



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 9, 2012**

Roll Call: Charlotte Whipkey-Excused
Dennis McGlone
Scott Pelot
Bill Mowery
John Conklin
Todd Bergstrom
Don Nicolard

Also Present:
Mayor Mike Zita
Rick Ryland
Laura Starosta
Pete Kostoff-Excused
Justin Markey-LPA Roetzel & Address
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Tuesday, October 9, 2012 at 7:01 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Don Nicolard, President of Council, followed by the Pledge of Allegiance and a moment of silent reflection.

COMMUNICATIONS FROM THE PUBLIC

Paul Tousley, 4536 Garrett Drive, Norton, Ohio, questioned the J & J Refuse dumpster uses and why the High School does not have to comply with restrictions? Mr. Nicolard stated that commercial and multi-family residential units do not have to comply with this requirement due to State law. Mr. Tousley commented about the recent church fire and that the Fire Chief and Mayor and others created a political black eye for the City with their comments on the scene about the levy. Mr. Tousley stated that for the record he is neither for or against levy. Twice before the people have turned it down, and now it has been broadcasted over most media notices and the statements are that Norton residents are idiots. He does not believe that and hoped you do not believe it either. Mr. Tousley quoted one article on Ohio.com *“That huge new fire station is still looking good though! Better to spend all that money on a big flashy fire station then to spend it on providing infrastructure to support/protect the community. Just like always; spend the big bucks on the flashy new stuff then layoff employees, make major cut-backs, and claim the system is broke and taxes need to be increased because of a lack of funds. Sounds to me like heads need to roll in Norton and first to go should be the ones that spent all that money on fire station that is uninhabited. Good job you idiots!”* Mr. Tousley said that attacking the voters for how they voted in the past does not do anyone any good. Cheering on the levy at the scene only makes residents come to their own conclusions. Mr. Tousley suggested you think about what you are saying before you say it. Mr. Tousely stated his prayers are going out to the Church congregation.

Ms. Karen Harley, 3432 Harper Avenue, Norton, Ohio, discussed Wednesday’s October 3, 2012 Akron Beacon Journal article about Akron receiving \$150,000.00 on Community Development Block Grant Funding for failing septic systems. Ms. Harley asked did we apply for that? Mrs. Harley quoted the article stating: *“The county received requests for \$1.3 million. The money must be spent on efforts outside of Akron, Barberton and Cuyahoga Falls,*

which get their own Community Development Block Grant funding. \$150,000 for the county Community and Economic Development Department to replace failing septic systems and wells for low- and moderate-income households. Mrs. Harley stated that she is still trying to find out about what grants we did apply for, how many and to whom did we apply to. Mrs. Harley stated that if Mrs. Slaby pulled her grant offer because she was “run out of here” then if she is that sensitive maybe she should not be in office. Ms. Harley stated we would like to have at least some detail to know that you at least applied for something because she does not see that Norton has applied for anything. Mrs. Harley stated that if that is the case it really shows the people that you really don’t care and that bothers a lot of people.

Mrs. Patricia Reese, 4052 Wadsworth Road, Norton, Ohio, discussed that same article and it is important to realize that it states “to fix and replace failing septic systems”. Mrs. Reese stated that you need to look into this and direct the residents on how to go about this. This would be a big help and that would get the EPA off of our backs. Ms. Reese read the “False Hopes” in our Opinion from today’s Beacon Journal, (see attached). Mrs. Reese discussed the article’s reference of an option of a regional approach. Ms. Reese stated she asked why the dispatch center is not in operation, and why the Fire Station is not properly staffed, and why we have not looked into a regional approach? Mrs. Reese stated she is tired of voting for tax increases when there are other options.

Gene Ellis, 3223 Trotter Road, Norton, Ohio, spoke relating to the rezoning legislation on Cleveland-Massillon Road. This building has been here for twenty (20) some years as a wood shop and other uses. This past operation has been a real eyesore; grass barely got cut more than twice a year. Today building is empty, looks good and the grass is now mowed. Building is now up for sale and the question is what will it be zoned for R1 or B3 and we hope it is not a B3. It had been rumored there is potential use for a used car lot or a garage and he would prefer neither. These residents have put up with a lot of noise and the eyesore for the last 20 years.

