



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 22, 2013**

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

Also Present:  
Mayor Mike Zita  
Rick Ryland-Excused  
Laura Starosta  
Pete Kostoff  
Karla Richards  
Ann Campbell

The Regular Council Meeting convened on Monday, April 22, 2013 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.

**COMMITTEE OF THE WHOLE:**

Mr. Mowery explained that we need to change our legislation relating to the legal postings locations due to the fact that 3 Sons Restaurant is no longer in business. Mr. Mowery moved to add this to tonight's agenda with emergency language and waiving readings, seconded by Mr. Bergstrom..

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

Motion passed 6-0.

Ms. Whipkey reminded everyone about the Norton Health Advisory Board Meeting this Thursday at 7 PM here in the Council Chambers.

**COMMUNICATIONS FROM THE PUBLIC:**

Mrs. Maggie Abbott, 3509 Weyrick Drive, Norton, Ohio reminded everyone about the Kiwanis Prayer Breakfast on Thursday, May 2, 2013 at 7:00 AM at Grace Church, (see attached)

Mr. Joe Danko, 3805 S. Cleveland-Massillon Road, Norton, Ohio, commented on the same situation regarding the property at the corner of Shellhart and Cleveland-Massillon Road. Mr. Danko stated that for the past several years, nothing has been done to clean up the debris at that property. Mr. Danko said its been stated that you can't do anything, however he suggested you get a dump truck and haul the trash to the local dump and collect some money and clean that place up. Mr. Danko stated he has spoken with Mr. Arters about this mess and Mr. Arters could only offer to send a letter to a lawyer or something.

Mr. Danko stated the grass is getting tall around the septic tanks, and you have ordinances on the books and you don't do anything about it. Mr. Danko suggested someone get in touch with the Mayor of Barberton and ask him how to do it, because they know how to get things done. Mr. Danko stated that Barberton is getting ship shape and Norton's ship sank about ten (10) years ago. Mr. Danko stated that there are old dog houses still on the property, and those dogs left ten (10) years ago they are not coming back because they're too smart. Bergstrom inquired about the address and Mr. Danko stated his address is 3805 and this property is just next to him. Mayor Zita stated it's on the other side of Shellhart, on the northeast side. Mr. Nicolard stated he drives by this every day and he feels his pain.

Mr. William Paluch 3740 Shellhart Road, Norton, Ohio, stated that he hopes the newspapers print this that if the sewer project goes through your property taxes are going to go up by two-hundred (200) percent. Mr. Paluch discussed the property taxes in Wadsworth that Mayor Zita stated that someone there is paying \$7,000.00 annually. Mr. Paluch stated that his Norton property taxes are higher than that Wadsworth resident. Mr. Paluch stated that the revenue from just one airport in Wadsworth brings in more than that whole shopping center. Mr. Paluch asked how do you expect the people to come up with another \$2,000.00-\$3,000.00 a year for the next twenty (20) years? Mr. Paluch stated he was sure we would have a rally here soon to oust the Mayor and City Council because you're not listening to what the people have to say. Our group can push it, that we can get a petition drive to get you out of there because you don't know what you're doing. Mr. Paluch discussed the recklessness by the City with the Cleveland Massillon water and sewer, and that the businesses are hurting, Mr. Paluch stated it was commented by one Council Member that we will learn from our mistakes, and that is a sad excuse. Mr. Bergstrom suggested before you start quoting percentages and asking the press to print it, he would like to see your supporting documents. Mr. Bergstrom stated that he does not know where Mr. Paluch came up with that two-hundred (200) percent increase in property taxes. Mr. Bergstrom stated that he did not know where you are getting that figure and Mr. Paluch replied it came from Mr. Ryland after last week's meeting that your property taxes will go up \$20,000.00 and up. Mr. Paluch stated that to his knowledge you have not received any grant money for the project and you're going to put it on the backs of the homeowners. That is wrong, it should be noted and the people should be up in arms about this.

Paul Tousley 4536 Garrett Drive, Norton, Ohio, stated he could not be here last week and watched the meeting on the web and it was a waste of his time, the sound went in and out. People have said it and he wanted to experience it for himself and it makes it very hard to understand. You really need to do something to correct that. Mr. Tousley stated for the last several weeks he has just sat back and watched what has been going on and it's embarrassing. Mr. Tousley stated that you keep saying that we need sewer project to attract business, but since about February we have done nothing but kick our local businesses between the legs. Mr. Tousley stated it's like the Administration has this disdain with these people for having an argument. Mr. Tousley stated that after that letter went out about the waterline project and the fact that you cannot do anything now about it, the Mayor's reaction was almost like hah-I'm off the hook. Mr. Tousley stated that instead the Mayor should have encouraged the people to visit these businesses. Mr. Tousley stated we also had our Law Director intimidating one of our residents because he did not agree with what was said. Mr. Tousley stated that is unforgivable and this right to speak is precious.

