJOURN

There being no further business to come before Council, the meeting was adjourned at 7:55 PM.

  
Joseph Kernan, President of Council

I, Kerry Macomber, Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on August 26, 2019.

  
Kerry Macomber, Clerk of Council

***\*\*Note: These minutes are not verbatim-  
Original signed and approved minutes are on file  
with the Clerk of Council\*\****

All Council & Committee Meetings will be held at the Norton Safety Administration Building unless otherwise noted.

**SIGN IN SHEET**  
**COUNCIL MEETING AND COMMITTEE WORK SESSION**

The following individuals were present and spoke at the Regular Council Meeting or the Committee Work Session held on July 11, 2019.

**PLEASE PRINT YOUR NAME CLEARLY:**  
**PLEASE ADDRESS COUNCIL AS A WHOLE, NOT INDIVIDUALLY**

(PLEASE NOTE: P.O. BOX ADDRESSES ARE NOT PERMITTED)

NAME	COMPLETE ADDRESS	WARD LOCATION	PHONE
Susan Welch	3108 MONTERAY DRIVE	1	330-825-8926
Deb Pfeiffer	3764 Golf Course Drive	3	330-825-5989
John R. Pfeiffer	3764 GOLF COURSE DRIVE	3	330-825-5989
JOHN T. LOMBARDI	3660 GOLF COURSE DRIVE	3	330-606-5461
Tanya Vanderveen	3004 Union St.	4	330-701-6000
Nancy Shamard	3846 Golf Course Drive	3	
William Price	3906 Shelhart (Did not sign in - arrived later)		

Approved by Council 02/02/09

July 8, 2019

Susan Welch

3108 Monterey Drive

Norton, Ohio 44203

Citizens of Norton, Mr. Mayor, Members of Council, and  
Administrators,

Wow! I am so proud of all the progress our city has made in so many ways. While every day we are faced with construction and detours, the city continues to look better and better. Thank you for all your hard work to make these changes happen.

As with any large project, pieces or parts do not always fit together. One example of this is the utility base on the corner of Cleveland-Massillon Road and Greenwich. This utility box/poles were installed in front of the beautiful sign that welcomes everyone to Norton. As a result of the location of this utility box/poles, the sign cannot be read in multiple locations.

I am sure you are aware of this problem and are looking at solutions to this issue. I think you would agree that this sign is important to the image of our city. I hope you would agree that from a beautification point of view, moving the utility box/poles away from the sign would have a better aesthetic look rather than just lowering the utility box/poles.



So today, I ask that council take the necessary steps and actions to correct this problem. Obviously, there is the option to lower this asset, but relocating this utility box/poles to an area that would have a positive impact on the whole corner would be the best course of action – for example putting the utility box behind the sign hidden. In addition, could the council review the impact of anything else being added to the corner.

Thank you again for all your dedication to making Norton a wonderful place to live and work.