Jeff Evans, 2047 Wadsworth Road, Norton, Ohio, stated it’s like here we go again with you people. Mr. Evans discussed Mr. Conklin’s idea to run sewers elsewhere, and questioned why Mr. Conklin doesn’t run it down his own street? Mr. Evans questioned the real numbers, the assessment costs, tie in costs. Why is he being asked to pay for something he already has? Mrs. Evans questioned why she has to have flood insurance again for no reason, which initially doubled their homeowners insurance. How did we all of the sudden get into a flood zone? Last he checked politicians are here to represent the constituents, not the city. There are a lot things in this city you want things that the residents don’t want and you don’t listen.

Danny Grether, 2831 Brookfield Drive, Norton, Ohio, stated he agrees with most of the public comments and their concerns with your obligations to listen to the residents. Mr. Grether discussed the recent fire and that he found the comments disgusting about allegations relating to this Council and Mayor. Mr. Grether stated that he was glad it wasn’t his wife and daughter trapped upstairs trying to call for help and getting a recording that said “I’m sorry we’re closed, please try your call in the morning”. Mr. Grether stated there is an obligation for a City to provide fire safety and EMS to the residents, and that may be at the cost of a levy. Mr. Grether stated that the value of his family is important to him.

Mr. Grether discussed the repeated reference to the so-called Taj Mahal and that when this levy was passed in 2007 the economy was booming. Who knew we would be facing the worst recession we would ever know. Who knew that the 1998 and 1995 funding would not cover today's expenses. Mr. Grether stated he supports this levy and that every black eye comment in the Beacon Journal just makes our home values go down. Mr. Grether discussed the extra costs and his family's safety is well worth this. Councils decision is not to decide on whether the citizens can afford this increase or not, that is not your call to make, that decision should be up to the voters. Mr. Grether stated that your job is to present and support legislation that provides for our safety, welfare, health, and protects our home values. Mr. Grether stated that if any of Council cannot support this Resolution of Support tonight you should submit your resignation to Mr. Nicolard.

Allen Morrison, 3212 Trotter Road, Norton, Ohio, spoke about the rezoning on Cleveland-Massillon Road. Mr. Morrison stated that he is concerned with eroding property values, and none of the residents have benefited from the prior use of the previous business. Mr. Morrison stated the residents have valid concerns as to the future use of this property.

Mr. Richard Gardner, 4556 Roop Avenue, Norton, Ohio stated that he has supports the EMS because he needed them in the middle of the night. He wants this passed even it costs him more money. Mr. Gardner discussed the road repairs along Garrett and Bliss and that they should have come over one more road and fixed the hole at Mr. Krosnick's driveway by his mailbox before he falls into that hole. If Mr. Krosnick were to fall and get hurt he probably will sue the City. Mr. Gardner asked if the sewer lines ever come in do we have the right get our own contractor or do we have to use who you tell us to use. Mr. Ryland responded that your contractor must be registered with the City of Norton annually and must be licensed by the State of Ohio.

COMMITTEE OF THE WHOLE:

Consideration of Resolutions of Support For Fire & EMS, School Levies.

Mr. Nicolard stated that as Council President, he has taken the liberty to place these two Resolutions of Support on the agenda tonight for discussion. Mr. Bergstrom moved, seconded by Mr. Pelot seconded to officially place these on the tonight's agenda.

Roll Call: Yeas: Bergstrom, Pelot, McGlone, Mowery, Conklin, Nicolard
Nays: None

Motion passed 6-0

CONSIDERATION OF MINUTES

Minutes of the Committee Work Session of September 24, 2012, approved as submitted
Minutes of the Regular Council Meeting of September 24, 2012, approved as submitted
Minutes of the Committee Work Session of October 1, 2012, approved as submitted

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita stated he does not make a habit to discuss articles in newspapers, especially those articles not signed by the author. Mayor Zita stated he would be willing to bet that who ever wrote that article was not on the scene of the fire that night.