Mr. Tousley discussed the Romaster Cleaning deal, and Ms. Whipkey the Chair of the Property Committee, refused to put this matter on the agenda until we talked to the owner. Mr. Ryland accused her of micromanaging. Mr. Tousley stated that it was Mr. Pelot who took the authority to put it onto the agenda anyhow. Mr. Tousley stated he feels that Ms. Whipkey does not get the respect she deserves and at the last election she won by 1,795 votes and there is not one other Council member that had that many votes. Mr. Tousley stated that had you listened to her, this might not have ended up where it did publicly. Mr. Tousley stated there still has been no apology from the City outside of one individual from the audience apologizing for the city to the owner. Mr. Roman ended up shaking hands with the audience, thanking them for their support, when he should have been thanking Council's hands. Mr. Tousley discussed Ms. Sue Dayton being concerned about her business and that Mayor Zita stated her time was over and she has to stop talking, is that really how we want to treat our businesses. Mr. Tousley stated she was breaking the Council Rules, but do any of you think for one moment that a business owner cares about the Council Rules, she was concerned about her business. To your credit, Mr. President, I think you were being lenient on her as you understood the situation.

Richard Gardner, 4556 Roop Avenue, Norton, Ohio, questioned Council about the proposed costs for the sewer project at the last Council meeting, and that Mr. Pelot said he would get that information for him, however Mr. Pelot is not here tonight. Mr. Gardner asked if there is anyone came up with that number and Mr. Nicolard stated it's approximately \$8,500,000.00 and this is an estimate and we won't know until the project is complete. Ms. Whipkey stated she also asked for this information in addition Res. #116-2013 relating to the Summit County concern of Nash Heights, and nothing has been posted on the web site as of today. Mr. Gardner asked if that \$8,500,000.00 was for the whole project or just part of it? Mr. Nicolard replied he believed that was for the entire project. Mr. Gardner stated he only has respect for only Ms. Whipkey and Mr. Mowery and he did not care if he saw the rest of the members after this next election.

Rick Rodgers, 4034 Wadsworth Road, Norton, Ohio, referring to Mr. Ryland, asked if anyone on Council knows if he is a resident of Florida, and Mayor Zita he did not believe so. Mr. Rodgers disagreed because it was brought to his attention that he is and Mayor Zita stated he has no documentation on that. Mr. Rodgers stated that Mr. Bergstrom had questioned the estimated costs stated by a previous speaker and asked what figures does he have for the residents in Nash Heights for their assessments? Mr. Bergstrom stated he does not have any. Every project is different and everyone's taxes would be different. Mr. Bergstrom stated that what he does not want to see is some blind statement out there that their taxes would go up by two-hundred (200) percent. He does not believe that and if it turns out to be true then print it. Mr. Bergstrom stated that he does not like to have statements made without some financial calculations that show that the average person in Nash Heights, your percentage would be whatever. Mr. Rodgers stated that we have residents that have been assessed that their assessments have gone up by over \$1,000.00 a year, and Mr. Bergstrom stated again that every assessment is different. Mr. Rodgers stated last July when we supposedly tabled the project until we have some more facts and figures, and no one has come up with any. Mr. Rodgers stated that \$8,500,000.00 does not cover the entire City for sewers.

Mr. Nicolard agreed and stated it was just the project before us. It would be in the tens of millions of dollars to do the entire city, and that he saw a figure of \$23,000,000.00 and being in the construction business he knows that would be a low figure. Mr. Bergstrom stated that we have an Engineer that works with the City and he presented an overall projection with a twenty (20) of fifteen (15) year plan. There was a pretty good engineer's estimate for the entire systems in Norton, in five (5) year increments. Mr. Rodgers stated we know you can just ram this through, however he suggested it would be better for the Council to sell the idea to the residents in this project. Come to them with all of the facts and figures and tell them this is what it's going to cost you and try to garner their support instead of ramming it down their throats. You should have some hard figures by now if you paid over \$500,000.00 for a study, which you did. Somewhere someone needs to come up with the cost estimates. Mr. Bergstrom stated that we do have that as estimates, and you won't know the true costs until we go out for bids. Mr. Rodgers stated you need to do more homework and get it out to the public what its going to cost them as individuals.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of April 8, 2013 were approved as submitted.  
Minutes of the Committee Work Session of April 15, 2013 were approved as submitted.

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

Mayor Zita, Mrs. Starosta had no report. Mr. Kostoff indicated we are working on the responses to the various litigation cases and as soon as it is filed he will brief all of you on that.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #26-2013**

Mr. Conklin offered Ord. #26-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO EXECUTE A LETTER OF AGREEMENT WITH THE AUDITOR OF STATE TO PROVIDE AUDITING SERVICES TO THE CITY, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Conklin moved to adopt Ord. #26-2013, seconded by Mr. McGlone

Roll Call: Yeas: Conklin, McGlone, McGlone, Whipkey, Mowery, Nicolard  
Nays: None Motion passed 6-0.