Mayor Zita stated back in the 1980's when he was on the Fire Department he was a paid volunteer. Mayor Zita stated that on the evening of the church fire, he spoke to no one about supporting the fire levy or EMS levies. There was a camera crew on scene at that fire, however and when asked to comment he declined. Mayor Zita stated he helped where he could until the Fire Dept. employees arrived. Mayor Zita stated that again, half -facts get published in the papers. Mayor Zita referenced that "False Hope" editorial and the fact that last fall it was clearly stated in public meetings that if the levy did not pass in March, we would have to close the station after 10:00 PM. Mayor Zita discussed the earlier comment that we wanted a new station and then all of the sudden the roof fell in. Mayor Zita stated it was about three years to begin the process of designing and building a new station and when the roof fell in we just had to move much sooner than planned. Mayor Zita noted that while we were out fighting this fire, about 30-40 Support the Fire and EMS signs were stolen and a Police Report has been filed to this fact. Mr. Nicolard stated this Beacon Journal Article mentioned creating a fire district and he has talked with Mr. Ryland and Mr. Kostoff at length about this and it would require a full vote of the people to approve such a levy. Mr. Nicolard stated that although the amount of the total millage might be less, it still would have to be approved by the voters. Mr. Ryland discussed the number of grants we did apply for; listing OPWC Stimulus Grant, AMATS, Homeland Security, Federal Funding for Highways, just to name a few. In Addition the Community Development Block Grants requires a certain median income level, which we are too far above that level. Mr. Ryland repeated his statement from the July 2, 2012 meeting that individuals can apply for the Community Development Block Grant, not the City as a whole. Mr. Ryland assured Mrs. Harley that grant applications are being filed for all the time either by City officials or other entities on our behalf. Mr. Ryland stated that he suggested she come into his office and he would be happy to go over all of them with her. Mr. Ryland noted that a few years ago we applied for and received \$100,000.00 from Homeland Security to address some security issues. Mr. Ryland replied to Mrs. Reese's concerns about the joint dispatch center and that it has in fact been in operation since 2009 in Copley and will be moving to our location at the new Fire Station in 2013, and we did this with additional grant funding. Mr. Ryland stated that Mr. Gardner's concerns about the road are absolutely right, and that he could show the orders for this work to be completed is on the large white board at the Service Garage. Mr. Ryland discussed Mr. Tousley's comments about the church and in support of the Mayor he was standing there beside him when the camera crews approached and Mayor Zita did refer them to the Fire Chief for his comments. Mr. Ryland discussed the fire situation and the comments that may have been made that night; it was a stressful evening and a very late night. Mr. Nelson, questioned who approved the non-union electrical permit for the church that burned down? Mr. Ryland stated this is a pending investigation and we are not at liberty to discuss this. Mr. Ryland stated that we had one indigent burial this week, which we paid around \$900.00 for. Mr. Ryland stated that we are looking at renting crack sealing equipment. Mr. Ryland stated that we are about to lock in the natural gas aggregation pricing around \$4.70 per MCF. Mr. Ryland stated that we also responded to a bomb threat at the Johnson Church on Saturday, which occurred right in the middle of a wedding. Mr. Ryland did apologize to the families however, we had no choice but to vacate that building at the time.

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION

RES #85-2012

Mr. Conklin offered Res. #85-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION EXPRESSING SUPPORT FOR A 4.6 MILL LEVY APPEARING ON THE NOVEMBER 6, 2012 BALLOT AS ISSUE 27 TO PROVIDE NECESSARY FUNDING FOR FIRE AND EMERGENCY MEDICAL SERVICES IN THE CITY.

Mr. Conklin moved to waive the second and third readings, seconded by Mr. Nicolard

Roll Call: Yeas: Conklin, Bergstrom, McGlone, Pelot, Mowery, Nicolard
Nays: None

Motion passed 6-0.

Mr. Conklin moved to adopt Res. #85-2012, seconded by Mr. Nicolard.

Roll Call: Yeas: Conklin, Bergstrom, McGlone, Pelot, Mowery, Nicolard
Nays: None

Motion passed 6-0.

RES #86-2012

Mr. Bergstrom offered Res. #86-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION EXPRESSING SUPPORT FOR A 1.9 MILL LEVY APPEARING ON THE NOVEMBER 6, 2012 BALLOT AS ISSUE 66 FOR THE NORTON CITY SCHOOL DISTRICT.

Mr. Bergstrom moved to waive the second and third readings, seconded by Mr. Conklin. Mr. Mowery asked if this was for operating expenses and Mr. Nicolard replied yes.

Roll Call: Yeas: Bergstrom, Conklin, McGlone, Pelot, Mowery, Nicolard
Nays: none

Motion passed 6-0.

Mr. Bergstrom moved to adopt Res. #86-2012, seconded by Mr. Conklin. Mr. Mowery stated that he could support these but all of this is such a load for the residents to be bearing, with the mandated trash service, the potential sewers, etc. Mr. Bergstrom discussed Res. #85-2012 and the cost aspects because it relates to a higher value of costs and the millage is the same as it has been since the 1990s. Mr. Nicolard's stated that good schools make for a good community, and he has always believed this. Mr. Nicolard stated he owns other property in Norton besides his personal residence, so this would have a big financial impact for him.

Roll Call: Yeas: Bergstrom, Conklin, McGlone, Pelot, Mowery, Nicolard
Nays: none

Motion passed 6-0

INTRODUCTION OF PRIOR LEGISLATION

ORD #80-2012

Mr. Bergstrom offered Ord. #80-2012 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

Second reading only.

ORD #81-2012

Mr. Bergstrom offered Ord. #81-2012 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

Second Reading.

ORD #82-2012

Mr. Pelot offered Ord. #82-2012 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND DELIVER AN AGREEMENT WITH THE CITY OF BARBERTON FOR CERTAIN ADMINISTRATIVE SERVICES, AND DECLARING AN EMERGENCY.

Second reading only.

UNFINISHED BUSINESS

ORD #60-2012 AN ORDINANCE REZONING PROPERTY LOCATED AT 4331 CLEVELAND-MASSILLON ROAD, FROM AN R-1 DISTRICT TO A B-3 DISTRICT, AND DECLARING AN EMERGENCY.

Mr. McGlone moved to adopt Ord. #60-2012, if we do not pass this tonight it will go into effect, later this week due to the 90 day time limit to act, motion seconded by Mr. Bergstrom. Mr. McGlone stated that there has been more information in your mailbox such as a map and the definitions of a B-3. Mr. McGlone stated that if we do not approve this tonight it would most likely sit as another empty eye sore in this city. Mr. Nicolard asked if there are any legal ramifications on this? If we do not approve this we are basically rendering this property to be useless. Mr. Markey stated he is not in the position to state how a City could be sued in a Council meeting. Mr. Mowery stated the decision to rezone a property lies entirely up to the City Council.

Mr. Mowery stated he knows of many properties that are zoned differently throughout the City, and it is up to the business owner to appeal to change. Mr. Mowery stated he would rather have a vacant building with no business than to jeopardize what the residents have to deal with. Mr. Mowery stated the property owner has never contacted him as the Ward 3 representative, although he has not contacted the property owner either.

Roll Call: Yeas: None

Nays: McGlone, Bergstrom, Pelot, Mowery, Conklin, Nicolard

Motion failed.6-0.