**ORD #27-2013**

Mr. Conklin offered Ord. #27-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE MAYOR TO ENTER INTO A CONTRACT WITH ORIANA HOUSE, INC., AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #27-2013, seconded by Mr. McGlone.

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

Motion passed 6-0.

\*\*\*Added During Committee of the Whole\*\*\*

**ORD #28-2013**

Mr. Mowery offered Ord. #28-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 222.01 OF THE NORTON CODIFIED ORDINANCES TO MODIFY THE LOCATIONS FOR POSTING NOTICES AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Conklin. Mr. Nicolard stated we had a business closed which was our posting place. Mr. Nicolard noted that have to find a new location and this needs to be done right now. Mr. Mowery stated that Gionino's Pizzeria is our new location.

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

Motion passed 6-0.

Mr. Mowery moved to adopt Ord. #28-2013, seconded by Mr. Pelot.

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

Motion passed 6-0.

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD #25-2013**

Mr. Mowery offered Ord. #25-2013 for its third reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND THE CHARTER OF THE CITY; AND DECLARING AN EMERGENCY.

Mr. Mowery moved to adopt Ord. #25-2013, seconded by Mr. Pelot.

Roll Call: Yeas: Mowery, Conklin, McGlone, Whipkey, Bergstrom  
Nays: Nicolard

Motion passed 5-1.

**UNFINISHED BUSINESS:**

Mr. Bergstrom stated several times he asked about publicizing the facts we have developed on the engineering for Nash Heights. Mr. Bergstrom stated that he spoke with Mr. Ryland about this and wanted to see something simplified for the average citizen to go on the city web site and determine when a potential project could affect them and to know the soft costs that affect areas within the city, in 5 years or 10 years you would have a general idea of the costs today by dividing the projected cost by the number of residents although the actual assessment could not be known at that time. Mr. Bergstrom stated he wants to see this done, he has wanted it done for the last three (3) years, and he wants it done now. Mr. Bergstrom set a time line of one (1) month for Administration to get this done. Mr. Bergstrom stated that it does not need to be complex, it needs to be clear and simple and we need to check with legal before publishing this. Mr. Bergstrom stated he would be open to all conversations to make this happen. Mr. Mowery stated he spoke with Ryan Pruitt from Summit County Health District regarding the Nash Heights being a public nuisance. Mr. Pruitt stated he or someone else from his office would be present at his next Town Hall meeting. Mr. Mowery stated his next Town Hall meeting would be on the third Thursday of next. Mr. Mowery stated he indicated to Mr. Pruitt that most residents cannot afford this, and that he may need to provide answers at his next meeting. Especially regarding the statement that eighty (80) percent of the septic systems are failing. Mr. Mowery encouraged the residents in Nash Heights to try and attend his next meeting. Mr. Mowery discussed the comments from Mr. Danko and knows that Mr. Arters has red tagged properties for not removing their trash, he should be able to do something about this issue. Mr. Mowery stated that if Mr. Nicolard can't do something then maybe we as Council should do something relating to legislation to clean that up. Mr. Nicolard stated he has spent several hours with Mr. Arters about this property and other properties in the second Ward that he is not too proud of. Mr. Nicolard stated he felt Council as a whole would come up with a solution to this problem. We have the basic building maintenance code and perhaps we need to expand that into the total perimeters of the properties.

Mr. Nicolard stated he believes he has not ignored this situation and he had numerous discussions with Mr. Danko about this and he encouraged Mr. Danko to come here and speak to Council as we do need to take some kind of action. Mayor Zita stated that is not the only eyesore in our City and unless we have some enforcement with having Council behind the Administration, there is only so much Administration can do on their own.

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Zita made several announcements, (see attached). Mayors Court hours change, Mr. Conklin fourth Ward Town Meeting tomorrow night

Mr. Mowery moved to take a vote to allow Mr. Gainer to speak during this portion, seconded by Ms. Whipkey.

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

Motion passed 6-0.

Mr. Jack Gainer asked if you are trying to come up with an ordinance to force the property owners to clean up their property because he cannot believe that we as a City, do not have a public nuisance ordinance already on the books. Mr. Gainer stated he could name at least a dozen of properties that are in need throughout all of the wards, not just in Mr. Nicolard's ward. Mr. Gainer asked if they cannot afford to clean up this mess, maybe we could ask our volunteers on Saturday during Norton Clean Up day, and offer to have the City truck come out for pickup. Mr. Gainer stated he would donate \$10.00 to see it gets to a C & D and he would also be there on Norton Clean Up day to volunteer. Mr. Nicolard stated we do in fact have such an ordinance, and he would have to take a look and see if this needs to be amended because it was not originally designed for our current situation.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:40 PM.

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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 May 6, 2013.

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Karla Richards, CMC-Clerk of Council

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