Mr. Pelot stated he really struggled with this and we really don't want empty buildings in this City, and discussed if the owner can come back and apply for a B-2 and try that use. Mrs. Richards explained that she discussed this option with Mr. Arters and the applicant could come back and start this process all over with a new application and the Planning Commission's review. Mr. Conklin stated if he recalled correctly the City could also step in and seek a B2 zoning without making the applicant start all over and pay the same fees. Mr. Ryland stated that if the Administration were to pursue this option our recommendation would be to fall in line with the Comprehensive Plans and take the properties back 150 feet all along on Cleveland Massillon Road as a B-2 zoning. Mr. Bergstrom discussed the recent plans for the Comprehensive Plans and what that report showed. Mr. Ryland stated the initial plans are that B2 is the proper zoning in that area. Mr. Nicolard recommended the Administration start the B2 rezoning process for this parcel and Mr. Ryland stated he would take that under advisement.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. Conklin stated he originally intended to discuss this under Committee of the Whole, and to present a drafted legislation for his Plan B for sanitary sewers along St. Rt. 261. Mr. Conklin stated that after listening to some comments earlier he decided to hold off on that for now in case others want to voice their concerns. Mr. Conklin stated that it might in fact be January 1, 2013 before really moving forward. Mr. Bergstrom stated we need to look at the full economic growth potential and if this is a good use of our money in that area. We really need to get sewers to where businesses can get to it, take advantage of that option. Mr. Bergstrom stated that any way we can focus on that to put it where we can benefit the City as well as the business owner. Mr. Mowery commented that Plan B and the businesses that are currently there and they are surviving on septic systems and questioned how much more you can develop from these businesses, this is already industrial property we are dealing with? Mr. Mowery stated these businesses just might like to be left alone as they are now. Mr. Conklin asked what then do we do about Eschlich C & D and the leachate coming out of there? What do we do about all of the water wells in case of contamination? Mr. Mowery suggested we go about it the same way you do with residential and make them correct it. Mr. Nicolard commented about the former Euro Car facility that has now in Wadsworth bringing in tens of thousands of dollars because we could not get sewer to them.

Mr. Nicolard stated that we have many other businesses in this situation and if we mess around long enough we will lose more businesses because of this. Mr. Nicolard discussed the issue with the location of Perfect Power Wash that was a former tool rental equipment. Mr. Ryland stated the tool rental was permitted to install a holding tank for washing their equipment. Mr. Nicolard stated he couldn't understand how we could ignore this business and their request. Mr. Mowery asked if we could do what we did with Trinity Broadcasting, which allowed them to install a septic system? Mr. Ryland stated that we as a City did not permit that it was designed as a package plant with EPA stipulations. Mr. Bergstrom stated we need to approach this as 2 issues and talk about each one separately. Mr. Bergstrom liked the idea to help this one business continue to grow. Mr. Bergstrom stated he was not really in favor of moving east on St. Rt. 261 until we discuss that more. Mr. Conklin stated his proposed resolution is a three (3) step process and the first step is to give the Administration the direction to get further details and pricing for this. Mr. Mowery asked if Plan B is going to be any more affordable than Plan A was? Mr. Conklin stated Plan B is directed to commercial. Mr. Mowery argued that nothing changes with either Plan A or Plan B because it affects everyone and you will be required to connect. Mr. Nicolard stated that it has not been our policy to force anyone to connect, and this area on St. Rt. 261 has just a few homes. Mr. Ryland concurred that you are not forced to connect unless you have a failed system. Mr. Mowery asked is this how we addressed the residents on Greenwich Road? Mr. Ryland stated that no one on Greenwich Road was forced to connect to that line. Mayor Zita stated of we are ordered to go in that is not a choice. Mayor Zita stated that if we do this now then we still have choices. Mr. Conklin stated that due to a family matter he would not be at the next Work Session and would not be present to introduce. Mr. Bergstrom preferred to have more discussion on the next work session. Mr. Mowery stated that if we are going for a first reading, we need to notify all residents that are affected by this. Mr. Ryland stated that this Administration does not have the time to go knocking door to door to notify. Mr. Mowery stated that if the Administration cant find the time for that then maybe he cannot support placing this on the next Work Session agenda.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita made several announcements, (see attached).

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:24 PM.

Don Nicolard, 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 22, 2012.

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.